

William Lancaster, Speech in the Ratifying Convention, 30 July 1788

Mr. LANCASTER. Mr. Chairman, it is of the utmost importance to decide this great question with candor and deliberation. Every part of this Constitution has been elucidated. It hath been asserted, by several worthy gentlemen, that it is the most excellent Constitution that ever was formed. I could wish to be of that opinion if it were so. The powers vested therein were very extensive. I am apprehensive that the power of taxation is unlimited. It expressly says that Congress shall have the power to lay taxes, &c. It is obvious to me that the power is unbounded, and I am apprehensive that they may lay taxes too heavily on our lands, in order to render them more productive. The amount of the taxes may be more than our lands will sell for. It is obvious that the lands in the Northern States, which gentlemen suppose to be more populous than this country, are more valuable and, better cultivated than ours; yet their lands will be taxed no higher than our lands. A rich man there, from report, does not possess so large a body of land as a poor man to the southward. If so, a common poor man here will have much more to pay for poor land, than the rich man there for land of the best quality. This power, being necessarily unequal and oppressive, ought not to be given up. I shall endeavor to be as concise as possible. We find that the ratification of nine states shall be sufficient for its establishment between the states so ratifying the same. This, as has been already taken notice of, is a violation of the Confederation. We find that, by that system, no alteration was to take place, except it was ratified by every state in the Union. Now, by comparing this last article of the Constitution to that part of the Confederation, we find a most flagrant violation. The Articles of Confederation were sent out with all solemnity on so solemn an occasion, and were to be always binding on the states; but, to our astonishment, we see that nine states may do away the force of the whole. I think, without exaggeration, that it will be looked upon, by foreign nations, as a serious and alarming change.

How do we know that, if we propose amendments, they shall be obtained after actual ratification? May not these amendments be proposed with equal propriety, and more safety, as the condition of our adoption? If they violate the 13th article of the Confederation in this manner, may they not, with equal propriety, refuse to adopt amendments, although agreed to and wished for by two thirds of the states? This violation of the old system is a precedent for such proceedings as these. That would be a violation destructive to our felicity. We are now determining a question deeply affecting the happiness of millions yet unborn. It is the policy of freemen to guard their privileges. Let us, then, as far as we can, exclude the possibility of tyranny. The President is chosen for four years; the senators for six years. Where is our remedy for the most flagrant abuses? It is thought that North Carolina is to have an opportunity of choosing one third of their senatorial members, and all their representatives, once in two years. This would be the case as to senators, if they should be of the first class; but, at any rate, it is to be after six years. But if they deviate from their duty, they cannot be excluded and changed the first year, as the members of Congress can now by the Confederation. How can it be said to be safe to trust so much power in the hands of such men, who are not responsible or amenable for misconduct?

As it has been the policy of every state in the Union to guard elections, we ought to be more punctual in this case. The members of Congress now may be recalled. But in this Constitution they cannot be recalled. The continuance of the President and Senate is too long. It will be objected, by some gentlemen, that, if they are good, why not continue them? But I would ask, How are we to find out whether they be good or bad? The individuals who assented to any bad law are not easily discriminated from others. They will, if individually inquired of, deny that they gave it their approbation; and it is in their power to conceal their transactions as long as they please.

There is also the President's conditional negative on the laws. After a bill is presented to him, and he disapproves of it, it is to be sent back to that house where it originated, for their consideration. Let us consider the effects of this for a few moments. Suppose it originates in the Senate, and passes there by a large majority; suppose it passes in the House of Representatives unanimously; it must be transmitted to the President. If he objects, it is sent back to the Senate; if two thirds do not agree to it in the Senate, what is the consequence? Does the House of Representatives ever hear of it afterwards? No, it drops, because it must be passed by two thirds of both houses; and as only a majority of the Senate agreed to it, it cannot become a law. This is giving a power to the President to overrule fifteen members of the Senate and every member of the House of Representatives. These are my objections. I look upon it to be unsafe to drag each other from the most remote parts in the state to the Supreme Federal Court, which has appellate jurisdiction of causes arising under the Constitution, and of controversies between citizens of different states. I grant, if it be a contract between a citizen of Virginia and a citizen of North Carolina, the suit must be brought here; but may they not appeal to the Supreme Court, which has cognizance of law and fact? They may be carried to Philadelphia, They ought to have limited the sum on which appeals should lie. They may appeal on a suit for only ten pounds. Such a trifling sum as this would be paid by a man who thought he did not owe it, rather than go such a distance. It would be prudence in him so to do. This would be very oppressive.

I doubt my own judgment; experience has taught me to be diffident; but I hope to be excused and put right if I be mistaken.

The power of raising armies is also very exceptionable. I am not well acquainted with the government of other countries, but a man of any information knows that the king of Great Britain cannot raise and support armies. He may call for and raise men, but he has no money to support them. But Congress is to have power to raise and support armies. Forty thousand men from North Carolina could not be refused without violating the Constitution. I wish amendments to these parts. I agree it is not our business to inquire whether the continent be invaded or not. The general legislature ought to superintend the care of this, Treaties are to be the supreme law of the land. This has been sufficiently discussed: it must be amended some way or other. If the Constitution be adopted, it ought to be the supreme law of the land, and a perpetual rule for the governors and governed. But if treaties are to be the supreme law of the land, it may repeal the laws of different states, and render nugatory our bill of rights.

As to a religious test, had the article which excludes it provided none but what had been in the states heretofore, I would not have objected to it. It would secure religion. Religious liberty ought to be provided for. I acquiesce with the gentleman, who spoke, on this point, my sentiments better than I could have done myself. For my part, in reviewing the qualifications necessary for a President, I did not suppose that the pope could occupy the President's chair. But let us remember that we form a government for millions not yet in existence. I have not the art of divination. In the course of four or five hundred years, I do not know how it will work. This is most certain, that Papists may occupy that chair, and Mahometans may take it. I see nothing against it. There is a disqualification, I believe, in every state in the Union — it ought to be so in this system. It is said that all power not given is retained. I find they thought proper to insert negative clauses in the Constitution, restraining the general government from the exercise of certain powers. These were unnecessary if the doctrine be true, that every thing not given is retained. From the insertion of these we may conclude the doctrine to be fallacious. Mr. Lancaster then observed, that he would disapprove of the Constitution as it then stood. His own feelings, and his duty to his constituents, induced him to do so. Some people; he said, thought a delegate might act independently of the people. He thought otherwise, and that every delegate was bound by their instructions, and if he did any thing repugnant to their wishes, he betrayed his trust, He thought himself bound by the voice of the people, whatever other gentlemen might think. He would cheerfully agree to adopt, if he thought it would be of general utility; but as he thought it would have a contrary effect, and as he believed a great majority of the people were against it, he would oppose its adoption.

Jonathan Elliot, ed., *The Debates in the Several State Conventions, on the Adoption of the Federal Constitution*, Vol. 4, Philadelphia: J.B. Lippincott and Company, pp. 212-216.