45. *On Making Constitutions*

To Richard Rush

*Quincy, May 14, 1821*

I have been tenderly affected by the kind expressions of your friendship, in your letter of the 9th of February.

In the course of forty years I have been called twice to assist in the formation of a constitution for this State. This kind of architecture, I find, is an art or mystery very difficult to learn, and still harder to practise. The attention of mankind at large seems now to be drawn to this interesting subject. It gives me more solicitude than, at my age, it ought to do; for nothing remains for me but submission and resignation. Nevertheless, I cannot wholly divest myself of anxiety for my children, my country, and my species. The probability is that the fabrication of constitutions will be the occupation or the sport, the tragedy, comedy, or farce, for the entertainment of the world for a century to come. There is little appearance of the prevalence of correct notions of the indispensable machinery of a free government, in any part of Europe or America. Neither Spain, Portugal, or Naples can long preserve their fundamental laws under their present constitutions. But I must recollect that I am not reading a lecture.

But, hazardous as it may be, I will venture one remark upon our national and state institutions.

The legislative and executive authorities are too much blended together. While the Senate of the United States have a negative on all appointments to office, we can never have a national President. In spite of his own judgment, he must be the President, not to say the tool, of a party. In Massachusetts, the legislature annually elect an executive council, which renders the Governor a mere Doge of Venice, a mere "testa di legno," a mere head of wood.

Strait is the gate and narrow is the way that leads to liberty, and few nations, if any, have found it.