

## The Republican Federalist IV, *Massachusetts Centinel*, 12 January 1788

To the MEMBERS of the CONVENTION of Massachusetts.

*Honourable Friends, and Fellow Citizens,* Every candid mind will by this time I think be clearly convinced, that if the constitution of this Commonwealth *has any validity*, the ratification of a plan that would *alter*, much less of one that would *dissolve the government*, cannot be valid, unless by a mode provided by the Constitution itself. There are but two modes, to my knowledge, wherein any alterations can be made: One has been mentioned, and it has been fully shewn that the ratification of the new Constitution by the state Convention would be in direct violation of that mode, and therefore not binding on the citizens of this State.—Let us now consider the other mode. In addition to the political compact contained in the Constitution of this State, it is bound by another as *solemn* and more *extensive*, *the articles of Confederation*. By the *first*, the “whole people covenants with each citizen, and each citizen with the whole people:” and by the last, [“]the whole of the States covenants with each State, and each State with the whole of the States,” and the powers in the articles of Confederation, expressly delegated to the United States in Congress assembled, are *paramount* to and *annul* every power of the State Constitution, that is inconsistent with and opposed to them. A mode is provided in the Confederation for amending it. in the words following, “and the articles of this Confederation shall be inviolably observed by every State of the union, shall be perpetual, *nor shall any alteration at any time hereafter be made in any of them unless such alterations be agreed to in a Congress of the United States, and be afterwards confirmed by the legislatures of every State.*” A correspondent provision is made in the fourth article of the Bill of Rights of our State Constitution—(*vide Constitution of Massachusetts*) the exercise then of every power, jurisdiction and right, which is or may hereafter be *by the people* thus expressly delegated, is clearly relinquished on *their* part and will be binding on *them*. Had the federal Convention reported and Congress agreed to alterations in the articles of Confederation, there could I think have been no doubt, that the ratification of such alterations *by the legislature* would have been as binding *on the people* as if made by *themselves*, because in the article mentioned of the bill of rights, *the people* have recognized the articles of Confederation, which on the part of the State were ratified, pursuant to *their* authority: And have *expressly provided* by those articles, that alterations therein which shall *be agreed to by Congress, and confirmed by the legislatures*, shall become part thereof: The legislature nevertheless of this State, would probably have applied to the people for their sense on such alterations, before a confirmation thereof, but no one will pretend to say that the federal Convention have reported alterations, or if they had, that Congress have agreed to, or the legislature confirmed them. The federal Convention, have, as has been shewn, reported a system, which destroys the articles of Confederation, and completely embraces the consolidation of the union: They have also recommended, that this new system should be administered, when ratified by nine States, and it must clearly appear, that the ratification of it by the Convention of this State, would not only be *a violation of the State Constitution, but also of the articles of*

*Confederation*—would thus be a double act of political perfidy—and would not be binding on any State, not even on those which may thus ratify it. Such a measure, therefore would not only *tear up by the roots*, and *annihilate* all confidence in the most sacred and solemn covenants between the *whole people* and *each citizen of this State*, but also between the *whole of the States* and *each State*, and the new Constitution would not stand on the ground of *right, good faith, or publick confidence*. Notwithstanding then the good intentions of the federal Convention, it is an unfortunate circumstance that they did not strictly adhere to their powers, because the mode proposed for ratification, as well as the system itself, must produce great convulsions. Sir William Temple, in treating “of popular discontents,” says, “The first safety of Princes and *States* lies in avoiding all councils or designs of *innovation* in *ancient and established forms, and laws, especially those concerning liberty, property and religion* (which are the possessions men will ever have most at heart) and thereby leaving the *channel of honour and common justice* clear and undisturbed.” The new system was not only *unauthorized*, but altogether *unexpected* by Congress, the legislature, and the people, is not merely an *innovation*, but an *interchange* of the “established form” of government; and will produce as great a charge in the laws concerning liberty and property—does not only *disturb*, and in some instances *alter* but in others *destroys* the channels of *honour* and *common* justice—and so far is the mode of adoption from being constitutional, as that it violates the Constitutions of the States and of the union, and establishes a precedent, not only for annihilating the new Constitution itself, but for building on its ruins a *complete system of despotism*—for what will the people have to secure them against an introduction of the most arbitrary government, after the *banishment of good faith* from the United States of America? Is it not incumbent then on the State Convention, to consider *seriously* and *thoroughly*, in what a situation they will place this Commonwealth and the union, by the proposed ratification? This State, before it shall have declared in favour of the new system as it stands, may have great influence in promoting an accommodation of this matter, between contending States, and the contending citizens of each State, and having the confidence of all parties, may as a wise mediatrix, promote their common interest: But whet the State shall have manifested such a total disregard to the obligations of the most solemn political compacts, as to ratify in the mode proposed, the new Constitution, then will end the confidence of the union, and of our own citizens in the decision of Massachusetts, and she will embark in a precarious bottom, with the gloomy prospect of an approaching tempest, and unnecessarily expose herself to a political shipwreck.—If then, the new Constitution, ratified in its present form and in the mode proposed, will not stand on the ground of *right, good faith, or publick confidence*, on what ground will it stand? Mr. Lock, in his treatise mentioned, chap. 17, sect. 197, says, “as conquest may be called a foreign usurpation, so usurpation is a kind of domestick conquest, with this difference, that an usurper can never have a right on his side, it being no *usurpation* but when one has got into the possession of what another has a right to.” The right of originating a system for consolidating the union, belonged only to the people, but the federal Convention have taken possession of it, when called for a different purpose, and can any one say their proceedings are not founded in

usurpation? The same author goes on, “this, so far as it is usurpation, is a change only of persons, but not of the *forms* and *rules* of the government. For if the usurper extend his power beyond what of right belonged to the lawful prince, or governour of the Commonwealth, it is *tyranny* added to *usurpation*.” Had the federal Convention then only exercised the powers of the people in originating a system of consolidation, it would have been nothing more than usurpation; but having changed the *forms* and *rules* of delegating powers to the federal government, the Convention have done what the governours or rulers of the Commonwealth had no right to do, and by promoting State Conventions to violate the most solemn compacts, have also done what the people themselves had no right to do, and as the principles and reasonings of the above celebrated writer apply more forcibly to the *alteration* or *formation*, than to the *administration* of government, are not the proceedings of the Convention, founded not only in *usurpation*, but also in *tyranny*?

To what purpose then is it, to raise this mighty superstructure, which having no foundation, must soon fall and involve those in it in inevitable ruin—the federal Convention were undoubtedly urged to these measures by conceiving, that their system, if well adapted to the welfare of the people, would nevertheless meet with opposition from some of the States, and be thus defeated: But did not an honest zeal lead the Convention, as it has often lead others if to a *remedy worse than the disease*? Should not a proper system have been sent in a constitutional mode to the States, with a presumption that every State would do what was for the good of the whole; and if any of them had withheld their assent from a measure requisite for the general welfare, and thus rendered a *separation* necessary; should *it* not have been preceded by a declaration, stating the reasons and necessity of such a *separation*? Surely such a *dismemberment* will require as much solemnity as *that* which separated us from Great-Britain, and may produce as important consequences.

Many great objections to the new system have been unanswered, and I conceive, if we mean to support our liberties, are unanswerable: Notwithstanding which the State Convention will in all probability be warmly urged to accept the system, and at the same time to propose amendments—this indeed may take in the *weak* and *unwary*, but not persons of discernment: For a wise people will never place over themselves an arbitrary government, in expectation that it will be so *remarkably* virtuous as to divest itself of unreasonable and unlimited powers. Is not this contrary to human nature, which is generally grasping at more power, not knowing often times that it would be abused as soon as obtained?

The new Constitution provides “that the Congress whenever two thirds of both houses shall deem it necessary shall propose amendments to this Constitution, or on the application of the legislatures of two thirds of the several States, shall call a convention for proposing amendments, which in either case shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress:” —To call a Convention then, two thirds of both houses of the new Congress must deem it necessary, or the legislatures of two thirds of the several States must make an application to Congress;

and can it be doubted that there will not be found such a majority of the new Congress, or of the State legislatures *disposed* to call a Convention *for making amendments*? When the Constitution is adopted, will not the friends of it strenuously contend to give it a trial? Are there not numbers who at this time openly reprobate republican governments? And will not such persons raise numberless objections to the appointment of such a Convention, and endeavour to prevent it? But supposing a Convention should be called, what are we to expect from it, after having ratified the proceedings of the late federal Convention? They will be called to make "*amendments*" an indefinite *term*, that may be made to signify any thing. Should Judge M'Kean, be of the new Convention, perhaps he will think a system of despotism, *an amendment* to the present plan, and should the next change be only to a monarchical government, the people may think themselves very happy, for *bad* as the new system is, it is the *best* they will ever have should they now adopt it. If therefore, it is the intention of the Convention of this State to preserve republican principles in the federal government, they must accomplish it *before*, for they never can expect to effect it *after* a ratification of the new system.

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