

**Luther Martin: Genuine Information VII, Baltimore *Maryland Gazette*, 18 January 1788**

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

By the eighth section, of the first article, the Congress have also a power given them to raise and support *armies* without *any limitation* as to *numbers*, and without *any restriction* in *time of peace*. Thus, Sir, *this* plan of government, instead of *guarding against* a *standing army*, that *engine of arbitrary power*, which has so *often* and so *successfully* been used for the *subversion of freedom*, has, in *its formation*, given it an *express and constitutional sanction*, and hath *provided for its introduction*; nor could this be prevented: I took the sense of the convention on a proposition, by which the Congress should not have power, *in time of peace*, to keep embodied more than a certain number of regular troops—*that number* to be ascertained by what should be considered a *respectable peace establishment*.—This proposition was rejected by a majority, it being their determination, that the *power* of Congress to keep up a *standing army*, even *in peace* should *only* be restrained by *their will and pleasure*.

This section proceeds further to give a power to the Congress to provide for calling forth the militia, to execute the laws of the union, suppress insurrections, and repel invasions.—As to *giving such a power* there was no objection; but it was thought by some, that this power *ought* to be given with certain *restrictions*—It was thought that not more than a certain *part* of the militia, of any one State, ought to be obliged to *march out* of the same, or be *employed out* of the same, at any *one time*, without the consent of the legislature of such State—This *amendment* I endeavoured to obtain;<sup>3</sup> but it met with the same fate, which attended almost every attempt to *limit* the powers given to the general government, and *constitutionally* to guard against *their abuse*, it was not adopted.—As it now stands, the Congress will have the power, if they please, to march the *whole* militia of Maryland to the *remotest* part of the union, and keep them in service as long as they think proper, without being in any respect *dependant* upon the *Government of Maryland* for this *unlimited exercise of power over its citizens*.—*All of whom*, from the *lowest* to the *greatest*, may, during such service, be *subjected to military law*, and *tied up* and *whipped* at the *halbert* like the *meanest of slaves*.

By the *next* paragraph, Congress is to have the power to provide for *organizing, arming, and disciplining* the *militia*, and for *governing* such part of them as may be *employed in the service* of the United States.—

For this *extraordinary* provision, by which the *militia*, the *only defence* and *protection* which the *States* can have for the security of *their rights* against *arbitrary encroachments* of the *general government*, is taken entirely *out of the power* of their *respective States*, and placed under the *power of Congress*, it was speciously assigned as a reason, that the general government would cause the militia to be better regulated and better disciplined than the State governments, and that it would be proper for the whole militia of the union, to have a uniformity in their arms and exercise.—To this it was answered, that the reason, however *specious*, was *not just*;—that it would be absurd the militia of the western settlements, who were exposed to an Indian enemy, should

either be confined to the *same arms or exercise*, as the militia of the eastern or middle States—that the same penalties which would be sufficient to enforce an obedience to militia laws in some States, would be totally disregarded in others—That leaving the power to the several States, they would respectively best know the situation and circumstances of their citizens, and the regulations that would be necessary and sufficient to effect a well regulated militia in each—That we were satisfied the militia had heretofore been as well disciplined, as if they had been under the regulations of Congress; and that the States would now have an *additional* motive to keep their militia well disciplined, and fit for service, as it would be their *only chance* to preserve their *existence* against a general government, armed with powers *sufficient* to destroy them.—These observations, Sir, procured from some of the members an open avowal of those reasons, by which we believed before that they were actuated—They said, that as the States would be opposed to the general government, and at enmity with it, which as I before observed, they *assumed* as a *principle*, if the militia was under the controul and the authority of the respective States, it would *enable them to thwart and oppose* the general government:—They said the States ought to be at the mercy of the general government, and, therefore, that the militia ought to be put under its power, and not suffered to remain under the power of the respective States.—In answer to these declarations, it was urged, that if after having obtained to the general government the great powers already granted, and among those, that of *raising and keeping up regular troops without limitation*, the *power over the militia* should be *taken away from the States*, and also given to the general government, it ought to be considered as the *last coup de grace* to the *State governments*; that it must be the most convincing proof, the advocates of this system design the *destruction* of the State governments, and that no *professions*, to the contrary, ought to be *trusted*; and that every State in the union, ought to reject such a system with indignation, since, if the general government should attempt to oppress and enslave them, they could not have any possible means of self defence; because the proposed system, taking away from the States the right of organizing, arming and disciplining the militia, the *first attempt* made by a *State* to put the militia in a situation to counteract the arbitrary measures of the general government, would be construed into an *act of rebellion*, or *treason*; and Congress would *instantly march* their *troops* into the State.—It was further observed, that when a government *wishes* to deprive their citizens of freedom, and reduce them to slavery, it *generally makes use of a standing army* for that purpose, and *leaves the militia in a situation as contemptible as possible, least they might oppose its arbitrary designs*—That in *this* system, we give the general government every provision it could wish for, and even *invite* it to *subvert* the *liberties* of the *States* and *their citizens*, since we give them the right to encrease and keep up a standing army as numerous as *it* would wish, and by placing the militia under *its* power, enable it to leave the militia *totally unorganized, undisciplined, and even to disarm them*; while the *citizens*, so far from complaining of this *neglect*, might even esteem it a favour in the general government, as thereby they would be freed from the burthen of militia duties, and left to their own private occupations or pleasures.—However, *all* arguments, and every reason that could be urged on *this* subject, as well as on many others, were obliged to yield to *one* that

was *unanswerable*, a *majority* upon the division.

By the *ninth* section of this article, the importation of such persons as any of the States now existing, shall think proper to admit, shall not be prohibited prior to the year one thousand eight hundred and eight, but a duty may be imposed on such importation not exceeding ten dollars for each person.

The design of this clause is to prevent the general government from prohibiting the importation of slaves, but the same reasons which caused them to strike out the word "*national*," and not admit the word "*stamps*," influenced them here to guard against the word "*slaves*," they anxiously sought to avoid the admission of expressions which might be odious in the ears of Americans, although they were very willing to admit into their system those *things* which the *expressions* signified: And hence it is, that the clause is so worded, as really to authorise the general government to impose a duty of ten dollars on every foreigner who comes into a State to become a citizen, whether he comes *absolutely free*, or *qualifiedly* so as a servant—although this is contrary to the design of the framers, and the duty was only meant to extend to the importation of *slaves*.

This clause was the subject of a great diversity of sentiment in the convention;—as the system was reported by the committee of detail, the provision was general, that such importation should not be prohibited, without confining it to any particular period.—This was rejected by eight States—Georgia, South-Carolina, and I think North-Carolina voting for it.

We were then told by the delegates of the two first of those States, that their States would never agree to a system which put it in the power of the general government to prevent the importation of slaves, and that they, as delegates from those States, must withhold their assent from such a system.

A committee of one member from each State was chosen by ballot, to take this part of the system under their consideration, and to endeavour to agree upon some report which should reconcile those States;—to this committee also was referred the following proposition, which had been reported by the committee of detail, to wit, "No *navigation* act shall be passed without the assent of *two-thirds* of the members present in each house;" a proposition which the *staple* and *commercial* States were solicitous to *retain*, lest their *commerce* should be placed too much under the power of the *eastern* States, but which these last States were as anxious to *reject*.—This committee, of which also I had the honour to be a member, met and took under their consideration the subjects committed to them; I found the *eastern* States, notwithstanding their *aversion* to *slavery*, were very willing to indulge the southern States, at least with a temporary liberty to prosecute the *slave trade*, provided the southern States would in their turn gratify them, by laying no *restriction on navigation acts*; and after a very little time, the committee, by a great majority, agreed on a report, by which the general government was to be prohibited from preventing the importation of slaves for a limited time, and the restrictive clause relative to navigation acts was to be omitted.

This report was adopted by a majority of the convention, but not without considerable opposition.—It was said, that we had but just assumed a place among independent nations, in consequence of our opposition to the attempts of Great-Britain to *enslave us*—that this opposition was grounded upon the preservation of *those rights*,

to which God and Nature had entitled *us*, not in *particular*, but in *common* with *all the rest of mankind*—That we had *appealed* to the *Supreme Being* for his *assistance*, as the *God of freedom*, who could not but *approve* our efforts to preserve the *rights* which he had thus *imparted to his creatures*—that now, when we scarcely had risen from our *knees*, from *supplicating* his *aid* and *protection*—in *forming our government* over a *free people*, a government formed pretendedly on the *principles of liberty* and for its *preservation*,—in that government to have a provision, not only putting it out of its *power to restrain* and *prevent the slave trade*, but *even encouraging that most infamous traffic*, by giving the *States power and influence in the union*, in *proportion* as they *cruelly and wantonly sport with the rights of their fellow creatures*, ought to be considered as a *solemn mockery of, and insult to, that God* whose protection we had then implored, and could not fail to hold us up in *detestation*, and render us *contemptible* to every *true friend of*

liberty in the world.—It was said, it ought to be considered that *national crimes* can *only be, and frequently are, punished* in this world by *national punishments*, and that the *continuance* of the slave trade, and thus giving it a *national sanction* and *encouragement*, ought to be considered as *justly exposing us to the displeasure and vengeance of Him*, who is equal Lord of all, and who views with equal eye, the poor *African slave* and his *American master!*

*(To be continued.)*

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