

Oliver Ellsworth in the Connecticut Convention, 7 January 1788

This Constitution defines the extent of the powers of the general government. If the general legislature should at any time overleap their limits, the judicial department is a constitutional check. If the United States go beyond their powers, if they make a law which the Constitution does not authorize, it is void; and the judicial power, the national judges, who to secure their impartiality are to be made independent, will declare it to be void. On the other hand, if the states go beyond their limits, if they make a law which is an usurpation upon the general government, the law is void; and upright, independent judges will declare it to be so. Still, however, if the United States and the individual states will quarrel, if they want to fight, they may do it, and no frame of government can possibly prevent it. It is sufficient for this Constitution that, so far from laying them under a necessity of contending, it provides every reasonable check against it. But, perhaps at some time or other, there will be a contest; the states may rise against the general government. If this does take place, if all the states combine, if all oppose, the whole will not eat up the members, but the measure which is opposed to the sense of the people will prove abortive. In republics, it is a fundamental principle that the majority govern, and that the minority comply with the general voice. How contrary then to republican principles, how humiliating is our present situation. A single state can rise up and put a *veto* upon the most important public measures. We have seen this actually take place; a single state has controlled the general voice of the Union—a minority, a very small minority has governed us. So far is this from being consistent with republican principles, that it is, in effect, the worse species of monarchy.

Hence we see, how necessary for the Union is a coercive principle. No man pretends the contrary. We all see and feel this necessity. The only question is, shall it be a coercion of law or a coercion of arms? There is no other possible alternative. Where will those who oppose a coercion of law come out? Where will they end? A necessary consequence of their principles is a war of the states, one against another. I am for coercion by law, that coercion which acts only upon delinquent individuals. This Constitution does not attempt to coerce sovereign bodies, states in their political capacity. No coercion is applicable to such bodies, but that of an armed force. If we should attempt to execute the laws of the Union by sending an armed force against a delinquent state, it would involve the good and bad, the innocent and guilty, in the same calamity. But this legal coercion singles out the guilty individual and punishes him for breaking the laws of the Union. All men will see the reasonableness of this; they will acquiesce and say, let the guilty suffer. How have the morals of the people been depraved for the want of an efficient government which might establish justice and righteousness. For the want of this, iniquity has come in upon us like an overflowing flood. If we wish to prevent this alarming evil, if we wish to protect the good citizen in his right, we must lift up the standard of justice; we must establish a national government to be enforced by the equal decisions of law and the peaceable arm of the magistrate.

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