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THE CONSTITUTIONAL THOUGHT OF JOHN ADAMS: THE SIGNIFICANCE OF THE PRE-PRESIDENTIAL WRITINGS

Paul S. Edwards*

Introduction

Most historians of the Early National Period agree that John Adams was "the most painstaking student of government, and the most widely read in political history of his generation," yet surprisingly little work has been devoted to his influence in framing the Constitution. Although absent from the Constitutional Convention, Adams was a prolific political writer. In his 1776 correspondence, Adams eagerly gave advice to southern statesmen who were reframing their state constitutions after the nullification of the colonial charters. One such letter, to George Wythe, was eventually published as the tract Thoughts on Government and was widely read and acclaimed as the most trenchant statement on republican government of the time. In 1779 he singlehandedly penned A Report of a Constitution or Form of Government for the Commonwealth of Massachusetts, which was adopted with very few changes as Massachusetts' state constitution, and remains the oldest functioning written constitution in the world. Finally, immediately preceding the convention of 1787, he completed the first volume of what would become a three-volume work entitled A Defence of the Constitutions of Government of the United States of America. The conservative thinker Russell Kirk said of

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Adams' political writing, "This body of political thought exceeds, both in bulk and in penetration, any other work on government by an American." Indeed, a thoughtful reading of the essential political documents of the period makes the framing of American government understandable only if we give more generous treatment to Adams' writings.

"Thoughts on Government"

Even before the Declaration of Independence was adopted, it was clear to the Continental Congress that the colonial governments, as established in the colonial charters, were in need of restructuring. According to eighteenth-century republican theory, government is no longer credible when it begins to coerce its citizens; and Adams had argued in his 1775 tract, Novanglus, that because of the tyrannies of England many of the colonies were theoretically without the protection of legitimate government. Adams had long felt, as did many New Englanders, that the American colonies, particularly those of New England, were directed by providence, and were therefore examples to the world of how the Commonwealth was to operate socially and politically. After the official nullification of colonial charters by the Continental Congress in May of 1776, the colonies were technically without government and some of the southern delegates to the Continental Congress turned to Adams for advice. A written plan given to George Wythe was eventually published by Richard Henry Lee, under the title Thoughts on Government. This pamphlet was intended, says Adams, to be "a battering-ram to demolish the royal government and render independence indispensable."

Thoughts on Government reaffirms many of the republican principles characteristic of the
revolution. First of all, it defines the republic as "an empire of laws, and not of men." Secondly, it states that the legislature should be an exact replica of the people, "It should think, feel, reason and act like them." Furthermore, the legislature should be bicameral, to guard against an arbitrary, unchecked, and potentially perpetual power. Thoughts on Government also expresses some liberal notions; for example, that happiness is the aim of good government and that the government should provide public education. Adams calls for annual elections in order to maintain "the great political virtues of humility, patience, and moderation, without which every man in power becomes a ravenous beast of prey." Finally, with these criteria in mind, he projects some admittedly tentative ideas about a continental constitution.

It is difficult to assess the influence of a document retrospectively, but Thoughts on Government was unquestionably the focus of much attention during the reorganization of state governments. The Virginia Convention of 1776 was especially influenced by Adams' pamphlet. Thomas Paine, an influential member of that convention, wrote a letter complimenting Adams for Thoughts. Furthermore, Paine delivered a spirited attack against Carter Braxton when Braxton criticized Thoughts on the floor of the convention. The constitution proposed for Virginia by George Mason was, in many instances, taken verbatim from Adams' pamphlet; and it was Mason's proposal which was eventually incorporated as the Virginia Bill of Rights. In its final form, the Virginia Constitution of 1776 followed the plan presented in Adams' Thoughts. As Julian Boyd asserts, although no single person is responsible for the Virginia Constitution of 1776, Adams' influence is unmistakable.

In North Carolina, New Jersey, and New York, there is evidence that Adams was widely
read and admired as many of his suggestions found their way into these constitutions. After reviewing many of the new constitutions, Adams wrote to James Warren: "... I am amazed to find an Inclination So prevalent throughout all the Southern and middle Colonies to adopt Plans, so nearly resembling, that in the Thoughts on Government." In his own Massachusetts, Thoughts would help overturn the proposed Constitution of 1778, an episode discussed later.

The most significant contribution of Thoughts on Government to the discussion of republicanism was that it emphasized, more than anything previously, the relationship between liberty and strong constitutions. When Adams wrote, "as the divine science of politics is the science of social happiness, and the blessings of society depend entirely on the constitutions of government ... there can be no employment more agreeable to a benevolent mind than a research after the best," he essentially created American constitutionalism: the conscious quest for the best form of government. Adams, a master of legal and political thought, asked American statesmen to give practical effect to the lessons of history and philosophy.


Massachusetts had effectively operated without a charter for more than a year when, on May 15, 1776, the Continental Congress resolved that "the exercise of every kind of authority under the crown should be suppressed." So, unlike most colonies which felt compelled to immediately reorganize their government, the Massachusetts assembly waited until September to choose a committee to draw up a plan of government. It was not until May of the following year that the assembly received the approval of the people to continue with their
constitution. The resulting constitution of 1778 was rejected by the few citizens who did, in fact, vote. It mixed the judicial, legislative and executive powers, provided no bill of rights, and seemed, to most, hastily conceived. The lack of balance between the three forms of government, one of Adams' primary concerns in Thoughts, was one of the main reasons that it was not approved. This aborted effort in constitutionalism, however, was far from fruitless. The debate over the 1778 constitution produced one of the masterpieces of American political writing, The Essex Result.

Penned by a young lawyer, Theophilus Parsons, The Essex Result was a petition of a delegation from Essex County who opposed the Constitution of 1778. Therein, Parsons gives a clear statement of constitutional ideals. It is interesting to note that in many ways he echoes Adams' Thoughts on Government, particularly when addressing the issue of representation in the legislature:

The rights of representation should be so equally and impartially distributed, that the representatives should have the same views, and interests with the people at large. They should feel, and act like them, and in fine, should be an exact miniature of their constituents. They should be (if we may use the expression) the whole body politic, with all its property, rights, and privileges, reduced to a small scale, every part being diminished in just proportion.

Most of Parsons' criticisms of the proposed constitution were found originally in Adams' Thoughts. Parsons believed that the proposed constitution lacked separation and balance of powers. Like Adams, Parsons accentuated the importance of constitutionalism, and one of his
most significant contributions to the discussion was his concern for the way in which constitutions should be written. Rather than a committee of the legislature, Parsons believed that a constitution should be written by an impartial, judicious and unambitious master of political history.

It would be difficult to represent Adams as unambitious, but of all the geniuses of the Founding Era, Adams was "blessed with qualities which genius too often lacks: industry, chastity, absolute honesty, and piety." As we have already indicated, Adams was as well-acquainted as anyone with the history of constitutions. Speaking specifically of Adams' role in writing the Massachusetts Constitution, one historian wrote:

John Adams, now forty-three years old, was undoubtedly the greatest expert on constitutions in America, if not in the world. . . . Since his college days he had studied constitutions, ancient and modern, had read almost every book every written on political theory, in the English, French, Latin and Greek languages; and, what is more, he had thought deeply about politics.

This assessment, though flattering, was probably shared by most of Adams' colleagues. It was precisely because of his expertise that Adams was chosen in 1779, along with James Bowdoin, and Adams' cousin Samuel, to draft a new constitution for Massachusetts. Ultimately, John Adams worked alone on the task, singlehandedly writing The Report of a Constitution as presented to the Massachusetts Convention. In convention, the language and integrity of Adams' text was overwhelmingly maintained, and the Constitution of the Commonwealth of Massachusetts has become the oldest functioning written constitution in history.
With The Report of a Constitution, Adams made perhaps his most significant contribution to constitutionalism. In writing this text, Adams benefited from Massachusetts' inability to agree on a constitution, having extra time to retrospectively consider the pros and cons of the other state constitutions. He had a wealth of political tracts, such as The Essex Result, to consult. Working alone, he was not restricted by the need for compromise and political efficacy. Faithful to the ideal of eighteenth-century compact theory, the proposed constitution derived its power from the consent of the people. It called for a distinct separation of powers, with a strong, independently elected governor. Furthermore, it provided a lengthy bill of rights, mandated annual elections, and outlined liberal suffrage requirements, which, unlike those of some states, were identical for all elections. An entire chapter of the proposed constitution was devoted to maintaining Harvard University, and encouraging public education, literature, arts, and sciences. Also, a distinction was made between representatives, senators and the governor regarding property requirements for office; and an oath of office affirming that the official was Christian was mandated. The proposed constitution became the model of republican government in the American states.

For example, the New Hampshire Constitution of 1776 was a very short declaration of intent to form a state government following the nullification of charters. The document itself had very little "architecture," and was eventually abandoned in 1784 for a more solid constitution. The New Hampshire Constitution of 1784, interestingly enough, is nearly identical, in its organization and content, to the Massachusetts Constitution of 1780.22

The Massachusetts Constitution was noticeably different from the other early state
constitutions. Rhode Island and Connecticut continued to operate under their colonial charters into the nineteenth century. The Delaware Constitution of 1776 had no explicit Bill of Rights, had a weak legislature, and was little more than a listing of articles. North Carolina and New Jersey likewise drafted constitutions containing short lists of articles.

The most complex of the early constitutions were those of Pennsylvania and Virginia. The Pennsylvania Constitution of 1776 included a distinct Bill of Rights; but once again, as a text it was merely a listing of principles and strictures. Its unicameral legislature and its weak executive both proved ineffective, requiring the constitution to be replaced shortly after ratification of the Federal Constitution. The Virginia Constitution was significant in a number of ways. For example, it listed many of the grievances against King George III which Jefferson later incorporated into the Declaration of Independence. Despite the fact that, like the constitutions of North Carolina and New Jersey, the text is not well organized and subdivided, it became the model for the 1777 constitutions of New York and Vermont. The distinct influence that Adams' Thoughts on Government had on the Virginia Constitution should be remembered.

Obviously, although the early state constitutions all attempted to carefully organize government, often the texts themselves lacked organization and coherence. Frequently, they were no more than lists of articles within a superficial ordering. John Adams' constitution, however, was a highly organized text, divided into lengthy chapters; one for the rights of the people, another for the structure of the legislature, one for the duties of the governor, and another for the organization of the courts.
The attempt here is not to review the pros and cons of the individual state constitutions, but rather to strengthen our understanding of the importance of Adams in the discussion of constitutionalism. The Federalist states clearly that the Federal Constitution borrowed heavily from the state constitutions. We have already established that Adams made a significant contribution to many individual state governments with his pamphlet Thoughts on Government, suggesting that his thought, however filtered, was important in the eventual shaping of the Federal Constitution. More importantly, however, it is probable that the Massachusetts Constitution, an embodiment of Adams' thought, was the primary state constitution consulted by the delegates to the Constitutional Convention of 1787.

Much of the structure and language of the Massachusetts Constitution is echoed in the Federal Constitution. The Massachusetts Constitution was the first state constitution to include a preamble explaining the text as a compact of civil government. The Preamble carefully explains that

The end of the institution, maintenance [sic], and administration of government is to secure the existence of the body politic; to protect it, and to furnish the individuals who compose it with the power of enjoying, in safety, and tranquility, their natural rights and blessings of life; . . . We, therefore, the people of Massachusetts . . . for ourselves and our posterity . . . do ordain and establish . . . the CONSTITUTION OF THE COMMONWEALTH OF MASSACHUSETTS.

In The Federalist, the Massachusetts Constitution was acclaimed for its statement of separation of powers. In fact, The Federalist frequently
complemented the Massachusetts Constitution, and often admits that the Convention borrowed directly from it.

However, the most significant contribution of the Massachusetts Constitution to the federal model was the structure or organization of the document itself. Adams' constitution divided the discussion of the enumeration of powers into chapters. Articles I, II and III of the Federal Constitution correspond unmistakably with chapters I, II and III of the Massachusetts Constitution in structure and language. So in many respects, the Massachusetts Constitution, written by Adams, made a major contribution to the discussion of republican government and constitutionalism during the era of the framing of the United States Constitution.

"A Defence . . ."

Before his Massachusetts Constitution of 1780 was ratified, John Adams found himself in Europe, negotiating treaties with European powers for the Continental Congress. During his years as a foreign minister, Adams involved himself in the European discussion of political thought, meeting many of the principal theorists of the day. The activity of Adams, Jefferson, and Franklin, the first American ministers in Europe, is a fascinating, and often neglected story. America was being watched closely by European theorists, particularly the French, and therefore the role that the American ministers played in promulgating ideas in Europe was significant. These American revolutionaries were the celebrities of their day. When the discussion in Europe turned to republicanism, America and her ministers came under closer scrutiny of European intellectuals.
During the 1780s, France was characterized by a growing concern for reform and French intellectuals sought new political ideas. However, the categories of the discussion were already delineated before the arrival of the Americans. Some thinkers were particularly fascinated with the English experiment, and were known as anglophones. The philosophes, on the other hand, sought radical change. The debate was vigorous, and in this arena of intellectual exchange, the ideas of America's ministers were pushed to their theoretical foundations. Franklin, constantly infatuated with new ideas, became a favority of the philosophes. Adams, steeped in the history of the British tradition, and intimately acquainted with the importance of precedence from his twenty years of law practice, clearly identified with the anglomanes. Jefferson, traditionally characterized as having a love for the radical French, probably preferred the English tradition to the new French thought, but was politic enough to find himself counted in both camps.

Adams, from his youth, had been distrustful of complete reliance on philosophy in framing government. He believed that appeals to history were the best proof of "the good" in political life. He was particularly upset when he read a letter from French minister Turgot to Dr. Richard Price in 1778, as published in 1786. Turgot was critical of the American state constitutions, calling them "an unreasonable imitation of the usages in England." Turgot promoted a unicameral legislature as the ideal government, and from among the American state constitutions he found only Pennsylvania's to be tolerable.

Adams was infuriated. It could be construed that Adams took this criticism as a personal assault, considering his intimate connection with the Massachusetts Constitution. However, the anger was more than personal. Adams was afraid that the American states were in grave danger of
accepting the untested notions of the philosophes. Turgot's letter was published while Adams was receiving news of huge debts, Shay's Rebellion, the organization of the Society of Cincinnati and plans for a continental constitution. He feared for the political fabric of his state, and the Confederation. So in October of 1786, Adams began to furiously write Defence, subtitled "Against the attack of M. Turgot, in his letter to Dr. Price."

Adams worked at a feverish pace for months, writing lengthy comments on histories and philosophical treatises. Defence is essentially an anthology of the histories and treatises dealing with republics that Adams had discovered in his research, combined with his own commentaries. Characteristic of the period, notions of twentieth century documentation are absent. Adams quoted page after page, interspersed his own piquant commentary, never bothering to credit anyone but himself.

Adams' intent was to convince, and in his opinion, only history could verify his arguments. Unfortunately, historical narrative obscures Adams' argumentation. What ultimately comes across to the reader is an ill-constructed collage that obscures the two principles that Adams originally tried to convey. The first of these principles states that it is the nature of men to pursue power and recognition. In the process, some citizens rise above others. The government that fails to recognize and guard against this natural tendency toward natural aristocracy and monarchy, says Adams, is doomed to degenerate into oligarchy or tyranny. Secondly, Adams claims that the only method of preventing this degeneration and securing liberty for the people is to admit this tendency in man, and balance it within the government. These were not new ideas. They composed the classical understanding of the forms of government as employed in the
British Constitution and as defended by Whig theoreticians, particularly the Swiss political theorist De Lolme. Yet because of the unclear nature of this book, this was not how Adams would be understood.

At the time that Adams worked through Defence, he corresponded frequently with Jefferson, who was the minister to France. Jefferson, well aware of the contemporary European debates in political science, was pleased with Adams' book. In a letter to Adams he wrote, "I have read your book with infinite satisfaction and improvement. It will do great good in America. It's [sic] learning and it's [sic] good sense will I hope make it an institute for our politicians, old as well as young." Jefferson immediately sought to have Adams' work translated into French since it was, in many ways, written to the French philosophes.

In America, however, the work received critical reviews. Adams was so steeped in the European debate that his arguments rang foreign in the ears of his compatriots. Instead of being read as a defence of the underlying principles of American republicanism, Defence was seen as a call for a return to the British form of government. In a letter to Thomas Jefferson, James Madison wrote of the book's implications for proceedings at the Constitutional Convention:

Mr. Adams' Book which has been in your hands of course, has excited a good deal of attention. An edition has come out here and another is in the press at N. York. It will probably be much read, particularly in the Eastern States, and contribute with other circumstances to revive the predilections of this Country for the British Constitution. Men of learning will find nothing new in it. Men of
taste many things to criticize. And men without either not a few things, which they will not understand. 35

A typical commentary on Defence was written by a Williamsburg cleric who expressed his "concern" for Adams' well-being:

I fear his Optics have been too weak to withstand the Glare of European Courts. Their Air may have corrupted the plain Republican, & lest he should be farther Mortified, I think Congress wd. do well, to give him as speedily as possible, the oppy. of breathing once more the purer American Air. 36

However, not all Americans were opposed to Defence. Benjamin Rush, a delegate to the constitutional convention, commented, "Mr. Adams' book has diffused such excellent principles amongst us that there is little doubt of our adopting a vigorous and compounded Federal Legislature." 37 Richard Henry Lee wrote to Adams:

The Judicious collection that you have made, with your just reflections thereon, have reached America at a great crisis, and will probably have their proper influence in forming the foedral [sic] Government now under consideration. Your Labour may therefore have its reward in the thanks of this and future generations. 38

Adams himself was never optimistic about the popularity and influence his work would have. He recognized that its hasty construction left much to be desired. In a letter to Jefferson he wrote, "The approbation you express in general of my poor Volume, is a vast consolation to me. It is a hazardous Enterprise, and will be an
unpopular Work in America for a long time." Adams felt that the need for his honest opinions should outweigh concerns for his own popularity. He wrote a similar expression to Franklin: "If it is heresy, I shall, I suppose, be cast out of communion. But it is the only sense in which I am or ever was a Republican, and in such times I hold the concealment of sentiments to be no better than countenancing sedition." It is significant to note that Adams considered Defence to be a republican treatise, in accordance with his previously held ideas. Adams was afraid that Americans had begun to stray from their foundations. He never expressed that he had strayed from his own.

However, the pamphleteering that greeted the publication of Defence in America was evidence that Adams had indeed been misperceived. These polemical tracts portrayed Adams as disloyal to American ideals, favoring instead monarchy and aristocracy. A widely circulated pamphlet by John Stevens forged opinion against Adams with its stirring language:

Is the cause of human nature to be thus abandoned? Must the aetherial spark of liberty, which has been so ready to kindle into flame in the human breast be suffered to expire? No, my fellow countrymen! Let us make one more generous effort in favour of human nature; let us endeavor to risque her from the opprobrium which these writers have cast upon her.

Oddly enough, many historians have continued somewhat in this vein, claiming that Adams underwent a change in ideology while in Europe. Joyce Appleby speaks of the "well known changes in Adams' political philosophy," asserting that he promoted republican principles in 1780, but that
by 1787 he had become a defender of English mixed monarchy.

Such claims, however, fail to make a coherent understanding of the text of Defence. As Robert Palmer contends, if anything, Defence is an illustration of Adams' long-founded fear of aristocracy. In their correspondence regarding Defence, Adams wrote to Jefferson: "We agree perfectly that the many should have a full, fair and perfect Representation.—You are [sic] Apprehensive of Monarchy; I of aristocracy... You are afraid of the one—I the few." Adams was fearful that if the American states were to adopt a unicameral legislature, eventually the elites of society would usurp the power of the true representatives of the people, and America would become subject to the aristocratic squabbles that characterized European politics. Accordingly, the purpose of Defence was to reveal the failure of European states to recognize this tendency towards a powerful aristocracy. Furthermore, Adams suggested that structural safeguards such as a representative assembly and a strong executive would ensure liberty through balance in government.

Adams saw that the theories behind the English Constitution, especially as explained by De Lolme, had proven to be the most effective in securing this important structural balance in government, and hence, in securing liberty. We can trace the misunderstanding of the intent of Adams' Defence to this point. When he wrote, "I only contend that the English Constitution is, in theory... the most stupendous fabric of human invention," many seem to have read in fact. When he wrote, "The rich, the well-born, and the able acquire an influence among the people that will soon be too much for simple honesty and plain sense in a house of representatives," many assumed he was criticizing representative democracy, and failed to see that Adams
considered the creation of a senate necessary to "ostracize" the powerful, and limit their influence in the government.  

Given that Adams' book was composed of three volumes, we might justifiably wonder how many people read it carefully. Jefferson's initial attempts to have *Defence* translated into French failed because many thought it to be merely a lengthy parroting of the well-known histories of the day. On the other hand, John Stevens' twenty-page criticism of Adams was translated quickly into French, published with a lengthy and favorable commentary, and widely read during the early years of the French Revolution. In America as well, problems arose in publishing such a lengthy book concerned with a European debate that was unknown to most Americans. Indeed, it seems that the book's chance for fair and objective criticism was doomed from the beginning.

Like many others, the historian Gordon S. Wood blames the "irrelevance" of *Defence* on Adams' esteem for British constitutional theory. Wood claims that Adams continued stubbornly in the tradition of the British Constitution, while Americans in general had revolutionized the concept of republicanism. Wood contends that Adams was never able to appreciate these "breakthroughs" in American political thought. Wood's study is one of the most extensive and respected analyses of Adams' political works. Wood clearly reveals Adams' consistent adherence to British principles, and carefully examines the essential documents as he puts together his understanding of Adams. However, he is unfair in classifying Adams as irrelevant and old-fashioned. We have already seen that many of the principles that Adams espoused during the Revolution were influential in framing the Constitution. Wood's greatest problem, though, is his underlying trust in progress. By classifying
Adams' ideas as "superannuated" and "old fashioned," while labeling mainstream American political thought as innovative, Wood marshals his language to disparage Adams' contribution. It is obvious that Wood feels he has adequately dealt with Adams, and that we can now leave his ideas behind.

However, Adams was not without an audience. The very fact that Adams was debated shows that the ideas of Defence were relevant to the contemporary discussion of constitutionalism. Granted, they expressed a conservative point of view, but one that even Wood admits dominated the rhetoric of the Revolution.

Conclusion

The Founding of the United States is one of the most intriguing eras of history. Our collective understanding of the founding of our nation shapes our current attitudes about national life. Obviously, hundreds of individuals helped to craft our institutions when in their nascent state, and to attribute much significance to one individual demands a weighty burden of proof. The claims in this paper are not absolute, but they do suggest a need to reevaluate our understanding of the Founding by looking more closely at the texts of John Adams. As this study has revealed, his contribution to early American constitutionalism was more significant than many have previously imagined. Robert A. Rutland, an historian and editor of early American documents, has suggested that in the writings of the principal contributors to early American political thought we have one of our greatest national resources. He makes a strong and specific plea for historians to grapple with the miles of microfilmed documents in the Adams Collection. I echo his plea. I suggest that these works have the possibility not only of
strengthening the understanding of our origins, but also of aiding us in our discussions of current constitutional issues.
ENDNOTES


6. Ibid., 4:194.


8. Ibid., 4:197.


10. Ibid., 4:69.


12. Ibid., 1:337.


Theophilus Parsons, "The Essex Result," in American Political Writing during the Founding Era, ed. Charles S. Hyneman and Donald S. Lutz, Indianapolis: Liberty Press, 1:497. Compare with Adams' statement that the legislature "should be in miniature an exact portrait of the people at large. It should think, feel, reason, and act like them . . . it should be an equal representation, or, in other words, equal interests among the people should have equal interests in it." Adams, Works, 4:195.

Kirk, The Conservative Mind, p. 75.


Ibid., 1:562-68.
24 Ibid., 5:2594-98, 2787-94.
26 Ibid., 5:2623-38, 3737-49.
30 This is a significant point. The Federalist was written to convince New Yorkers to ratify the Constitution. The fact that the authors were willing to make appeals to other state constitutions for support, at a time when state distinctions and rivalries were still quite pronounced, reveals a real trust in those constitutions as supports to their arguments. See in particular The Federalist, ed. Cooke, pp. 464, 499, 531 and 544. The primary topic addressed is the negative of the executive or the veto. Adams favored an absolute negative for an annually elected executive. In the Massachusetts Convention the absolute negative provided for by Adams was changed to an executive veto, subject to override by a two-thirds vote of both houses, and agreed to and supported by Adams at that time. Adams' later writings reveal, however, that he considered that absolute negative an essential element of republican government. See Adams, Works, 4:231n.
31 Adams, Works, pp. 230-56.

Adams, Works, 4: 279.


Ibid., 10: 44. Original spelling preserved.


44 Jefferson, Papers, 12:396.


46 Ibid., 4:290-91.


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