

A Freeman I, *Pennsylvania Gazette*, 23 January 1788

First, then, tho' the convention propose that it should be the act of the people, yet it is in their capacities as citizens of *the several members of our confederacy*—for they are expressly declared to be “the people of *the United States*”—to which idea the expression is *strictly* confined, and the *general* term of *America*, which is constantly used in speaking of us *as a nation*, is carefully omitted: a pointed view was evidently had to our *existing union*. But we must see at once, that the reason of “*the People*” being mentioned was, that alterations of several constitutions were to be effected, which the convention well knew could be done by no authority but that of “*the people*,” either determining themselves *in their several states*, or delegating adequate powers to their *state conventions*. Had the foederal convention meant to exclude the idea of “*union*,” that is, of *several and separate* sovereignties joining in a confederacy, they would have said, *we the people of America*; for union necessarily involves the idea of component states, which complete consolidations exclude. But the severalty of the states is frequently recognized in the most distinct manner in the course of the constitution. The representatives are to be inhabitants of *the state* they represent—each *state* is to have a representative—the militia officers are to be appointed by the *several states*—and many other instances will be found in reading the constitution. These, however, are all mere expressions, and I should not have introduced them, but to overbalance the words you have mentioned by a superior weight of the same kind. Let us, then, proceed to evidences against consolidation, of more force than the mere form of words.

It will be found, on a careful examination, that many things, which are indispensibly necessary to the existence and good order of society, cannot be performed by the foederal government, but will require *the agency and powers* of the state legislatures or sovereignties, with their various appurtenances and appendages.

1st. Congress, under all the powers of the proposed constitution, can neither train the militia, nor appoint the officers thereof.

2dly. They cannot fix the qualifications of electors of representatives, or of the electors of the electors of the President or Vice-President.

3dly. In case of a vacancy in the senate or the house of representatives, they cannot issue a writ for a new election, nor take any of the measures necessary to obtain one.

4thly. They cannot appoint a judge, constitute a court, or in any other way interfere in determining offences against the criminal law of the states, nor can they in any way interfere in the determinations of civil causes between citizens of the same state, which will be innumerable and highly important.

5thly. They cannot elect a President, a Vice-President, a Senator, or a foederal representative, without all of which their own government must remain *suspended*, and universal *Anarchy must ensue*.

6thly. They cannot determine the place of chusing senators, because that would be derogatory to *the sovereignty* of the state legislatures, who are to elect them.

7thly. They cannot enact laws for the inspection of the produce of the country, a

matter of the utmost importance to the commerce of the *several* states, and the honor of *the whole*.

8thly. They cannot appoint or commission *any state officer*, legislative, executive or judicial.

9thly. They cannot interfere with the opening of rivers and canals; the making or regulation of roads, except post roads; building bridges; erecting ferries; establishment of state seminaries of learning; libraries; literary, religious, trading or manufacturing societies; erecting or regulating the police of cities, towns or boroughs; creating new state offices; building light houses, public wharves, county gaols, markets, or other public buildings; making sale of state lands, and other state property; receiving or appropriating the incomes of state buildings and property; executing the state laws; altering the criminal law; nor can they do any other matter or thing appertaining to the internal affairs of any state, whether legislative, executive or judicial, civil or ecclesiastical.

10thly. They cannot interfere with, alter or amend the constitution of any state, which, it is admitted, now is, and, from time to time, will be more or less necessary in most of them.

The proper investigation of this subject will require more of your time than I can take the liberty of engaging at present. I shall therefore leave what I have now written to your honest and cool reflection.

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