



George Washington and the Rule of Law

Overview

This lesson discusses George Washington's commitment to the principle of the rule of law. The reading examines situations faced by Washington as both commander in chief and president when he chose the rule of law over expediency or personal power. Discussion questions follow the reading.

Objective

Students will analyze historical evidence including primary sources to understand George Washington words and actions in support of the rule of law.

Standards

National Council for the Social Studies: Thematic Strands II, V, VI, X
 Arizona Academic Standards, Social Studies: 1SS-E17, E18; 2SS-E3, E7, P1, P5, P10
 California History-Social Science Content Standards: 8.1, 8.2, 8.3, 8.4; 11.1; 12.1, 12.2
 Texas Essential Knowledge and Skills: Social Studies 8.1, 8.3, 8.4, 8.5, 8.16, 8.21, 8.23; U.S. Government 1, 2, 3, 8, 9, 10, 14, 15, 16

Bibliography

Richard Brookhiser, *Founding Father: Rediscovering George Washington* (New York: The Free Press, 1996)
 James Thomas Flexner, *Washington: The Indispensable Man* (Boston: Little, Brown and Company, 1969)
 Edmund S. Morgan, *The Genius of George Washington* (New York: W. W. Norton and Company, 1980)

Suggested Procedure:

1. Draw a line down the center of the board. Write "Rule of Law" on the top left and "Rule of Men" on the top right. Ask students what they think it would be like to live in societies guided by these different principles. Write words or phrases from student responses in the appropriate columns. Then, suggest words such as "constitution" or "dictator" and ask students to place the words in the appropriate column.
2. Distribute copies of the reading "George Washington and the Rule of Law."
3. Read aloud and discuss the first paragraph of the reading. Ask why the principle of the rule of law is important to our system of government. Tell students to look in the reading for ways that Washington defended this principle.
4. Have students work individually or in groups to finish the reading and answer the discussion questions. With the entire class, discuss the reading and student responses to the questions.
5. **As an extra exercise, print and distribute copies of Washington's Letter to Lewis Nicola or have students read it online. Have students highlight or list words from the letter that show Washington's displeasure with Nicola's suggestion that Washington be made king.

George Washington and the Rule of Law

George Washington and the other Founders believed that all human beings possess natural rights. They believed the legitimate purpose of government is to protect the rights of individuals. The challenge of human government is that the government must be able to control the governed, but at the same time it must be obliged to control itself. In order to ensure that government protects, but does not threaten, individual rights, government must be limited by a constitution, or written law. Respect for the rule of law by both the government and the citizens is necessary to maintain the delicate balance between the government's power and the people's liberty. As private citizen, Commander in Chief, and President of the United States, Washington repeatedly demonstrated his respect for the principle of the rule of law.

George Washington's commitment to the rule of law can be seen in several ways:

1. Washington as Commander in Chief
2. Washington and the Whiskey Rebellion
3. Washington relinquishes power

1. Washington as Commander in Chief

Throughout the American Revolutionary War, Washington's army faced severe supply shortages. Under the Articles of Confederation, the Continental Congress had no power to tax and instead had to rely on support from the thirteen states. As a result, there was seldom enough money to meet the needs of the army. For example, Washington and his men suffered terribly during the winter of 1777-1778 at Valley Forge, Pennsylvania. They lacked adequate food, clothing, and shelter. Many men deserted the army, and over 2500 died from cold, hunger, and disease – more than had been killed in all the fighting to that point. The Congress had denied Washington's request for the money required to supply the army at Valley Forge. Instead, they instructed Washington to do what armies typically did in the past: take what was needed from the people in the countryside. This in fact is what the British were already doing. Members of Congress became angry when Washington refused to follow their instructions. Not only did Washington refuse to supply the army through force, he told his men that they would be punished if they were caught stealing food or other supplies. Washington knew for practical reasons that he could not afford to lose public support by stealing from the people. He also believed that if the new nation were to be based upon justice and the rule of the law, he and his army must set the example for others to follow.

After the British surrender at Yorktown, Virginia in October 1781, Washington's commitment to the rule of law would face a major test. With the end of the war near, the thirteen states became less willing to provide the Congress with money for the army and other national needs. As a result, years of unpaid salaries to Washington's men were still not paid. On May 22, 1782, one of Washington's officers, Colonel Lewis Nicola wrote to him that the ineffectiveness of the Congress during the war had demonstrated the inadequacy of republican government. Nicola proposed that Washington become King of the United States.

George Washington replied to Nicola the same day, stating that he had read Nicola's letter "with a mixture of great surprise and astonishment." Washington continued: "no occurrence in the course of the War, has given me more painful sensations than your information of there being such ideas existing in the Army as you have expressed, and I must view with abhorrence, and reprehend with severity." Washington wrote that he could not think of anything in his own conduct that would suggest that he would consider being king. "You could not have found a person to whom your schemes are more disagreeable."

Washington wrote that he would work to see the army receive justice but only through lawful, constitutional means: "No Man possesses a more sincere wish to see ample justice done to the Army than I do, and as far as my powers and influence, in a constitutional way extend, they shall be employed to the utmost of my abilities to effect it, should there be any occasion." Washington concluded by asking Nicola never again to consider the idea of monarchy: "If you have any regard for your Country, concern for yourself or posterity, or respect for me, to banish these thoughts from your Mind, and never communicate, as from yourself, or any one else, a sentiment of the like Nature."

It was not unusual that Nicola would prefer a king to self-government, especially considering the ineffectiveness of the Continental Congress during the war. Furthermore, throughout history, monarchies were much more common and successful than self-governing republics. What was unusual was Washington's response. Not only did he refuse to be king, but he rebuked Nicola for even suggesting the idea. Washington's harsh words resulted in three apologies by Nicola over the next three days.

Later that year, there was an unsuccessful attempt to amend the Articles of Confederation in order to allow Congress to levy its own taxes rather than having to ask the states for money. As a result, the Congress was still unable to pay its debts including the money owed to the army. Talk began in Washington's army of leaving the country to defend itself or of taking up arms against the civil authorities. In March 1783, Washington learned from his headquarters in Newburgh, New York that his officers had planned a meeting to discuss their grievances against the Congress. Washington condemned and canceled the meeting, then scheduled his own meeting for Saturday, March 15.

Washington's speech to his officers at Newburgh would be one of the most important events in American history. He began by attributing the discontent "more to feelings and passions than to reason and judgment." He expressed his own concern for the army and promised to work with the Congress to see justice done. He urged his officers "not to take any measures, which viewed in the calm light of reason, will lessen the dignity, and sully the glory you have hitherto maintained." He told them to reject anyone who sought "to overturn the liberties of our Country, and who wickedly attempts to open the flood Gates of Civil discord, and deluge our rising Empire in Blood." In his dramatic speech, Washington defended the principle of the rule of law, and prevented the army from either abandoning or tyrannizing the nation.

2. Washington and the Whiskey Rebellion

George Washington faced a serious challenge to the rule of law during his first term as president. The new Constitution had replaced the Articles of Confederation. To avoid the financial problems experienced under the Articles, the Constitution allowed the federal government to collect certain kinds of taxes. In 1790, an excise tax on whiskey and some other items was passed to raise money to meet the financial obligations of the government. Farmers west of the Appalachian Mountains bitterly opposed the whiskey tax. These farmers were unable to move their grain to far away markets and still make a profit, so instead they distilled their grain into whiskey.

Jugs of whiskey could be traded for supplies locally, and more easily exported over the mountains to profitable markets in the east. Certain Pennsylvania farmers decided not to pay the whiskey tax. By 1794, violent opposition erupted in four western counties of Pennsylvania.

Washington was always aware that as the first president he was establishing precedents, or examples. He knew that he could not allow such a blatant disregard for the rule of law. He believed that if any group was permitted to disobey the law, “there is an end put at one stroke to republican government, and nothing but anarchy and confusion is to be expected thereafter.” Washington sent word to the rebels to disperse and go home. He also ordered nearly 13,000 state militiamen to prepare to march if his orders were not followed. Facing such an overwhelming show of force, the farmers laid down their weapons and agreed to pay the tax. The Whiskey Rebellion had ended and the rule of law was secure. Later that year, Washington commented on the rebellion in his Sixth State of the Union Address:

It has demonstrated that our prosperity rests on solid foundations; by furnishing an additional proof that my fellow-citizens understand the true principles of government and liberty; that they feel their inseparable union; that, notwithstanding all the devices, which have been used to sway them from their interest and duty, they are now as ready to maintain the authority of the laws against licentious invasions, as they were to defend their rights against usurpation. It has been a spectacle, displaying to the highest advantage the value of republican government....

3. Washington Relinquishes Power

As Commander in Chief during the Revolutionary War and then as the first president, Washington held the most powerful positions in the new nation. In May 1775, at the Second Continental Congress, John Adams lobbied for Washington’s selection as Commander in Chief. But Adams knew that throughout history strong political men usually grasped for power when given the opportunity. He commented that Washington would be remarkable if he did not use his command of the army to seize power for himself. George Washington, however, never used his command for his own advantage. He even rebuked his men when they suggested that he become king or that the army assert its control over the civilian authorities. As Commander in Chief, Washington demonstrated his respect for the rule of law by his consistent deference to the elected Continental Congress. When he ended his service at the end of the war, he resigned his commission in 1783 and retired to Mount Vernon.

After presiding at the Constitutional Convention in 1787, Washington was elected the first president. He was elected unanimously by the Electoral College, something that has never been repeated in American history. After two terms Washington thought it was important that he step aside. He believed that a peaceful transition of power to a newly elected president was necessary before his death. He feared that if he died in office and the vice-president ascended to the presidency, it would appear too much like an heir ascending to the throne after the death of a king. When Washington stepped aside at the end of his second term, George III said that Washington’s retirement from the presidency along with his earlier resignation of Commander in Chief, “placed him in a light the most distinguished of any man living,” and that his relinquishing power made him “the greatest character of the age.”

Throughout world history, the transfer of political power has been marked by struggle, deception, and bloodshed. George Washington’s commitment to the rule of law, however, often at the expense of his own personal power and advantage, set the example by which political rule in America would be decided by ballots, not bullets. In his first inaugural address in 1789, Ronald Reagan commented on this remarkable fact:

My fellow citizens: To a few of us today, this is a solemn and most momentous occasion; and yet, in the history of our Nation, it is a commonplace occurrence. The orderly transfer of authority as called for in the Constitution routinely takes place as it has for almost two centuries and few of us stop to think how unique we really are. In the eyes of many in the world, this every-4-year ceremony we accept as normal is nothing less than a miracle.

This statement of President Reagan nicely summarizes the importance of the rule of law, and helps us understand why the American experiment in self- government is such a unique thing in human history.

Discussion Questions:

Why is the rule of law, or constitutional government, important?

Why did Washington refuse to steal from the countryside to provide for the army at Valley Forge?

What did Lewis Nicola propose to Washington? What was Washington’s response?

What precedent did Washington establish by acting decisively to stop the Whiskey Rebellion?

Why did George III call Washington “the greatest character of the age”?

Why did Washington decide to step aside after two terms as president?

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