Gazette of the State of Georgia, 20 March 1788 (excerpt)

Extract of a letter from the Hon. WILLIAM PIERCE, *Esq. to* ST. GEORGE TUCKER, *Esq. dated New York, Sept.* 28, 1787. . . .

"I am well aware that objections will be made to this new government when examined in the different states; some will oppose it from pride, some from self-interest, some from ignorance, but the greater number will be of that class who will oppose it from a dread of its swallowing up the individuality of the states. Local circumstances will weigh against the general interest, and no respect will be paid to all the parts aggregated which compose the Confederacy. Good as well as bad men will probably unite their interest to oppose it, and some small convulsions may possibly happen in some of the states before it is adopted, but I am certain it is the ark that is to save us. I therefore hope and trust it will be accepted. It is a difficult point to concentrate thirteen different interests so as to give general and compleat satisfaction: But as individuals in society (to use an old hackneyed and well known principle) give up a part of their natural rights to secure the rest, so the different states should render a portion of their interests to secure the good of the whole. Was this question proposed to each of the states separately, 'What kind of government is best calculated for the people of the United States?' there would be as many different opinions as there are different Interests. It would be like the decisions of the seven wise men of Greece, who were called on, at the Court of Periander, to give their sentiments on the nature of a perfect commonwealth,—they all judged differently, but they all judged right, in the view each man had of it.

"Many objections have been already started to the Constitution because it was not founded on a Bill of Rights; but I ask how such a thing could have been effected; I believe it would have been difficult in the extreme to have brought the different states to agree in what probably would have been proposed as the very first principle, and that is, 'that all men are born equally free and independent.' Would a Virginian have accepted it in this form? Would he not have modified some of the expressions in such a manner as to have injured *the strong sense of them*, if not to have buried them altogether in *ambiguity and uncertainty*?

"In my judgment, when there are restraints on power to prevent its invading the positive rights of a people, there is no necessity for any such thing as a Bill of Rights. I conceive civil liberty is sufficiently guarded when personal security, personal liberty, and private property, are made the peculiar care of government. Now the defined powers of each department of the government, and the restraints that naturally follow, will be sufficient to prevent the invasion of either of those rights. Where then can be the necessity for a Bill of Rights? It is with diffidence I start this question; I confess I cannot help doubting the negative quality which it conveys, as some of the greatest men I ever knew have objected to the government for no other reason but

because it was not *bottomed with a Bill of Rights*; men whose experience and wisdom are sufficient to give authority and support to almost any opinion they may choose to advance.

"I set this down as a truth founded in nature, that a nation habituated to freedom will never remain quiet under an invasion of its liberties. The English history presents us with a proof of this. At the Conquest that nation lost their freedom, but they never were easy or quiet until the true balance between liberty and prerogative was established in the reign of Charles the second. The absolute rights of Englishmen are founded in nature and reason, and are coeval with the English Constitution itself. They were always understood and insisted on by them as well without as with a Bill of Rights. This same spirit was breathed into the Americans, and they still retain it, nor will they, I flatter myself, ever resign it to any power, however plausible it may seem. The Bill of Rights was not introduced into England until the Revolution of 1688, (upwards of 600 years after the Conquest) when the Lords and Commons presented it to the Prince and Princess of Orange. And afterwards the same rights were asserted in the Act of Settlement [passed in 1701] at the commencement of the present century, when the Crown was limited to the House of Hanover. It was deemed necessary to introduce such an instrument to satisfy the public mind in England, not as a bottom to the Constitution, but as a prop to it; and hereafter, if the same necessity should exist in America, it may be done by an act of the Legislature here, so that the Constitution not being founded on a Bill of Rights I conceive will not deprive it at any future time of being propt by one, should it become necessary.["] . . .

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