Anti-Cincinnatus
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Mr. Printer, An antifederal piece, in No. 66, purporting to be an answer to Mr. Wilson, under the signature of Cincinnatus, "appears to me to abound" with misrepresentation, misconstruction "and sophistry, and so dangerous" to the uninformed and less discerning readers, as for their sakes and theirs only, "to require" reprehension and "refutation." "If we" reject "the new Constitution, let us understand it: whether it deserves to be" rejected "or not, we can determine only by a full" and honest "examination of it; so as truly and clearly to discern what it is we are so" warmly, and I may boldly "say, indescently called upon to" reject, and for what important reasons: such "examination," so far as the objections and reasonings of said piece have the appearance of weight or force, is the "object" of the following paragraphs.

The introduction is filled with little else but sarcastical taunts liberally bestowed both upon the Constitution, and Mr. Wilson, one of its framers and advocates, which I shall pass without further notice, only requesting the reader to take the trouble in the issue to judge, whether, "the hope" of Cincinnatus "to avoid the censure of having industriously endeavoured to prevent and destroy" the Constitution "by insiduous and clandestine attempts," is not founded on slippery ground.

His only objection to the Constitution (after, we may presume, a narrow and critical search for facts) is, "the omission of a declaration of rights;" which omission Mr. Wilson, and with him every man of common sense and candor, justifies, for this reason, viz. in the State Constitutions a bill of rights is necessary, because whatever is not reserved is given, but in this Congressional Constitution whatever is not given is reserved. This, says our author, "is a distinction without a difference, and has more the quaintness of a conundrum than the dignity of an argument;" and exerts himself briskly in the "play of words and quaintness of conundrums" to set aside the distinction: to all which it is sufficient to reply, that it must be obvious to the discerning and candid reader, that the new Constitution, although it contains not a declaration of the rights of the people; yet it contains a declaration of the powers given to rulers; intentionally with precision defines and limits them; thus firmly and stably fixeth the boundaries of their authority, beyond which they cannot pass, unless in violation of the Constitution: To have made a formal declaration, that all the rights and powers not mentioned nor defined are reserved and not granted, would have been as great an a[f]front to common sense, as if after having made a grant of a certain tract of land or other articles of property particularly specified and described in a deed or bill of sale, I should add a particular enumeration of my every other piece of land and article

of property, with a declaration in form, that none of these are meant to be granted; for not being granted they are certainly reserved, as certainly without as with a declaration of it.—Common sense requires not a declaration that articles either of property or power not mentioned in the bill are not granted by the bill.

To illucidate the danger arising from this omission of a bill of rights, and prove "*that a dangerous aristocracy springing from it* (the Constitution) *must necessarily swallow up the democratic rights of the union, and sacrifice the liberties of the people to the power and dominion of a few*," he refers to the liberty of the press, as an instance taken by Mr. Wilson, to shew that a bill of rights is not necessary, because this remains safe and secure without it; for this reason, viz. "there is no express power granted to regulate literary publications.["] The Constitution grants no power more nor less with respect to the liberty of the press; but leaves it just as it found it, in the hands of the several state constitutions: but to enervate this argument, my author sagely observes, "that where general powers are expressly granted, the particular ones comprehended within them must also be granted:"—and with keen sagacity discovers a general power granted to Congress "to define and punish offences against the law of nations," and after a plausible parade or inconclusive argumentation, assumes to have proved, "that the power of restraining the press is necessarily involved in the unlimited power of defining offences against the law of nations, or of making treaties, which are to be the supreme law of the land." To clear off the obscurity and confusion which involve the ideas and reasonings of this author, concerning the law of nations and public treaties, and set this matter in a clear convictive point of view, it is needless and would be to no purpose to pursue him through an intricate maze or winding in a pompous declamatory harangue; it is needful, to that end only to consider, that by the law of nations, is intended, those regulations and articles of agreement by which different nations, in their treaties, one with another, mutually bind themselves to regulate their conduct, one towards the other. A violation of such articles is properly defined an offence against the law of nations: and there is and can be no other law of nations, which binds them with respect to their treatment one of another, but these articles of agreement contained in their public treaties and alliances.

These public treaties become the law of the land in that being made by constitutional authority, i.e. among us, by those whom the people themselves have authorized for that purpose, are in a proper sense their own agreements, and therefore as laws, bind the several states, as states, and their inhabitants, as individuals to take notice of and govern themselves according to the articles and rules which are defined and stipulated in them: as law of the land they bind to nothing but a performance of the engagements which they contain. How then doth it appear "that a power to define offences against the law of nations, necessarily involves a power of restraining the liberty of the press?"

Have we the least possible ground of fear, that the United States in some future period will enter in their public treaties an article to injure the liberty of the press? What concern have foreign nations with the liberty or restraint of the American press?

This writer seems to have been set to work with design (not his own) to yield his assistance to verify an observation, said to be made by Dr. Franklin, viz. "That the goodness and excellency of the federal Constitution is evidenced more strongly by nothing, than the weakness and futility of the objections made against it."

That our author had a design in the choice of a signature, to fasten a stigma on the worthy patriotic society [the Society of the Cincinnati], I can not assert. Be assured this is by no means the wish of ANTI-CINCINNATUS.

CITE AS: John P. Kaminski et al., eds., *The Documentary History of the Ratification of the Constitution*, Vol. V: Massachusetts [2] (Madison, Wis.: Wisconsin Historical Society Press, 1998), 487–90.