An Old Whig IV
Philadelphia *Independent Gazetteer*, 27 October 1787 (excerpts)

Mr. PRINTER, This is certainly a very important crisis to the people of America; experience seems to have convinced every one, that the articles of confederation, under which Congress have hitherto attempted to regulate the affairs of the United States, are insufficient for the purposes intended; that we are a ruined people unless some alteration can be effected. The public mind has therefore been raised to the highest pitch of expectation, and the evident need of relief from the many distresses, public and private, in which we are involved has reduced us to such a state, that we can hardly endure a disappointment. Scarcely any thing that could be proposed by the convention, in this state of people's minds, would fail of being eagerly embraced. Like a person in the agonies of a violent disease, who is willing to swallow any medicine, that gives the faintest hope of relief; the people stood ready to receive the new constitution, in almost any form in which it could be presented to them. The zealous supporters of the proposed constitution, seem to be not unwilling to avail themselves of this disposition: and therefore it is strongly inculcated, that if we do not adopt this constitution, we shall not be able to establish another, but be left to our present weakness, confusion and distress. If I was pursuaded that this is really the case, I hardly know whether I should vote for rejecting any government however unfriendly to the liberties of the people, which promised to give vigour to the councils of this country; for any government is better than none. However, I do not see that it is by any means impracticable, for us yet to correct such errors and imperfections, as appear to exist in the proposed constitution; and whilst there is a possibility of procuring a better constitution, it is the duty of every good man to accomplish it.

By the proposed constitution, every law, before it passes, is to undergo repeated revisions; and the constitution of every state in the union provide, for the reversion of the most trifling laws, either by their passing through different houses of assembly and senate, or by requiring them to be published for the consideration of the people. Why then is a constitution which affects all the inhabitants of the United States, which is to be the foundation of all laws and the source of misery or happiness to one quarter of the globe; why is this to be so hastily adopted or rejected, that it cannot admit of a revision?—If a law to regulate highways, requires to be liesurely considered and undergo the examination of different bodies of men, one after another, before it be passed, why is it that the framing of a constitution for the government of a great people; a work

which has been justly considered as the greatest effort of human genius, and which, from the beginning of the world has so often baffled the skill of the wisest men in every age, shall be considered as a thing to be thrown out, in the first shape which it may happen to assume? Where is the impracticability of a revision? Cannot the same power which called the late convention, call another? Are not the people still their own masters? If, when the several state conventions come to consider this constitution, they should not approve of it, in its present form, they may easily apply to Congress and state their objections. Congress may as easily direct the calling another convention, as they did the calling the last. The plan may then be reconsidered, deliberately received and corrected; so as to meet the approbation of every friend to his country. A few months only will be necessary for this purpose; and if we consider the magnitude of the object, we shall deem it well worth a little time and attention—It is much better to pause and reflect beforehand, than to repent when it is too late; when no peaceable remedy will be left us, and unanimity will be forever banished. The struggles of the people against a bad government, when it is once fixed, afford but a gloomy picture in the annals of mankind. They are often unfortunate, they are always destructive of public and and private happiness; but the peaceable consent of a people to establish a free and effective government, is one of the most glorious objects that is ever exhibited in the theatre of human affairs. Some I know, have objected, that another convention will not be likely to agree upon any thing—I am far however from being of that opinion. The public voice cries so loudly for a new constitution, that I have no doubt we shall have one of some sort.—My only fear is, that the impatience of the people will lead them to accept the first that is offered them, without examining whether it is right or wrong; and after all, if a new convention cannot agree upon any amendments in the constitution, which is at present proposed, we can still adopt this in its present form; and all further opposition being vain, it is to be hoped we shall be unanimous in endeavouring to make the best of it. The experiment is at least worth trying, and I shall be much astonished, if a new convention called together for the purpose of revising the proposed constitution, do not greatly reform it.

. . . In this country perhaps we are possessed of more than our share of political virtue. If we will exercise a little patience, and bestow our best endeavours on the business, I do not think it impossible, that we may yet form a federal constitution, much superior to any form of government, which has ever existed in the world;—but, whenever this important work shall be accomplished, I venture to pronounce, that it will not be done without a *careful attention to the framing of a bill of rights.*

Much has been said and written, on the subject of a bill of rights;—possibly without sufficient attention to the necessity of conveying distinct and precise ideas of the true meaning of a bill of rights. Your readers, I hope, will excuse me, if I conclude this letter with an attempt to throw some light on this subject.

Men when they enter into society, yield up a part of their natural liberty, for the sake of being protected by government. If they yield up all their natural rights they are absolute slaves to their governors. If they yield up less than is necessary, the government is so feeble, that it cannot protect them.—To yield up so much, as is necessary for the purposes of government; and to retain all beyond what is necessary, is the great point, which ought, if possible, to be attained in the formation of a constitution. At the same time that by these means, the liberty of the subject is secured, the government is really strengthened; because wherever the subject is convinced that

nothing more is required from him, than what is necessary for the good of the community, he yields a chearful obedience, which is more useful than the constrained service of slaves.—To define what portion of his natural liberty, the subject shall at all times be entitled to retain, is one great end of a bill of rights. To these may be added in a bill of rights some particular engagements of protection, on the part of government, without such a bill of rights, firmly securing the privileges of the subject, the government is always in danger of degenerating into tyranny; for it is certainly true, that "in establishing the powers of government, the rulers are invested with every right and authority, which is not in explicit terms reserved."—Hence it is, that we find the rulers so often lording over the people at their will and pleasure. Hence it is that we find the patriots, in all ages of the world, so very solicitous to obtain explicit engagements from their rulers, stipulating, expressly, for the preservation of particular rights and privileges. . . .

Before we establish a government, whose acts will be THE SUPREME LAW OF THE LAND, and whose power will extend to almost every case without exception, we ought carefully to guard ourselves by a BILL OF RIGHTS, against the invasion of those liberties which it is essential for us to retain, which it is of no real use to government to strip us of; but which in the course of human events have been too often insulted with all the wantonness of an idle barbarity.

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