Anti-Federalists' Supporters

18 October, 1787

To the citizens of the State of New York

…This government is to possess absolute and uncontrollable power, legislative, executive and judicial, with respect to every object to which it extends, for by the last clause of section 8th, article 1st, it is declared "that the Congress shall have power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution, in the government of the United States; or in any department or office thereof." And by the 6th article, it is declared "that this constitution, and the laws of the United States, which shall be made in pursuance thereof, and the treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, any thing in the constitution, or law of any state to the contrary notwithstanding." It appears from these articles that there is no need of any intervention of the state governments, between the Congress and the people, to execute any one power vested in the general government, and that the constitution and laws of every state are nullified and declared void, so far as they are or shall be inconsistent with this constitution, or the laws made in pursuance of it, or with treaties made under the authority of the United States…

…In the business therefore of laying and collecting taxes, the idea of confederation is totally lost, and that of one entire republic is embraced. It is proper here to remark, that the authority to lay and collect taxes is the most important of any power that can be granted; it connects with it almost all other powers, or at least will in process of time draw all other after it; it is the great mean of protection, security, and defence, in a good government, and the great engine of oppression and tyranny in a bad one… No state can emit paper money -- lay any duties, or imposts, on imports, or exports, but by consent of the Congress; and then the net produce shall be for the benefit of the United States: the only mean therefore left, for any state to support its government and discharge its debts, is by direct taxation; …when the federal government begins to exercise the right of taxation in all its parts, the legislatures of the several states will find it impossible to raise monies to support their governments. Without money they cannot be supported, and they must dwindle away, and, as before observed, their powers absorbed in that of the general government.

Brutus

Patrick Henry
Congress, by the power of taxation, by that of raising an army, and by their control over the militia, have the sword in one hand, and the purse in the other. Shall we be safe without either? Congress has an unlimited power over both: they are entirely given up by us. Let him candidly tell me, where and when did freedom exist, when the sword and purse were given up from the people? Unless a miracle in human affairs interposed, no
nation ever retained its liberty after the loss of the sword and purse. Can you prove, by any argumentative deduction, that it is possible to be safe without retaining one of these? If you give them up, you are gone. **Virginia Ratifying Convention, June 9, 1788**

Additional debates from the Virginia Ratifying Convention can be found on the following websites.

http://press_pubs.uchicago.edu/founders/print_documents/al_9_1s14.html

http://www.usconstitution.net/rat_va.html

**George Mason’s Objections to This Constitution of Government, September 16, 1787**

There is no Declaration of Rights, and the Laws of the general Government being paramount to the Laws & Constitutions of the several States, the Declarations of Rights in the separate States are no Security. Nor are the People secured even in the Enjoyment of the Benefits of the common Law.

In the House of Representatives, there is not the Substance, but the Shadow only of Representation; which can never produce proper Information in the Legislature, or inspire Confidence in the People; the Laws will therefore be generally made by men little concern'd in, and unacquainted with their Effects and Consequences.

The Senate have the Power of altering all money Bills, and of originating appropriations of money, & the Sallerys of the Officers of their own Appointment, in Conjunction with the president of the United States; altho' they are not the Representatives of the People, or amenable to them.

These, with their other great Powers (viz: their Power in the Appointment of Ambassadors and all public Officers, in making Treaties, and in trying all Impeachments) their Influence upon & Connection with the supreme Executive from these Causes, their Duration of Office, and their being a constant existing Body, almost continually sitting, joined with their being one compleat Branch of the Legislature will destroy any Ballance in the Government, & enable them to accomplish what Usurpations they please upon the Rights and Liberty of the People.

The Judiciary of the United States is so constructed & extended, as to absorb and destroy the Judiciaries of the several States; thereby rendering Law as tedious intricate and expensive, & Justice as unattainable, by a great Part of the Community, as in England, and enabling the Rich to oppress & ruin the Poor.

The President of the United States has no constitutional Council (a thing unknown in any safe & regular Government) he will therefore be unsupported by proper information and Advice; and will generally be directed by Minions and Favourites. Or he will become a Tool to the Senate -- or a Council of State will grow out of the principal Officers of the
great Departments; the worst & most dangerous of all Ingredients for such a Council, in a free country.

From this fatal Defect has arisen the improper Power of the Senate in the appointment of public Officers, and the alarming Dependence & Connection between that Branch of the Legislature and the supreme Executive.

Hence also sprung that unnecessary Officer, the Vice-President; who for want of other Employment, is made President of the Senate; thereby dangerously blending the executive and legislative Powers; besides always giving to some one of the States an unnecessary and unjust pre-eminence over the others.

The President of the United States has the unrestrained Power of granting Pardons for Treason; which may be sometimes exercised to screen from punishment those whom he had secretly instigated to commit the Crime, & thereby prevent a Discovery of his own Guilt.

By declaring all Treaties supreme Laws of the Land, the Executive & the Senate have in many Cases, an exclusive Power of legislation; which might have been avoided by proper Distinctions with respect to Treaties, and requiring the Assent of the House of Representatives, where it cou'd be done, with Safety.

By requiring a Majority to make all commercial & Navigation Laws, the five Southern States (whose Produce & Circumstances are totally different from that of the eight Northern & Eastern States) may be ruined; for such rigid & premature Regulations may be made, as will enable the Merchants of the Northern & Eastern States not only to demand an exorbitant Freight, but to monopolize the Purchase of the Commodities at their own Price, for many Years; to the great Injury of the landed Interest, & Impoverishment of the People; and the Danger is the greater, as the Gain on one Side will be in Proportion to the Loss on the other. Whereas requiring two thirds of the Members present in both Houses wou'd have produced mutual moderation, promoted the general Interest, and removed an insuperable Objection to the adoption of this Government.

Under their own Construction of the general Clause, at the End of the enumerated Powers, the Congress may grant Monopolies in Trade & Commerce, constitute new Crimes, inflict unusual and severe Punishments, & extend their Powers as far as they shall think proper; so that the state Legislatures have no Security for their Powers now presumed to remain to them, or the People for their Rights.

There is no Declaration of any kind, for preserving the Liberty of the Press, or the Tryal by Jury in Civil Causes; nor against the Danger of standing Armys in time of Peace.

The State Legislatures are restrained from laying Import Duties on their own Produce.

Both the general Legislature* and the State Legislatures are expressly prohibited making ex post facto Laws: tho' there never was, nor can be a Legislature but must and will make
such Laws, when Necessity & the public Safety require them; which will hereafter be a Breach of all the Constitutions in the Union, and afford precedents for other Innovations.

This Government will set out a moderate Aristocracy: it is at present impossible to foresee whether it will, in its operation, produce a Monarchy, or a corrupt tyrannical Aristocracy; it will most probably vibrate some years between the two, and then terminate in the one or the other.

*The general Legislature is restrained from prohibiting the further Importation of Slaves for twenty odd years; tho' such Importations render the United States weaker, more vulnerable, and less capable of Defence.

Amos Singletary, 1788

These lawyers, and men of learning, and moneyed men, that talk so finely, and gloss over matters so smoothly, to make us poor illiterate people swallow down the pill, expect to get into Congress themselves...and then they will swallow up all us little folks, like the great Leviathan.

Letter from Thomas Jefferson To James Madison Paris, Dec.20, 1787

What I do not like about the Constitution:

…There are other good things of less moment. I will now add what I do not like. First the omission of a bill of rights providing clearly & without the aid of sophisms for freedom of religion, freedom of the press, protection against standing armies, restriction against monopolies, the eternal & unremitting force of the habeas corpus laws, and trials by jury in all matters of fact triable by the laws of the land & not by the law of nations…

… It was a hard conclusion to say because there has been no uniformity among the states as to the cases triable by jury, because some have been so incautious as to abandon this mode of trial, therefore the more prudent states shall be reduced to the same level of calamity. It would have been much more just & wise to have concluded the other way that as most of the states had judiciously preserved this palladium, those who had wandered should be brought back to it, and to have established general right instead of general wrong. Let me add that a bill of rights is what the people are entitled to against every government on earth, general or particular, & what no just government should refuse, or rest on inferences.

The second feature I dislike, and greatly dislike, is the abandonment in every instance of the necessity of rotation in office, and most particularly in the case of the President. Experience concurs with reason in concluding that the first magistrate will always be re-elected if the Constitution permits it. He is then an officer for life. This once observed, it
becomes of so much consequence to certain nations to have a friend or a foe at the head of our affairs that they will interfere with money & with arms. A Galloman or an Angloman will be supported by the nation he befriens. If once elected, and at a second or third election out voted by one or two votes, he will pretend false votes, foul play, hold possession of the reins of government, be supported by the States voting for him, especially if they are the central ones lying in a compact body themselves & separating their opponents: and they will be aided by one nation of Europe, while the majority are aided by another. The election of a President of America some years hence will be much more interesting to certain nations of Europe than ever the election of a king of Poland was. Reflect on all the instances in history antient & modern, of elective monarchies, and say if they do not give foundation for my fears. The Roman emperors, the popes, while they were of any importance, the German emperors till they became hereditary in practice, the kings of Poland, the Deys of the Ottoman dependances. It may be said that if elections are to be attended with these disorders, the seldomer they are renewed the better. But experience shews that the only way to prevent disorder is to render them uninteresting by frequent changes. An incapacity to be elected a second time would have been the only effectual preventative. The power of removing him every fourth year by the vote of the people is a power which will not be exercised. The king of Poland is removeable every day by the Diet, yet he is never removed.