

William Findley in the Pennsylvania Ratification Convention, 1 December 1787

WILLIAM FINDLEY: It has been the endeavor of many to paint our necessities highly—like persuading a man in health that [he] is sick. Our situation is such, that we are not hastened in point of time and necessity. We are enjoying liberty and happiness to a very great degree. Our difficulties arose from the requisition and heavy taxes laid in 1782.

This system not suitable to our necessities or expectations. Necessities: We could not enforce treaties, regulate commerce, and draw a revenue from it. This system goes to raise internal taxes—capitation, excises—to an extension of the judiciary power even to capital cases, a dependence of the state officers on the general government. This system is not such as was expected by me, by the people, by the legislatures, nor within their power.

It is a consolidating government and will abolish the state governments or reduce them to a shadow of power.

(1) From its organization: “We the People” not “We the States.” From this we could not find out that we were United States. The sovereignty of the states not held forth, nor represented “Each Senator shall have one Vote.” Under the present Confederation the state sovereignty is represented. In Congress they vote by states. A state can speak but one voice.

(2) From its powers: [Those] who can tax possess all other sovereign power. There cannot be two sovereign powers. A subordinate sovereignty is no sovereignty. Will the people submit to two taxing powers? The power over elections gives absolute sovereignty—so of judging elections. The judicial powers are coextensive with the legislative powers. Oath of allegiance shows it to be a consolidating government. The wages paid out of the public treasury a proof of consolidated government. [Wilson’s Notes, PHi].

Findley: Draws a simile of a man in health, being by a combination of gentlemen persuaded that he was sick, which produced his death.

The taxes fully adequate to pay the interest and debts.

My opinion is that the system is unnecessary and improper—it is not such as the people had a right to expect.

“We the people,” not “the people of the United States,” supposes us in a state of nature, and to a stranger it would appear that no states were in existence.

The people [and] the assemblies are only electors, and when they have once elected, they have no power over the persons elected.

The power to tax is only in the sovereign authority—there cannot exist two sovereign powers to tax.

Judicial power: Was it ever known that judges took an oath to be bound by the laws of two sovereign states?

The wages paid out of the common stock is unequal and unjust as one state is 10 times greater than another.

[Wayne's Notes, Cox Collection]

[Wayne's marginal notes]

Is the present Confederation perfect? Is it in full health, etc.?

Vide the first words of the Preamble: "We the People of the United States."

Every two years—they have a power over one-third of the Senators.

County taxes and counties similar to the 13 United States. (The objection as to taxation is as absurd, when the present Constitution is in operation, as it would be for any one county in the state to object to being taxed by the other counties because the people of that county had not the app[ointmen]t, etc.)

In proportion to numbers is certainly just.

1st Objection. No bill of rights: We stand on higher and stronger ground than when the Declaration of Independence.

2 [nd Objection.] Against taxation both internal and external: The State of Pennsylvania has the power of taxing, etc. yet the counties also exercise the right of laying and collecting taxes.

3 [rd Objection.] No check to the Congress: The checks are effectual—the originating of money bills, the biennial elections, etc. [Congress] can do nothing injurious to their constituents, but what equally affect themselves.

Findley: The Constitution offered to us is a consolidated government and not a confederate republic. It will swallow up eventually all state governments. There is no sovereignty left in the state legislatures.

Findley: On Saturday Mr. Findley delivered an eloquent and powerful speech to prove that the proposed plan of government amounted to a consolidation, and not a confederation of the states. Mr. Wilson had before admitted that if this was a just objection it would be strongly against the system; and, it seems, from the subsequent silence of all its advocates upon that subject (except Doctor Rush, who on Monday [3 December] insinuated that he saw and rejoiced at the eventual annihilation of the state sovereignties) Mr. Findley has established his position.² Previous to an investigation of the plan, that gentleman animadverted upon the argument of necessity, which had been so much insisted upon, and showed that we were in an eligible situation to attempt the improvement of the federal government, but not so desperately circumstanced as to be obliged to adopt any system, however destructive to the liberties of the people and the sovereign rights of the states. He then argued that the proposed Constitution established a general government and destroyed the individual governments, from the following evidence taken from the system itself. 1st. In the Preamble, it is said, "We the People," and not "We the States," which therefore is a compact between individuals entering into society, and not between separate states enjoying independent power and delegating a portion of that power for their common benefit. 2dly. That in the legislature each member has a vote, whereas in a confederation, as we have hitherto practiced it, and from the very nature of the thing, a state can only have one voice, and therefore all the delegates of any state can only give one vote. 3d. The powers given to the federal body for imposing internal taxation will

necessarily destroy the state sovereignties for there cannot exist two independent sovereign taxing powers in the same community, and the strongest will, of course, annihilate the weaker. 4th. The power given to regulate and judge of elections is a proof of a consolidation, for there cannot be two powers employed at the same time in regulating the same elections, and if they were a confederated body, the individual states would judge of the elections, and the general Congress would judge of the credentials which proved the election of its members. 5th. The judiciary power, which is coextensive with the legislative, is another evidence of a consolidation. 6th. The manner in which the wages of the members is paid makes another proof, and lastly the oath of allegiance directed to be taken establishes it incontrovertibly, for would it not be absurd that the members of the legislative and executive branches of a sovereign state should take a test of allegiance to another sovereign or independent body? [Pennsylvania Herald, 5 December]

Cite as: The Documentary History of the Ratification of the Constitution Digital Edition, ed. John P. Kaminski, Gaspare J. Saladino, Richard Leffler, Charles H. Schoenleber and Margaret A. Hogan. Charlottesville: University of Virginia Press, 2009.
Canonic URL: <http://rotunda.upress.virginia.edu/founders/RNCN-02-02-02-0003-0002-0011>
[accessed 06 Jan 2011]
Original source: Ratification by the States, Volume II: Pennsylvania