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Letters of "His Excellency": Constructing Washington's Road to the Constitutional Convention

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I. INTRODUCTION

The critical dimension in George Washington's road to the Constitutional Convention was the correspondence requesting his return. This correspondence pulled him out of retirement and his presence in Philadelphia gave legitimacy and stability to the convention. His reluctance in attending and in accepting the duties as President of the Convention reinforced trust that the newly created government would be safe in the hands of the only choice for the first Executive. Only eight months before the Constitutional Convention, Washington wrote to John Jay saying, “Having happily assisted in bringing the ship into port & having been fairly discharged; it is not my business to embark again on a sea of troubles.” \(^1\) Yet, embark he did. George Washington’s correspondence between 1783 and 1787 shows that his presence and reputation were vital to the Constitutional Convention; it was, however, his reputation and fear of the convention’s failure that prevented his immediate acceptance of an invitation to attend.

“Letters of His Excellency” provides an in-depth look at the correspondence between George Washington and several of the leading political and international leaders of his time.\(^2\) While it is impossible to see inside the mind of General Washington, it is possible to read his thoughts through the letters to his friends, family, and allies. This article uses, as its primary

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1 Letter from George Washington to John Jay, August 1, 1786, GEORGE WASHINGTON, 28 WRITINGS OF WASHINGTON 503 (John C. Fitzpatrick ed. 1931–1934) [hereinafter WRITINGS].
text, THE WRITINGS OF WASHINGTON. In its pages one gets a sense of George Washington’s strong political ideas, his unabashed support of centralized power and energetic government, and his commitment to his retirement. The quotations in this article are Washington’s words in their original form and spelling. Part II of this paper tracks Washington down the Revolutionary road and discusses some of his wartime correspondence, obstacles encountered, and his resignation.

As the crowning jewel of his wartime treasure, Washington resigned his commission after serving for eight years without pay. His purpose was to gain the gratitude and prestige that comes from being the indispensable man who willingly returned power. This section concludes that the fame and reputation he earned through his resignation earned General Washington the political power necessary to give legitimacy to the Constitutional Convention, but this fame made his decision to attend the convention more difficult. Part III follows Washington through his retirement, as he performed a “political minuet” away from all calls to return to public life. Washington gloried in his retirement but his letters evince great concern over the interstate controversies and the State’s failures to develop a national view. This section concludes that Washington would not have returned to public service but for the letters calling for his return.

Part IV examines Washington’s contribution to the convention as a legitimizing and steadying influence and determines that his presence at the convention was vital to the success of the final document.

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3 The author focused his research primarily on volumes 26–29 of WRITINGS; those volumes covered the years 1783 through 1788 which allowed him to focus on the time period between George Washington’s resignation, the Constitutional Convention, and the ratification debates.

4 GARRY WILLS, CINCI NNATU S: GEORGE WASHINGTON AND THE ENLIGHTENMENT 3 (1984). “At that moment the ancient legend of Cincinnatus—the Roman called from his plow to rescue Rome, and returning to his plow when danger had passed—was resurrected as a fact of modern political life.” Id.


II. ROAD TO RESIGNATION

Washington’s resignation as Commander-in-Chief gave him valuable political capital, gratitude. He received the gratitude of Congress, the Army, and the entire country. The path to his resignation began as soon as he took command; every move, every decision was designed to reach his resignation with his image and credibility intact. Each obstacle overcome brought him closer to his resignation. Even though he planned it from the beginning, the road to resignation developed in two very specific ways: General Washington won the war and he kept faith with a powerless Congress. Scholars have written volumes about his strategies in winning the war, all of which go beyond the scope of this paper; however, George Washington’s experiences as a young army officer—and as Commander-in-Chief—developed his national views and supported his later political ideas. Washington’s humble acceptance of Congressional authority established his view that the government, even in all its weakness, was the true voice of the people. His goal was to resign as Cincinnatus—the indispensable Roman farmer who took great power in time of his country’s crisis, and gave up that power when the emergency passed. With his retirement as the “hero and savior of his country,” the “greatest man in the world,” and, most especially, “Cincinnatus,” George Washington possessed the political capital and national admiration to legitimize the Constitutional Convention and provide a steadying influence to the proceedings. Yet those same commendations made the decision to return to public life and the Constitutional Convention nearly impossible from Washington’s view.

7 WILLS, supra note 4, at 3–4.
8 Circular Letter to the States, June 1783, 26 WRITINGS 494–96.
9 Washington fought the whole war under “the archway of two pledges—to receive no pay, and to resign when independence was won.” WILLS, supra note 4, at 13.
11 WILLS, supra note 4, at 13.
12 Id.
A. Winning the War: A View of the Nation

The young major commissioned by the Virginia militia received more than a tour of the country in his patrols and actions along the Western borders; it gave him a national view.13 His experiences as a young officer in patrolling the Western colonial borders of Virginia built his vision of America as a vast nation. As Commander-in-Chief of the Continental army, Washington cemented his vision of a land of immeasurable resources and potential, but his experiences with the weak and ineffective Continental Congress seared into him the need for a strong, centralized government able to govern this immense territory.14

1. The cold, hard road to victory

Washington trod a hard road to victory in the war for American Independence. Authors have written volumes on the progression of General Washington throughout the Revolutionary War. Washington, the aptly nicknamed “American Planter,”15 outlasted five of the best generals in the British Army and won the War for Independence.16 Washington knew that attrition would win the war, and attrition meant a long war.17 Despite facing continuing losses, Washington kept

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13 Ellis, supra note 5, at 12–13. “Instead of going to college, Washington went to war. And the kind of education he received . . . left scars that never went away, as well as immunities against any and all forms of youthful idealism.” Id.

14 As a delegate to the Constitutional Convention, Washington had seen more of America than any other delegate. He had traversed most of the country, commanded troop movements, and made strategic decisions involving states from Maine to Georgia. See James MacGregor Burns & Susan Dunn, George Washington 26–27 (2004). As Commander-in-chief, Washington learned the lesson that the “federal and state governments lacked sufficient energy” and fear of Parliamentary oppression led to heightened fears of centralized power. Ellis, supra note 5, at 140.

15 Burns & Dunn, supra note 14, at 27.

16 Benjamin Franklin wrote to an English friend, “An American Planter was chosen by us to Command our Troops, and continued during the whole War. This Man sent home to you, one after another, five of your best Generals . . . disgraced even in the Opinion of their Employers.” Id. Those generals sent home “without laurels” were General Thomas Gage, General Sir William Howe, General John Burgoyne, General Sir Henry Clinton, and General Lord Charles Cornwallis.

his army together.\textsuperscript{18} After his victory over the stunned and sleepy Hessians in Trenton and the
British soldiers garrisoned in Princeton, Washington and his army spent a horrific winter in
frozen Valley Forge, Pennsylvania.\textsuperscript{19}

Although the Continental Army suffered loss after loss in the early years of the war,
Washington developed into a “skillful—albeit informal—political leader, especially in his
relationship with the Continental Congress.”\textsuperscript{20} He often petitioned the entire Congress and its
various committees for assistance and support.\textsuperscript{21} Congress generally cooperated with General
Washington based on “his merit, prestige, and personality,” and, likely, because he always
treated the delegates with respect and deferred to their authority.\textsuperscript{22} Despite his developing
prestige with Congress, he wrote, “It must be a settled plan, founded on System, order and
economy that is to carry us triumphantly through the war. . . . [It] proves the necessity of a
controUling power in Congress to regulate and direct all matters of general concern.”\textsuperscript{23} To
Washington’s credit, he determined to preserve the congressional government, and the army as
its instrument, at all costs.\textsuperscript{24}

\textsuperscript{18} Starting in Nov. 1776, Washington marched his tattered army from Long Island, New York, across the river to
Fort Washington (located near today’s Washington Bridge in New York City), and then from defeat to defeat across
New Jersey and into Philadelphia. \textit{Id.} at 88–94.
\textsuperscript{19} ELLIS, \textit{supra} note 5, at 97–99. In attacking Trenton and Princeton, George Washington destroyed the “antiquated
notion” that wars were only fought during good weather. \textit{Id.} at 97. While not a large military victory (in terms of
troops defeated or land seized), in the war of public opinion, it gave the war a “new lease on life.” \textit{Id.} at 99.
\textsuperscript{20} BURNS & DUNN, \textit{supra} note 14, at 28.
\textsuperscript{21} Id.
\textsuperscript{22} Id.
\textsuperscript{23} Letter from George Washington to John Parke Custis, Feb. 28, 1781, 21 WRITINGS 319–20, quoted in
WASHINGTON ON WASHINGTON 64 (Paul M. Zall ed. 2003).
\textsuperscript{24} PAUL JOHNSON, GEORGE WASHINGTON THE FOUNDING FATHER 64 (2005). Washington fought the war with the
“fundamental conviction” that his cause had both moral and legal legitimacy. \textit{Id.} at 63. He based this conviction on
the facts that the states had been self-governing since their inception and the Crown’s assertion of imperial power in
the Declaratory Act was “\textit{ultra vires} and a usurpation”; thus, resistance was not only a lawful but a moral obligation.
\textit{Id.}
Without the fear that drove the colonies together, the States grew increasingly indifferent to the requests from the Continental Congress—including aid, supplies, and pay for soldiers. The lack of congressional backing for the army concerned Washington. More alarming to him was the growing civilian indifference to the Revolutionary cause. As the war wound down, Washington found himself fighting a more political fight; he had fought a good war, Congress a bad one. The General had seen the shortcomings in a Congress too weak to command the respect of its constituents, much less the rest of the world. As he stood at the intersection of two paths, one leading toward an uncertain democracy and the other toward kingship and more certain monarchy, Washington’s own officers tested his character to the utmost. In May 1783, while the Continental Army waited for final peace, Washington received a letter from a young officer proposing that he should declare himself king. After all he had done to keep faith with Congress, and after all the injustices the Army suffered at Congress’s impotent hands, this letter counseled that the war had “exposed the weakness of all republics” and the country would be better managed by his capable hands. Washington emphatically declared the scheme as “big with the greatest mischiefs that can befall my Country” and ordered the letter’s author to “banish these thoughts” from his mind.

25 INDISPENSABLE MAN, supra note 17, at 166.
26 JOHNSON, supra note 24, at 68. General Washington rebuked his Mount Vernon steward, Lund Washington, for his resupply of a British naval ship in exchange for a promise not to harm the estate or slaves. General Washington wrote, “That which gives me the worse concern is that you should go aboard the enemy’s vessel and furnish them with refreshments. It would have been less painful to me to have heard that . . . they had burnt my house and laid the plantation in ruins.” Id.
27 Id. at 74.
28 Id.
29 ELLIS, supra note 5, at 139. See INDISPENSABLE MAN, supra note 32, at 170. Many Americans saw the idea of Washington ruling as a one-man government as “an asset which could be fallen back on in a severe emergency.” Id.
30 ELLIS, supra note 5, at 139.
31 Letter from George Washington to Lewis Nicola, May 22, 1782, 24 WRITINGS 272–73 quoted in ELLIS, supra note 5, at 139.
2. *Final obstacles to resignation*

By 1781, Americans generally considered the war as good as won; it was a grand feeling except that it “portended so much more neglect of the already extremely neglected army.” The difficulties faced by a peacetime commander are oftentimes worse than the frenetic, yet somewhat simpler, atmosphere of combat. Without pay and without an enemy to keep them united and firm, the soldiers—and now officers—began to rile at the injustices they received from Congress. Washington’s general order of April 18, 1783 announced the end of the war, but contention within the army still festered. The year 1783 blossomed with the last spring of the war and the Newburgh Conspiracy stalked in the shadow of spring and Washington’s “transcendent stature.”

The Newburgh Conspiracy represents the last great obstacle to Washington’s resignation with honor; faced with a mutinous officer corps and Congressional scheming, this became one of General Washington’s finest hours. Members of Congress, anxious to invigorate the weak government through passage of a new revenue bill and expansion of Congressional power over the states, thought a threat of military coup would provide the necessary catalyst for change.

Often wanting for shirts, shoes, adequate food, and, now hearing they might be discharged

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32 *INDISPENSABLE MAN*, supra note 17, at 166.
33 *WILLS*, supra note 4, at 6. For Washington, the chance to establish a solid political footing based on military victory passed rapidly as the months stretched on in 1783. *Id.* Military setbacks did not cause him as much grief as “the wearisome time of neither peace nor war.” *Id.*
34 General Orders, Apr. 18, 1783, 26 WRITINGS 334–35 quoted in *INDISPENSABLE MAN*, supra note 32, at 176. The treaty had not been signed, but the armistice ended hostilities and “open[ed] the prospect to a more splendid scene, and... promises the approach of a brighter day than hath hitherto illuminated the Western Hemisphere.” *Id.*
35 *ELLIS*, supra note 5, at 139.
36 *WILLS*, supra note 9, at 6–7.
37 *Id.* Despite Washington’s stern warnings to Alexander Hamilton, the plot continued. *Id.* citing a letter from George Washington to Alexander Hamilton, Mar. 4, 1783, 26 WRITINGS 293. Washington’s tone shows his clear understanding of the political volatility of the situation. He wrote, “The sufferings of a complaining Army on one hand, and the inability of Congress and tardiness of the States on the other, are the forebodings of evil, and may be productive of events which are more to be deprecated than prevented.” *Id.* General Washington wrote to Major General John Armstrong, that his opinion on the situation was “that the Army had contracted such a habit of encountering distress and difficulties, and of living without money, that it would be impolitic and injurious to introduce other customs in it!” Jan. 10, 1783, 26 WRITINGS 26–27.
without nearly six years pay, disgruntled officers circulated petitions seeking support for the
government’s overthrow.38 Adding to Washington’s troubles, General Horatio Gates, his
second-in-command, played a role in the instigation and perpetuation of the conspiracy.39 The
General stood caught between two crushing forces: on the one hand he refused to compromise
Congressional jurisdiction over the military, but on the other, the officer’s temper had “turned so
ugly” that refusing to side with them could cost him his position and authority.40 Washington’s
adept handling of the discontented officers showed both his compassion and his staunch defense
of the government despite its faults; his actions allowed him to retire as planned, glory and
reputation intact.41

Washington established the principle of civilian supremacy through his reproving
comments to the officers at Newburgh.42 Washington, in his General Orders, March 11, 1783,
stated simply that he had heard of a meeting to air grievances—mentioning in a parenthetical that
“he [was] fully persuaded that the good sense of the officers would induce them to pay very little
attention to such an irregular invitation.” 43 His orders established the following Saturday as a

38 Id. Rumors flew around the army encampment that it was expected that “the Army would not disband until they
had obtained justice.” Letter from George Washington to Alexander Hamilton, Mar. 12, 1783, 3 PAPERS OF
HAMILTON 286 (Syrette and Cooke eds. 1963) (quoted in Richard H. Kohn, The Inside History of the Newburgh
Conspiracy: America and the Coup d’Etat, 27 Wm. & Mary Quarterly 187, 206 (1970)).
39 Id. at 7. See also ELLIS, supra note 5, at 141. General Henry Knox led the moderate faction of the military, while
General Horatio Gates allied with the “Congressional schemers” and led the radicals. Id. Washington’s character
was of the sort to allow the conspiracy to continue, then step in at the critical moment to head off the conspiracy.
40 Kohn, supra note 38, at 208. In a letter to Hamilton, Washington said he would hold the army “within the bounds
of reason and moderation” through the sheer power of his personality and the officer’s “filial devotion to their
commander.” Id. quoting a Letter from George Washington to Alexander Hamilton, Mar. 4, 1783, 3 PAPERS OF
HAMILTON 278.
41 INDISPENSABLE MAN, supra note 32, at 172. After eight years of serving through privation, hunger, and fatigue,
Washington commented, on reading the petition’s description of the American soldier, the “force of expression has
rarely been equaled in the English language.” Id. Despite the desperate plea, Washington knew his duty was to
“arrest on the spot the foot that stood wavering on a tremendous precipice.” Id. Washington wrote to Hamilton that
he would “pursue the same steady line of conduct which has governed me hitherto.” Id. quoting a Letter from
George Washington to Alexander Hamilton, Mar. 4, 1783, 26 WRITINGS 186.
42 WILLS, supra note 9, at 7.
43 General Orders, March 11, 1783, 26 WRITINGS 208.
regular meeting for such purposes.44 Having set the time and location of the meeting to air grievances, Washington determined not to attend, and then changed his mind at the last moment.45 Striding through the door and to the stage, General Washington faced a hostile crowd.46 He first made an impassioned plea, exhorting them to remember the “country which . . . [they wished] to tyrannize over or abandon was their own.”47 When his words failed to move them, Washington pulled a reassuring letter from a Congressman from his pocket.48 Pausing, looking confusedly at the paper, the great General Washington hesitatingly pulled from his pocket a pair of eyeglasses.49 Eyes welled with tears as their beloved commander murmured, “Gentlemen, you must pardon me. I have grown grey in your service and now find myself growing blind.”50 The conspiracy ended, the officers saw the great man who had suffered at their side growing old in selfless service to his country and could not bring themselves to fight against him. Some historians have called this “Washington’s finest hour.”51

3. The greatest man alive

Washington began his service as Commander-in-Chief with the end in mind; even at this vulnerable time for America, the potentially greater power of monarchy would not sway him from his course. When he learned of Washington’s intent to retire and his response to Captain Nicola, King George III reportedly said, “That if Washington resisted the monarchical mantle and

44 Id.
45 INDISPENSABLE MAN, supra note 32, at 174.
46 Id.
47 Id.
48 Id.
49 Id.
50 WILLIS, supra note 9, at 7.
51 JOHNSON, supra note 24, at 77
On December 23, 1783, Washington would become the greatest man in the world and resign his commission, taking leave of public life.

B. Resignation and the Road to Peace

His resignation now nearly inevitable, he had but to complete the act. Washington would not resign without ensuring his new nation knew the significance of his act. Modern historians consider Washington a “virtuoso of resignations” who gave “dramatic farewell scenes” with his brothers-in-arms in the Army. Washington held his resignation very dear; two things, in his mind, concluded his public service: his Circular letter to the States and his resignation at Annapolis. As the Constitutional Convention approached, Washington refused to participate and wrote to John Jay that he would not expect his opinions to matter much to his countrymen inasmuch as “they have been neglected, tho given as a last legacy in the most solemn manner.”

1. Washington’s “Legacy”

Washington’s “Legacy” stands supreme as the “most poignant” document Washington ever wrote; it announced his retirement and national goals and served as a national farewell—one from which he did not plan to return. In June 1783, before the Newburgh Conspiracy, George Washington stepped outside his carefully constructed boundaries between political and military leaders and wrote a circular letter to all the states. His plan required careful timing, and would

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52 WILLS, supra note 9, at 13. Washington truly regarded himself as the “indispensable steward of the American Revolution” and unlike Cromwell, Napoleon, Lennin, Mao, and Castro, stepped aside to leave the “revolutionary settlements to others.” ELLIS, supra note 5, at 139.
53 WILLS, supra note 9, at 3.
54 ELLIS, supra note 5, at 145.
55 Letter from George Washington to John Jay, Aug. 1, 1786, 27 WRITINGS 503 quoted in WILLS, supra note 9, at 3.
56 ELLIS, supra note 5, at 144.
57 WILLS, supra note 9, at 4–6. Interestingly, Washington appears to have spent most of June writing, and then copying thirteen times, the circular to state governors. The circular to Virginia (Governor Harrison) is dated June 12; the one to Maryland (Governor Paca), June 14; that to New York (Governor Clinton), June 21 to Connecticut (Governor Trumbull), is dated merely June. Circular to the States, June 8, 1783, 26 WRITINGS 486–87 note 29.
present his lesson to the eyes of his countrymen." Washington planned to teach, and then show by example through his resignation.

As important as the Circular’s audience was the content of the letter. This letter contained Washington’s announcement of his planned resignation and his concern that America would squander its incredible opportunity. Beginning with his public intention to resign his commission and retire, Washington stated his plan to “pass the remainder of life in a state of undisturbed repose.” Washington shared the poetic view of the day that dawned where “Heaven has crowned all its other blessings, by giving a fairer opportunity for political happiness, than any other Nation has ever been favored with.” He counseled that, although America began in “the most enviable condition,” the option remained for the United States to be “respectable and prosperous, or contemptable and miserable as a nation.” In truth, he explained, if the “Citizens [of the United States] should not be completely free and happy, the fault will be entirely their own.”

After his eloquent introduction, Washington claimed the indulgence of his countrymen and expressed four points essential to the existence of the United States as an Independent Power:

1st. An indissoluble Union of the States under one Federal Head.
2dly. A Sacred regard to Public Justice. 3dly. The adoption of a proper Peace Establishment, and 4thly. The prevalence of that . . . friendly Disposition . . . which will induce them to forget their local prejudices and policies . . . and sacrifice their individual advantages to the interest of the community.

58 WILLS, supra note 9, at 4.
59 Circular to the States, June 8, 1783, 26 WRITINGS 486–96; See also WILLS, supra note 9, at 4.
60 Circular to the States, June 8, 1783, 26 WRITINGS 486. In this first paragraph of his letter, Washington announced his intent to take leave as “a public Character” and gave his “final blessing to that Country, in whose service I have spent the prime of my life.”
61 Id.
62 Id.
63 Id.
64 Id. at 487.
Washington called these four points the “pillars on which the glorious Fabrick of our Independency and National Character must be supported.” The fourth pillar served as his final plea (as he saw it) to the leaders of the several States to transform into a nation. He punctuated this plea with the simplicity of his resignation at Annapolis in December 1783.

2. Resignation at Annapolis

Washington’s resignation was a masterstroke of genius, strategically planned to bring the most benefit to his new nation and earn him the gratitude of generations—the ultimate gift for the Enlightenment-era Cincinnatus. Washington had made peace between the country’s civilian and military powers and had held his own ambitions in check. He had defeated the British Army with an undermanned, underfed, undersupplied force and the Confederation remained intact; he could “bow off the stage with clear conscience to the applause of the world.” This was the gemstone in his retirement crown and Washington treasured this resignation as such.

Washington arrived in Annapolis on December 19, 1783, and asked the president of Congress, Thomas Mifflin, how he should tender his resignation. He spoke plainly, and stated, “I take the earliest opportunity to inform Congress of my arrival in this City, with the intention of

65 Id. Washington continued a broader discourse on each of the four subjects, admitting that though it may not be necessary or proper for him to discuss the points, it was his duty as a patriot to state his assertions. Id. at 488. He wrote, “[U]nless the States will suffer Congress to exercise those prerogatives . . . every thing must very rapidly tend to Anarchy and confusion.” Id. at 489. He argued that a “Supreme Power” should regulate the general concerns of the Union, the states must faithfully comply with Congressional requests, and that anything adverse to liberty and independence should be treated as hostile to their goal of enjoying “the essential benefits of Civil Society.” Id. at 495.
66 Id. Washington spoke from his own private observations, as their General leading an under equipped and underfed army and wrote, that “the distresses and disappointments which have very often occurred, have in too many instances, resulted more from a want of energy, in the Continental Government, than a deficiency of means in the particular States.” Id.
67 WILLS, supra note 4, at 20.
68 JOHNSON, supra note 24, at 77.
69 WASHINGTON ON WASHINGTON, supra note 23, at 72.
70 WILLS, supra note 4, at 11.
asking leave to resign the Commission I have the honor of holding in their Service."71 Congress scheduled a meeting for the morning of December 23rd and prepared a formal letter of thanks for Washington.72 With the “great events on which [his] resignation depended having at length taken place,” Washington surrendered the trust committed to him.73 He continued that he was pleased with the status of “Independence and Sovereignty” and the opportunity presented to the United States to become a “respectable Nation.”74 He demurred on his abilities and commended Providence and Heaven for their patronage and support.75 After a tender acknowledgement of his second family, his officers, he concluded by commending the country to “the protection of Almighty God” and retired “from the great theatre of Action . . . and all the employments of public life.”76

Congressmen and spectators wept at his self-effacing and touching resignation.77 At the completion of his speech to Congress, he had his horse waiting at the door and began his journey to retirement at Mount Vernon the next day.78 The resignation was both poetic and nearly unimaginable for it set Washington apart from all other revolutionary leaders.79 The American Planter, like Cincinnatus, returned to his plow.80 Washington retired as the greatest man in the world, with the gratitude of his countrymen; it was this same status, however, that made his return to public life so difficult.

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72 WILLS, supra note 4, at 13.  
73 Address to Congress on Resigning his Commission, Dec. 23, 1783, 27 WRITINGS 285.  
74 Id.  
75 Id.  
76 Id.  
77 BURNS & DUNN, supra note 20, at 30.  
78 JOHNSON, supra note 24, at 77.  
79 See text and note accompanying note 52.  
80 BURNS & DUNN, supra note 20, at 30. Washington did not immediately accomplish his goals; “[a]dmiration for the teacher did not extend to acceptance of his teaching.” WILLS, supra note 4, at 18.
III. THE ROAD TO THE CONSTITUTIONAL CONVENTION

George Washington was not only a victorious military commander who had defeated the world’s greatest army; he was a vigilant guardian of his reputation. After his official retirement, it was impossible for the General to announce a return to public life without tarnishing his reputation for not seeking power. During his brief retirement, Washington developed his political ideas, but it required another national crisis to call Cincinnatus back from the plow. Through Washington’s correspondence between 1783 and 1787, he developed his political ideas, yet remained retired, until the requests from his fellow citizens reluctantly pulled him back to participate in and add legitimacy to the Constitutional Convention. The States needed a leader, someone they could trust; the convention needed legitimacy and Washington’s strong, steady presence.

After his public retirement, General Washington meant to spend his life in quiet meditation at his plow. During the course of the next few years, Washington would give his beloved Mount Vernon the care he had longed to during the eight-year Revolutionary War; he would do so, but always with an eye on the politics of the day. After traversing nearly all of the thirteen states, Washington had seen more of the country than nearly any other man had. This expansive view of the countryside developed his central political idea: the country needed a strong national government to control the enormous, yet infant, empire. This section will discuss the national goals Washington formed in his retirement, how he deflected personal desire

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81 BURNS & DUNN, supra note 20, at 28. Washington knew that it was “he alone . . . who incarnated the new nation.” Id.
82 These fellow citizens consisted primarily of James Madison, Governor Edmund Randolph, and Secretary of War Henry Knox.
83 Letter from George Washington to the Marquis de Lafayette, Feb. 1, 1784, 27 WRITINGS 317–18 (Washington was at last a private citizen and “free from the bustle of a camp and the busy scenes of public life” and appreciated these “tranquil enjoyments, of which the Soldier . . . can have very little conception.”).
84 ELLIS, supra note 5.
85 ELLIS, supra note 5, at 170.
for power, and how he eventually succumbed to the public sentiment that demanded his return to public life.  

Historians look back and see that Washington’s path back to public service began at his resignation, just as he felt his resignation at Annapolis began at his commission as Commander-in-Chief. The General’s resignation was not a “mere walking away from power,” he made precise uses of power in order to give it up for important gains. Just as the entire war had been fought in the context of his resignation, Washington’s retirement was conducted in the context of his return to public life; so that when “the moment arrived, it both surprised people and struck them as inevitable.” Despite the apparent inevitability, Washington retired and viewed any return to public life as a problematic sequel rather than a foregone conclusion.

A. Retirement and the Eye on Politics

Washington began and ended his retirement on two different notes. His personal papers document the initial feeling he had on retirement, “I am not only retired from all public employments, but I am retireing within myself; and shall be able to . . . tread the paths of private life with heartfelt satisfaction.” Washington retired completely and fully; he had no desire or plans to return to public life and it took the correspondence of his fellow citizens to pull him, reluctantly, back to his country’s service. His correspondence during this period evidences his

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86 Washington wanted to remain a private citizen, one who could enjoy the admiration of his fellow man and the tumultuous political seas from a safe harbor at Mount Vernon. Washington’s personal correspondence during the years 1785–87 reveals a “thoroughly retired hero who felt less like a young coquette than an old soldier past his prime.” ELLIS, supra note 5, at 171. Washington viewed his return to public life as a “highly problematic sequel,” not the celebrated inevitability we see it as today. Id.
87 HENRIQUES, supra note 10, at 47; WILLS, supra note , at 17.
88 Wills here draws a useful analogy: “[Washington] had to prevail at Newburgh to resign at Annapolis. And he had to resign at Annapolis in order to deliver his Legacy.” WILLS, supra note 87, at 17.
89 Id. This quote refers to public sentiment at his resignation, but is analogous to his return to public service.
90 1 PAPERS OF GEORGE WASHINGTON, CONFEDERATION SERIES 87–88 (W.W. Abbot ed. 1992) [hereinafter CONFEDERATION PAPERS] quoted in WASHINGTON ON WASHINGTON, supra note 23, at 74. Although John Adams wrote to his wife that “political plants grow in the shade,” and Washington’s political ambition merely hibernated, “neither Washington nor anyone else believed that his ambitions were growing beneath his vines and fig trees at Mount Vernon.” ELLIS, supra note 5, at 150. Washington firmly believed his time on earth running out and his public career finished. Id.
grasp of national politics, his commitment to remain retired, and his ability to express national
issues and solutions plainly.\footnote{91 “Who are Congress? Are they not the creatures of the people . . .? What then can be the danger of giving them such powers as are adequate to the great ends of government . . .?” Letter from George Washington to Rev. William Gordon, July 8, 1783, 27 WRITINGS 52 (quoted in CATHERINE DRINKER BOWEN, MIRACLE AT PHILADELPHIA 7 (1966); “I do not conceive we can exist long as a nation without having lodged somewhere a power which will pervade the whole Union.” Letter from George Washington to John Jay, Aug. 1, 1786, 28 WRITINGS 502 (quoted in id.)}

After eight years absence and the turmoil of the Revolutionary War, Washington initially
found the adjustment to the stillness and slowness of his “happy meditation” and retirement
difficult.\footnote{92 INDISPENSABLE MAN, supra note 32, at 183.} As Washington’s career bore great likeness to the Roman Cincinnatus, the
indispensable man who left his plow to save Rome and returned to his plow when he completed
his task,\footnote{93 WILLS, supra note 88, at 13.} the modern Cincinnatus returned to his plow and took great joy in the care and upkeep
of Mount Vernon.\footnote{94 JAMES THOMAS FLEXNER, GEORGE WASHINGTON AND THE NEW NATION (1783–1793) 10–12 (1969) [hereinafter NEW NATION]. Washington returned to Mount Vernon with the admiration, love, and gratitude of his fellow citizens; it was now his turn to quietly enjoy this great boon. Id. at 10. This change in circumstances was quite different from his accustomed wartime routines; he notes, “I am just beginning to experience that ease, and freedom from public cares which . . . takes some time to realize.” 1 CONFEDERATION PAPERS, supra note 90, at 137–38 quoted in WASHINGTON ON WASHINGTON, supra note 23, at 75. In many cases at Mount Vernon, Washington served as his own architect, inventor, and “condescend[ed] to measure things himself,” improving, and overseeing the construction and upkeep of Mount Vernon. Through great pains and effort, Washington strove to make Mount Vernon and all his farms, buildings, and pastures beautiful. He innovated in order to remove unsightly fences in pastures, used careful drainage to keep his fields orderly, and planted utilitarian “live fences” to keep the hogs out of the fields and make his rides more pleasant. NEW NATION, supra note 94, 40–43.} Despite this joy, Washington later admitted to Benjamin Franklin,

“Retirement from the public walks of life has not been so productive of leisure and ease as might
have been expected.”\footnote{95 Letter to Benjamin Franklin, September 26, 1785 (28:282) (quoted in NEW NATION, supra note 94, at 82). See also id. quoting a letter from George Washington to Thomas Jefferson, 27 WRITINGS 297 (complaining of the “torpid state into which the severity of the season has thrown things” and begging for news.).} The American Cincinnatus may have gloried in relaxation and his ability
to put his affairs back in order, but he also kept a keen eye on the political affairs of the new
nation.
The endless stream of visitors to Mount Vernon complicated his retirement.\textsuperscript{96} Until now, no American “had enjoyed such a transcendent status”; it made the “Master of Mount Vernon” a curiosity for travelers from around the world.\textsuperscript{97} Washington truly believed his retirement complete; that despite the constant flow of curious visitors, he would not cross the public stage again. Throughout his retirement, however, Washington kept appraised of national events through his letters and the parade of visitors through Mount Vernon, who paid for their lodging by sharing news of events and foreign affairs.\textsuperscript{98} Washington quipped that he wrote more letters since retiring\textsuperscript{99} and truly felt that his postwar years were more of an “epilogue rather than an interlude.”\textsuperscript{100}

Washington did not believe the American Revolution complete. He took great satisfaction in his part to lay the foundation for the rising generation, one that would have a destiny “different from that in which they were born,”\textsuperscript{101} and he felt the next step was as clear “as the A., B., C.”\textsuperscript{102} His hope for restful retirement seemed regularly interrupted by active correspondence with friends and national leaders; Washington’s letters are full of argument for an energetic national government.\textsuperscript{103} For a man with national views, he felt it would be the “climax of absurdity and madness not to have a strong Congress with ample authorities for

\begin{itemize}
\item \textsuperscript{96} \textit{Indispensable Man}, supra note 32, at 184. \textit{See also} \textit{New Nation}, supra note 94, at 10–29; Ellis, supra note 5, at 148–149.
\item \textsuperscript{97} Ellis, supra note 5, at 147. Ellis here quips that being present at creation gives one a unique opportunity for immortality. \textit{Id.}
\item \textsuperscript{98} Harold W. Bradley, \textit{The Political Thinking of George Washington}, \textit{George Washington, A Profile} 149 (James Morton Smith ed. 1969).
\item \textsuperscript{100} Ellis, supra note 5, at 150.
\item \textsuperscript{102} George Washington letter to Benjamin Harrison, Jan. 18, 1784, 1 \textit{Confederation Papers} 56–57, \textit{quoted in} Ellis, supra note 5, at 150.
\item \textsuperscript{103} Henriquez, supra note 87, at 47.
\end{itemize}
Among the greater concerns he carried, Washington’s political views required an effective executive, not the weak executive committee permitted under the Articles of Confederation.¹⁰⁵

History rarely credits Washington as a great philosophical thinker, but he possessed a mind that “had thought carefully if not profoundly upon the fundamental political issues of the day.”¹⁰⁶ He shows, throughout his correspondence, that his philosophical ideals were free from party faction. For example, Washington drew a balance between Anti-federalist and Federalist positions on the issue of Congressional representation; while he felt that Congressmen should represent their democratic constituencies, they must remain free of local concerns and focus on national policies.¹⁰⁷ On the issue of trade, Washington wrote that the State specific restrictions on trade have “put the commercial people of this Country in motion”; and while it seemed only those people saw the need for “a general controlling power,” he felt that the disparate politics of the States would eventually unite in a “Fœederal interest . . . to effect a common good.”¹⁰⁸

Washington held nationalist views. The popular political movement to follow the “spirit of ’76,” meant an aversion to strong federal government, a position adverse to Washington’s

¹⁰⁴ BURNS & DUNN, supra note 20, at 34.
¹⁰⁵ BURNS & DUNN, supra note 20, at 34.
¹⁰⁶ Harold W. Bradley, The Political Thinking of George Washington, GEORGE WASHINGTON, A PROFILE 147 (James Morton Smith ed. 1969). The dominant thought in all his official and private correspondence in the post-war era was his “unwaviering belief that only a strong central government, able to determine and enforce national policies, would enable the United States to assume its appropriate position among the nations of the world.” Id. See Letter from George Washington to Henry Knox, Dec. 5, 1874, 28 WRITINGS 5 (“In fact, our federal Government is a name without substance: No State is longer bound by its edicts, than it suits present purposes, without looking to the consequences.”); Letter from George Washington to James McHenry, Aug. 22, 1785, 28 WRITINGS 228 (“We are either a united people under one head, and for federal purposes; or we are thirteen independant sovereignties, eternally counteracting each other.”); Letter from George Washington to James Madison, Nov. 5, 1786, 29 WRITINGS 52 (“Thirteen Sovereignties pulling against each other, and all tugging at the fœederal head will soon bring ruin on the whole; whereas a liberal, and energetic Constitution, well guarded and closely watched, to prevent incroachments , might restore us to that degree of respectability and consequence”).
¹⁰⁷ Bradley, supra note 98, at 152.
¹⁰⁸ Letter from George Washington to George William Fairfax, June 30, 1785, 28 WRITINGS 183.
views of America as an “infant empire.”” Among his national policy goals, Washington’s United States would join two dichotomous ideas for his time: American Independence and American Nationhood. American Independence meant freedom from tyranny, liberty for all man, and the enjoyment of the natural rights owed to man. American Nationhood, on the other hand, meant strong, centralized government and the expanding of the American empire. Joining Independence with Nationhood would involve intense reform, however, and Washington knew this step required political reform. To Hamilton he announced, “No Man in the United States is, or can be more deeply impressed with the necessity of reform in our present Confederation than myself.” Having spent eight years struggling with Congressional delays that hampered his war efforts, Washington spoke plainly when describing Congress as “an empty sound” and “wretchedly managed” and the Articles of Confederation as “fatally flawed.” Washington took a hard line view of the powers the fledgling government needed, stating, “Individuals and sovereign states require coercion to behave responsibly.”

While he was stunned that some Americans could speak of establishing a monarchy “without horror,” Washington believed that Americans should fear a weak confederation over excessive federal power. Convinced that only a strong central government could turn disparate interests into a Nation, Washington stated to James Madison, “The United States must become singular rather than plural.” Only a strong federal system could harness and manage the enormous energies and resources required of this infant empire. His statements may seem unremarkable to the present ear, but with the “spirit of ’76” that pervaded the nation, most

109 ELLIS, supra note 5, at 169–69.
110 ELLIS, supra note 5, at 169.
111 Letter to Alexander Hamilton, Mar. 31, 1783 as quoted in ELLIS, supra note 5, at 168.
112 ELLIS, supra note 5, at 169.
113 ELLIS, supra note 5, at 168–69.
115 Id.
116 Letter to James Madison, Nov. 1785 quoted in ELLIS, supra note 5, at 170.
citizens were averse to strong, centralized, political power held in some far distant location.\textsuperscript{117} Despite his definite nationalist leanings, in his letters Washington worked to preserve his image as bi-partisan, not too pro-strong central government, to retain the trust the anti-federalists had in him.\textsuperscript{118}

B. The Galvanizing Crisis

George Washington received a letter from an unknown author in July 1874, which lamented the loss of the revolutionary spirit and the downhill course America had pursued since the war ended.\textsuperscript{119} It concluded with a plea from a “Conviction that the Present is a Critical moment for America, [I am] impeled to address you Great Sir, not only as the fittest, but I fear the only Person on Earth, that . . . possesses the Probability and Abilities sufficient to avert the impending ruin.”\textsuperscript{120} Washington intimately knew the decline of his country;\textsuperscript{121} although he recognized the problem, he felt the time was not yet ripe, the situation not calamitous enough to force the people to change.\textsuperscript{122}

\textsuperscript{117} Id. Many concerns about a strong federal power sprang from the Parliamentary abuses and their arbitrary enforcement so recently promulgated on the colonists.\textsuperscript{118} In September 1787, Washington sent three similar letters to Patrick Henry, Benjamin Harrison, and Thomas Nelson, leading anti-federalists, supporting the new Constitution, but with a decidedly hedging tone. “I sincerely believe it is the best that could be obtained at this time; and, as a Constitutional door is opened for amendment hereafter, the adoption of it under the present circumstances of the Union is in my opinion desirable.” 29 WRITINGS 278. Washington continued that he felt the “political concerns of this Country are, in a manner, suspended by a thread” and, without the work of the convention, the country would likely plunge into anarchy. \textit{Id.} Benjamin Harrison replied barely ten days later, on October 4, 1787, and here one can see the respect even the anti-federalists had for General Washington, “I feel myself deeply interested in every thing that you have had a hand in . . . and am so well assured of the solidity of your judgment, and the rectitude of your intentions, that I shall never stick at trifles to conform myself to your opinion;” yet he was unable to reconcile with the proposed Constitution. Patrick Henry’s reply came less than a month later, “I have to lament that I cannot bring my Mind to accord with the proposed Constitution. The Concern I feel on this Account, is really greater than I am able to express.” Found in the Washington Papers.\textsuperscript{120} 1 CONFEDERATION PAPERS 504–26 \textit{quoted in Ellis, supra} note 5, at 168.\textsuperscript{121} Id.\textsuperscript{122} Id.

Harold W. Bradley, \textit{The Political Thinking of George Washington}, \textit{George Washington, A Profile} 149 (James Morton Smith ed. 1969). His visitors paid for lodging by sharing news of events, but perhaps more important to his political awareness was his continuous correspondence with prominent figures on either side of the ocean. \textit{Id.} A General Convention is talked of by many for the purpose of revising and correcting the defects of the foederal government; but whilst this is the wish of some, it is the dread of others from an opinion that matters are not yet
1. Lacking the reason to change

Readiness for the necessary change proved to be the most difficult ingredient to supply. In a series of letters, Washington reminded his correspondents that before the States could agree on the necessity of a controlling power, the States or the people “must feel before they will see” [emphasis in original]. One of Washington’s chief concerns was the amount of “unreasonable jealousies” harbored by the states regarding rights, votes, power struggles between states, and relinquishing control to a distant federal power. In a May 1786 letter, Washington expressed hope that the change would not be far off, stating, “The discerning part of the community have long since seen the necessity of giving adequate powers to Congress for national purposes; and the ignorant and designing must yield to it ere long.” The deepening loss of virtue and patriotism caused substantial concern. The States neglected the Continental Congress; seldom were enough delegates present to create a quorum. For nearly two years, Washington, while cautious about the future, remained optimistic that time would prove the best teacher. However, the crisis that developed in Massachusetts would prove the best teacher in the subject of substantial change.

2. Providing a reason to change

The insurrection later known as Shays’s Rebellion marked a turning point in American philosophy on the need for centralized federal power. A brief history to provide context sufficiently ripe for such an event.” Letter from George Washington to Marquis De Lafayette, May 10, 1786, 28 WRITINGS 422.


124 Letter from George Washington to James McHenry, Aug. 22, 1785, 28 WRITINGS 228–29. “We are either a united people under one head, and for federal purposes; or we are thirteen independent sovereignties, continually counteracting each other . . . I confess to you candidly, that I can foresee no evil greater than disunion than those unreasonable jealousies . . . which are continually poisoning our minds and filling them with imaginary evils to the prevention of real ones.” Id.


126 INDISPENSABLE MAN, supra note 32, at 198.
follows. After twenty years of talking “about ‘liberty’ and ‘the rights of man,’” worthless currency and inability to pay debts combined with emotional forces to produce a series of insurrections closing courthouses and the legislature. Historians have embraced much of the “rural indebtedness” argument and believed that the rebellion was by bankrupt farmers seeking legislative redress. Another potential theory—based on correspondence from New Englanders David Humphreys and Henry Knox to George Washington—argues that the insurgents that carried on Shays’s Rebellion tried to “annihilate all debts public and private” and level any aristocracy. Washington received letters from around the country expressing fear that if Massachusetts fell to rebellion and anarchy, the remaining States would follow.

History credits Daniel Shays, a former captain in the Revolutionary Army, as the “generalissimo” of the rebellion. The seeds of rebellion began years earlier but came to head in September 1786, when Shays led two thousand men and closed the Courts. Shays led a revolt of residents in Western Massachusetts, historically treated as debt-ridden farmers, against

128 ROBERT A. FEER, SHAYS’S REBELLION 46–47 (1988). Between 1776 and 1786, almost every city in Massachusetts sent a petition to the General Court for tax relief or remedial legislation. Id. at 47. Nearly every petition complained of “the scarcity of a circulating medium.” Id. at 50. Some petitions complained that men were in danger of arrest even though they were willing to discharge their debts because they could not convert their assets to cash. Id. Some of these cases are exaggerated and there was a good amount of “finger pointing” and finding “scapegoats,” but it serves to illustrate other factors besides disgruntled and disillusioned farmers inciting insurrection. Id. at 54.
130 Letter from David Humphreys to George Washington, Nov. 1, 1786, 4 CORRESPONDENCE OF THE AMERICAN REVOLUTION: LETTERS TO WASHINGTON 148 (Jared Sparks ed. 1853) [hereinafter CORRESPONDENCE] (quoted in RICHARDS, supra note 129, at 4).
131 Id. Massachusetts was one of the most well-governed and orderly states. Their constitution was among the oldest and most balanced. Perhaps the most disturbing aspect of the rebellion was their revolutionary principles, “which were eerily similar to the revolutionary principles of 1776,” and suggested that the same theories could be used to oust elected officials under a constitutional charter. ELLIS, supra note 5, 172.
132 Id. at 26. But see FEER, supra note 128, at 224. It was not until Shays led the troop movement that broke up the Supreme Judicial Court meeting on September 26, 1786, that “any connection between Shays and the movement that soon came to bear his name” arose. Id.
133 FEER, supra note 128, at 227. Shays was only “one leader among many,” but for the attacks on Springfield’s Supreme Judicial Court in September and the attacks on Springfield’s lower courts in November, Shays ran the operation. Id. at 227–28. Even though it started well before he came on the scene, it is possible the rebellion would not have grown as large or lasted as long without Shays’s efforts. Id.
the “tyrannical government.”

Shays led his revolutionaries in an attack that forced the Massachusetts Supreme Court to adjourn; and then, hearing that the government had called the militia, marched toward the Springfield arsenal to seize muskets and cannon. Shays rebuffed an envoy sent to warn him that he would be fired upon. The militia having arrived first and seized the cannon and muskets fired warning shots over the rebel’s heads. When the rebel army came within 100 yards of the government troops, cannon lowered and fired directly at the oncoming force. During the ensuing period of days, Shays marched his diminished force across Massachusetts in a cat and mouse game until government troops surprised the insurgents by appearing out of a fierce blizzard with cannon. Shays disappeared as his “army” ran helter-skelter for freedom or surrendered.

Five months after the first courthouse closed the rebellion ended and Massachusetts began putting the pieces back together.

Despite a rebellion, which if successful could have set the tragic precedent of armed rebellion against duly elected officials, Washington would not commit to leave retirement. During this crisis, he mourned the precarious situation of the Confederation Congress. Most poignant are his questions to James Madison, “What stronger evidence can be given of the want

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134 189 MASSACHUSETTS ARCHIVES 429 (quoted in RICHARDS, supra note 129, at 63). The actual causes of Shays’s Rebellion may have included the regional history—the people were simply continuing the tradition of closing the courts to governmental attempts to impede their rights as their fathers did in 1774 forcing out the King’s appointees—or perhaps the worry that the Massachusetts Constitution attempted to enrich the few at the risk of the many. RICHARDS, supra note 129, at 58–63.

135 Id.

136 FEER, supra note 128, at 367. Shays reportedly replied to the warning with the statement, “That is all we want by God.” Id. Feer believed this statement out of character for Shay, but potentially spoken to buoy fading bravado. Id.

137 Id.

138 Id. at 367–68; see also RICHARDS, supra note 129, at 27–29. The militia commander, Major General William Shepard, concealed cannon along the flanks of the oncoming soldiers and after a few volleys of grapeshot, most of the “army” turned and ran. Id.

139 FEER, supra note 128, at 378–79.

140 Id. at 379–80.

141 Id. at 381.

142 DOUGLAS SOUTHALL FREEMAN, 6 GEORGE WASHINGTON 67 (1954). Washington’s greatest fear was a “slow disintegration of a union held together by waning sentiment and by a Congress so pauperized and powerless” that the States did not even trouble to ensure delegates attended.” Id.
of energy in our governments than these disorders? If there exists not a power to check them, what security has a man for life, liberty, or property?"¹⁴³ Throughout the period, Washington increasingly despaired of the country’s future, writing, “How melancholy is the reflection, that in so short a space, we should have made such large strides towards fulfilling the prediction of our transatlantic foe! ‘leave them to themselves, and their government will soon dissolve.’"¹⁴⁴ When the insurrection was half over—and the battle at the Springfield arsenal not yet fought—Washington expressed concern that the commotions would spread to other parts of the nation, stating, “To suppose, if they are suffered to go on, they can be kept at the distance they now are, is idle. Fire where there is inflammable matter, very rarely stops.”¹⁴⁵ Although he feared the insurrections would consume the nation and his letters evidence his understanding of the consequences of such insurrections, but Washington still refused to participate.¹⁴⁶ His most clear indication of intent not to participate—despite the tumult in Massachusetts—came in a letter to Virginia’s governor, Edmund Randolph, on Dec 21, 1786. Washington wrote:

> As no mind can be more deeply impressed than mine is with the awful situation of our affairs; resulting in a great measure from the want of efficient powers in the federal head. . . . So, consequently, those who do engage in the important business of removing these defects will carry with them every good wish of mine which the best dispositions toward attainment can bestow.¹⁴⁷

¹⁴³ Letter from George Washington to James Madison, Nov. 5, 1786, 29 WRITINGS 50; see also Letter from George Washington to Bushrod Washington, Sept. 30, 1786, 29 WRITINGS 23. “To point out the defects of the constitution in a decent way, was proper enough, but they have done more.” Id. Letter from George Washington to David Humphreys, Oct. 22, 1786, 29 WRITINGS 27 (“Commotions of this sort, like snow-balls, gather strength as they roll, if there is no opposition in the way to divide and crumble them.”).

¹⁴⁴ Letter from George Washington to David Humphreys, Oct. 22, 1786, 29 WRITINGS 27 (“For God’s sake tell me the cause of these commotions: do they proceed from licentiousness, British-influence disseminated by the tories, or real grievances that admit of redress?”); Letter from George Washington to Henry Lee, Oct. 31, 1786, 29 WRITINGS 33–35 (The rebellion in Massachusetts is a “melancholy proof of what our trans-Atlantic foe has predicted . . . that mankind when left to themselves are unfit for their own Government.”).

¹⁴⁵ Letter from George Washington to David Stuart, Dec. 6, 1786, 29 WRITINGS 108.


¹⁴⁷ 29 WRITINGS 120.
These internal rebellions taught Americans that state militias under some central control were insufficient; the central government must have powers to maintain an army, navy, and protect the states against internal (and external) problems. Furthermore, the States needed the assurance that the central government would guarantee and defend State constitutions and laws. While America was more ready to change, Washington still needed to overcome his concerns about the potential failure of the convention and reconcile that with his status as the American Cincinnatus.

C. Reputation at Issue

Even though there was an electrifying event, Washington remained cautious about the federal convention. As far back as July, 1783, while still Commander-in-Chief, Washington began to promote his nationalist ideas with the idea of a “federal constitution” where States would determine local matters, but “when superior considerations preponderate in favor of the whole, [the States’] voices should be heard no more,” however, he was still hesitant about the convention. Washington’s Legacy continued his advocacy for a strong central government. After begging his audience’s indulgence, he advocated more strength in a central government and interpretation and amendment of the Articles of Confederation to permit the central government power to pay its debts and provide necessary federal authority. Even though

148 FARRAND, supra note 127, at 48.
149 Id.
150 WILLS, supra note 4, at 18; see also JOHNSON, supra note 24, at 84.
152 Id. He believed that “the inefficiency of measures, arising from the want of an adequate authority in the Supreme Power, from a partial compliance with the Requisitions of Congress in some of the States, and from a failure of punctuality in others” dampened the zeal of friends to liberty, increased the War expenses, and frustrated the strategic plans. Id.
153 Id. at 493. Most especially Washington meant the debts owed to soldiers whom he felt had “shed their blood or lost their limbs in the service of their Country, [and were now] without a shelter, without a friend, and without the means of obtaining any of the necessaries or comforts of Life; compelled to beg their daily bread from door to door!” Id.
154 Id.
his public advocacy did not argue for substitution of documents, his private communications lent support for a strong national government and increasing fears about the future of the country.\textsuperscript{155} Despite the anonymous letter imploring his reappearance in the efforts to develop the new nation, Washington remained steadfast in his retirement.\textsuperscript{156} He mourned and lamented the States bickering and privately wrote, “We have probably had too good an opinion of human nature in forming our confederation. Experience has taught us, that men will not adopt and carry into execution measures the best calculated for their own good, without the intervention of a coercive power.”\textsuperscript{157} Upon hearing that Congress had called a Convention to address the defects in the Articles of Confederation, Washington agreed with the purpose of the convention and wished to see “any thing and every thing essayed.”\textsuperscript{158} As Cincinnatus, Washington’s investment of his priceless capital in an uncertain cause still seemed imprudent.\textsuperscript{159} Therefore, Washington was not yet willing to commit his reputation to the cause.\textsuperscript{160} Washington was the country’s preeminent man, “had been worshipped as a God,”\textsuperscript{161} and while everyone hoped he would attend the Convention, he “performed a political minuet” that danced him away from the invitations and the appearance of power seeking.\textsuperscript{162} Fear that State

\textsuperscript{155} In a letter to Henry Knox, Secretary of War, in Dec. 1874, Washington complained, “Our federal Government is a name without substance: No State is longer bound by its edicts, than it suits \textit{present} purposes, without looking to the consequences. How then can we fail in a little time, becoming the sport of European politics, and the victims of our own folly.” 28 \textsc{Writings} 5.

\textsuperscript{156} See text accompanying notes 119–120. See also Letter from George Washington to John Jay, August 1, 1786, 28 \textsc{Writings} 503. “Having happily assisted in bringing the ship into port & having been fairly discharged; it is not my business to embark again on a sea of troubles.” \textit{Id.}

\textsuperscript{157} Letter from George Washington to John Jay, August 1, 1786, 28 \textsc{Writings} 502 (\textit{quoted in Indispensable Man}, \textit{supra} note 32, at 198).

\textsuperscript{158} 29 \textsc{Confederation Papers} 128, (\textit{quoted in Burns & Dunn, supra} note 20, at 35).

\textsuperscript{159} \textsc{Ellis, supra} note 5, at 174.

\textsuperscript{160} In all, Washington would turn down requests from Secretary of State John Jay, Secretary of War Henry Knox, Virginia Governor Edmund Randolph, James Madison, James Mercer (Virginia delegate to the Continental Congress), David Humphreys (former aide de camp to Washington), and David Stuart. 29 \textsc{Writings} 71–73, 76, 115, 119, 120, 127, 151, 171–173, 177, 180, 188. Madison, Jay, Knox, and Randolph made multiple attempts.

\textsuperscript{161} \textsc{Francis Hopkinson, 1 Miscellaneous Essays} 120 (Philadelphia 1792) (\textit{quoted in Ellis, supra} note 5, at 147). See also \textsc{Henriques, supra} note 87, at 45. Washington was “far and away the most beloved and admired man in America as well as one of the most famous men in the Western world.” \textit{Id.}

\textsuperscript{162} \textsc{Ellis, supra} note 5, at 173.
disagreements and differing opinions may end the federal government before it started—and how that would affect his status—kept Washington from committing to attend.\textsuperscript{163} Even James Madison feared that Washington’s prestige might suffer if he were to participate in an “abortive undertaking.”\textsuperscript{164} His 1783 declaration was another obstacle to attendance; initially, he felt he could not retract his statement without appearing to seek power.\textsuperscript{165} Yet, the insistence of his fellow citizens pulled the indispensable man reluctantly back from retirement without the stigma of power seeking.

D. The Second Call to Cincinnatus

Washington’s intention to retire and remain at Mount Vernon saddened advocates of a strong federal government.\textsuperscript{166} Were it not for the strong pull of his fellow citizens, Cincinnatus would have remained at his plow. Washington’s return was not as inevitable—or as simple—as history portrays, however. Washington battled with three great fears: the fear of improper influence by the Society of Cincinnati, the fear of the convention’s failure, and fear of accusations of power seeking.

1. The society of the Cincinnati

His initial excuse for absence arose from his association with the Society of the Cincinnati.\textsuperscript{167} As the Society had a scheduled meeting in Philadelphia at the same time as the

\textsuperscript{163} Letter from George Washington to David Humphreys, Dec. 26, 1786, 29 Writings 128. The magnitude of the potential failure of the convention would send delegates home “chagrined at their ill success and disappointment.” Id. While he felt this would be a “disagreeable circumstance for anyone” to be in, but “more particularly so for a person in my situation.” Id.

\textsuperscript{164} 9 THE JAMES MADISON PAPERS 378 (quoted in Burns & Dunn, supra note 20, at 36).

\textsuperscript{165} Burns & Dunn, supra note 20, at 36. Washington understood that “the purity of perfect heroism was the willingness to be rewarded only in fame, not in material awards.” Henriques, supra note 87, at 46 (emphasis in original). The comparisons of Washington to Cincinnatus conjure the era’s image of the “classical disinterested patriot who devotes his life to his country and then retires to his farm.” Id.

\textsuperscript{166} New Nation, supra note 94, at 87.

\textsuperscript{167} Id. See also General Washington’s Correspondence Concerning the Society of the Cincinnati xv (Edgar Erskine Hume ed. 1941) [hereinafter Cincinnati]. Immediately after the Society’s institution, opposition began. People feared the society established a “Race of Hereditary Patricians or Nobility.” Id. The severe opposition to a hereditary aristocracy or nobility created some distance between the Society and Washington.
Convention, Washington feared the appearance of impropriety.\textsuperscript{168} Washington loved the Society; its members were his family during the nearly eight-year long Revolutionary War.\textsuperscript{169} As criticisms mounted that the Society formed American nobility, Washington turned a deaf ear, as he believed these were the men primarily responsible for American Independence and best embodied the ideals of the American Revolution.\textsuperscript{170} The Society eventually became somewhat of a “lovable albatross tied permanently around Washington’s neck.”\textsuperscript{171} In a wild stroke of misfortune, Washington had sent a circular to the Society stating his inability to attend the meeting.\textsuperscript{172} Washington had also written to Madison, in response to multiple letters requesting his attendance, stating “I should be too much embarrassed by the meeting of these two bodies in the same place in the same moment.”\textsuperscript{173} Although he eventually relented on this issue, Washington generally avoided the society while he was in Philadelphia, only attending a short reception held in his honor.

2. \textit{Confronting the fear of the convention’s failure}

The letters calling Cincinnatus back from his plow began in earnest nearly a year before the convention started. John Jay began his quest to bring Washington back with the gentle reminder that “[a]lthough you have wisely retired from public employments . . . yet I am

\begin{itemize}
\item \textsuperscript{168} Letter from George Washington to James Madison, Dec. 16, 1786, CINCINNATI, supra note 167, at 280. “I should be much too embarrassed by the meeting of these two bodies in the same place at the same moment.” \textit{Id.}
\item \textsuperscript{169} ELLIS, supra note 5, at 146.
\item \textsuperscript{170} \textit{Id.} at 159.
\item \textsuperscript{171} \textit{Id.}
\item \textsuperscript{172} Letter from George Washington to Major-General Horatio Gates, Oct. 31, 1786, CINCINNATI, supra note 167, at 264–5 (Washington began the letter “as it will not be in my power to attend the next General Meeting” and effectively created his own obstacle to attend; surely he could not break his word and appear when he had given so many good reasons for not attending!). Washington included as his maladies: his private affairs, the presidency of the Potomac Company, and a recent bout of rheumatism, as making it impossible for him to attend the Society’s meeting scheduled for May 1787 in Philadelphia. \textit{Id.} See FREEMAN, supra note 142, at 75. As Washington had “no other god before consistency and no code more compelling than courtesy,” he felt he could not appear at the same time and place without giving offense to the Society. \textit{Id.}
\item \textsuperscript{173} Letter from George Washington to James Madison, Dec. 15, 1786, 29 WRITINGS 114–15.
\end{itemize}
persuaded you cannot view them with the eye of an unconcerned spectator.”174 He continued that an opinion had begun to prevail “that a General Convention for revising the articles of Confederation would be expedient. . . . I am fervent in my wishes that . . . [you will] favor your country with your counsels on such an important and single occasion.”175 Washington responded that he would be “happily mistaken” if there were remedies at hand, and said, “I scarcely know what opinion to entertain of a general convention.”176 While Washington agreed something must be done and that it was important to revise and amend the Articles of Confederation, he felt that the consequences of a general convention were “doubtful.”177 Washington’s response makes plain his reluctance to participate in a doubtful endeavor, even though he admitted the situation required action. His thoughts had not changed in six months when David Humphreys wrote, “I have already told you it was seriously my opinion that you could not remain [neutral], and that you would be obliged, in self-defence to take part on one side or the other.”178 When Washington declined on December 26, 1786, he had already rejected Governor Edmund Randolph’s request that he serve on the delegation, stating “There exist at this moment, circumstances . . . which will render my acceptance of this fresh mark of confidence incompatible.”179 His greater concerns now were the Eastern States’ problems (i.e., Shays’s rebellion), the poor representation of States at the Annapolis Convention, and the potential the “second attempt to convene the States” should prove “abortive;” in all of those situations, it

174 Letter from John Jay to George Washington, Mar. 16, 1786, 4 CORRESPONDENCE 131.
175 Id.
177 Id.
178 Letter from David Humphreys to George Washington, Nov. 1, 1786, 4 CORRESPONDENCE 148–49.
179 Letter from George Washington to David Humphreys, Dec. 26, 1786, 29 WRITINGS 127. He stated that he had just sent the circular letters to the Society of the Cincinnati declining attendance at the May 1787 general meeting when he received letters “expressing a wish that they might be permitted to name [him] as one of the Deputies of this State to the Convention.” Id. See Letter from George Washington to Governor Edmund Randolph, Dec. 21, 1786, 29 WRITINGS 119–20 (Washington felt it would be disingenuous not to extend the offer to another character “on whom greater reliance can be had.”). As noted in the prior subsection, Washington had also written to Madison to decline on grounds of the Cincinnati’s meeting scheduled for the same time.
would be extremely “disagreeable” for a “person in my situation.”180 With his reputation as a
hero secure, it was difficult to risk his political capital on the doubtful outcome of the
convention. As a potential alternate consideration preventing his full commitment, Washington
may still have harbored some tender feelings that his opinions may not mean much to his
countrymen, because “[those opinions] have been neglected, tho given as a last legacy in the
most solemn manner.”181 It would take the extraordinary efforts of John Jay, Henry Knox, and
James Madison to assist Washington in overcoming his fear of the convention’s failure.
Washington conquered this obstacle as he realized he would not be accused of seeking power.

3. Confronting accusations of power seeking.

It took the efforts of fellow Virginian, James Madison, to see the moment Washington
wavered and tip the balance in favor of attending the Philadelphia Convention. Washington sent
Madison an emotional letter in November 1786, where he bemoaned the revolt in Massachusetts
and the “[t]hirteen sovereignties pulling against each other, and all tugging at the foederal
head.”182 Washington continued his lament with the rhetorical question, “Will not the wise &
good strive hard to avert this evil? Or will their supineness suffer ignorance and the arts of self
interested designing disaffected & desperate characters, to involve this rising empire in
wretchedness and contempt?”183 In his lament, Madison shrewdly read that Washington
wavered on his commitment to his retirement. In December 1786, Madison sent a forward
proposal distinguishing Washington’s refusals from the momentous times they lived in. He
wrote, “It was the opinion of every judicious friend whom I consulted that your name could not

182 Letter from George Washington to James Madison, Nov. 5, 1786, 29 WRITINGS 51–52; also available in JAMES
MADISON, 9 THE PAPERS OF JAMES MADISON 161–62 (Robert A. Rutland et al. eds. 1962) [hereinafter MADISON
PAPERS] (note 2 makes the statement that these emotional statements by Washington left him vulnerable to Madison
(and others’) influence to join the last chance to draft a “liberal and energetic Constitution.”).
183 Id.
be spared from the Deputation.”

Madison gave two reasons for Washington to attend, even with his resignation speech and retirement: first, that “the peculiarity of the mission and its acknowledged pre-eminence over every other public object” should overcome his reticence to attend when he had already told the Society of the Cincinnati he could not. Second, that “the advantage of having your name in the front of the appointment” marked Virginia’s earnestness and served as “an invitation to the most select characters from every part of the Confederacy.”

Madison worked feverishly through the winter months to sway the leaning Washington. When Washington wrote, pondering on “what may be brought forth between this and the first of May to remove the difficulties which at present labor in my Mind, against [attendance] . . . is not for me to predict,” Madison astutely responded. He hoped that “a door could be kept open for your acceptance hereafter, in case the gathering clouds should become so dark and menacing as to supercede every consideration, but that of our national existence.”

Henry Knox, Washington’s former brilliant general and now Secretary of War, took a different approach. In writing to Knox, Washington gently solicited Knox’s gauge of the public’s expectation of him. To address his General’s concerns about the Eastern States attendance and attitude toward the convention, Knox wrote, “I am persuaded, if you were

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184 Letter from James Madison to George Washington, Dec. 7, 1786, 9 MADISON PAPERS 199. This letter responded to Washington’s letter of Nov. 18, 1786 where the General stated he had sent a circular to the Society of the Cincinnati and felt “it will readily be perceived that I could not appear at the same time & place on any other occasion without giving offence to a very respectable & deserving part of the community—the late officers of the American Army.” 29 WRITINGS 71–72.
185 Id. Madison wisely acknowledged Washington’s difficulty in going back on his word and posited that he could reconcile his attendance in Philadelphia with the Cincinnati by making an appearance to give “the respect which is justly due & which you wish to pay to the late officers of the army.” Id.
186 Id.
187 Letter from George Washington to James Madison, Dec. 16, 1786, 29 WRITINGS 114
188 Id.
189 Id.
190 Id.
determined to attend the Convention, and it should be generally known, it would induce the Eastern States to send Delegates to it.”191 In urging him to accept, Knox argued that if the convention failed, Washington’s reputation would suffer because “the house was permitted to burn down,”192 but conversely, if there were “an energetic, and judicious system to be proposed with your Signature, it would . . . doubly entitle you to the glorious republican epithet—The Father of Your Country.”193 Washington appeared to harbor some of the same concerns, wondering, “whether my non-attendance in this Convention will not be considered as a dereliction to republicanism—nay more—whether other motives may not be ascribed to me for not exerting myself on this occasion in support of it.”194

Washington relented after Madison sent him a report that the proposed rosters of delegates to the Philadelphia Convention included “an impressive array of talent heavily weighted in favor of much more than tinkering.”195 All of his correspondence, no doubt bolstered by his frustrations during the war, and “his ambition to save America from humiliating collapse”196 warred with his duty to remain retired. In agreeing to the nomination as a delegate, Washington knew that until he departed Mount Vernon, his name could easily be removed.197 He was a strong advocate of a Constitution he said he would not assist in creating,198 but in the end, the “pressure of the public voice was so loud” that he could not resist and agreed to attend the Constitutional Convention.199 A late letter from Knox, arriving nearly as Washington

191 Letter from Henry Knox to George Washington, Jan. 14, 1787, 4 CORRESPONDENCE 158.
192 ELLIS, supra note 5, at 174.
193 Id. quoting Letter from Henry Knox to George Washington, Mar. 19, 1787, 5 CONFEDERATION PAPERS 7–9.
194 Id. quoting Letter from George Washington to Henry Knox, Mar. 8, 1787, 29 WRITINGS 171.
195 ELLIS, supra note 5, at 175 quoting Letter from James Madison to George Washington, Mar. 18, 1787, 5 CONFEDERATION PAPERS 94–95.
196 FREEMAN, supra note 50, at 77.
197 ELLIS, supra note 5, at 174.
198 Id.
departed for Philadelphia locked in his course, “It is the general wish that you should attend. It is conceived to be highly important to the success of the propositions of the convention.” These letters paved the road to Washington’s attendance at the Constitutional Convention which provided legitimacy to the proceedings.

IV. THE ROAD TO A LEGITIMATE CONSTITUTION

With his road paved and his reputation safe from criticism, Washington arrived at the head of Virginia’s delegation. As in the Revolutionary War, when Washington committed to action, he retained no doubts, but was all energy. The people of Philadelphia greeted General Washington with cheers and cannon salutes, which served to ease his mind that the people had forgotten him since the end of the war. Even though the first day of the convention began with only two states, Washington passed time with dinners, visits, and—by some accounts—appeared to wait patiently for a quorum of states. Although he enjoyed the entertainment, Washington wrote, “These delays . . . serve to sour the temper of the punctual members who do not like to idle away time.” Despite the souring of his temper, Washington played a critical role in the Constitutional Convention, his presence served to provide steadiness and legitimacy to the convention and his endorsement a powerful weapon in the fight for ratification.

A. Steady Presence

Due to his near total silence during the Constitutional Convention, history speaks very little about Washington between May and September 1787. Opposite his silence, however, was
his presence, which spoke volumes. Brilliant financier and delegate to the Continental Congress, Robert Morris who hosted Washington at his home during the convention stated, “Washington was the only man in whose presence he felt any awe.”206 An English traveler stated that Washington’s features were “indicative of the strongest passions, and had he been born in the forest . . . he would have been the fiercest man among the savage tribes.”207 Not only did he possess a remarkable physical presence, his self-discipline was legendary.208 Benjamin Rush stated that “he has so much martial dignity in his deportment, that you would distinguish him to be a General and a Soldier, from among ten thousand people: there is not a king in Europe but would look like a valet de chamber by his side.”209

When the Convention at last had a quorum, the delegates from Pennsylvania nominated Washington as the President of the Convention. Washington performed his role with dignity. His dignity, silence, diffidence, and indifference played important roles in the Convention. As President, Washington brought the sessions to order and listened as others spoke.210 All remarks were at least “titularly addressed” to Washington, he faced the room, and everyone could see his face.211 The delegates could see from changes in his countenance how the debates affected him.212 John Laurens wrote, “His countenance, when affected either by joy or anger, is full of expression.”213 Delegates would remember how “his anxious solicitude at angry disagreement,
his pleasure at fruitful compromise” influenced the convention.214 Delegates felt that
Washington’s steady presence in the Constitutional Convention was “essential to the success of
its work.”215 His presence lent an air of solemnity to the proceedings and his stoicism and
indifference balanced the emotional debates.

B. Legitimacy for the Convention

Washington embodied two polar opposites in his attendance at the convention. He was
the most important person attending, but he spoke the least in all the debates.216 Madison,
Randolph, Knox and others did not spend a year in correspondence for Washington’s orations,
they wanted his solidness. His presence lent legitimacy to the convention, which Congress and
the States might otherwise have characterized as extralegal.217 Washington urged the delegates
to have courage, stating, “Let us raise a standard to which the wise and honest can repair. The
event is in the hand of God.”218 Washington had surrounded himself with brilliant minds in
commanding the Continental Army; as the convention’s president, Washington heard political
debate on every aspect of the new government from some of the most brilliant minds in the
States.

Like the call to be Commander-in-Chief in 1775, being President of the Convention was
not a job Washington wanted, but as both calls came in “a day of danger for America,” he
answered.219 While this road would not likely be as bumpy as the road to his resignation,
Washington served as the link between these two founding moments: first, the fight for

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214 Id. See FARRAND, supra note 148, at 15 (“The feeling towards him was one of devotion, almost of awe and
reverence.”).
215 Id.
216 ELLIS, supra note 5, at 177.
217 Id.
218 INDISPENSABLE MAN, supra 17, at 205.
219 FREEMAN, supra note 50, at 91.
independence; second, the fight to secure it.220 His call to be Commander-in-Chief elicited this response from Eliphalet Dyer, a member of the Continental Congress, who wrote, “In Washington’s diffidence there lay safety: he could be counted on to take the best advice and not to sacrifice the army to his personal pride or use it to further his personal ambitions.”221 The delegates must have felt similarly as Washington received their unanimous vote to preside at the convention. After a short speech of acceptance and depreciation of his abilities, he declared that he “hoped his errors, as they would be unintentional, would be excused,” and lamented his want of qualifications.222 One delegate described the member’s faith in Washington as they “shaped their ideas of the powers to be given to a President by their opinions of [Washington’s] virtues.”223 Similarly, as the delegates argued over the provisions, which would ultimately institute a government with Washington as the likely head, his indifference, congenital reticence, and inflexibility, demonstrated his worthiness for the position he held—and likely would hold in the future government.224 On September 18, 1787, the Constitutional Convention published the finished document to the world and the criticisms began.

C. Letters of Support for the Constitution

The campaign for and against the new Constitution began in earnest after its publication. By this time, Washington had little doubt that, if ratified, the nation would call upon him to head the new government. Armed with this knowledge, Washington avoided even the appearance of public support for the document. That limited his influence on ratification to two areas, his signature on the document and his personal letters of support for the Constitution.

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220 Ellis, supra note 5, at 177.
221 Letter from Eliphalet Dyer to Joseph Trumbull, June 17, 1775, reprinted in Letters of Members of the Continental Congress 127-29 (Edmund C. Burnett ed. 1921).
222 Bowen, supra note 91, at 27–28.
223 Indispensable Man, supra 17, at 209.
224 Id. at 61. Madison later wrote to Jefferson that the discussion about whether the Nation could trust a single chief magistrate with Washington in the room was “peculiarly embarrassing.” Id.
1. The power of his signature

With the final document signed, the battle for ratification began. While the criticisms raged on a national scale about the potential of the proposed government, those criticisms seldom touched Washington. Washington’s presence had lent the convention the legitimacy it required, as William Grayson, writing as an anti-federalist, stated, “I think that were it not for one great character in America so many would not be for this government.” Even backhanded criticism of the Executive powers seemed like praise for George Washington:

So far is it from its being improbable that the man who shall hereafter be in a situation to make the attempt to perpetuate his own power, should want the virtues of General Washington, that it is perhaps a chance of one hundred millions to one that the next age will not furnish an example of so disinterested a use of great power.

Washington took these statements in stride, but wrote that the Constitution’s opponents were “indefatigable in fabricating and circulating papers, reports, &c. to its prejudice; whilst the friends generally content themselves with the goodness of the cause and the necessity for its adoption, supposing it wants no other support.” In a June letter to James Madison, Washington declaimed the inflammatory writings of the Anti-federalists, stating, “The insidious arts of its opposers alarm the fears and inflame the passions of the multitude.” During the Virginia ratification debates, Washington took heart from Governor Randolph’s defense of the document and hoped that “Mr. Randolph’s declaration will have considerable effect with those,

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225 HENRIQUES, supra note 10, at 47.
227 Letter from George Washington to Jonathan Trumbull, Feb. 5, 1788, 29 WRITINGS 400. [italics in original]
228 June 8, 1788, 29 WRITINGS 510.
who had hitherto been wavering; that Mr. Henry and Colo Mason took different and awkward ground, and by no means equaled the public expectation in their speeches.”

Washington exerted a powerful influence on the Nation as a whole. Two future presidents communicated about the national leanings of the government and the power of Washington’s presence. James Monroe wrote a letter to Thomas Jefferson stating, “Be assured, his influence carried the government.” Washington wielded his influence through letters to friends, relatives, and citizens across the new nation.

2. Washington’s written support for the document

During the convention, Washington hoped for a positive outcome and felt the document, despite its flaws, was “the best that can be obtained at the present moment.” In a letter to Henry Knox, he expressed that the convention progressed slowly (and “I wish I could add . . . sure[ly]”), but felt that if “some good does not proceed from the Session, the defects cannot, with propriety, be charged to the hurry with which the business has been conducted.” Washington knew the document had faults and hoped that Congress, the States, and “the community at large [would] adopt the Government which may be agreed on in Convention.” Although it was the best document that could be “obtained at the present moment” and was “not free from imperfections,” Washington thought it “wise in the People to accept what is offered to them and I wish it may be by as great a majority of them as it was by that of the Convention.”

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229 Letter from George Washington to John Jay, June 8, 1788, 29 WRITINGS 514.
230 JAMES MONROE, 1 WRITINGS OF JAMES MONROE 186 (Stanislaus Murray Hamilton ed. 1898–1903) quoted in NEW NATION, supra note 94, at 139.
232 Id.
233 Id.
234 Letter from George Washington to David Humphreys, Oct. 10, 1787, 29 WRITINGS 287.
In a letter to Henry Knox, Washington rhetorically laid out three questions whose answers would mitigate opposition to the proposed Constitution. First, “Is the Constitution which is submitted by the Convention preferable to the Government (if it can be called one) under which we now live?” The clear answer for Washington was “yes.” During the year preceding the Constitutional Convention, Washington had consistently expressed his distaste for the Continental Congress, the Articles of Confederation, and the weak central government. Secondly, he asked, “Is it probable that more confidence would at the time be placed in another Convention, provided the experiment should be tried, than was placed in the last one, and is it likely that a better agreement would take place therein?” Again, the answer was clear; the delegates all felt that the convention occurred at a special time and they fulfilled a special purpose there. Third, he questioned, “What would be the consequences if these should not happen, or even from the delay, which must inevitably follow such an experiment?” To answer this question, a letter to the Marquis de Lafayette answers, “I will only add, as a further opinion founded on the maturest deliberation, that there is no alternative, no hope of alteration, no intermediate resting place, between the adoption of this, and a recurrence to an unqualified state of Anarchy, with all its deplorable consequences.” This state of anarchy, Washington stated was “the hopes and expectations of those who are unfriendly to this Country.”

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236 Id.
238 Letter from George Washington to Henry Knox, Oct. 15, 1787, 29 WRITINGS 289. See also Letter from George Washington to Richard Butler, Apr. 3, 1788, “Your observation respecting the instability and inefficacy of our General Government is very just. They are not only apparent in the instance, which you mention, but have for a long time, strongly marked all our national transactions.”
239 BOWEN, supra note 91, at 3–4 (“The roster reads like a Fourth of July oration, a patriotic hymn.”).
242 Letter from George Washington to Sir Edward Newenham, Dec. 25, 1787, 29 WRITINGS 346. See also Letters to William McIntosh, (Jan. 8, 1788) 29 WRITINGS 365, and to Samuel Powell, (Jan. 18, 1788) 29 WRITINGS 386 (“[B]ut if a weak State with the Indians on its back and the Spaniards on its flank does not see the necessity of a General Government there must I think be wickedness or insanity in the way.”).
Washington posed a similar rhetorical question to his nephew, Bushrod Washington, in a letter dated November 10, 1787, asking “A Candid solution of a single question to which the plainest understanding is competent . . . decides the dispute: namely is it best for the States to unite, or not to unite?” He followed his question with the answer, “If there are men who prefer the latter, then unquestionably the Constitution which is offered must . . . be wrong from the words, we the People to the signature inclusively.” But for those on the opposite side of the debate, they should consider “that [the Constitution] does not lye with any one State, or the minority of the States to superstruct a Constitution for the whole . . . [and] if then the Union of the whole is a desirable object, the component parts must yield a little in order to accomplish it.”

Washington wrote dozens of letters during the ratification debates expressing his hope and solidarity for the Constitution. His support strengthened the Constitution, aided in its ratification, and he gloried in the acceptance of the Constitution by the States. On June 29, Washington wrote to Benjamin Lincoln—the general who suppressed Shays’s rebellion—in response to news that Massachusetts had become the ninth state to ratify the Constitution. Truly ecstatic, Washington wrote, “No one can rejoice more than I do at every step the people of this great Country take to preserve the Union, establish good order and government, and to render the Nation happy at home and respectable abroad.” The ratified Constitution gave Washington reason to rejoice in the future prospects of America.

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243 Letter from George Washington, 29 WRITINGS 310.
244 Id.
245 Id.
246 Id.
247 Letter from George Washington to Benjamin Lincoln, June 29, 1788, 30 WRITINGS 11.
V. CONCLUSION

Cincinnatus came back from the plow a second time. As revolutionary goodwill and confederacy gave way and George Washington watched his beloved nation teeter on the brink of anarchy, he walked a difficult road back to public life. His nation called again; dozens of letters attest to the requests from the brightest political minds, national leaders, and his friends, that Cincinnatus return from his retirement and lend his stabilizing influence to America’s last hope for an “energetic Constitution.”248 Washington needed those letters as much as his nation needed him, for he had promised to retire and had to be sure the crisis sufficient to require him to break his promise.249 As the convention published the new Constitution to the States, Washington’s letters lent critical support to the fledgling government. The “Letters of His Excellency” provided the paving stones on the road from Washington’s resignation to his return to public life and his support for the Constitution.

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248 Letter from George Washington to James Madison, Nov. 5, 1786, 29 WRITINGS 52.
249 FREEMAN, supra note 142, at 75. Washington had “no other god before consistency and no code more compelling than courtesy.” Id.