

Luther Martin: Address No. III, *Maryland Journal*, 28 March 1788

To the CITIZENS of MARYLAND.

There is, my fellow-citizens, scarcely an individual of common understanding, I believe, in this State, who is any ways acquainted with the proposed constitution, who doth not allow it to be, in many instances, extremely censurable, and that a variety of alterations and amendments are essentially requisite, to render it consistent with a reasonable security for the liberty of the respective states, and their citizens.

Aristides, it is true, is an exception from this observation; he declares, that “if the whole matter was left to his discretion, he would not change any part of the proposed constitution;”—whether he meant this declaration as a proof of his *discretion*, I will not say; it will, however, readily be admitted, by most, as a proof of his enthusiastic zeal in favour of the system:—But it would be injustice to that writer not to observe, that if he is as much *mistaken* in the *other* parts of the constitution, as in that which relates to the judicial department, the constitution which he is so earnestly recommending to his countrymen, and on which he is lavishing so liberally his commendation, is a *thing of his own creation*, and *totally different* from *that* which is offered for your acceptance.—He has given us an explanation of the original and appellate jurisdiction of the judiciary of the general government, and of the manner in which he supposes it is to operate, an explanation so *inconsistent* with the *intention* of its framers, and so *different* from its *true construction*, and from the effect which it will have, should the system be adopted, that I could scarce restrain my astonishment at the error, although I was, in some measure, prepared for it, by his previous acknowledgment, that he did not very well understand that part of the system; a circumstance I apprehended he did not recollect at the time when he was bestowing upon it his dying benediction:—And if one of our judges, possessed of no common share of understanding, and of extensive acquired knowledge, who, as he informs us, has long made the science of government his peculiar study, so little understands the true import and construction of this constitution, and that too in a part more particularly within his own province, can it be wondered at that the people in general, whose knowledge in subjects of this nature is much more limited and circumscribed, should but imperfectly comprehend the extent, operation and consequences of so complex and intricate a system?—and is not this, of itself, a strong proof of the necessity that it should be corrected and amended, at least so as to render it more clear and comprehensible to those who are to decide upon it, or to be affected by it?

But although almost every one agrees the constitution, as it is, to be both defective and dangerous, we are not wanting in characters who earnestly advise us to adopt it, in its present form, with all its faults, and assure us we may safely rely on obtaining, hereafter, the amendments that are necessary:—But why, I pray you, my fellow-citizens, should we not insist upon the necessary amendments being made now, while we have the liberty of acting for ourselves, before the constitution becomes binding upon us by our assent, as every principle of reason, common sense and safety would dictate?—Because, say they, the sentiments of men are so different, and the interests of the

different states are so jarring and dissonant, that there is no probability they would agree if alterations and amendments were attempted.—Thus, with one breath, they tell us that the obstacles to any alterations and amendments being agreed to by the states, are so insuperable, that it is vain to make the experiment, while in the next, they would persuade us it is so certain that states will accede to *those* which shall be necessary; and that *they may* be procured even after the system shall be ratified, that we need not hesitate swallowing the poison, from the ease and security of instantly obtaining the antidote; and they seem to think it astonishing that any person should find a difficulty in reconciling the absurdity and contradiction!

If it is easy to obtain proper amendments, do not let us sacrifice every thing that ought to be dear to freemen, for want of insisting upon its being done, while we have the power.

If the obtaining them will be difficult and improbable, for God's sake do not accept of such a form of government, as without amendments cannot fail of rendering you mere beasts of burthen, and reducing you to a level with your own slaves, with this aggravating distinction, that you *once* tasted the blessings of freedom.

Those who would wish you to believe that the faults in the system proposed are wholly or principally owing to the difference of state interests, and proceed from that cause, are either imposed upon themselves, or mean to impose upon you.—The principal question in which the state interests had any material effect, were those which related to representation, and the number in each branch of the legislature, whose concurrence should be necessary for passing navigation acts, or making commercial regulations.—But what state is there in the union whose interest would prompt it to give the general government the extensive and unlimited powers it possesses in the executive legislature and judicial departments, together with the powers over the militia, and the liberty of establishing a standing army without any restriction?—What state in the union considers it advantageous to its interest, that the President should be re-eligible—the members of both houses appointable to offices—the *judges* capable of holding *other offices* at the will and pleasure of the government, and that there should be no real responsibility either in the President, or in the members of either branch of the legislature?—or what state is there that would have been averse to a bill of rights, or that would have wished for the destruction of jury trial in a great variety of cases, and in a particular manner in *every case*, without exception, where the *government itself is interested*?—These parts of the system, so far from promoting the interest of any state, or states, have an immediate tendency to annihilate *all* the state governments indiscriminately, and to subvert their rights, and the rights of their citizens.—To oppose these, and to procure their alteration, is equally the interest of every state in the union.—The introduction of these parts of the system must not be attributed to the jarring interests of states, but to a very different source—the pride, the ambition and the interest of individuals:—This being the case, we may be enabled to form some judgment of the probability of obtaining a safe and proper system, should we have firmness and wisdom to reject that which is now offered; and also of the great improbability of procuring any amendments to the present system, if we should weakly and inconsiderately adopt it.

The *bold* and *daring* attempt that has been made to use, for the total annihilation

of the states, that power that was delegated for their preservation, will put the different states on their guard. The votaries of ambition and interest being totally defeated in their attempt to establish themselves on the ruins of the states, which they *will be*, if this constitution is rejected, an attempt in which they had more probability of success from the total want of suspicion in their countrymen, than they can have hereafter; they will not hazard a second attempt of the same nature, in which they will have much less chance of success; besides, being once discovered, they will not be confided in. The true interest and happiness of the states and their citizens will, therefore, most probably, be the object, which will be principally sought for by a second convention, should a second be appointed, which, if *really aimed* at, I cannot think very difficult to accomplish, by giving to the federal government sufficient power for every salutary purpose, while the rights of the states and their citizens should be secure from any imminent danger.—But if the arts and influence of ambitious and interested men, even in their present situation, while more on a level with yourselves, and unarmed with any extraordinary powers, should procure you to adopt this system, dangerous as it is admitted to be to your rights, I will appeal to the understanding of every one of you, who will, on this occasion, give his reason fair-play, whether there is not every cause to believe they will, should this government be adopted, with that additional power, consequence and influence it will give them, most easily prevent the necessary alterations which might be wished for, the purpose of which would be directly opposite to their views, and defeat every attempt to procure them.—Be assured, whatever obstacles or difficulties may be at this time in the way of obtaining a proper system of government, they will be increased an hundred fold after this system is adopted.

Reflect also, I entreat you, my fellow-citizens, that the alterations and amendments which are wanted in the present system, are of such a nature as to *diminish* and *lessen*, to *check* and *restrain* the powers of the general government, not to *increase* and *enlarge* those powers:—If they were of the *last* kind, we might safely adopt it, and trust to giving greater powers hereafter, like a Physician who administers an emetick, *ex re nata*, giving a moderate dose at first, and increasing it afterwards as the constitution of the patient may require.—But I appeal to the history of mankind for this truth, *that when once power and authority are delegated to a government, it knows how to keep it, and is sufficiently and successfully fertile in expedients for that purpose*:—Nay more, the whole history of mankind proves, that so far from parting with the powers actually delegated to it, *government is constantly encroaching on the small pittance of rights reserved by the people to themselves, and gradually wresting them out of their hands, until it either terminates in their slavery, or forces them to arms, and brings about a revolution*.

From these observations it appears to me, my fellow-citizens, that nothing can be more weak and absurd, than to accept of a system that is admitted to stand in need of immediate amendments to render your rights secure; for remember, *if you fail in obtaining them, you cannot free yourselves from the yoke you will have placed on your necks, and servitude must, therefore, be your portion!*

Let me ask you, my fellow-citizens, what you would think of a Physician, who, because you were slightly indisposed, should bring you a dose, which properly corrected with other ingredients might be a salutary remedy, but, of itself was a deadly poison,

and with great appearance of friendship and zeal, should advise you to swallow it immediately, and trust to accident for those requisites necessary to qualify its malignity, and prevent its destructive effects?—Would not you reject the advice, in however friendly a manner it might appear to be given, with indignation, and insist that he should first procure, and properly attemper, the necessary ingredients, since after the *fatal draught* was once received into your bowels, it would be too late, should the antidote prove unattainable, and death must ensue?—With the same indignation ought you, my fellow-citizens, to reject the advice of those *political quacks*, who, under pretence of healing the disorders of our present government, would urge you *rashly to gulp down* a constitution, which, in its present form, unaltered and unamended, would be as certain death to your liberty, as *arsenick* could be to your bodies.

Baltimore, March 25, 1788.

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