

Publicola: An Address to the Freemen of North Carolina, *State Gazette of North Carolina*, 20 March 1788

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To the Freemen of the state of North-Carolina.

The constitution proposed by the late general Convention, being in some states opposed with great warmth, and uncommon perseverance; and among ourselves being a common topic of discussion, tho' apparently little understood; it becomes the duty of every citizen who conceives he can throw any light upon the subject, to communicate his sentiments to you.

We have among us some characters who have uniformly opposed giving Congress any additional powers—what idea such persons have of a government, which by its constitution is empowered to make treaties, contract debts and to demand monies from the several states, without being able to raise a single shilling, or enforce obedience to any one of its acts, they would do well to inform us. They had better acknowledge with candour, what they avow in principle, that we have no occasion for a federal government. Congress, in its present state of imbecility, is a considerable expence to the states. If it cannot be rendered more useful, we had much better keep the money among ourselves, than part with it to so little purpose. Our present *form* of federal government (for it is no more) is the only one in the known world altogether without energy.

There are others who acknowledge that a reform is necessary, but at the same time start numerous objections to the remedy proposed. These objections are indeed so various and contradictory, that they destroy themselves—Scarcely any two of those who oppose the new constitution agree together; nor is there among the whole any thing proposed to substitute in the place of that which they reject. It is evident from this, that whatever may be their professions, they do not wish for any reform—Their strength lies in cavilling; convinced that if they can successfully oppose the proposed government, nothing better can be substituted in its place.

I very sincerely believe that there are many averse from the new constitution upon principle. They conceive that some parts of it may prove dangerous to liberty—It is to such I would wish to offer my remarks; for as to those who are opposed, without reasoning upon, or even reading, what they condemn, I consider them as incorrigible; and however respectable they may appear from station or capacity, I cannot view their conduct without discovering some degree of contempt for their selfish meanness.

Every man of common understanding, and common honesty, will readily acknowledge that something more than a bare federal union is necessary to make us a great and respectable nation—Mixed governments are universally acknowledged to be the best, as partaking of the

different forms which are necessary for securing the rights of the people, and at the same time for promoting that dispatch and energy which is necessary for defence against enemies. The new government is partly federal, and partly national. The confederation still subsists, where it is not altered by the new form. To prove this, if it should be doubted, take part of the preamble to the latter: "We the people of the *United States* in order to form a *more perfect union*." The constitution of the respective states, and the rights of the people, are to remain as under the confederation, excepting such parts as interfere with the express powers given to Congress by the new constitution. All the clamour therefore, which has been raised about the trial by jury, and the liberty of the press, might have been spared, as altogether unfounded. To those who wish to trust themselves under separate state-governments, which may, as they have hitherto done, disregard the recommendations and requisitions of the union, I would recommend an attentive perusal of history, and as they do not seem to place any dependance on the reasoning of their fellow citizens, learn to be wise from the experience of past ages. They will find that in all countries, a strict union among the people, has been the only means of preserving liberty. Spain, composed of a number of kingdoms, principalities and provinces, which in the beginning of the reign of the Emperor Charles the Fifth, the first sovereign of that united country, enjoyed more liberty than any other country in Europe; but for want of union among the people, lost the whole; and their Kings from being the most limited, became in a few years to be some of the most absolute monarchs in Europe. At this day, there is not the shadow of liberty among them—every species of tyranny, which could be devised, has reduced the people to the most abject slavery. When people enter into society, they must, in order to obtain protection, give up some part of their natural liberty, in order to secure the rest—the more we retain in our hands, consistent with that protection, which is necessary for society, will be so much the better, and this is called civil liberty—In small states, the people generally retain more than in those which are extensive; but at the same time, they are more subject to violence and oppression, from their powerful neighbours. There is no possible way of uniting the force of a number of small states, but under one head. If each one is left to its own deliberations, it may determine, for want of knowing what is most salutary for the whole, contrary to the general interest; and thus defeat the purposes of the union—In all events, the very time taken in deliberating may prove fatal.—Instead of searching for objections against the new constitution, something should be proposed that will better answer the purpose, and at the same time secure the liberties of the people.—There are no powers granted by the new constitution, but what are necessary in all governments, and if we cannot entrust them in the hands of our own citizens; persons of our own choice, and whom we may remove at stated, and short periods, we must be contented to live without any effective government—We must be contented to remain at the mercy of the first foreign invader who may think us worth subduing; or, what will unquestionably be much worse, to fall into civil wars, and at last become the prey of the most daring desperado among ourselves. There is scarcely an objection made to the new constitution, but what will operate with equal force against any form of government that can be devised.

It is very remarkable that the principal opponents among us, are either those whose private interest may be affected by the proposed constitution; or those who conceive that their importance may be lessened by the intended change. Had the interested and ambitious acted honestly, and taken as much pains to explain and elucidate, as they have done to prevent;

those among you, who have little or no means of information but from your wealthy, or dignified neighbours, would not at this day have raised your voices against a work that does honour, even to the most celebrated of those names who assisted in forming it. The new constitution is not pretended to be a work of perfection—such is not to be expected from imperfect beings; but it is perfect, compared to what we had reason to expect, from the jarring interests, and dissonant opinions of those who composed it—It is not a work intended for this, or that state, but for the whole body of the union. But were it completely adapted to our present situation, so as to be unexceptionable to all, time would render it defective—Improvements in commerce and manufactures, in arts and sciences; an increase in population, and an alteration in manners, would render amendments to the new constitution necessary—nothing in this world can be permanent; but it has been truly and elegantly observed by one of the framers of the new constitution, that the seeds of reformation are sown in the work itself—there is express provision made for amendments, when its defects and imperfections shall be discovered in its operation.¹

There is reason to believe that those who are predetermined against the new constitution, have insidiously endeavoured to poison your minds so far, as to prevail on many of you to make it a previous condition with your representatives, to vote against it;—those who will take the trouble to reflect upon the consequences of such a measure, must be convinced of the absurdity, as well as the fatal tendency of it. It is putting a negative upon the proposed constitution before debate; and should your delegates be convinced hereafter, that it is worthy of adoption, they will be embarrassed with your instructions. The greatest part of you have not the means of information, and being unaccustomed to think of government, few of you are competent judges of it. Why do the people chuse representatives but to decide for them? Why do the representatives want instructions, but to give them a plausible pretext for voting against the conviction of their own minds? It must be a bad cause that will not admit of a free investigation. Instructions to reject the new constitution, defeats the very purpose for which the Convention is to meet. We are, by the resolves of the Congress and Assembly, to elect persons “for the purpose of *deliberating* and *determining* on the said constitution;” not for the purpose either of adoption or rejection, without deliberation and debate. Were that to be the case, the members of the Convention would have no more to do than to examine all the different instructions; to *count noses*, and by that summary method, to adopt, or reject. This method, if not the most rational, that might be adopted, will at least be equal to the *throw of a die*, or any other species of gaming; though by some persons it may not be thought altogether so eligible as that, which is authorised; of collecting the united wisdom of the state in order, to *deliberate* and *determine*.

The arguments which mislead you are as weak as they are dishonest. You are told that by adopting the new constitution, the dignity of the state will be lost; that you will be drained of your money by *foreign* taxes (for so the taxes of Congress are as *modestly as wisely* called) and be obliged to attend *foreign* Courts, at a great distance, and an enormous expence; whereas, say the objectors, we are able to support our own state; the taxes imposed by our legislature, will be consumed among ourselves; and we can have justice as well administered at home, as at six or seven hundred miles distance, and at a much cheaper rate. To those who do not look

further, but consider this state, not only as the guardian of our liberties, but as bulwark of defence, these are flattering arguments; and when they are applied to a man heated with zeal, he will be apt to set all the powers of Europe at defiance. If however he should happen to recollect that a handful of men during the late war, took possession of one of the principal ports of the state, and kept possession of it ten months, even when a body of militia, three times their number, advanced against them; and that, that very handful of men, marched a hundred miles through the country unmolested, and plundered a principal seaport before their return, it is possible he may begin to doubt his own prowess, and even question whether the state can be depended upon for a guard against the depredations of a single privateer. It is not material what resources we have—experience may teach us, that under our present government, we cannot make a proper use of them. The United States are, and for some years have been, without any national character—Foreigners say, and they say truly, that we have no government—Even in this state, our policy is so wretched, that we have lost all credit, the very soul of commerce. No foreigner, no not an individual of any of our sister states, will trust us with a shilling. Our paper money, and our judicial decisions, banish all confidence; and the former has banished all gold and silver—Let paper money be no longer a tender, and justice be done to those who have transactions with us, and I will venture to assert that we shall soon have among us, a pound value in gold and silver, for every shilling in paper which we now possess. Wherever depreciated money is a lawful tender, that which is good vanishes, as if by enchantment.

I am astonished to hear that appeals are held up as a bugbear by men of understanding, if indeed they are in earnest. It is well known to every one who has looked into the new constitution, with any degree of attention, that the federal courts can have nothing to do with suits between citizens of the same state, unless where they claim lands under grants of different states. This [is] a power reserved by the confederation, and it is necessary for the purpose of giving each party a fair and impartial trial, before Judges who may be supposed indifferent to both states—The citizen of this state will have the benefit of this regulation, when he claims land in another state, either under a grant of that state, or his own. Appeals will be regulated by your own representatives in Congress, and will undoubtedly be confined to suits where the value contended for, will bear the expence and trouble. This is a sufficient security for us, as a great majority of the states must necessarily be at a considerable distance from the seat of government; and in framing laws the members will be attentive to the interest of their respective constituents. But I find some people are so strangely infatuated, as to think that Congress can, and therefore will, usurp powers not given them by the states, and do any thing, however oppressive and tyrannical. I know no good grounds for such a supposition, but this, that the legislative and judicial powers of the state have too often stepped over the bounds prescribed for them by the constitution; and yet, strange to tell, few of those, whose arguments I am now considering, think such measures censurable—The conclusion to be drawn here is obvious—The objectors hope to enjoy the same latitude of doing evil with impunity, and they are fearful of being restricted, if an efficient government takes place. But in truth many of the arguments used against the new constitution are utterly unaccountable; such for instance, that taxes are to be levied at the point of the bayonet—I would be glad to know the reason for this extraordinary assertion—Who has informed those worthy objectors all over the United States

(for they catch at the arguments of each other) that the people would refuse to pay taxes for the support of the union? For to make soldiers necessary in the collection, resistance in the people is pre-supposed. That the people in this state should raise any objections to federal courts, and to appeals, is to me past all comprehension. After complaining for some years past, of the delays in our own courts, and of frequent decisions which have given great offence to the people in general, it would naturally occur that some reform should be thought necessary, and that any scheme that would effect such a salutary purpose, would readily be adopted. All criminal matters must be tried, and finally determined, in the state where the offence may be committed, even if it should be treason against the United States; and though the federal courts must be confined to some particular cases specified in the new constitution, yet the rules of their conduct will have a powerful influence upon the courts of the state. If business is transacted in the former upon settled and uniform principles, and without unnecessary delays, the latter will be ashamed to neglect their duty. I am informed that our Judges see clearly that this will be one of the consequences of adopting the new constitution, and one of them, fearful of being restricted to do what is right, expressed his apprehensions, that the *great federal courts* would *overshadow* the courts of the state: So unwilling are men possessed of absolute power to relinquish any part of it. For this, and several reasons, altogether as good, our Judges are decidedly opposed to the new constitution. But I suppose no good citizen will think it any degradation to the state, that our courts should undergo a reform from the example of the courts of the union (of which we are a part) or even from the example of the courts of any other country. The apprehensions of paying taxes for the support of the union, should not influence our conduct in deciding whether we shall receive the new constitution—We should have paid them long since, towards discharging the interest of our debts, and had our government been judiciously conducted, we might have done it with ease. Taxes are necessary for the support of every government, and though we shall always have a state establishment to support, the taxes for the union will be applied for our protection and defence from foreign enemies—Besides they will be rated by our own immediate representatives, and they and their families will be equally liable with ourselves. But it is not probable, in our present situation, that the federal government will want any direct taxes from the states, for a considerable time to come—I am persuaded that nothing but a rupture with some foreign power will make taxation necessary; and if we are enabled to make good our past engagements, there will be little or no danger of a war on our parts—But if it should be unavoidable, it is certainly better for us to pay a moderate tax, in order to be prepared to repel an enemy, than to suffer the country to be invaded and plundered. We have had sufficient experience of that already, and no good man wishes for a repetition of it.—But the sale of the western territory, and the duties arising from imposts, will, in all probability, be more than equal to our wants while we continue in peace—These last will increase yearly beyond all exception, and our exports in proportion; so that every succeeding year we shall be the better able to pay. Much of the sums collected at the different ports will center among ourselves. The different federal departments must be supported, and commerce will make us ample returns for whatever monies may be drawn from us. Exclusive of the advantages of a general trade, we must supply many, and might in time supply almost all of the materials necessary for equipping a navy.

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