Valerius
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Mr. Russell, It is objected to the new Constitution, that it is deficient in a Bill of Rights—This objection might have had the greatest weight in a government merely national, as in this case, there would have been no intermediate checks between the governing power and the people, over whom the Constitution was intended to operate.—But the form of government now proposed is by no means of this sort—It is a federal government in every point of view, and is predicated in every part of it, upon the idea of subordinate constitutions being in actual operation. When we inquire therefore, where we are to look for that personal security inseparable from the very idea of freedom, we are only to cast our eye on the respective constitutions, and on the principles upon which they are established, and the difficulty will be immediately resolved: Had there have been no governments in existence, limited in their powers to their several districts, there then would have been an indispensible necessity of some provisional articles, defining and explaining those personal and natural rights, which every individual feels himself as completely possessed of at present; and which in my opinion are as firmly secured to him, as if they were formally prefixed to the new, in the same manner that they are so fully and explicitly stated in our several state constitutions.

When the Convention was in session, they were to form a constitution suited, as near as possible, not only to the habits and dispositions of the people at large, but to the governments in operation: The difficulty was not, in what way the rights and privileges of the people could be secured to them—it would have been absurd to have spent even a day in the contemplation of this object—for these rights and privileges were fully and effectually secured already—They saw, in the constitutions of every state, the strongest provisions for the rights of the subjects that ever were yet committed to paper, or parchment, in any country, or in any situation.—Indeed no spot on earth is found, but in America, in which such or any precautions were expressed to guarantee to each individual the rights of person and conscience, which in this country are secured, and will be forever unalienable, whether delineated in a preamble to the federal Constitution or not.

The expulsion of the Tarquins preceded the laws of the Twelve Tables, and would equally have taken place if even no laws had been previously framed to confine the power of the sovereign within the line of justice.[1] The finger of Heaven has fixed a boundary in the heart of man, beyond which even tyranny dare not pass. The condition of society is by no means deplorable in France, England, or even Spain or Portugal, and yet the forms of government in these countries are only founded in chance, and not in compact: Shall we fear then that we shall not be free, when we have not only in our favour what may be found in every other country, but have the additional securities, of privileges asserted and explained, in every law and constitution in the Union.

If the convention then had only to select for the federal head, such powers as were necessary for the protection and safety of the whole, as was really the case, how strange would it have been for them to have formed a provision, in a Bill of Rights, to secure what was already so fully established. The liberties of the Romans, Greeks and English, have been continued through a series of years, even without the use of the Press—which I conceive to be the greatest security of all others. Now will any man come forward and say, that the Congress under the new Constitution will have a single power to limit the operation of this essential privilege; and if they have in what passage is such a power expressed? We have declared in this State, that the liberty of the press is an indispensible right of the people—Can the Congress alienate this right? The moment they attempt it the new Constitution would be annihilated and the question would be put on the issue of force.—Our State Constitution has declared that each member of society is possessed of certain natural rights, privileges and immunities.—Does the Federal Constitution say otherwise?—No—It is set up merely to confirm them.

The rights of a people may be lost either by external violence, or internal commotions.—To prevent these taking place as far as possible, was the design of the new government.—As we have been circumstanced since the war, and indeed in the war, we have been in danger of both; and I am clearly of opinion from one cause—the want of power in the Federal head competent to the necessities of the union.—To secure this power to the people of these States, and to unite a great continent under one government, of sufficient force to secure us from dissention within, and from insult abroad, is the object of the new government. That it will be competent to these invaluable purposes as well as to the maintenance, security, and extension of our commercial rights, I think may be demonstrated.

1. About 509 B.C. Tarquin the Proud, the last of the kings of Rome, was expelled in a revolt led by Lucius Junius Brutus, who helped to found the Roman Republic. The Twelve Tables were drawn up in 451 and 450 B.C. in answer to the complaints of plebeians against the arbitrary actions of patrician magistrates. The plebeians insisted that laws be reduced to writing. The Twelve Tables consisted mainly of a codification of unwritten laws and usages.

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