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Luther Martin: Genuine Information IV Baltimore *Maryland Gazette*, 8 January 1788

Mr. MARTIN'S Information to the House of Assembly, continued.

It has been observed, Mr. Speaker, by my honorable colleagues, that the debate respecting the mode of representation, was productive of considerable warmth; this observation is true; but, Sir, it is equally true, that if we could have *tamely* and *servilely* consented to be *bound in chains*, and *meanly condescended* to *assist in rivetting them fast*, we might have avoided all that warmth, and have proceeded with as much calmness and coolness as any stoick could have wished.— Having thus, Sir, given the honorable members of this house, a short history of some interesting parts of our proceedings, I shall beg leave to take up the *system published* by the convention, and shall request your indulgence, while I make some observations on different parts of it, and give you such further information as may be in my power. (Here Mr. Martin read the *first section* of the *first article*, and then proceeded.) With respect to this part of the system, Mr. Speaker, there was a diversity of sentiment; those who were for *two* branches in the legislature, a house of representatives and a senate, urged the necessity of a *second* branch to serve as a *check* upon the *first*, and used all those trite and common place arguments which are proper and just, when applied to the formation of a *State government* over *individuals* variously distinguished in their habits and manners, fortune and rank; where a body chosen in a select manner, respectable for their wealth and dignity, may be necessary, frequently to prevent the hasty and rash measures of a representation more popular; but on the other side it was urged, that none of these arguments could with propriety be *applied* to the formation of a *federal government* over a number of *independent States*—That it is the *State governments* which are to watch over and protect the *rights* of the *individual*, whether *rich* or *poor*, or of *moderate circumstances*, and in which the *democratic* and *aristocratic* influence or principles are to be so *blended*, *modified*, and *checked* as to prevent *oppression* and *injury*—That the *federal government* is to guard and protect the *States* and *their rights*, and to regulate *their common concerns*—That a *federal government* is formed by the *States*, as *States* that is in their *sovereign* capacities, in the same manner as *treaties* and *alliances* are formed—That *sovereignties* considered as such, cannot be said to have jarring interests or principles, the one aristocratic, and the other democratic; but that the principles of a *sovereignty* considered as a sovereignty, are the *same*, whether that sovereignty is monarchical, aristocratical, democratical, or mixed—That the *history of mankind* doth not furnish *an instance* from its *earliest* period to the *present* time, of a *federal government* constituted of *two distinct branches*—That the *members* of the *federal government*, if appointed by the *States* in their *State*

capacities, that is by their *legislatures*, as they *ought*, would be *select in their choice*, and coming from *different States*, having different *interests and views*; this *difference* of interests and views, would always be a *sufficient check* over the *whole*; and it was shewn, that even Adams, who, the reviewers have justly observed, appears to be as fond of *checks and balances* as Lord Chesterfield of the *graces*, even *he* declares that a council consisting of *one* branch has always been found *sufficient* in a *federal* government.

It was urged, that the government we were forming was not in reality a *federal* but a *national* government, not founded on the principles of the *preservation*, but the *abolition* or *consolidation* of all *State governments*—That we appeared *totally to have forgot* the business for which we were sent, and the situation of the country for which we were preparing our system—That we had not been sent to form a government over the *inhabitants* of America, considered as *individuals*, that as individuals they were all subject to their respective State governments, which governments would still remain, though the federal government was dissolved—That the *system of government* we were *entrusted* to prepare, was a government over *these thirteen States*; but that in our proceedings, we adopted principles which would be right and proper, *only* on the supposition that there were *no State governments at all*, but that *all the inhabitants* of this *extensive continent* were in their *individual capacity*, *without government* and in a *state of nature*—That accordingly the system proposes the legislature to consist of *two branches*, the *one* to be drawn from the *people at large*, immediately in their *individual capacity*—the *other* to be chose in a *more select manner*, as a *check* upon the *first*—It is in its very *introduction* declared to be a compact between the *people* of the United States *as individuals*—and it is to be *ratified* by the *people* at large in their *capacity as individuals*; all which it was said, would be quite right and proper, if there were *no State governments*, if *all the people* of this continent were in a *state of nature*, and we were forming one *national* government *for them as individuals*, and is nearly the same as was done in most of the *States*, when they formed their governments *over the people* who compose them.

Whereas it was urged, that the principles on which a *federal* government over *States* ought to be *constructed* and *ratified* are the *reverse*—that instead of the legislature consisting of *two branches*, *one* branch was sufficient, whether examined by the *dictates of reason* or the *experience of ages*—That the representation instead of being drawn from the *people* at large, as *individuals*, ought to be drawn from the *States* as *States* in their *sovereign capacity*—That in a *federal* government, the *parties* to the compact are not the *people* as *individuals*, but the *States* as *States*, and that it is by the *States* as *States* in their *sovereign capacity*, that the system of government ought to be *ratified*, and not by the *people* as *individuals*.

It was further said, that in a *federal* government over *States* *equally* free, sovereign and independent, *every State* ought to have an equal share in *making the federal laws or regulations*—in *deciding* upon them, and in *carrying them into execution*, *neither* of which was the case in *this* system, but the *reverse*, the *States* not having an *equal voice* in the *legislature*, nor in the *appointment* of the *executive*, the *judges*, and the *other officers of government*—It was insisted, that in the *whole* system there was but *one federal* feature—the appointment of the senators by the *States* in their sovereign capacity, that is by their legislatures, and the equality of suffrage in that branch; but it was said that *this feature* was only *federal* in *appearance*.

To prove *this*, and that the Senate *as constituted* could not be a *security* for the *protection* and *preservation* of the *State governments*, and that the *senators* could not be justly considered

the *representatives* of the *States* as *States*, it was observed, that upon *just principles* of *representation*, the *representative* ought to *speak* the sentiments of his *constituents*, and ought to *vote* in the *same manner* that his *constituents* would do (as far as he can judge) provided his constituents were acting in *person*, and had the same knowledge and information with himself; and therefore that the *representative* ought to be *dependant* on his *constituents*, and *answerable* to them—that the connection between the *representative* and the *represented*, ought to be as *near* and as *close* as *possible*; according to these principles, Mr. Speaker, in this State it is provided by *its constitution*, that the representatives in Congress, shall be chosen *annually*, shall be *paid* by the *State*, and shall be subject to *recall* even within the year; so *cautiously* has our *constitution* guarded against an *abuse* of the trust reposed in our representatives in the federal government; whereas by the *third* and *sixth* sections of the *first* article of this new system, the senators are to be chosen for *six* years instead of being chosen *annually*; instead of being paid by *their States* who send them, *they* in conjunction with the other branch, are to *pay themselves* out of the treasury of the United States; and are not liable to be *recalled* during the period for which they are chosen—Thus, Sir, for *six* years the *senators* are rendered totally and absolutely *independent* of *their States*, of *whom* they ought to be the *representatives*, without *any bond* or *tie* between them—During *that time* they may join in measures *ruinous* and *destructive* to *their States*, even such as should *totally annihilate* their *State governments*, and their *States cannot recall* them, *nor exercise any controul over them*. Another consideration, Mr. Speaker, it was thought ought to have *great weight* to prove that the *smaller States* cannot *depend* on the *senate* for the *preservation* of *their rights*, either against *large* and *ambitious States*, or against an *ambitious, aspiring President*.—The senate, Sir, is so constituted, that they are not only to compose one branch of the legislature, but by the second section of the second article, they are to *compose a privy council for the President*; hence it will be necessary, that they should be, in a great measure, a *permanent* body, *constantly residing* at the seat of government. *Seventy* years is estimated for the life of a man; it can hardly be supposed, that a senator, especially from the States remote from the seat of empire, will accept of an appointment which must *estrangle* him for *six* years *from his State*, without giving up to a great degree his prospects in his *own State*. If he has a family, he will take his family with him to the place where the government shall be fixed, *that* will become his *home*, and there is every reason to expect that his *future* views and prospects will *centre* in the *favours* and *emoluments* either of the *general government*, or of the government of *that State* where the seat of empire is established:—In *either* case, he is *lost* to his *own State*. If he places his future prospects in the favours and emoluments of the *general government*, he will become the *dependant* and *creature* of the *President*, as the system *enables* a senator to be *appointed to offices*, and without the *nomination* of the *President*, *no appointment can take place*; as *such*, he will favour the wishes of the *President*, and concur in his measures, who, if he has no *ambitious views of his own* to gratify, may be *too favourable* to the *ambitious views* of the *large States*, who will have an *undue share* in his *original appointment*, and on *whom* he will be *more dependant* afterwards than on the States which are smaller. If the senator places his future prospects in that *State* where the seat of empire is fixed; from that time he will be in every question wherein its particular interest may be concerned the *representative* of *that State*, not of *his own*.

But even this provision *apparently* for the *security* of the *State governments*, *inadequate* as it is, is *entirely left* at the *mercy* of the general government, for by the fourth section of the first

article, it is *expressly provided*, that the Congress shall have a power to *make* and *alter* all regulations concerning the *time* and *manner* of *holding elections for senators*; a provision, *expressly looking forward to*, and I have no doubt *designed* for the *utter extinction* and *abolition of all State governments*; nor will this, I believe, be doubted by any person, when I inform you that some of the warm advocates and patrons of the system in convention, *strenuously opposed* the *choice* of the senators by the *State legislatures*, *insisting* that the *State governments ought not to be introduced in any manner* so as to be *component parts of*, or *instruments for carrying into execution*, the general government—Nay, so far were the friends of the system from pretending that they meant it or considered it as a *federal* system, that on the question being proposed, “that a union of the States, merely federal, ought to be the sole object of the exercise of the powers vested in the convention;” it was negatived by a majority of the members, and it was resolved, “that a *national* government ought to be formed”—afterwards the word “*national*” was struck out by them, because they thought the word might tend to *alarm*—and although *now*, they who *advocate* the system, pretend to call themselves *federalists*, in convention the distinction was just the reverse; those who *opposed* the system, were *there* considered and stiled the *federal party*, those who *advocated* it, the *antifederal*.

Viewing it as a *national*, not a *federal* government, as calculated and designed not to *protect* and *preserve*, but to *abolish* and *annihilate* the *State governments*, it was opposed for the following reasons—It was said that this continent was *much too extensive* for *one national* government, which should have sufficient *power* and *energy* to *pervade* and hold in *obedience* and subjection all its *parts*, consistent with the *enjoyment* and *preservation* of *liberty*—That the genius and habits of the people of America, were opposed to such a government—That during their connection with Great-Britain, they had been accustomed to have all their concerns transacted within a narrow circle, their *colonial districts*—they had been accustomed to have their seats of government near them, to which they might have access, without much inconvenience when their business should require it—That at *this time* we find if a *county* is *rather large*, the people complain of the inconvenience, and clamour for a division of their county, or for a removal of the place where their courts are held, so as to render it more central and convenient—That in those States, the territory of which is extensive, as soon as the population encreases remote from the seat of government, the inhabitants are urgent for a removal of the seat of their government, or to be erected into a new State—As a proof of this, the inhabitants of the western parts of Virginia and North-Carolina, of Vermont and the province of Main, were instances, even the inhabitants of the western parts of Pennsylvania, who it was said already seriously look forward to the time when they shall either be erected into a new State, or have their seat of government removed to the Susquehannah.—If the inhabitants of the different States consider it as a grievance to attend a *county-court* or the *seat of their own government*, when a little inconvenient, can it be supposed they would ever *submit* to have a *national government* established, the *seat* of which would be *more than a thousand miles removed from some of them*?—It was insisted that governments of a *republican nature*, are those *best* calculated to *preserve* the *freedom* and *happiness* of the citizen—That governments of *this kind*, are *only calculated* for a territory but *small* in its extent—That the *only* method by which an extensive continent like America could be *connected* and *united* together consistent with the principles of freedom, must be by having a *number of strong* and *energetic State governments* for securing and protecting the rights of the *individuals*

forming those governments, and for regulating all *their* concerns; and a strong energetic *federal* government *over those States* for the protection and preservation, and for regulating the *common* concerns of the States.—It was further insisted, that even if it was possible to effect a total abolition of the State governments at this time, and to establish one general government over the people of America, it *could not long subsist*, but in a *little time* would again be broken into a *variety* of governments of a *smaller extent*, similar in some manner to the present situation of this continent; the principal difference in all probability would be that the governments, *so established*, being effected by some *violent convulsion*, might not be formed on principles so *favourable* to *liberty* as those of our *present* State governments—That *this* ought to be an *important consideration* to such of the States who had *excellent* governments, which was the case with Maryland and most others, whatever it might be to persons who *disapproving* of their particular State government would be willing to *hazard* every thing to *overturn* and *destroy* it.—These reasons, Sir, influenced *me* to *vote* against *two* branches in the legislature, and against *every part* of the system which was *repugnant* to the principles of a *federal* government—Nor was there a single argument urged, or reason assigned, which to my mind was satisfactory, to prove that a good government on *federal* principles was unattainable, the whole of their arguments only proving, what none of us controverted, that our federal government as *originally formed* was *defective* and *wanted amendment*—However, a *majority* of the convention hastily and inconsiderately, without condescending to make a fair trial, in their great wisdom, decided that a kind of government which a Montesquieu and a Price have declared the best calculated of any to preserve internal liberty, and to enjoy external strength and security, and the only one by which a large continent can be connected and united consistent with the principles of liberty was totally impracticable, and they acted accordingly.

(*To be continued.*)

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