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A Freeman III

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To the MINORITY of the CONVENTION of *Pennsylvania*.

Gentlemen, In my former letters I endeavoured to point out certain provisions of the new Constitution, and several circumstances that must result from the proposed frame of government and the state constitutions, which might demonstrate, that there is no ground to apprehend a consolidation of the states, that shall join in the depending confederacy, into one government.

An observation of the honorable Mr. Wilson's has been adduced, among other arguments, to prove, that despotism would follow such a general government. I believe with him and with you that such would be the consequence of *a single national constitution, in which all the objects of society and government were so compleatly provided for, as to place the several states in the union on the footing of counties of the empire*. — But permit me to ask you, gentlemen, will such be the condition of the states? Where is the county that can independently train its own militia, appoint its civil and militia officers, establish *a peculiar system* of penal laws, issue criminal process *in its own name*, erect corporations, *impose direct taxes*, excises and duties, hold lands in its own right, *commence war* on any emergency, *regulate descents*, prescribe *the qualifications* of electors, alter its constitution or *the principles* of its government, divide itself into separate and *independent parts*, join itself to another state, issue writs for elections, and regulate the same, enact inspection laws, *erect courts*, appoint judges, *commission* all its officers, create new offices, sell and give away its lands, *erect fortifications*, and, in short where is the county in the union, or in the world, that can exercise in any instance *independent legislative, executive or judicial powers*?

Those three gentlemen [Elbridge Gerry, George Mason, and Edmund Randolph] who withheld their names from the act of the foederal convention could not have apprehended the annihilation of the state governments, while that house was sitting, or they would, under the influence of such a fear, certainly have pressed for a bill of rights. It appears they did not think one so necessary, as to concert a single motion to obtain it:¹ A conclusive proof, in my mind, that they saw no symptoms of a design to consolidate in the framers of the plan, and that they had no apprehensions of the kind themselves.

The construction of the senate affords an absolute certainty, that the states will not lose their present share of separate powers. No state is to lose its voice therein without *its own consent*. Governor Randolph justly observes, that the force of the constitution of any state can only be lessened *by the absolute grant of its own citizens*. Whatever therefore is now possessed will remain,

unless transferred by new grants. The state legislatures too being the immediate representatives and guardians of their *respective* constituents, and being the powerful creators of the senators, it cannot be apprehended, either that they will give away their own powers, or that they will chuse men who are unfriendly to them; nor is it at all probable that a senator would hazard the displeasure of the people, or the vengeance of so potent a body as a state legislature, by sacrificing their interests or powers. Rather may it be expected, that his interest and connexions in the state will too partially attach him to it, to the injury of national objects; or that he may neglect general concerns, from a desire to please a legislature or a people, who will be to him *the source of honors, emolument and power*.

So *independent* will the state governments remain, that their laws may, and in some instances will, be *severer* than those of the union. Treason against the United States, for instance, cannot be attended with confiscation and corruption of blood; but by the existing laws of all the states, *the unoffending families* of attainted persons, stripped of all hereditary rights, and condemned to the bitter portion of extreme poverty, are left without their friend and parent, to meet the trials of the world alone: an awful monument of *the sovereign and avenging power* of their native state. Let the Representative or Senator who may meditate the annihilation of the government of his state duly consider this, before it be too late.

You apprehend the power of Congress to lay direct taxes will tend to produce consolidation. But the several states possess that power also, and by an *early*, wise and faithful exercise of it, can always supercede the use of it by Congress. For example; if ten thousand pounds were apportioned to Pennsylvania, to make up the interest on our foreign debts by the end of 1788, a tax for which would be laid in July, our legislature might proceed in the most easy and expeditious way to raise the money, against the time when the fœderal government must necessarily proceed, and by paying our quota into the fœderal treasury would fulfil the requisitions of the law. A fœderal government, that shall possess the least degree of policy or virtue, would never attempt to interfere with such honest, wise and effectual arrangements of any state.² It cannot be reasonably feared that a fœderal legislature, chosen by *the equal voices* of all our citizens, *the poor, as well as the rich*, will ever wrest from the hands of the people and states, who respectively appoint them, powers so wisely placed and so honestly applied.

The check of the Senate on the appointment of officers will exceedingly favor the preservation of the state governments. Let us suppose an expedition on foot, which requires a number of general officers, whom a President might be inclined to appoint from the state to which he belongs, or for which several persons are nominated, that are too partially attached to the fœderal government, or desirous of lessening the powers of the separate states. *The Senate can reject them all*, and independently give their reasons to the people and the legislatures. That they will often do so, we cannot doubt, when we remember *where their private interests, affections and connexions lie*, to whom they will owe *their seats*—to whom they must look for *future favors* of the same kind.

The lordship of the soil is one of the most valuable and powerful appendages of sovereignty—This remains *in full perfection* with every state. From them must grants flow, to them must be paid *the annual acknowledgment*, whether it be a mere compliance with form in the rendering of a pepper corn, or *a solid revenue* in the payment of a quit-rent. To them also, as original and rightful proprietaries and *lords of the soil*, will the estates of extinct families revert.

Independent revenues and resources are indubitable proofs of *sovereignty*. The states will possess many of those which now exist, and which may hereafter be created. Taxes on state offices, fees for grants of lands, and various licences, tolls on rivers, canals, and roads not being post-roads, rents of public buildings, escheats, the mighty fund of quit-rents, and sales of lands; these and many others are (exclusively of Congress) within the power of the several states, besides their having access, in common with the fœderal government, to every source of revenue, but the duties on foreign merchandize and ships.

IMPEACHMENTS within the several states will afford them opportunities of exerting the most dignified and awful powers of sovereignty. The people of every state, by their constitutional representatives, may impeach the public officer, however great or daring, that shall presume to violate their exclusive rights, or offend against the peace and dignity of their commonwealth, and may punish him, on conviction, by fine, imprisonment or death, without any possible interference of Congress.

But, Gentlemen, the subject is inexhaustible. Every section in the fœderal constitution, as we peruse it, affords new ideas opposed to consolidation: Every moment's reflexion, on the operation and tendency of the proposed government, adds to their number. I will not therefore trespass longer on your time. I will rest the matter on your own good sense and candor, confidently trusting that the removal of your apprehensions on this important point will render the new Constitution more agreeable to you. Thinking, as you did, consolidation was intended and would take place, and that it must produce a despotism, you would have been criminal in assenting to the plan proposed; but I will hope that the consideration of this point which we have taken together, will remove your fears, and open the door to comfortable hopes, rather than to apprehensions, from the great measure now waiting the Fiat of the people of the United States.

1. On 12 September Elbridge Gerry moved and George Mason seconded a proposal that the Constitutional Convention appoint a committee to draft a bill of rights. The motion was defeated unanimously.

2. This uncommon Federalist position on the use of the requisition system in collecting federal revenue from the states under the Constitution was probably borrowed by Tench Coxe from James Madison's *The Federalist* 45.

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