

Luther Martin: Genuine Information XII, Baltimore *Maryland Gazette*, 8 February 1788

Mr. Martin's Information to the House of Assembly, concluded.

The part of the system, which provides that *no religious test* shall ever be required as a qualification to any office or public trust under the United States, was adopted by a very great majority of the convention, and without much debate,—however, there were some members *so unfashionable* as to think that a *belief of the existence of a Deity*, and of a *state of future rewards and punishments* would be some security for the good conduct of our rulers, and that in a Christian country it would be at *least decent* to hold out some distinction between the professors of Christianity and downright infidelity or paganism.

The seventh article declares, that the ratification of *nine States* shall be sufficient for the establishment of this constitution between the States ratifying the same.

It was attempted to obtain a resolve that if seven States, whose votes in the first branch should amount to a majority of the representation in that branch, concurred in the adoption of the system, it should be sufficient, and this attempt was supported on the principle, that a majority ought to govern the minority;—but to this it was objected that although it was true, after a constitution and form of government is agreed on, in every act done under and consistent with that constitution and form of government, the act of the majority, unless otherwise agreed in the constitution, should bind the minority, yet it was directly the *reverse* in *originally forming* a constitution, or *dissolving it*—That in originally forming a constitution, it was necessary that *every individual* should agree to it to become bound thereby—and that when *once adopted* it could not be *dissolved* by consent, unless with the consent of *every individual* who was *party* to the original agreement—That in forming our original federal government *every member* of that government, that is each State, expressly consented to it;—that it is a *part* of the *compact* made and entered into in the *most solemn* manner, that there should be no *dissolution* or *alteration* of that federal government without the consent of *every State*, the members of, and parties to the original compact; that therefore *no alteration* could be made by the consent of a *part* of the States, or by the consent of the *inhabitants* of a *part of the States*, which could either *release* the States so consenting from the obligation they are under to the other States, or which could in any manner become *obligatory* upon those States that should not ratify such alterations.—Satisfied of the *truth* of these positions, and not holding ourselves at liberty to *violate* the *compact*, which this State had *solemnly entered into* with the others, by *altering* it in a *different* manner from that which by the same compact is provided and stipulated, a number of the members and among those the *delegation of this State* opposed the ratification of this system in *any other manner* than by the *unanimous consent* and agreement of *all the States*.

By our original articles of confederation any alterations proposed are in the first place to be *approved* by Congress.—Accordingly as the resolutions were originally adopted by the convention, and as they were reported by the committee of detail, it

was proposed that this system should be laid before Congress *for their approbation*;—but, Sir, the warm advocates of this system fearing it would not meet with the approbation of Congress, and determined, even though Congress and the respective State legislatures should disapprove the same, to force it upon them, if possible, through the intervention of the people at large moved to strike the words “for their approbation” and succeeded in their motion; to which, it being directly in violation of the mode prescribed by the articles of confederation for the alteration of our federal government, a part of the convention, and myself in the number, thought it a duty to give a decided negative.

Agreeable to the articles of confederation entered into in the most *solemn* manner, and for the *observance* of which the States *pledged* themselves to each other, and called upon the *Supreme Being* as a *witness* and *avenger* between them, *no alterations* are to be made in those articles unless after they are approved by Congress, they are agreed to and ratified by the *legislature* of every State; but by the resolve of the convention this constitution is not to be ratified by the legislature of the respective States, but is to be submitted to conventions chosen by the people, and if ratified by them is to be binding.

This resolve was opposed among others by the delegation of Maryland;—your delegates were of opinion that as the form of government proposed was, if adopted, most essentially to *alter* the *constitution* of *this State*, and as our constitution had pointed out a mode by which, and by which *only*, alterations were to be made therein, a convention of the people could not be called to agree to and ratify the said form of government without a *direct violation* of our constitution, which it is the duty of every individual in this State to protect and support;—in this opinion all your delegates who were attending were unanimous—I, Sir, opposed it also upon a more extensive ground— as being directly *contrary* to the mode of altering our federal government *established* in our original compact, and as such being a *direct violation* of the mutual faith plighted by the States to each other, I gave it my negative.

I also was of opinion that the States considered as States, in their political capacity, are the members of a federal government—That the States in their political capacity, or as sovereignties, are entitled, and *only entitled* originally to agree upon the form of, and submit themselves to, a federal government, and afterwards by mutual consent to dissolve or to alter it—That every thing which relates to the formation, the dissolution or the alteration of a *federal* government over States equally free, sovereign and independent is the *peculiar* province of the *States* in their *sovereign* or *political* capacity, in the same manner as what relates to forming alliances or treaties of peace, amity or commerce, and that the people at large in their individual capacity, have no more right to interfere in the one case than in the other—That according to these principles we originally acted in forming our confederation; it was the States as States, by their representatives in Congress, that formed the articles of confederation;—it was the States as States, by their legislatures, ratified those articles, and it was there established and provided that the States as States, that as by their legislatures, should agree to any alterations that should hereafter be proposed in the federal government, before they should be binding—and any alterations agreed to in any other manner cannot release the States from the obligation they are under to each other by virtue of the original articles

of confederation.—The people of the different States never made any objection to the manner the articles of confederation were formed or ratified, or to the mode by which alterations were to be made in that government—with the rights of their respective States they wished not to interfere—Nor do I believe the people in their individual capacity would ever have expected or desired to have been appealed to on the present occasion, in violation of the rights of their respective States, if the favourers of the proposed constitution, imagining they had a better chance of forcing it to be adopted by a *hasty* appeal to the people at large, who could not be so good judges of the dangerous consequences, had not insisted upon this mode—Nor do these positions in the least interfere with the principle, that all power originates from the people, because when once the people have *exercised their power* in *establishing* and *forming* themselves into a *State government*, it never *devolves back* to them, nor have they a *right to resume or again to exercise that power* until such events take place as will amount to a *dissolution* of their *State government*:—And it is an established principle that a dissolution or alteration of a *federal government* doth not dissolve the *State governments* which compose it.—It was also my opinion that upon *principles of sound policy*, the agreement or disagreement to the proposed system ought to have been by the State legislatures, in which case, let the event have been what it would, there would have been but little prospect of the *public peace* being *disturbed* thereby—Whereas the attempt to force down this system, although Congress and the respective State legislatures should disapprove, by appealing to the people, and to procure its establishment in a manner totally unconstitutional, has a tendency to set the *State governments* and their *subjects* at *variance* with each other—to *lessen the obligations of government*—to *weaken the bands of society*—to introduce *anarchy* and *confusion*—and to *light the torch of discord and civil war* throughout this continent.—All these considerations weighed with me most forcibly against giving my assent to the mode by which it is resolved this system is to be ratified, and were urged by me in opposition to the measure.

I have now, Sir, in discharge of the duty I owe to this house, given such information as hath occurred to me, which I consider most material for them to know; and you will easily perceive from this detail that a great portion of that time, which ought to have been devoted calmly and impartially to consider what alterations in our federal government would be most likely to procure and preserve the happiness of the union, was employed in a *violent struggle* on the one side to obtain *all power* and *dominion* in their own hands, and on the other to prevent it—and that the *aggrandizement* of particular States and particular individuals appears to have been much more the object sought after than the welfare of our country.

The interest of this State, not confined merely to itself, abstracted from all others, but considered relatively; and as far as was consistent with the common interest of the other States, I thought it my duty to pursue according to the best opinion I could form of it.

When I took my seat in the convention, I found them attempting to bring forward a system, which I was sure never had entered into the contemplation of those I had the honour to represent, and which upon the fullest consideration, I considered not only injurious to the interest and the rights of this State, but also incompatible with the

political happiness and freedom of the States in general; from that time until my business compelled me to leave the convention, I gave it every possible opposition in every stage of its progression.—I opposed the system there with the same explicit frankness with which I have here given you a history of our proceedings, and an account of my own conduct, which in a particular manner I consider you as having a right to know—While there, I endeavoured to act as became a free man, and the delegate of a free State. Should my conduct obtain the approbation of those who appointed me, I will not deny it would afford me satisfaction; but to me that approbation was at most no more than a *secondary* consideration—my *first* was to *deserve* it;—left to myself to act according to the best of my discretion, my conduct should have been the same, had I been even sure your censure would have been my only reward, since I hold it sacredly my duty to dash the cup of poison, if possible, from the hand of a State or an individual, however anxious the one or the other might be to swallow it.

Indulge me, Sir, in a single observation further. There are persons who endeavour to hold up the idea that this system is only opposed by the officers of government—I, Sir, am in that predicament.—I have the honor to hold an appointment in this State.⁷ Had it been considered any objection, I presume I should not have been appointed to the convention—If it could have any effect on my mind, it would only be that of warming my heart with gratitude, and rendering me more anxious to promote the true interest of that State which has conferred upon me the obligation, and to heighten my guilt had I joined in sacrificing its essential rights—But, Sir, it would be well to remember, that this system is not calculated to *diminish* the *number* or the *value* of *offices*—on the contrary, if adopted, it will be productive of an enormous increase in their number—many of them will be also of great honour and emolument. Whether, Sir, in this variety of appointments and in the scramble for them, I might not have as good a prospect to advantage myself as many others is not for me to say—but this, Sir, I can say with truth, that so far was I from being influenced in my conduct by interest, or the consideration of office, that I would cheerfully resign the appointment I now hold—I would bind myself never to accept another either under the general government or that of my own State—I would do more, Sir, so destructive do I consider the present system to the happiness of my country, I would cheerfully sacrifice that share of property with which Heaven has blessed a life of industry,—I would reduce myself to indigence and poverty; and those who are dearer to me than my own existence I would entrust to the care and protection of that Providence who hath so kindly protected myself, if on *those terms only* I could procure my country to reject those chains which are forged for it.

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