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csac.history.wisc.edu > Ratification at a Glance > Rhode Island > Significant Outcomes > Commentaries on the Referendum

A Freeman

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Mr. CARTER, Your last Gazette having presented to public view the novel mode, devised by the General Assembly of this State, for deciding on the new Constitution,¹ a few cursory observations upon the act at this time perhaps may not be deemed either unseasonable or improper. — It is well known, that the Fœderal Convention proposed, that the Constitution should be submitted to a Convention of Delegates chosen in each State, under the recommendation of the Legislatures; and no one is ignorant that Congress approved of this mode of submitting it to the people, and passed a resolution requesting the several Legislatures to call State Conventions, for the purpose of considering the new system of government. The public have further long since been informed, that every Legislature, from New-Hampshire to Georgia (except Rhode-Island) have passed acts for calling Conventions, in compliance with the resolutions of Congress and the Fœderal Convention. Opponents to the Constitution have appeared in nearly all the States, but no one has yet been found in any State but this to oppose the *mode* pointed out for taking the sentiments of the people upon it. This singular species of opposition was reserved to be exhibited in the State of Rhode-Island: Here, it seems, the Legislature conceived *they* had no power to make innovations upon the present form of government, without the consent of the people. In the name of common sense, I would ask, if it ever has been suggested by any one that the *Legislatures* were to decide on this Constitution? and if not, why is the objection raised that *they* have no authority for this purpose? In short, it never has been contended, that the Legislatures could legally take any agency in this business, but merely to serve as machines or vehicles to hand the Constitution from Congress, from whom they received it, to the State Conventions, who alone are competent constitutionally to ratify or reject the proposed form of government. — If the freemen of the State, on the fourth Monday of March, should *unanimously* vote for the Constitution, it cannot be considered as a valid ratification by Congress; for the Constitution itself provides only for a ratification by *State Conventions* ^(a). The proceedings of the Town-Meetings therefore, in conformity to the act which is the subject of these remarks, will be perfectly nugatory. The decision in this mode, either for or against the Constitution, will not prevent the necessity of the Legislature resuming the question, and passing an act for calling a Convention, in the same manner which every other State has adopted. The votes of the freemen, individually taken, cannot answer any beneficial purpose whatever; but, on the contrary, will serve only to embarrass and perplex the future discussion of this important business in a State Convention. As there is nothing in the act in question which makes it obligatory on the people to give in their votes, but it being left perfectly at their option to vote or not, I have no doubt but their good

sense on this occasion will clearly discern the impropriety of expressing their sentiments on the Constitution. Is it possible that the freemen throughout the State can have had either leisure or opportunity to examine the proposed Constitution, so as to be competent to form an adequate judgment on this very momentous question? Can the freemen individually, collected in their respective towns, be possessed of the information necessary to enable them to decide on the Constitution? In a State Convention, all the light and information which may be collected from every part of the State will be afforded, and this body, when convened, will not be confined to a single day to deliberate and decide. The determination, made by the freemen individually, must be totally indecisive; but the decision of a Convention, on the contrary, will be final and conclusive. I will not hesitate, therefore, to believe, that the freemen, instead of voting in conformity to the mode prescribed by the Legislature, will instruct their Deputies to pass an act for calling a State Convention, in conformity to the examples set us by every Legislature on the continent.

(a) 7th Article. “The ratification of the *Conventions* of nine States shall be sufficient for the establishment,” &c.

1. A reference to the “Rhode Island Act Calling a Referendum on the Constitution,” 1 March 1788.

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