

## Thomas B. Wait to George Thatcher, Portland, 8 January 1788

My dear friend—

Your kind letter of the 23d ultimo receiv'd.—

My opposition to the proposed plan of Continental Govt. does not, as you suppose, arise from "*violence of passion.*"—

On reception of the Report of the Convention, I perused, and admired it:—Or rather, like many who still *think* they admire it, I loved Geo. Washington—I venerated Benj. Franklin—and therefore concluded that I must love and venerate all the works of their hands:—This, if you please my friend, was "*violence of passion*"—and to this very *violence of passion* will the proposed Constitution owe its adoption—i.e.—should the people ever adopt it. The honest and uninformed *freemen* of America entertain the same opinion of those two gentlemen as do European *slaves* of their Princes,—"*that they can do no wrong*"—

On the unprecedented Conduct of the Pennsylvania Legislature, I found myself disposed to lend an ear to the arguments of the opposition—not with an expectation of being convinced that the new Constitution was defective; but because I thought the minority had been ill used; and I felt a little curious to hear the particulars.

The address of the Seceders was like the Thunder of Sinai—it's lightnings were irresistible; and I was obliged to acknowledge, not only that the conduct of the majority was highly reprehensible, but that the Constitution itself might possibly be defective.—My mind has since been open to conviction—I have read & heard every argument, on either side, with a degree of candour, of which I never, on any other occasion, felt myself possessed—And, after this cool and impartial examination I am constrained—I repeat it, my dear friend—I am constrained to say, that I am dissatisfied with the proposed Constitution.—

Your arguments against the necessity of a Bill of Rights are ingenious; but, pardon me my friend, they are not convincing.—You have traced the origin of a Bill of Rights accurately.—The People of England, as you say, undoubtedly made use of a Bill of Rights to obtain their liberties of their soverigns; but is this an argument to prove that they ought not now to make use of Bills in defence of those liberties?—shall a man throw away his sword, and refuse to defend a piece of property, for no other reason than that his property was obtained by that very sword?—Bills of Rights have been the happy instruments of wresting the privileges and rights of the people from the hand of Despotism; and I trust God that Bills of Rights will still be made use of by the people of America to defend them against future encroachments of despotism—Bills of Rights, in my opinion, are the grand bulwarks of freedom.

But, say some however necessary in state Constitutions, there can be; no necessity for a Bill of Rights in the Continental plan of Govt.—because every Right is reserved that is not *expressly* given up—Or, in other words, Congress have no powers but those *expressly* given by that

Constitution.—This is the *doctrine* of the *celebrated* Mr. Wilson; and as you, my friend, have declared it *orthodox*, be so good as to explain the meaning of the following Extracts from the Constitution—Art. I Sect. 9.—“The privilege of the writ of Habeas Corpus shall *not* be suspended &c.”—“*No* bill of attainder or ex post facto law shall be passed.”—“*No* money shall be drawn from the treasury’ &c.—“*No* title of nobility shall be granted by the United states.”—Now, how absurd—how grossly absurd is all this, if Congress, in reality, have no powers but those particularly specified in the Constitution!—

It will not do, my friend—for God’s sake let us not deny self-evident propositions—let us not sacrifice the truth, that we may establish a favourite hypothesis;—in the present case, the liberties and happiness of *a* world may also be sacrificed.—

There is a certain darkness, duplicity and studied ambiguity of expression running thro’ the whole Constitution which renders a Bill of Rights peculiarly necessary.—As it now stands but very few individuals do, or ever will understand it.—Consequently, Congress will be its own *interpreter*—The article respecting taxation and representation is neither more or less than a *puzzling Cap*; and you, my friend, had the pleasure of *wearing* it, at my office, an hour or two—and then pulled it off, *just as Wise as* when you put it on.—But you will now perhaps tell me that you can explain it entirely to my satisfaction—possibly you can; but that may not happen completely to satisfy Congress—if it should not, why they will put a different one,—one that may not satisfy *either you or me*—But Some persons have *guessed* the meaning to be this—that *taxation and presentation should be in proportion to all the freemen and slaves in each state—counting five of the latter to three of the former*—If these were the ideas of the Convention, what a strange collection of words do we find in the Constitution to express them!—Who, in the name of God, but the *majority* of that honl. body, would ever have tho’t of expressing like ideas in like words!—But bad as may be the *mode of expression*, the *ideas*, in my opinion, are worse . . . .

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