

***A Plebeian: An Address to the People of the State of New York, 17 April 1788***  
**(excerpts)**

...But it is farther said, that there can be no prospect of procuring alterations before it is acceded to, because those who oppose it do not agree among themselves with respect to the amendments that are necessary. To this I reply, that this may be urged against attempting alterations after it is received, with as much force as before; and therefore, if it concludes any thing, it is, that we must receive any system of government proposed to us, because those who object to it do not entirely concur in their objections. But the assertion is not true to any considerable extent. There is a remarkable uniformity in the objections made to the constitution, on the most important points. It is also worthy of notice, that very few of the matters found fault with in it, are of a local nature, or such as affect any particular state; on the contrary, they are such as concern the principles of general liberty, in which the people of New-Hampshire, New-York, and Georgia are equally interested.

It would be easy to shew, that in the leading and most important objections that have been made to the plan, there has been, and is an entire concurrence of opinion among writers, and in public bodies throughout the United States.

I have not time fully to illustrate this by a minute narration of particulars; but to prove that this is the case, I shall adduce a number of important instances.

It has been objected to the new system, that it is calculated to, and will effect such a consolidation of the States, as to supplant and overturn the state governments. In this the minority of Pennsylvania, the opposition in Massachusetts, and all the writers of any ability or note in Philadelphia, New-York, and Boston concur. It may be added, that this appears to have been the opinion of the Massachusetts convention, and gave rise to that article in the amendments proposed, which confines the general government to the exercise only of powers expressly given.

It has been said, that the representation in the general legislature is too small to secure liberty, or to answer the intention of representation. In this there is an union of sentiments in the opposers.

The constitution has been opposed, because it gives to the legislature an unlimited power of taxation, both with respect to direct and indirect taxes, a right to lay and collect taxes, duties, imposts, and excises of every kind and description, and to any amount. In this, there has been as general a concurrence of opinion as in the former.

The opposers to the constitution have said that it is dangerous, because the judicial power may extend to many cases which ought to be reserved to the decision of the State courts, and because the right of trial by jury, is not secured in the judicial courts of the general government, in civil cases. All the opposers are agreed in this objection.

The power of the general legislature to alter and regulate the time, place, and manner of holding elections, has been stated as an argument against the adoption of the system. It has been urged, that this power will place in the hands of the general government, the authority, whenever they shall be disposed, and a favorable opportunity offers, to deprive the body of the people, in effect, of all share in the government. The opposers to the constitution universally agree in this objection, and of such force is it, that most of its ardent advocates admit its validity, and those who have made attempts to vindicate it, have been reduced to the necessity of using the most trifling arguments to justify it.

The mixture of legislative, judicial, and executive powers in the senate; the little degree of responsibility under which the great officers of government will be held; and the liberty granted by the system to establish and maintain a standing army, without any limitation or restriction, are also objected to the constitution; and in these, there is a great degree of unanimity of sentiment in the opposers.

From these remarks it appears, that the opponents to the system accord in the great and material points on which they wish amendments. For the truth of the assertion, I appeal to the protest of the minority of the convention of Pennsylvania, to all the publications against the constitution, and to the debates of the convention of Massachusetts. As a higher authority than these, I appeal to the amendments proposed by the Massachusetts [Convention]; these are to be considered as the sense of that body upon the defects of the system. And it is a fact, which I will venture to assert, that a large majority of that convention were of opinion, that a number of additional alterations ought to be made. Upon reading the articles which they propose as amendments, it will appear, that they object to indefinite powers in the legislature—to the power of laying direct taxes—to the authority of regulating elections—to the extent of the judicial powers, both as it respects the inferior courts and the appellate jurisdiction—to the smallness of the representation, &c—It is admitted, that some writers have advanced objections that others have not noticed—that exceptions have been taken by some, that have not been insisted upon by others, and it is probable, that some of the opponents may approve what others will reject. But still these differences are on matters of small importance, and of such a nature as the persons who hold different opinions will not be tenacious of. Perfect uniformity of sentiment on so great a political subject is not to be expected. Every sensible man is impressed with this idea, and is therefore prepared to make concessions and accommodate on matters of small importance. It is sufficient that we agree in the great leading principles, which relate to the preservation of public liberty and private security. And on these I will venture to affirm we are as well agreed, as any people ever were on a question of this nature. I dare pronounce, that were the principal advocates for the proposed plan to write comments upon it, they would differ more in the sense they would give the constitution, than those who oppose it do, in the amendments they would wish. I am justified in this opinion, by the sentiments advanced by the different writers in favour of the constitution...

Cite as: The Documentary History of the Ratification of the Constitution Digital Edition, ed. John P. Kaminski, Gaspare J. Saladino, Richard Leffler, Charles H. Schoenleber and Margaret A. Hogan. Charlottesville: University of Virginia Press, 2009.

Canonic URL: <http://rotunda.upress.virginia.edu/founders/RNCN-03-17-02-0036> [accessed 30 Jan 2013]

Original source: Commentaries on the Constitution, Volume XVII: Commentaries on the Constitution, No. 5