

*'Brutus' and 'Cato' Unmasked:
General John Williams's Role
in the New York Ratification
Debate, 1787-88*

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THE OPPONENTS OF THE 1787 Philadelphia Constitution, unluckily nicknamed 'Anti-Federalists,' were long seen as 'men of little faith' or downright losers.¹ In recent years, however, they are as likely to be commended for their defense of decentralized government, limits on the executive and judiciary, and civic virtue than to be dismissed for having too little courage or foresight.² However, we still know relatively little about them. Political scientists and historians have expended a great deal of effort figuring out the authorship of individual Federalist papers, but less has been devoted to attributing Anti-Federalist work. Now that the Anti-Federalists are receiving their due as thinkers and political actors, it seems appropriate to determine, as best we can, who the men and women were who penned

1. See, for example, Cecelia Kenyon, 'Men of Little Faith: The Anti-Federalists on the Nature of Representative Government,' *William and Mary Quarterly*, 3d ser. 12 (January 1955): 3-43.

2. For a thorough review of recent scholarly work on the Anti-Federalists, see Saul Cornell, *The Other Founders: Anti-Federalism and the Dissenting Tradition in America, 1788-1828* (Chapel Hill: University of North Carolina Press, 1999), 1-15.

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the strongest arguments against 'a more perfect Union.' In this spirit, I devote the following pages to gathering and assessing the authorship evidence for two famous sets of Anti-Federalist essays from the New York ratification debate of 1787-88.

New York was a pivotal state in the contest over ratification. All three members of the state's delegation had left the Philadelphia convention in disgust: Alexander Hamilton for being continually outvoted by his fellow New Yorkers, and Robert Yates and John Lansing for believing the convention was going beyond its mandate. In the end, only Hamilton signed the document, a fact that did not bode well for its acceptance back in New York. To make matters worse, the state's governor, George Clinton, was opposed to the document, and the Anti-Federalists secured an overwhelming majority of seats in the June 1788 ratifying convention. Although eight states (Connecticut and Massachusetts to the east; Pennsylvania, New Jersey, Delaware, Maryland, South Carolina, and Georgia to the south) had already ratified by the time the New York convention opened—and although New Hampshire, as the ninth state, brought the union into official existence when it ratified on June 21—the New York Anti-Federalists did not capitulate. They knew that the new union desperately needed New York, much as it needed Virginia, but that the union's benefits to New Yorkers were less certain. Blessed with a first-class commercial city, a large and productive population, and easy communication with the interior via the Hudson and Mohawk Rivers, New York might be better off on its own than as a subsidizer of weaker states in a national union. Not even news of Virginia's June 25 ratification made New York's approval automatic. It would still be a month before a bare majority (30-27) could be scraped together to approve the constitution. A switch of two delegates would have placed an enormous wedge between New England and the rest of the states, rendering the union far less effective and far more prone to outside manipulation.

Because the contest in New York was so vital and close, the public debate in the months leading up to the ratifying convention

was rich and varied. In this debate, conducted mostly under pseudonyms in widely circulated Manhattan newspapers, the essays of 'Cato' and 'Brutus' played a prominent role. Cato, who published his first letter in September 1787, was the first New York Anti-Federalist in print, and he provoked a number of Federalist responses. Brutus's essays, which began appearing in October 1787, contain one of the best and most influential expressions of the Anti-Federalist position. The authorship of these sets of essays was seemingly unknown to contemporary readers, and it has continued to baffle generations of historians.

I believe that I have found the solution to the authorship question. I contend that John Williams, an important political leader from Salem, New York, wrote both the Cato and the Brutus essays. While the evidence in favor of Williams's authorship is not conclusive, it is considerably stronger than the evidence supporting any other attribution. My argument centers on the remarkable similarities—which I discovered quite by accident, in the course of researching a different project—between Williams's speeches in the New York ratifying convention and the texts of both Brutus and Cato. Joined with a collection of corroborating evidence, these similarities provide firm support for a Williams attribution.

In linking John Williams to Cato and Brutus, I am aware of the dangers of making attributions without incontrovertible evidence. False attributions can mislead subsequent scholars and distort our understanding of important events. However, when authorship evidence is newly discovered and reasonably compelling—as in this case—publicizing it is worth the risk. This is especially true because ill-founded but widely accepted attributions for Cato and Brutus have already clouded our view of the ratification period. Even if some readers find my Williams attribution unpersuasive, I hope at least to convince them that the other attributions for Cato and Brutus rest on significantly less—and often no—evidence. It would be far better to refer to these essays simply by their pseudonyms than to continue misattributing

them. With this caveat in place, I shall proceed with the double detective story, identifying suspects and weighing the evidence. After ruling out the other Cato and Brutus suspects and developing the case for John Williams's authorship, I discuss the implications of my attribution for our understanding of the power dynamics of Anti-Federalism, including the role of rural political leaders in shaping the Anti-Federalist agenda.

The Disputed Authorship of Cato and Brutus

The first of Cato's seven letters appeared in the *New York Journal* on September 27, 1787. In this letter Cato strikes a cautious tone, claiming neutrality and urging his readers to 'deliberate [on the new government] with coolness . . . and reflect on it with candour.' Every man must think for himself, Cato insists, and must not let reverence for George Washington impair his judgment. Throughout his remaining essays, Cato emphasizes the virtues of small republics, highlighting how the constitution would consolidate too much authority in the national government, place too few checks on the president and senate, provide inadequate popular representation, necessitate an oppressive standing army, encourage the love of luxury and self-advancement, and lead to oppressive taxes upon farmers and the poor. (Interestingly, although his first letter came out just five days after the *New York Independent Journal* printed the proposed constitution, Cato does not mention specific features of the constitution until a month later, in his fourth letter.³) Cato inspired many Federalist replies, including sharp *ad hominem* attacks from 'Caesar.'⁴ Proof of the series' lasting influence can be seen in *Federalist* 67, in which Hamilton provides a lengthy rebuttal of Cato's four-month-old, fifth letter.⁵

The sixteen letters of Brutus, published in the *New York Journal* between October 1787 and April 1788, are generally considered

3. Herbert Storing, ed., *The Complete Anti-Federalist*, 7 vols. (Chicago: University of Chicago Press, 1981), 2: 103 n.1.

4. Caesar, Letters 1 and 2, *New York Daily Advertiser*, October 1 and 17, 1787.

5. Publius, *Federalist* 67, *New York Daily Advertiser*, March 17, 1788.

some of the best Anti-Federalist essays.⁶ Like Cato, Brutus opens in a conciliatory manner, promising an even-handed analysis of the proposed constitution. Hardly a firebrand, Brutus writes powerfully but judiciously about a wide range of issues, stressing the difficulty of establishing a free republic across vast territory, the constitution's inadequate scheme of representation, the dangers of a standing army, the likely collusion between the president and senate against the interests of the people, the legislature's tendency to impose harsh taxes, and the excessive power granted to the judiciary. Brutus's arguments had a significant impact on the ratification debate in New York, setting the agenda for many of the *Federalist* essays, including James Madison's famous number 10.⁷ Another Federalist, Pelatiah Webster, devoted an entire, long essay to refuting Brutus's first letter.⁸

Many scholars have accepted Paul Leicester Ford's 1892 attribution of Cato to Governor George Clinton.⁹ However, as Linda Grant De Pauw has shown—and as I contend—there is very little evidence for the Clinton attribution (see Table 1). DePauw's candidate is Abraham Yates, Jr., a New York state senator and essayist, but the evidence she provides is also far from convincing (see Table 2).

6. Storing, ed., *Complete Anti-Federalist* 2: 103. For additional scholarly praise of Brutus's abilities, see the citations in Emery G. Lee III, 'Representation, Virtue, and Political Jealousy in the Brutus-Publius Dialogue,' *The Journal of Politics* 59 (November 1997): 1075; and William Jeffrey, Jr., 'The Letters of "Brutus"—A Neglected Element in the Ratification Campaign of 1787–88,' *University of Cincinnati Law Review* 40 (no. 4, 1971): 643.

7. See, for example, Jeffrey, Jr., 'Letters of Brutus'; Lee III, 'Brutus-Publius Dialogue'; and George W. Carey, *The Federalist: Design for a Constitutional Republic* (Urbana: University of Illinois Press, 1989), 138–41. One recent edition of the *Federalist* contains the complete essays of Brutus (Alexander Hamilton, James Madison, and John Jay, *The Federalist: With Letters of Brutus*, ed. Terence Ball [Cambridge: Cambridge University Press, 2003]).

8. Pelatiah Webster, 'The Weakness of Brutus exposed: or, some Remarks in Vindication of the Constitution,' in Paul Leicester Ford, ed., *Pamphlets on the Constitution of the United States* (Brooklyn, 1888), 119–31.

9. Paul Leicester Ford, ed., *Essays on the Constitution of the United States Published During its Discussion by the People, 1787–1788* (Brooklyn, 1892), 245; E. Wilder Spaulding, *His Excellency George Clinton: Critic of the Constitution* (New York: The Macmillan Company, 1938), 173; Jacob E. Cooke, 'Alexander Hamilton's Authorship of the "Caesar" Letters,' *William and Mary Quarterly*, 3d ser. 17 (January 1960), 79 n.4; John P. Kaminski, *George Clinton: Yeoman Politician of the New Republic* (Madison, Wis.: Madison House, 1993), 131, 309 n.45, 310 n.47; Storing, ed., *Complete Anti-Federalist* 2: 103.

Table 1. The Evidence for George Clinton's Authorship of Cato

Parentetical references are to the scholars making each point.

Evidence of Authorship	Strength of Evidence
1. Cato was 'commonly ascribed . . . [to] Clinton in the press of the day' (Ford).	Only one vague newspaper item possibly suggests a link to Clinton (Storing). All other references to Cato either suggest no particular author or point away from Clinton (De Pauw).
2. In a now missing copy of a letter, Alexander Hamilton identified 'the chief of the state party' as declaring his opposition to the constitution 'in print' (Ford).	Even if this was actually a copy of a Hamilton letter, and was referring to Cato, we still do not know to whom 'the chief of the state party' refers (De Pauw). In addition, it appears that Hamilton believed Clinton was <i>not</i> Cato's author (Cooke).
3. Cato stopped writing in January 1788, just as the New York legislature began meeting. As governor, Clinton would have been too busy, at this point, to write further (Ford).	The argument about being too busy to write applies equally well to the other participants in the legislative session, including Abraham Yates (De Pauw) and John Williams.
4. Clinton was capable of writing Cato, with whom he shared beliefs (Storing, Kaminski). Also, neither Clinton nor his partisans 'disclaim[ed] his authorship' (Kaminski).	Clinton was hardly an eager scholar, and <i>never wrote anything else for print</i> , whereas Cato's letters are full of references to major thinkers (De Pauw). Cato's ideas are also consistent with those of Yates and Williams—both of whom were eager scholars, and neither of whom denied writing Cato.

5. 'Examiner' and 'Curtius' criticized Cato for rejecting the constitution before he had read it. They must have had Clinton in mind, since he allegedly opposed the Philadelphia convention as early as July 1787 (Kaminski). In his second letter, Cato argues that the Philadelphia convention exceeded its authority and produced a document that, despite any merits it might have, was *prima facie* unjust. Examiner and Curtius could easily have written what they did without any knowledge of Cato's author, since Cato had already admitted to prejudging the constitution.
6. A newspaper item mentioned both 'Cato' and 'Rough Hewer' being present at the January 1788 legislative session. Since Yates was Rough Hewer, the way is clear for Clinton to be Cato (Kaminski). This is strong evidence against Yates' authorship of Cato, but Cato could still be anyone else present at the legislative session—including not only Clinton, but also Williams.

Sources: Paul Leicester Ford, ed., *Essays on the Constitution of the United States Published During its Discussion by the People, 1787-1788* (Brooklyn, 1892), 245; Herbert Storing, ed., *The Complete Anti-Federalist*, 7 vols. (Chicago: University of Chicago Press, 1981), 2: 102-3; Linda Grant De Pauw, *The Eleventh Pillar: New York State and the Federal Constitution* (Ithaca: Cornell University Press, 1966), 285-90; Jacob E. Cooke, 'Alexander Hamilton's Authorship of the "Caesar" Letters,' *William and Mary Quarterly*, 3d ser., 17 (Jan. 1960), 78-85; John P. Kaminski, *George Clinton: Yeoman Politician of the New Republic* (Madison, Wis.: Madison House, 1993), 131, 309 n.45, 310 n.47.

None of the evidence ties Cato to either Clinton or Yates by name. Some of it, while not excluding Clinton and/or Yates as suspects, nonetheless is too vague to exclude other Anti-Federalists from consideration. The remaining evidence suggests that the authorship of Cato resides elsewhere.

There is even less evidence for Brutus's authorship than for Cato's. Scholars have advanced various suspects, including Thomas Treadwell, Robert Yates, Melancton Smith, and Abraham Yates,

Table 2. The Evidence for Abraham Yates, Jr.'s Authorship of Cato

Paranetical references are to the scholars making each point.

Evidence of Authorship	Strength of Evidence
1. Although a prolific essay writer, Yates apparently published nothing between mid-October 1787 and early February 1788. Perhaps he was writing as Cato during that period (De Pauw).	This is possible, but far from conclusive. In addition, at least one scholar finds Cato 'far more lucid' than Yates's 'Rough Hewer' and 'Sidney' (Storing). Furthermore, an item in the Lansingburgh <i>Northern Centinel</i> mentioned both 'Cato' and 'Rough Hewer' being present at the January 1788 legislative session—thus implying that Yates was not Cato (Kaminski).
2. Yates was too busy in the New York Senate during January 1788 to write essays, thus explaining Cato's sudden end (De Pauw).	As with Ford's similar point regarding George Clinton, this argument could apply to any number of New York legislators, including John Williams.

Jr., but the support for each of these attributions is weak (see Table 3). Contemporaries also mentioned Richard Henry Lee, George Clinton, and John Jay as possible authors.¹⁰ However, no evidence has surfaced for either Lee's or Clinton's authorship, and Jay's involvement with the early numbers of 'Publius' certainly excludes him from consideration. As the tables accompanying this article illustrate, the ground is clear for establishing a fresh attribution, based on firm and substantial evidence, for each of the essay series.

10. John P. Kaminski, et al., eds., *The Documentary History of the Ratification of the Constitution*, 21 vols. to date (Madison: State Historical Society of Wisconsin, 1976-), 13, CC: 178.

3. The letter excerpted below 'suggests that Yates was engaged in writing a series of articles in January' (De Pauw).

'I have inclosed a Boston paper of the 2[7th?] containing some of the proceedings of their Convention. It would be of no avail to publish them here—with you the sentiments may be of use—when the Business comes to be taken up by you' (Abraham G. Lansing to Yates, January 31, 1788).

Given the timing, Lansing was surely referring to the state legislature's upcoming consideration of the constitution, not a 'series of articles' written by Yates. Indeed, the New York Senate took up 'the Business' on February 1, agreeing to pass the constitution along to the people of the state.

Sources: Linda Grant De Pauw, *The Eleventh Pillar: New York State and the Federal Constitution* (Ithaca: Cornell University Press, 1966), 290–91; Herbert Storing, ed., *The Complete Anti-Federalist*, 7 vols. (Chicago: University of Chicago Press, 1981), 2: 102–3; John P. Kaminski, *George Clinton: Yeoman Politician of the New Republic* (Madison, Wis.: Madison House, 1993), 131, 309 n.45, 310 n.47; Abraham G. Lansing to Abraham Yates, January 31, 1788, Abraham Yates, Jr., Papers, New York Public Library.

John Williams as Cato and Brutus: Preliminary Considerations

John Williams, my candidate for the authorship of Cato and Brutus, was an influential but now nearly forgotten Anti-Federalist leader. Williams is a fascinating character, apart from any link to Cato or Brutus. We know little about his early life, except that he was born in Barnstaple, England in 1752.¹¹ We also know he received medical training, which he put to use in London's St.

11. For this and subsequent biographical details, see *History of Washington Co., New York* (Philadelphia: Everts & Ensign, 1878); Winston Adler, *The History of Salem, 1764–1976* (n.p.: Dr. Asa Fitch Historical Society, n.d.); and William L. Stone, ed., *Washington County, NY: Its History to the Close of the Nineteenth Century* (n.p.: The New York History Co., 1901).

Table 3. The Authorship of Brutus: The Leading Suspects

Suspect	Evidence of Authorship
Thomas Treadwell	In 1888 Paul Leicester Ford attributed Brutus to Treadwell, but cited no evidence and later changed his mind. He probably based his attribution on a manuscript essay from the 1789 New York gubernatorial contest, signed 'Brutus' and carrying the handwritten notation 'Brutus (T.T. Suffolk County)' on the cover sheet. He must later have concluded that the link between this Brutus and the Brutus of 1787–88 was weak.
Robert Yates	In 1892 Ford changed his attribution to Yates, but offered no evidence. Herbert Storing cited Yates's extensive legal knowledge as consistent with Brutus's, but this is hardly conclusive evidence—especially since many other Anti-Federalists, including John Williams, demonstrated significant legal acumen. Nevertheless, the Yates attribution seems to be the most widely accepted.
Melancton Smith	William Jeffrey, Jr. made this attribution, providing no direct evidence. Meanwhile, Robert Webking has made a strong case for Smith as the author of 'The Federal Farmer,' a series that differs from Brutus on a number of points.

Abraham Yates, Jr.

Anti-Federalist Hugh Hughes guessed that Yates, Jr. was the author of Brutus, but his friend Charles Tillinghast argued that Brutus was someone other than Yates. No other evidence has surfaced to support the Yates attribution.

Sources: Paul Leicester Ford, ed., *Pamphlets on the Constitution of the United States* (Brooklyn, 1888), 117; 'Brutus,' John Lamb Papers, box 5, no. 45, New-York Historical Society; Paul Leicester Ford, ed., *Essays on the Constitution of the United States Published During its Discussion by the People, 1787-1788* (Brooklyn, 1892), 295; Herbert Storing, ed., *The Complete Anti-Federalist*, 7 vols. (Chicago: University of Chicago Press, 1981), 2: 358; William Jeffrey, Jr., 'The Letters of "Brutus"—A Neglected Element in the Ratification Campaign of 1787-88,' *University of Cincinnati Law Review* 40 (no. 4, 1971), 644-46; Robert H. Webking, 'Melancton Smith and the Letters from the Federal Farmer,' *William and Mary Quarterly*, 3rd ser., 44 (July 1987), 510-28; Hugh Hughes to Charles Tillinghast, November 28, 1787, in *The Documentary History of the Ratification of the Constitution*, ed. John P. Kaminski et al., 21 vols. to date (Madison: State Historical Society of Wisconsin, 1976-), 15, CC: 298.

Thomas Hospital and on a British warship. He immigrated to what is now Salem, New York, in 1773, bringing along a complete and extremely valuable set of surgical instruments. A small-pox epidemic swept through the town that year, and the young doctor soon gained the admiration of local citizens for his care of the sick. His subsequent marriage to a wealthy widow, Susannah Turner, brought vast tracts of northern land under his control, which served as the foundation for a great fortune. In 1775, as hostilities broke out between Great Britain and the American colonies, the twenty-three-year-old Williams was elected to the New York Provincial Congress and was commissioned a colonel in the state militia. When not busy hounding the region's many

Loyalists, Williams's regiment assisted in guarding Albany's northern approaches. During the 1777 Saratoga campaign, Williams's troops helped delay General John Burgoyne's advance from Fort Ticonderoga and later contributed to the American victories at Bennington and Bemis Heights. Williams was also present at the Battle of Monmouth in 1778, where he saved the life of one of his junior officers by amputating his mangled arm. After the war, he was promoted to brigadier general of militia.

Williams's record as a physician and a soldier is commendable, but his legal and political activities were even more remarkable. He served numerous terms in the state senate and assembly, where he was active on many important issues. In 1792, for example, he successfully introduced the bill that provided for constructing canals west and north of the Hudson. In 1788 he was elected as an Anti-Federalist delegate to the New York ratifying convention, where he delivered a series of speeches strongly criticizing the Philadelphia constitution, against which he eventually voted. Williams also worked as a judge for about twenty-five years, served on the state's Council of Appointment, and was elected to two terms in the U.S. House of Representatives—during which time he switched to the Federalist party.

Upon his death in 1806, many of Williams's papers were collected and preserved. After sifting through hundreds of these documents in the New York State Archives, I have concluded that Williams likely authored both *Cato* and *Brutus*, although he appears never to have admitted it. After discussing how Williams fits the profile of a potential author of *Cato* and *Brutus*, I will describe the direct evidence tying him to the two sets of letters. This latter evidence centers around, but is not limited to, remarkable similarities between Williams's ratifying convention speeches and the *Cato* and *Brutus* essays.

Could Williams have written *Cato* and *Brutus*? This broad question comprises five narrower ones: (1) Did Williams have a motive to write *Cato* and *Brutus*? (2) Did he possess sufficient intellectual ability to craft the essays? (3) Was it logistically possible

for him to submit the essays to the *New York Journal* in Manhattan, despite living north of Albany? (4) Did he have enough time to write the essays? and (5) Do contemporary attributions exclude him as a potential author?

The question of motive is easiest to answer, since Williams was clearly in the Anti-Federalist camp. Although he later ran for Congress as a Federalist, during the ratification period he was publicly critical of the proposed constitution.¹²

The question of ability is also straightforward. Williams was a skilled surgeon and had extensive military and political experience. He was a well respected legal authority in his community, acting as judge and justice of the peace when not away serving as a member of Congress or the state legislature. Many of his eloquent jury addresses survive, as does a remarkable set of moral essays he wrote for his son.¹³ Williams also dabbled in poetry, composing two long songs about the American Revolution.¹⁴ In addition, the manuscripts of several of his anonymous political essays have been preserved. In two of them, addressed to 'Mr Printer' and 'To the Electors of the Eastern District of this State,' Williams praises himself in the third person and ruthlessly criticizes his rival for the U.S. House. In a third essay, dating from 1804, he castigates David Thomas, the successor to his own House seat, for siding with Thomas Jefferson and Thomas Paine and for bungling the naval campaign against the Barbary pirates.¹⁵ (Anonymity was especially important in this case, as Thomas was married to Williams's step-daughter.) Even in bad health, Williams saw himself as a political

12. See, for example, 'An Extract of a Letter from John Williams, Esq. at Poughkeepsie, to his Friends in Washington County, dated 29th January, 1788,' *Albany Federal Herald*, Feb. 25, 1788, in *The Debate on the Constitution: Federalist and Antifederalist Speeches, Articles and Letters During the Struggle over Ratification*, ed. Bernard Bailyn (New York: The Library of America, 1993), 2: 119-20. This is, of course, in addition to his outspoken opposition in the New York Senate and ratifying convention.

13. See box 8, folder 26; and box 9, bound letterbook; John Williams Papers (New York State Library, Albany).

14. John Williams, 'Two New Songs on The American War with Great Briten,' box 8, folder 35, John Williams Papers.

15. John Williams, 'Mr Printer' and 'To the Electors of the Eastern District of this State,' box 8, folder 33; and 'To David Thomas, Esq.,' box 2, folder 35, John Williams Papers.

essayist. For example, in an 1806 letter to his son, composed not long before he died, he writes—amidst commentary on current events—‘I wish I was well to put another piece in *Uniter*.’¹⁶ Throughout his writings, Williams displays familiarity with great works of literature and political thought, citing authors as varied as Cicero, Swift, Horace, Sidney, Montesquieu, and Cervantes. Furthermore, we know he owned Blackstone’s *Commentaries on the Laws of England*—a source about which Brutus was knowledgeable.¹⁷ As this indicates, Williams was certainly capable of producing Cato and Brutus and not just recycling them.

The question of logistics is more difficult to answer precisely. Both sets of essays are remarkably thin on contemporary references that might tie down the actual moment of composition. The only essay that carries a date is Cato I, which is labeled September 26, 1787, one day before it was actually printed. Cato I, then, was probably written in the vicinity of Manhattan, as was Cato II.¹⁸ Since Williams was often in or near New York City, and since I have discovered no evidence that places him elsewhere in late September and early October, we cannot rule him out as a possible author. Because the remaining Cato and Brutus essays contain either no contemporary references—or references that are weeks or months old¹⁹—Williams could have written them far enough in advance to send them—perhaps in batches—by sloop or stage down the Hudson River to Manhattan. (We know from Williams’s

16. John Williams to John Williams, Jr., early April 1806, box 9, bound letterbook, John Williams Papers. It is not clear where or when ‘*Uniter*’ was published.

17. Williams ordered the six-volume set in 1785. Bill of Samuel London, April 15, 1785, box 8, folder 40, John Williams Papers.

18. Cato II responded to Caesar I, which had appeared in the *New York Daily Advertiser* on October 1, 1787. Thomas Greenleaf noted on October 4 that Cato II had arrived but was too late for publication (*New York Journal*, October 4, 1787).

19. Here are the relevant contemporary references: Brutus II (November 1) refers to James Wilson’s ‘Address to the Citizens of Philadelphia’ (October 6). Brutus VI (December 27) includes references to Noah Webster’s ‘An Examination into the leading principles of the Federal Constitution’ (published in Philadelphia and dated October 10) and *Federalist* 23 (December 18). Brutus VII (January 3) also responds to *Federalist* 23. Brutus IX (January 17) refers to Webster and *Federalist* 24 (December 19). Brutus X (January 24) refers to *Federalist* 24–26 (December 19–22).

receipts and bills that his agents were continually moving up and down the river, conducting business transactions, accompanying flour shipments, and delivering letters.²⁰

The one possible exception to this pattern of delivery is Brutus VI (published Thursday, December 27), which refers to *Federalist* 23 (published Tuesday, December 18). Both appeared in the *New York Journal*, a paper to which Williams subscribed.²¹ If Williams was in Manhattan in late December 1787, the small gap between *Federalist* 23 and Brutus VI would present no problem. However, even if Williams was in Salem—which is likely²²—he could have received *Federalist* 23 from Manhattan, written his response, and sent it down to the *New York Journal* in time for typesetting. Because the Hudson is a tidal estuary for much of the distance to Albany, a sloop on a flood tide with favorable winds could make it “upriver” in twenty-four hours.²³ (This assumes an ice-free channel to Albany, which from available data seems likely.²⁴) If, in this case, a packet vessel left Manhattan on

20. See boxes 6 and 7, John Williams Papers.

21. See Bill of Thomas Greenleaf, box 6, folder 7, John Williams Papers.

22. The receipts and letters preserved in the Williams papers suggest that Williams was in Salem, but it is difficult to place him conclusively. See box 5, folder 5; and box 6, folders 10 and 13, John Williams Papers.

23. William E. Verplanck and Moses W. Collyer, *The Sloops of the Hudson* (New York: G.P. Putnam's Sons, 1908), 21–22.

24. We know most of the exact dates on which the Hudson at Albany became obstructed with ice, from the late eighteenth century onward, but there seems to be no data for 1787–88. The Hudson's closing varied widely from year to year, occurring as early as November 13 in 1820 and as late as February 3 in the winter of 1789–90. The median closing/obstruction date was in mid-December. See Joel Munsell, ed., *The Annals of Albany*, 10 vols. [Albany: J. Munsell, 1850], 1: 326–27). Reports from the region suggest that in 1787–88 cold weather came later than usual. A resident of the northern Vermont town of Newbury, for example, recorded that the fall of 1787 was unusually warm, and that the first cold weather came in the first week of January. (Journal of Thomas Johnson, in Frederic P. Wells, *History of Newbury, Vermont* [St. Johnsbury, Vt.: The Caledonian Company, 1902], 260). John Quincy Adams, writing in Newburyport, Massachusetts, noted that after unseasonably warm weather in late November and no snow by mid-December, the cold weather was finally setting in on December 20—adding, ‘indeed it is high time that it should’ (John Quincy Adams, *Life in a New England Town: 1787, 1788* [Boston: Little, Brown, and Company, 1903], 64, 70, 71). In Hallowell, Maine, Martha Ballard recorded clear weather for much of December, including many pleasant days. On December 16, she wrote ‘Clear & very pleast for the Season’ (Martha Ballard's Diary, 1785–1812, Maine State Library, Augusta). A company of settlers leaving Danvers, Massachusetts, in December 1787 seemed to have no trouble traveling by wagon to the Pittsburg area, aside from

Wednesday morning, Williams could have had *Federalist* 23 in hand on Thursday. If we allow a day for typesetting the *Journal*, we are left with Friday through Tuesday for the writing and shipping of Brutus VI. While the journey south usually took longer than the journey north because of tides and unfavorable winds, two or three days were common. (Williams himself expected such a sail to last two days, according to one of his letters.²⁵) That would have given Williams several days to write Brutus VI. It is reasonable to conclude, therefore, that Williams's authorship of all the essays was logistically possible.

The fourth question is whether Williams had time to write both Cato and Brutus. The rate at which Cato and Brutus were published never exceeded one per week (for each set of essays). At the height of Publius's activity, it was not uncommon to see four *Federalist* essays per week—often penned by the same man. Hamilton and Madison each went on streaks of three or four papers per week, Hamilton reaching a peak of five papers during the first week of January (*Federalist* 31–35). Only *Federalist* 1, 2, and 3 came out at the rate of one per week. It would not be surprising, then, to see a writer churn out one essay per week. In fact, Cato and Brutus are tortoises compared to Publius's hare.

Cato and Brutus always appeared in the *New York Journal's* Thursday edition, which had statewide circulation. They alternated weeks, rarely appearing in the same issue, and then usually on account of editorial decisions (see Table 4). Curiously, when Cato stopped writing after his seventh letter, Brutus suddenly

encountering snow in the Alleghenies (Wager Swayne, 'The Ordinance of 1787 and the War of 1861,' in James H. Kennedy, ed., *History of the Ohio Society of New York, 1885–1905* [New York: The Grafton Press, 1906], 574–75). None of this definitively answers the question of whether the Hudson was blocked with ice during late December, but the accounts seem to agree that the weather was more pleasant than usual during that month (though subsequent months were apparently not as mild). If the Hudson had been obstructed in mid-December, Williams would have had fewer options for getting his essay to press. It took a stagecoach, for example, about three days to get from Albany to Manhattan during the winter (*New York Daily Advertiser*, November 15, 1787). Express riders would have been somewhat faster and Williams could still have written Brutus VI, but his time cushion would have been smaller.

25. John Williams to John Williams, Jr., early April 1806, box 9, bound letterbook, John Williams Papers.

Table 4. Publication Chronology (*New York Journal*) of Cato and Brutus

	Cato	Brutus
1787		
September 27	I	
October 4		
October 11	II*	
October 18		I
October 25	III	
November 1		II
November 8	IV*	
November 15		III
November 22	V	
November 29		IV
December 6		
December 13	VI*	V
December 20		
December 27		VI
1788		
January 3	VII	VII
January 10		VIII
January 17		IX
January 24		X
January 31		XI
February 7		XII
February 14		XII (cont)
February 21		XIII
February 28		XIV
March 6		XIV (cont)
March 13		
March 20		XV
March 27		
April 3		
April 10		XVI

* Each of these essays was published a week after being received. See editorial comments in *New York Journal*, October 4, November 1, and December 6, 1787.

abandoned his every-other-week schedule and began industriously publishing an essay nearly every week until early March. Perhaps it is merely a coincidence that Brutus doubled his output just as Cato quit writing. However, based on the textual evidence I will discuss in the next section, I propose the following explanation: the author of Cato, after being stung by Caesar's rebukes, decided both to continue with Cato and to add a second series, under the pen name Brutus. (Brutus is an apt pseudonym for anyone wishing to strike back at a Caesar, but recall also that the historic Brutus was Cato's nephew and son-in-law). After writing Cato and Brutus in alternating weeks for several months, the author decided (for an unknown reason) to devote his energy to Brutus. This would help explain why Cato, in Letter V, refers his readers to Brutus for a fuller account of representation,²⁶ and why Brutus suddenly began appearing twice as often in January. The author did not increase his writing rate, but instead scrapped one of his two pseudonyms.

The fifth question, concerning contemporary attributions of authorship, is the most difficult to address. As shown in Tables 1, 2, and 3, contemporary attributions for Cato and Brutus are not persuasive. The habit of writing in code, both in pseudonymous essays and in private correspondence, exacerbates the problem. Consequently, we can rarely be sure to whom a given writer is referring when he makes an attribution. A more fundamental problem is that most—if not all—of the contemporaries who made attributions were offering educated guesses, just like modern scholars. It was as much a sport in the 1780s to figure out who wrote which political essay as it is nowadays with anonymous works such as *Primary Colors*. Some guesses are more plausible than others, but many are little more than hunches.

One particularly interesting Cato attribution appeared in the January 15, 1788, Lansingburgh *Northern Centinel*:

26. Cato, Letter V, *Complete Anti-Federalist* 2.6.38.

Cato and the Rough-Hewer are both here, using their utmost endeavours to create jealousy among the people—but, happy for the state, the people well know from what principle their extreme anxiety proceeds—their conduct has given ocular demonstration to the world, that self-interest, the basest motive that can disgrace a statesman, is all they have in view.²⁷

Perhaps, as John Kaminski asserts, the writer of this letter believed Abraham Yates to be Rough-Hewer and George Clinton to be Cato. This is possible, but it is more likely that the letter writer was attributing Rough-Hewer correctly to Abraham Yates, and Cato to John Williams. Clinton, though suspected of Anti-Federalist leanings, took great pains to appear impartial at the legislative session. In his address to the legislature on January 11, Clinton spoke blandly and refrained from stating a position on the constitution. Aside from providing necessary documentation, Clinton told the assembled legislators, 'it would be improper for me to have any other agency in this business.'²⁸ Clinton left Poughkeepsie the next day, leaving the legislature in session in his absence, and he did not return until after delegates to the Confederation Congress were selected—a delay which helped staunch Federalist Alexander Hamilton secure a seat in that body.²⁹ While we have little evidence of Clinton's activities between January 1, when the New York legislature began to gather, and January 11, when he delivered his opening address, his subsequent activities do not seem consistent with using his 'utmost endeavours' to undermine the proposed constitution.

Furthermore, the letter was addressed to a resident of Albany and was published in nearby Lansingburgh. Albany was Yates's

27. 'Extract of a letter from a gentleman in Poughkeepsie to his friend in Albany, dated Jan. 10,' Lansingburgh *Northern Centinel*, January 15, 1788, *Documentary History of the Ratification of the Constitution* XV, Appendix I. For a similar distinction between Cato and Rough Hewer, see 'Parody of the News-Mongers' Song,' *New York Daily Advertiser*, December 11, 1787.

28. *Documentary History of the Ratification of the Constitution* XV, CC: 439.

29. See Charles Tillinghast to Hugh Hughes, January 27-28, 1788, *Documentary History of the Ratification of the Constitution* XV, CC: 479.

home, and Lansingburgh lay between Albany and Salem. Williams was well known in that region, and it is plausible that the letter writer (a Federalist) would have intentionally singled out the two most active Anti-Federalists from the Albany area. It is evident from other sources that members of the New York Senate—particularly senators Yates and Williams—led the opposition to the proposed constitution. Richard Sill, an Albany lawyer, noted that ‘the Complexion of our Senate is unfavourable but the other house will pass a Bill for the purpose [of calling a ratifying convention].’³⁰ The records of the January Senate session suggest that Yates and Williams were a dynamic Anti-Federalist duo, akin to the Federalist team of Madison and Hamilton, with Williams offering thoughtful, judicious arguments to support—yet mollify—Yates’s more aggressive attacks. On February 1, 1788, when the Senate debated whether to call a convention, Yates and Williams led the push for a full discussion of the resolution. Yates vehemently opposed the constitution, which he called ‘a piece of blank paper.’ Had the other states not already agreed to call conventions, he would not hesitate to ‘rejec[t] it altogether.’ When Yates asked for a full committee evaluation of the document, his Federalist opponents taunted him, questioning why such an investigation was necessary if he had already made up his mind. Williams was more restrained, conceding that the constitution should go before the people and asking only for time to discuss the proper mode of presentation. Despite his more moderate tone, however, Williams raised several serious objections to the proposed method of selecting delegates to the ratifying convention. In particular, he worried about the potential for voter fraud and confusion, and he insisted on endowing the ratifying convention with the power to propose amendments to the constitution. Unlike Yates, Williams conceded that ‘the present system . . . require[s] something to be done’; he was primarily concerned that the constitution might be rammed

30. *Documentary History of the Ratification of the Constitution* XV, CC: 439.

through without a free and open public examination.³¹ Upon comparison, Williams's open-minded opposition to the constitution is more consistent with the cautious suspicion of Cato (and Brutus) than are Yates's vehement attacks.³² In sum, when one considers the January 15, 1788, quotation about how Cato and Rough Hewer were doing their best to arouse opposition to the constitution, it is plausible to suppose that the writer (likely familiar with the north country) would have pegged Rough Hewer to Yates and Cato to Williams.

However, another important contemporary source, the Anti-Federalist Charles Tillinghast, apparently believed that Cato and Brutus were written by different people. In a January 27–28, 1788 letter to Hugh Hughes about Hughes's attack on *Federalist* 15 in the (never published) 'Interrogator' essay, Tillinghast wrote:

I put the *Interrogator* into the hands of *Cato*, who gave it to *Brutus* to read, and between them, I have not been able to get it published, *Cato* having promised me from time to time that he would send it to Greenleaf—It shall be inserted, I am determined, in Tuesday's paper.³³

Despite Tillinghast's indication here that Cato and Brutus were written by different people, several other intriguing points emerge from the letter. Since two months separated *Federalist* 15 (December 1) from this letter, Tillinghast could have met with nearly any New York Anti-Federalist in the meantime. In late November, we know that he believed Abraham Yates was not Brutus.³⁴ Now, in

31. 'Proceedings of the Senate,' *New York Daily Advertiser*, February 8, 1788.

32. Linda Grant De Pauw admits that Cato is written in a 'comparatively restrained' style, vis-à-vis Yates's other works. However, while the tone of Brutus and Cato helps to discount Yates's authorship, it does not undermine the case for Clinton's authorship, as Clinton was usually quite circumspect in public. Linda Grant De Pauw, *The Eleventh Pillar: New York State and the Federal Constitution* (Ithaca: Cornell University Press, 1966), 291.

33. Tillinghast to Hughes, January 27–28, 1788, *Documentary History of the Ratification of the Constitution* XV, CC: 479.

34. Hughes to Tillinghast, November 28, 1787, *Documentary History of the Ratification of the Constitution* XIV, CC: 298.

January, he implies that Clinton is neither Cato nor Brutus (and instead refers to the governor as 'The Republican'). After discussing Cato and Brutus, Tillinghast confesses, 'I should have been more *circumspect* with regard to names.' He then proceeds, however to mention Robert Yates and John Lansing by name. Openly referring to Yates and Lansing in the same letter as a discussion of Cato and Brutus would be quite careless—especially following the comment about being circumspect. If Tillinghast was indeed being careful, the odds that he believed Williams was responsible for Brutus increase (i.e., Abraham Yates, Robert Yates, Clinton, and Lansing are all eliminated as suspects). Perhaps Tillinghast viewed the Senate in much the same way I have described—with Williams and Abraham Yates as the primary Anti-Federalist leaders—and saw the two men as each writing an essay series (Williams as Brutus and Abraham Yates as Cato). In addition, since Tillinghast's attributions were likely grounded upon imperfect information (he and Hughes were known to debate them), it is conceivable that Tillinghast was incorrect about Cato and Brutus being two separate individuals. Generations of scholars have assumed that the two series had different authors, and Tillinghast might well have concluded that, too, barring evidence to the contrary.

John Williams as Cato and Brutus: Textual Evidence

The most striking evidence for Williams's authorship of Cato and Brutus comes from the New York ratifying convention, in which Williams served as a delegate from Anti-Federalist Washington and Clinton counties. Williams spoke forcefully and often during the convention, and ultimately voted against ratification.

In contending that Williams borrowed large portions of three of his speeches from the letters of Cato and Brutus, I am not the first to see similarities. Herbert Storing, in fact, identified (without discussion) two passages in Williams's first speech that closely tracked segments from Cato V.³⁵ However, no one

35. Storing, ed., *Complete Anti-Federalist* 2: 128 n.24, 128 n.27.

has yet discovered the thoroughgoing similarities between Williams's speeches and Cato, nor has anyone linked Williams and Brutus. In this section I reveal those similarities in full and explain why they are solid evidence of Williams's authorship of both Cato and Brutus.

It has become increasingly feasible to conduct statistical studies of authorship, based upon computer models similar to those that resolved disputes over certain *Federalist* essays. Such research methods are most effective when there is a limited number of possible authors (ideally, two) and when there are substantial amounts of text on similar subjects to compare. In this study, there are many possible suspects (at least three for Cato, and at least eight for Brutus) and hardly an abundance of reliable text to compare. The shortage of comparable texts is exacerbated by the fact that Williams's convention speeches, likely a centerpiece of any statistical comparison to Brutus or Cato, are obviously borrowed from those sources. The textual similarities are readily apparent without the aid of expensive, time-consuming, and probably inconclusive quantitative studies.³⁶

Williams first spoke on Saturday, June 21, 1788, counseling caution, warning against the love of luxury, pointing to the tendencies of the proposed constitution toward national consolidation and insufficient representation of the people, and encouraging his fellows to focus on major—not petty—objections. He stated that he would agree to the system 'when properly amended.'³⁷ This speech, as recorded in Elliot's *Debates*, contains eight paragraphs. It is cobbled together from passages originating in Brutus and Cato (see Table 5). In addition, several sentences lifted from Brutus also resemble Cato passages.

36. Frederick Mosteller and David L. Wallace, *Applied Bayesian and Classical Inference: The Case of The Federalist Papers* (New York: Springer-Verlag, 1984). Mosteller and Wallace needed to employ fairly sophisticated statistical methods to solve a relatively simple question. (For each disputed paper there were only two possible answers: Madison or Hamilton.)

37. John Williams, Speech of June 21, 1788, in *The Debates in the Several State Conventions, on the Adoption of the Federal Constitution*, ed. Jonathan Elliot, 5 vols. (Washington, D.C., 1836) 2: 242.

Table 5. John Williams's First Convention Speech (June 21, 1788), Compared to Cato and Brutus

Williams	Source
<p>'We are now . . . to investigate and decide upon a Constitution, in which not only the present members of the community are deeply interested, but upon which the happiness or misery of generations yet unborn is, in a great measure, suspended' (para. 1).</p>	<p>'When the public is called to investigate and decide upon a question in which not only the present members of the community are deeply interested, but upon which the happiness and misery of generations yet unborn is in great measure suspended, the benevolent mind cannot help feeling itself peculiarly interested in the result' (Brutus I, 2.9.1).</p>
<p>'I therefore hope for a wise and prudent determination. I believe that this country has never before seen such a critical period in political affairs. We have felt the febleness of those ties by which the states are held together, and the want of that energy which is necessary to manage our general concerns. Various are the expedients which have been proposed to remedy these evils; but they have been proposed without effect . . .'</p> <p>(para. 1).</p>	<p>Cato I offers similar thoughts about posterity (2.6.3).</p> <p>'Perhaps this country never saw so critical a period in their political concerns. We have felt the febleness of the ties by which these United-States are held together, and the want of sufficient energy in our present confederation, to manage, in some instances, our general concerns. Various expedients have been proposed to remedy these evils, but none have succeeded' (Brutus I, 2.9.2).</p>
	<p>Cato VI counsels 'wisdom and prudence' (2.6.40).</p>

'[L]et us examine whether it be calculated to preserve the invaluable blessings of liberty, and secure the inestimable rights of mankind. If it be so, let us adopt it. But if it be found to contain principles that will lead to the subversion of liberty,—if it tends to establish a despotism, or, what is worse, a tyrannical aristocracy,—let us insist upon the necessary alterations and amendments' (para. 3).

'If the constitution, offered to your acceptance, be a wise one, calculated to preserve the invaluable blessings of liberty, to secure the inestimable rights of mankind, and promote human happiness, then, if you accept it, you will lay a lasting foundation of happiness for millions yet unborn . . . But if, on the other hand, this form of government contains principles that will lead to the subversion of liberty—if it tends to establish a despotism, or, what is worse, a tyrannic aristocracy; then, if you adopt it, this only remaining assylum for liberty will be shut up, and posterity will execrate your memory' (Brutus I, 2.9.2).

Cato I contains similar language (2.6.4) and a call for amendments (2.6.3).

Momentous is the question, and we are called upon by every motive to examine it well, and make up a wise and candid judgment' (para. 4).

'Momentous then is the question you have to determine, and you are called upon by every motive which should influence a noble and virtuous mind, to examine it well, and to make up a wise judgment' (Brutus I, 2.9.3).

Cato I calls for 'candour' (2.6.4)—a term Brutus omits but Williams adds—and states 'this then is a moment to you the most important' (2.6.2).

Table 5. (*continued*)

Williams	Source
<p>'In forming a constitution for a free country like this, the greatest care should be taken to define its powers, and guard against an abuse of authority. The constitution should be so formed as not to swallow up the state governments: the general government ought to be confined to certain national objects; and the states should retain such powers as concern their own internal police. We should consider whether or not this system is so formed, as, directly or indirectly, to annihilate the state governments. If so, care should be taken to check it in such a manner as to prevent this effect' (para. 5).</p>	<p>'[T]hat in forming a constitution for such a country, great care should be taken to limit and definite [<i>sic</i>] its powers, adjust its parts, and guard against an abuse of authority' (Brutus II, 2.9.23).</p> <p>'The question . . . is, whether or not this system is so formed as either directly to annihilate the state governments, or that in its operation it will certainly effect it. If this is answered in the affirmative, then the system ought not to be adopted, without such amendments as will avoid this consequence. If on the contrary it can be shewn, that the state governments are secured in their rights to manage the internal police of the respective states, we must confine ourselves in our enquiries to the organization of the government and the guards and provisions it contains to prevent a misuse or abuse of power' (Brutus VI, 2.9.65).</p>

'The number of representatives is, in my opinion, too small to resist corruption. Sir, how guarded is our state Constitution on this head! The number of the Senate and House of Representatives proposed in the Constitution does not surpass those of our state. How great the disparity, when compared with the aggregate number of the United States! The history of representation in England, from which we have taken our model, is briefly this: Before the institution of legislating by deputies, the whole free part of the community usually met for that purpose: when this became impracticable by increase of numbers, the people were divided into districts, from each of which was sent a number of deputies, for a complete representation of the various orders of the citizens within them. Can it be supposed that six men can be a complete representation of the various orders of the people of this state?' (para. 5).

'It is a very important objection to this government, that the representation consists of so few; too few to resist the influence of corruption, and the temptation to treachery, against which all governments ought to take precautions—how guarded you have been on this head, in your own state constitution, and yet the number of senators and representatives proposed for this vast continent, does not equal those of your own state; how great the disparity, if you compare them with the aggregate numbers in the United States. The history of representation in England, from which we have taken our model of legislation, is briefly this[:] before the institution of legislating by deputies, the whole free part of the community usually met for that purpose; when this became impossible by the increase of numbers the community was divided into districts, from each of which was sent such a number of deputies as was a complete representation of the various numbers and orders of citizens within them; but can it be asserted with truth, that six men can be a complete and full representation of the numbers and various orders of the people in this state?' (Cato V, 2.6.38).

Table 5 (*continued*)

Williams	Source
<p>'I conceive, too, that biennial elections are a departure from the true principles of democracy. A well-digested democracy has advantages over all other forms of government. It affords to many the opportunity of being advanced, and creates that desire of public promotion, and ardent affection for the public weal, which are so beneficial to our country. It was the opinion of the great Sidney and Montesquieu that annual elections are productive of this effect' (para. 6).</p>	<p>'[B]iennial elections for representatives are a departure from the safe democratical principles of annual ones . . .' (Cato V, 2.6.35).</p> <p>'[A] well digested democracy has this advantage over all others, to wit, that it affords to many the opportunity to be advanced to the supreme command, and the honors they thereby enjoy fill them with a desire of rendering themselves worthy of them; hence this desire becomes part of their education, is matured in manhood, and produces an ardent affection for their country, and it is the opinion of the great Sidney, and Montesquieu that this is in a great measure produced by annual election of magistrates' (Cato V, 2.6.36).</p>

Sources: John Williams, Speech of June 21, 1788, in *The Debates in the Several State Conventions, on the Adoption of the Federal Constitution*, ed. Jonathan Elliot, 5 vols. (Washington, D.C., 1836), 2: 240-43; Herbert Storing, ed., *The Complete Anti-Federalist*, 7 vols. (Chicago: University of Chicago Press, 1981).

Williams's opening lines and his third and fourth paragraphs are drawn from Brutus I. He pulls his fifth paragraph from Brutus II, Brutus VI, and Cato V. His sixth paragraph is assembled from passages in Cato V. The remaining two paragraphs (of one sentence each) are mostly original work, except for Williams's last few words, which are nearly identical to a well-publicized

line from Richard Henry Lee.³⁸ In all, about half of the sentences in Williams's first speech come nearly verbatim from Cato or Brutus or are condensations of passages from those two sources. The remaining material is either filler (e.g., the last two paragraphs) or statements consistent with Cato's and Brutus's general arguments.

Williams's second speech—of five paragraphs—was delivered on Thursday, June 26.³⁹ It addresses the relationship between the necessary and proper clause and Congress's taxation power. *This speech is entirely lifted from Brutus V.* To be sure, Williams edited the presentation, condensing and excising where necessary, but there is no question about his source. I shall not quote passages from either Williams or Brutus here, since any casual inspection would reveal the similarity.

In addition, parts of Williams's second speech, while directly drawn from Brutus, also closely resemble statements by Cato. Paragraphs two and three, for example, while taken nearly verbatim from Brutus V, also track arguments in Cato VI, though more loosely.⁴⁰ The similarity between Brutus and Cato becomes more remarkable when one recalls that Brutus V and Cato VI appeared in the same issue of the *New York Journal*. Brutus probably would not have seen Cato's sixth letter, which focuses on the apportionment of representatives and the congressional power of direct taxation, prior to writing his own fifth essay—which focuses on the same two themes. Perhaps it was mere coincidence that Cato and Brutus chose the same subjects in the same week and dealt with them in a similar manner, using the same unusual example. However, combined with other 'coincidences,' it seems increasingly likely that Cato and Brutus were composed by the same author, who believed (correctly) that advancing similar arguments under

38. See Letter of Richard Henry Lee to Governor Edmund Randolph, October 16, 1787, *Complete Anti-Federalist* 5.6.1. Lee's version is as follows: '[T]o say (as many do) that a bad government must be established for fear of anarchy, is really saying, that we must kill ourselves for fear of dying.' Williams barely changes anything in his version.

39. John Williams, Speech of June 26, 1788, in *Debates*, ed. Elliot, 2: 330-32.

40. Cato, Letter VI, *Complete Anti-Federalist* 2.6.41.

two different pen names would magnify his impact on the public discourse.

The most striking thing about Williams's second speech is that he does not include any 'original' material. He even ends his speech by proposing a resolution based on recommendations at the end of Brutus V (the essay he had essentially just finished reading to the delegates). For reference, here are Brutus's comments:

The general legislature . . . ought not to exercise the power of direct taxation. If the power of laying imposts will not be sufficient, some other specific mode of raising a revenue should have been assigned the general government; many may be suggested in which their power may be accurately defined and limited, and it would be much better to give them authority to lay and collect a duty on exports, not to exceed a certain rate per cent, than to have surrendered every kind of resource that the country has, to the complete abolition of the state governments. . . .⁴¹

Brutus, then, opposes giving Congress the power of direct taxation, and believes that imposts on imports⁴² should raise sufficient revenue for the national government's purposes. If not, then Congress should be given the power to levy a duty on exports. The states, however, should jealously guard their power of internal taxation. Here is Williams's proposal:

Resolved, That no excise shall be imposed on any article of the growth or manufacture of the United States, or any part of them; and that Congress do not lay direct taxes, but when moneys arising from the impost and excise are insufficient for the public exigencies; nor then, until Congress shall first have made a requisition upon the states, to assess, levy, and pay their respective proportion of such requisition, agreeably to the census fixed in the said Constitution, in such way and manner as the legislatures of the respective states shall judge best; and in such case, if any state

41. Brutus, Essay V, *Complete Anti-Federalist* 2.9.63.

42. Earlier in the essay, Brutus restricts the word 'impost' to duties on imports—not imports and exports (*Complete Anti-Federalist* 2.9.63).

shall neglect or refuse to pay its proportion, pursuant to such requisition, then Congress may assess and levy such state's proportion, together with interest thereon, at the rate of six per cent, per annum, from the time of payment prescribed in such requisition.⁴³

For Williams, the impost should be the primary source of revenue, supported by excise taxes on items not grown or manufactured in the United States. State requisitions are the next expedient, followed by direct taxation only if a state is delinquent. Williams's resolution is more complex and concrete than Brutus's suggestions and seems to differ from them slightly on the question of export duties. However, given Williams's substantial borrowing from Brutus V, it is very likely that his resolution also arose from the essay—as a slightly modified, more carefully specified version of Brutus's objections.

Williams's third speech, on June 27, seems at first to be mostly a recapitulation of his earlier arguments.⁴⁴ His third paragraph, however, closely follows a passage from Brutus VI, about how federal taxes will trump state efforts at revenue gathering.⁴⁵ The same paragraph also strongly recalls passages from Cato V and VI (see Table 6). To be sure, there is no verbatim borrowing from Cato in Williams's third speech, but the arguments are quite close. The language at the end of paragraph three and the beginning of paragraph four also resembles passages from Cato VI, lending further credence to the idea that Williams was relying upon Cato as a chief source of ideas. Not neglectful of his other source, Williams rounds out his third speech by lifting lines from Brutus V. Read in isolation, speech three would not provide much proof of Williams's authorship of either Brutus or Cato. However, given his extensive borrowing in both of his earlier speeches, and the fact that his third speech was made in reaction to the ongoing debate, it provides further corroboration of my central argument.

43. Williams, Speech of June 26, 1788, in *Debates*, ed. Elliot, 2: 331–32.

44. John Williams, Speech of June 27, 1788, in *Debates*, ed. Elliot, 2: 337–41.

45. Brutus, Essay VI, *Complete Anti-Federalist* 2.9.67.

Strikingly, the passage Williams uses from Cato VI has an analogue in Brutus V. Both essays—published in the same week—discuss the likelihood of the new national legislature imposing a tax on windows. This was not a common Anti-Federalist concern.⁴⁶ In fact, when Williams—drawing from Cato VI—referred to window taxes during the ratifying convention, Alexander Hamilton jotted down notes and Chancellor Robert R. Livingston devoted part of a speech to ridiculing the notion.⁴⁷

Williams's fourth speech, on June 30, was a spirited attack on Chancellor Livingston for supposed misrepresentation of Williams's motives. In a tone similar to Cato's in Letter II, Williams criticizes Livingston for his satirical approach to a serious topic (Williams's proposed resolution). Just as Cato had objected to Caesar's use of ridicule ('Caesar mocks your dignity and laughs at the majesty of the people'⁴⁸), Williams says of Livingston that 'his ridiculous—I mean ridiculing—powers, [may] excite laughter and occasion smiles; but . . . will, instead of having the desired effect—instead of frightening—be considered with contempt.'⁴⁹ But other than displaying a prickliness similar to Cato's, Williams seems to borrow directly here from neither Cato nor Brutus. Similarly, subsequent remarks of his—on whether to ratify and whether to include amendments—which are preserved

46. The index to Storing's collection (*Complete Anti-Federalist*) contains references to dozens of Anti-Federalist discussions of taxation. Upon examination of each of these passages, only one essay besides Brutus V and Cato VI mentions window taxes: namely, Luther Martin's 'The Genuine Information Delivered to the Legislature of the State of Maryland' (*Complete Anti-Federalist* 2.4.55). Interestingly, Martin seems not to have mentioned window taxes in the earlier version of his "Genuine Information," which was roughly contemporaneous with Brutus V and Cato VI (Max Farrand, ed. *The Records of the Federal Convention*, 3 vols. [New Haven: Yale University Press, 1911], 3: 151-59). Perhaps he got the idea from reading Brutus or Cato and incorporated it into his revised document.

47. Alexander Hamilton, 'New York Ratifying Convention. Notes on Debates,' in *The Papers of Alexander Hamilton*, ed. Harold C. Syrett and Jacob E. Cooke, 26 vols. (New York: Columbia University Press, 1962), 5: 93. Robert R. Livingston, Speech of July 1, 1788, in *Debates*, ed. Elliot, 2: 383-84. In January 1783 Hamilton had unsuccessfully proposed a door and window tax in the Confederation Congress (See *Debates*, ed. Elliot, 5: 38). Williams (like Cato and Brutus) may have been aware of this.

48. Cato, Letter II, *Complete Anti-Federalist* 2.6.8.

49. John Williams, Speech of June 30, 1788, in *Debates*, ed. Elliot, 2: 392.

Table 6. John Williams's Third Convention Speech (June 27, 1788), Compared to Cato and Brutus

Williams	Source
<p>'In England . . . the people are not only oppressed with a variety of other heavy taxes, but, if my information is right, absolutely pay taxes for births, marriages, and deaths, for the light of heaven, and even for paying their debts' (para. 3).</p>	<p>'[W]ill you submit to be numbered like the slaves of an arbitrary despot; and what will be your reflections when the taxmaster thunders at your door for the duty on that light which is the bounty of heaven' (Cato VI, 2.6.41).</p>
<p>'What reason have we to suppose that our rulers will be more sympathetic, and heap lighter burdens upon their constituents than the rulers of other countries? If crossing the Atlantic can make men virtuous and just, I acknowledge that they will be forever good and excellent rulers; but otherwise, I must consider them as I do the magistrates of all other countries' (para. 3).</p>	<p>Brutus V also mentions taxes on windows (2.9.59).</p> <p>'[W]hence is it therefore, that you are about to precipitate yourselves into a sea of uncertainty, and adopt a system so vague, and which has discarded so many of your valuable rights:—Is it because you do not believe that an American can be a tyrant? If this be the case you rest on a weak basis[;] Americans are like other men in similar situations, when the manners and opinions of the community are changed by the causes I mentioned before, and your political compact inexplicit, your posterity will find that great power connected with ambition, luxury, and flattery, will as readily produce a Caesar, Caligula, Nero, and Domitian in America, as the same causes did in the Roman empire' (Cato V, 2.6.34).</p>

Table 6. (*continued*)

Williams	Source
'[I]f this power [direct taxation] is given to the general government, without some such amendment as I proposed, it will annihilate all the powers of the state governments. There cannot be a greater solecism in politics than to talk of power in government without the command of any revenue: it is as absurd as to talk of an animal without blood, or of subsistence without food' (para. 4).	'I shall only remark, that this power, given to the federal legislature, directly annihilates all the powers of the state legislatures. There cannot be a greater solecism in politics than to talk of power in a government, without the command of any revenue. It is as absurd as to talk of an animal without blood, or the subsistence of one without food' (Brutus V, 2.9.62).

Sources: John Williams, Speech of June 27, 1788, in *The Debates in the Several State Conventions, on the Adoption of the Federal Constitution*, ed. Jonathan Elliot, 5 vols. (Washington, D.C., 1836), 2: 337-41; Herbert Storing, ed., *The Complete Anti-Federalist*, 7 vols. (Chicago: University of Chicago Press, 1981).

in the Williams papers, seem to contain no direct citations from Cato or Brutus.⁵⁰ Thus, Williams's initial, prepared remarks (especially in the first two speeches) apparently relied heavily upon Cato and Brutus, while his later statements followed the actual back-and-forth of the convention debates.

A skeptic could conclude, from the foregoing evidence, that Williams was merely borrowing passages written by others that suited his needs, rather than composing original material. I cannot entirely disprove this assertion, especially without an admission of authorship or manuscript copies of Cato and Brutus. There are powerful reasons to conclude, however, that Williams was borrowing not from the work of others, but from his own pseudonymous writings.

First, there is the issue of the borrowing's extent. So much of Williams's prepared remarks comes from Brutus and Cato that

50. Manuscript pages, box 8, folders 30 and 36, John Williams Papers.

very little 'original' work remains. Given that Williams had had more than a month to get ready for the convention and that he never seemed at a loss for words (later, in the U.S. House, he would earn a reputation for being 'over-zealous' and long-winded⁵¹), one might expect a modicum of originality in his prepared convention speeches. Keeping in mind the somewhat looser standards regarding plagiarism at that time,⁵² one might grant him the practice of occasionally quoting passages without citation. However, thorough, sustained borrowing from other people's work would be quite unusual—and certainly at odds with Williams's intellectually vigorous character. One would at least expect a substantial attempt to adapt and improve borrowed passages, much as Thomas Jefferson did with John Locke's political philosophy in the Declaration of Independence.

Second, Williams seemed to rely only upon Cato and Brutus (with the exception of one famous line from Richard Henry Lee). Why would he borrow so systematically from only two sources? Why not select the best nuggets of Anti-Federalist wisdom from a variety of sources? If Williams was interested in giving the best possible Anti-Federalist rebuttal, he likely would have drawn

51. See *Annals of the Congress of the United States, 1789-1824*, 42 vols. (Washington, D.C., 1834-56), 4 Cong., 2 sess., December 1796, p. 1754; and 5 Cong., 2 sess., December 1798, p. 2542.

52. It was certainly acceptable—though not laudable—to borrow from one's own work. Hamilton and Madison did so in Publius. (See, for example, Douglass Adair, 'The Authorship of the Disputed Federalist Papers,' in *Fame and the Founding Fathers*, ed. Trevor Colbourn [Indianapolis: Liberty Fund, 1974]). Hamilton then reused material from Publius in his New York ratifying convention speeches. However, lifting from other people's work was another story. When essayists or newspaper editors borrowed passages from elsewhere, they generally cited their sources. Indeed, they were often proud to do so, since they could thereby show their sophistication. Although plagiarism occurred—and was probably rather common, given the difficulty of enforcement in the eighteenth century—it was not something to be done overtly. For example, although Madison based *Federalist* 20 closely upon Sir William Temple's *Observations upon the United Provinces of the Netherlands*, and might have been able to pass the findings off as his own, he nonetheless included a citation to Temple (Edward Gaylord Bourne, 'The Authorship of the Federalist,' *American Historical Review* 2 [April 1897], 445). For his part, editor Thomas Greenleaf was willing to endure nearly any insult other than being called 'a slavish copiest' (*New York Journal*, December 18, 1787). Although opposition to plagiarism was weaker then than now, the practice still did not receive general approval.

from 'The Federal Farmer,' 'Centinel,' and a host of other strong writers, not just from Cato and Brutus. In addition, the Cato and Brutus essays that Williams recycles were at least six months old. What would cause him to ignore the more recent (and possibly better) writings of others, if not an attachment to his own work?

Third, the letters of Cato and the essays of Brutus are remarkable for the similarity of their content. If Williams was merely searching Anti-Federalist literature for pithy quotations, he happened to choose two sources that had few—if any—serious substantive differences. Had he borrowed more freely (i.e., from sources other than Cato and Brutus), one could track down the other sources and likely find many points of tension. As it was, however, Cato and Brutus explored similar themes in similar ways. The primary differences between them were that Brutus usually wrote in greater depth⁵³ and continued to write longer than Cato did. For example, Cato and Brutus both strongly advocated the small-republic doctrine, using the same Montesquieu quotation—within a week of each other—to demonstrate that republics flourish only when their territory is limited.⁵⁴ Both had remarkably similar theories of representation,⁵⁵ and Cato even referred his readers to Brutus for a more in-depth discussion. Both exhibited a similar tone throughout, judiciously selecting evidence and cautioning prudence (with, of course, the notable exception of Cato II).

Indeed, it is remarkable how Brutus and Cato paralleled each other in the topics they chose. Brutus I (October 18) and Cato III (October 25) cover much the same ground, as do Brutus III (November 15) and Cato V (November 22). Lest one conclude that Cato was simply repeating the Brutus essay of the previous week,

53. One exception is the discussion of the executive branch in Cato IV, which is unmatched by anything in Brutus.

54. Brutus, Essay I, *Complete Anti-Federalist* 2.9.111; and Cato, Letter III, *Complete Anti-Federalist* 2.6.13. Brutus's and Cato's renderings of the quote differ somewhat, but the substance is essentially the same.

55. See Joel A. Johnson, 'Disposed to Seek Their True Interests: Representation and Responsibility in Anti-Federalist Thought,' *The Review of Politics* 66 (Fall 2004): 651–55.

note again the dramatic similarities—including references to window taxes—between Brutus V (December 13) and Cato VI (published on December 13 after a delay of more than a week).⁵⁶ These may be coincidences, but by now there is a rather large number of coincidences to explain away. It seems plausible that the same author wrote both sets of essays, often writing on the same topic at roughly the same time in both series.

Fourth, Williams seems to have believed deeply in the ideas he advocated in the ratifying convention. A January 1788 letter to his constituents closely tracks the arguments of Brutus and Cato and anticipates his first convention speech.⁵⁷ Later, while serving in the U.S. House of Representatives, Williams continued to rail against direct taxes, favoring imposts and even stamp taxes. He consistently opposed naval spending, believing the protection of commerce less important than the encouragement of domestic agriculture. He bemoaned Americans' growing taste for foreign luxuries and accused Congress of exacerbating the situation with its spendthrift ways.⁵⁸ To the extent that he borrowed from Cato and Brutus, it was not merely for immediate, rhetorical gain; rather, he held to those essays' ideals for much of his life.

Fifth, nearly all of the suspects for the authorship of Brutus and Cato were present for Williams's speeches. Robert Yates, Thomas Treadwell, Melancton Smith, and George Clinton all listened as Williams read passages from Brutus and Cato. John Lansing was also there, and Abraham Yates followed the proceedings carefully. Apparently, these men recognized nothing of their own in Williams's speeches. Furthermore, none made arguments in the convention that tracked Brutus's and Cato's arguments as closely as Williams's did.

56. See editorial comment in *New York Journal*, December 6, 1787.

57. 'An Extract of a Letter from John Williams,' in *Debate on the Constitution*, ed. Bailyn, 2: 119–20.

58. See, for example, *Annals of Congress*, 4 Cong., 1 sess., April 1796, pp. 843, 872–74, 1065–69; 4 Cong., 2 sess., January–February 1797, pp. 1896–1901, 2279–2280; and 5 Cong., 1 sess., February and April 1798, pp. 1070, 1464–66. Though by this time a Federalist, Williams was never a Hamiltonian.

Sixth, Charles Tillinghast testified to the originality of Williams's speeches. On June 21, the day of Williams's first speech (which drew upon both Brutus and Cato), Tillinghast recounted to John Lamb an exchange he had with two Federalists who had attended the session:

Morgan Lewis ask'd me this Morning who wrote Mr. Williams's speech (with which he opened the convention today—he had perused it). I told him that I had no doubt it was his own composition. He said that he was not equal to it. Griswold, who was standing by, said that he had compiled it from *York News Papers*—I replied if so, he had as much credit with me, as Mr. Hamilton had, *for retailing, in Convention, Publius*. This silenced the Gentlemen.

It is apparent that some listeners noticed Williams's borrowing and concluded that he was simply reusing other people's material. But at least one person on Williams's side (Tillinghast) did not draw that conclusion. Perhaps Tillinghast knew by this time of Williams's role as an essayist. Hamilton's 'use' of Publius in the convention would have come to mind, then, as a natural analogy. Tillinghast was not alone, incidentally, in seeing Hamilton's speeches as a retail version of *The Federalist*; Governor Clinton himself called Hamilton 'the little Great Man employed in repeating over Parts of Publius to us . . .'⁵⁹ Tillinghast may have been alone, however, in seeing the convention debates for what they likely were: a direct showdown between Publius and Brutus/Cato.

Another possible explanation for Williams's borrowing is that he was 'fed' his material by some other Anti-Federalist, such as Clinton (out of fear of losing his reputation), or Abraham Yates (who was not elected to the convention). Aside from the complete lack of evidence for such an interpretation, Williams was hardly

59. Charles Tillinghast to John Lamb, June 21, 1788, box 5, no. 21 (emphasis in the original); and George Clinton to John Lamb, June 28, 1788, box 5, no. 28, John Lamb Papers. After mentioning the Tillinghast letter, one Salem historian asserts: 'It is very likely that Williams is the unrecognized author of many anti-Federalist tracts in newspapers of the day' (Adler, *The History of Salem*, 45).

the sort of man who would consent to such a practice. Importantly, he voted against the Anti-Federalist majority on the question of conditional ratification before rejoining it to oppose the final version of the document—thus departing from the voting pattern not only of George Clinton, but also of Robert Yates, Thomas Treadwell, and Melancton Smith. If the Clintonian faction was merely using Williams as a front, then his maverick voting seems inexplicable. Thus, while it is still possible that Williams was thoroughly unoriginal and/or a front man for other Anti-Federalists, the evidence strongly suggests that he borrowed extensively from his own writings in constructing his convention speeches.

Conclusion

As with all similar attempts at ascertaining authorship, my conclusions must remain tentative. However, given the considerable evidence in favor of Williams's authorship of Cato and Brutus, and the notable absence of strong evidence to the contrary, I am reasonably confident that I have solved two persistent mysteries. If I am correct, a number of important implications become evident, along with giving Cato and Brutus a face. It makes sense to group these implications into three categories.

First, there is a need to investigate John Williams's political activities further. No adequate biography exists, despite the wealth of primary source material available in the Williams papers. Long appreciated by Salem residents, Williams's service on the state and federal levels is impressive and deserves to be recognized more broadly.⁶⁰

Second, our understanding of New York politics during and after ratification requires revision. In particular, the political interests and influence of north country Anti-Federalists could

60. Serious scholarly attention to Williams is nearly nonexistent, with the notable exception of Alfred F. Young, *The Democratic Republicans of New York: The Origins, 1763-1797* (Chapel Hill: University of North Carolina Press, 1967). Young's discussion of Williams's activities in Congress is an excellent foundation for a more sustained study.

use more study.⁶¹ Williams saw no contradiction in turning Federalist after ratification, and it would be important to understand the friendly relationship between former Anti-Federalists such as Williams and John Adams's wing of the Federalist party. Also, it would be wise to develop an interpretation of George Clinton and his role in the ratification period that does not depend upon his writing *Cato*. Clinton's public statements were uniformly characterized by measured, nonpartisan language. Perhaps he was not the thoroughly active Anti-Federalist partisan his critics—and scholars—have made him out to be. (Detaching him from *Cato* might even enhance his reputation as the Anti-Federalist version of George Washington.)

Third, knowing the identity of *Cato* and *Brutus* adds subtlety to our understanding of Anti-Federalism in general. It makes a difference, for example, if it is Williams—not Robert Yates or George Clinton—who wrote the passages in *Cato* and *Brutus* regarding the difficulty of extending national power to the frontier. After all, Williams's locale served as a sanctuary for fleeing Shaysites in early 1787, and his militiamen had been active participants in the Saratoga campaign. He knew firsthand the problems of securing law and order at the edge of civilization, and his writings bear witness to that hard-won wisdom. (It is often overlooked that three of *Brutus*'s essays—VIII, IX, and X—are devoted to a discussion of militia and standing armies—topics about which Brigadier General Williams was an expert.⁶²) Similar nuances of meaning are likely to appear with regard to other points of *Cato* and *Brutus*—all of which will help in refabricating the texture of the Anti-Federalist 'dissenting discourse.'⁶³ (I should add that, even if my authorship attribution is incorrect, the fact that *Cato*'s

61. Back-country Federalist William Cooper—at times a close ally of Williams in Congress—has already received careful scholarly treatment. See Alan Taylor, *William Cooper's Town: Power and Persuasion on the Frontier of the Early American Republic* (New York: Vintage Books, 1995).

62. See also Williams's detailed manuscript plan, developed while in Congress, for reorganizing America's military (box 8, folder 31, John Williams Papers).

63. Cornell, *The Other Founders*, 13.

and Brutus's writings resonated so deeply with Williams tells us much about the mindset of those living on the fringes of the early American republic.)

One final question remains. Why would Williams never have admitted to writing either Cato or Brutus? While any answer to this would be speculative, there are several plausible possibilities. Williams may have wished to avoid controversy in his home district, or perhaps he found his Anti-Federalist past embarrassing when running for Congress as a Federalist. It is equally possible that he wished to have his ideas taken seriously, without thought as to who had advanced them. Perhaps, however, his secret did not die with him. Visitors to Salem who walk along East Broadway, a few yards past where Williams's mansion once stood, will come to an intersection. Angling into Broadway, as if pointing at the Williams house, is the humble but virtuous 'Cato Street.'

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