

A True Friend, Richmond, 6 December 1787

*To the ADVOCATES for the NEW FEDERAL CONSTITUTION;
and to their ANTAGONISTS.*

GENTLEMEN, You have already pretty nearly agreed, if you be, as I believe you are, well intentioned; at least it is easy to compromise matters between you, unless under the veil of the public good, or of a jealous care for the liberties of your country, you are actuated by private or interested motives.

If you are swayed by the pure and chaste love alone of your country, I, this day, offer myself to become arbitrator between you; to reconcile your differences, and if possible, put an end to these ingenious dissertations, which hold the public opinion in suspense.

Let us then, in the first place, agree on a few preliminary positions. You, gentlemen, the preachers up of the new Constitution, will not surely contest a fact proved by the records of all ages and of all nations, that is, *that the liberties and the rights of the people have been always encroached on, and finally destroyed by those, whom they had entrusted with the powers of government*; these have continually abused the confidence reposed in them; and whether this confidence was placed in a single magistrate, or in a body of magistrates, the authority ceded to them by the people has been constantly turned against themselves; has subjected; and in fine enslaved them. The precaution, which they have sometimes taken, to divide this solemn trust amongst different departments, and to balance these one against the other, has not been hitherto capable of affording a sufficient mound against these dreadful encroachments; for it is unhappily in the nature of men, when collected for any purpose whatsoever into a body, to take a selfish and interested bias, tending invariably towards the encreasing of their prerogatives and the prolonging of the term of their function; but what is yet more unfortunate, those corps have been always victorious over the unconnected, the divided opposition, that men acting individually could make against them: Since then this fact is as certain and incontrovertible a principle in politics, as universal attraction is in physics, the people of this country, blessed with the heavenly boon of liberty, ought to be, to day, not only circumspect, but cautious and suspicious too in the extent of the powers they should delegate, in the choice of the persons they should delegate them to, and in the term of time it may be prudent to continue them in office; thus to guard against incurring the same fate with all the different governments, with which we have been hitherto made acquainted. It would even seem as if the examples, which Poland, Sweden, Geneva, and Holland exhibit, had been reserved by providence for this age, to give this rising empire more striking and experimental lessons.

Neither can you, gentlemen, who oppose the new constitution, disown the pressing necessity there is for a foederal constitution, which may reunite into one whole, and on an uniform regular plan, the different interests and separate advantages of the thirteen states, united at present, 'tis true, in name; though in fact divided and opposed one to the other. You wish, or most undoubtedly you ought to wish, to see good order and mutual confidence established at

home, and your credit and reputation flourishing among the nations abroad; these, these are the means, which must give a rapid progression to our agriculture, to our commerce, and to our navigation. Without these main springs of public felicity, our finances must necessarily remain in their present state of penury and contempt, we shall continue overwhelmed with debts and difficulties, and be daily forced on ruinous and dishonorable expedients: We shall thus be stunted in our growth, nor can we surely flatter ourselves with being esteemed a free, happy, and recommendable people.

These two cardinal points being thus invariably fixed, and, too true to say, incontestible by either party; the obvious consequences are—1st. A pressing necessity for a new plan of general government; and 2d.—The indispensable obligation we are under to ourselves, to posterity, to the whole world in short, to guard with jealous care and watchful anxiety, in its utmost purity, that glorious and darling deposit, with which Providence has blessed us, perhaps, for the common good of mankind: These should be the aims of every true patriot, and they are doubtless these of both contending parties. To ensure success in the attaining of them, the different states culled out the men of the most enlightened understandings and of the most conspicuous merit: They brought them together in order to discuss, balance and arrange their separate and individual interests, on a uniform comprehensive plan, and into a system founded on justice and reciprocal advantages: It was out of this assembly alone, that we could flatter ourselves that this grand and generous system should arise; there, opinions were contrasted and wisdom united—partial views were banished—salutary and indispensable concessions mutually made;—there, objections were discussed, and satisfactory solutions given to them: It is therefore now both useless and impossible for us to reply to all these, which each state may make, and how much more would the difficulty encrease, should it be attempted to give answers to each individual in those states? None of those are now placed in the proper situation, to take a large and comprehensive view of this extensive prospect; they see but their immediate, partial, and, perhaps, delusive interests: The people in their private capacities are not more likely to discover the solidity or the futility of the reasons, or of the objections of each party. The encomiums and the censures, the attacks and the defences, are set forth with equal acrimony and address; they terrify but do not instruct us: These essays and reasonings give, indeed, proofs of the ingenuity and talents of the champions, and sometimes, alas, of the abuse which they make of them! They likewise prove a melancholy truth; of which every man of reflection had been previously convinced. It is, *the impossibility of framing a good constitution on any one invariable foundation so firmly as never to be shaken*. The best that can be devised will at last be vitiated by the corroding hand of time, and can only be kept pure by continually modifying it according to circumstances, and by bringing it now and then to the test of its general principles: The citizens of America will then, with the utmost reason, repose no confidence in these writers and reasoners, who are ready to level without being able to edify; who raise doubts and fears in order to hinder or to retard the execution of a plan, which is the result of the reflection, the debates and the wisdom of patriots, whom they themselves made choice of: But, as notwithstanding their extensive knowledge and their pure intentions, they are not exempted from the common lot of human frailty, and as it is possible, that they may have erred in some parts of that great art, so difficult to be attained, of *governing without enslaving*; as the extent of our country, our situation, our manners and national character cannot be

pertinently compared to any thing, which has hitherto existed on earth, we should not, consequently, model ourselves servilely on any system of government, which has yet appeared, or pin our faith on any political writer whatsoever, be his reputation what it may. Sound reason and urgent necessity lay their positive commands on us to accept the new fœderal constitution; but, on the other hand prudence seems to require from us, that we should adopt it on trial only for a certain limited time, for eight, ten, or twelve years: at the expiration of which ever of these periods may be agreed on, we will again call a general convention, in order to rectify the defects or lapses, which the unerring guides, time and experience may discover; this will then reform what our circumstances may point out for reformation. It is a general principle in legislation, which, if well understood, would abridge very much the study of that science for the body of the people, *that the greater the power is with which it invests its governors, the shorter should be the limits of its duration; and on the contrary, that the smaller the power is, the longer it may be permitted to continue.* This may be held as certain an axiom in politics as this is in mechanics; that² we cannot increase force but at the expence of velocity, nor increase velocity but at the expence of force. The constitution fixed on at the time of the declaration of our independence was universally admired; it was then, perhaps, the best we could aspire to, we now find it inadequate, and we reform it. The new constitution has its enthusiastic admirers, it is nevertheless imprudent that we should accept it on any other condition, but that of its laying itself open at a stated period for correction, if necessary, or for being confirmed for another stated period, if expedient: Under these two grand guides, time and experience, we shall become expert in the intricate and complicated science of legislation; we shall be looked up to as models by other nations, instead of our servilely copying their institutions; we shall enjoy the singular³ advantage, hitherto unexampled, to reform our government insensibly and by degrees, without experiencing those violent concussions and catastrophes, which have desolated nations when they attempted a reform. Another precaution seems indispensibly necessary. Notwithstanding Mr. Wilson's assertion, that *every thing which is not given up by this fœderal constitution, is reserved to the body of the people; that security is not sufficient to calm the inquietude of a whole nation.* Let us then insert in the first page of this constitution, as a preamble to it, a declaration of our rights, or an enumeration of our prerogatives, as a sovereign people; that they may never hereafter be unknown, forgotten or contradicted by our representatives, our delegates, our servants in Congress: Let the recognition, and solemn ratification by Congress, of this declaration of rights, be made the *sine qua non* of the adoption of this new fœderal constitution, by each state. This precious, this comfortable page, will be the ensign, to which on any future contestation, time may induce between the governed and those intrusted with the powers of government, the asserters of liberty may rally, and constitutionally defend it.

The rights of the people should never be left subject to problematical discussion: They should be clear, precise and authenticated: They should never stand in need of the comments or explanations of lawyers or political writers, too apt, we know, to entangle the plainest rights in their net of sophistry: What man of upright intentions will dare to say, that free men giving up such extensive prerogatives to their rulers, as the new fœderal constitution requires, should not at the same time put them in mind of the rights, which constitute them such? If there be any

person who says, that implication, that forced construction should satisfy their doubts, ye imps of hell whip me such fiend!

I now most earnestly pray, that both the fautors and the opponents of the new fœderal constitution, may deign to accept this compromise. If either party refuse to subscribe to it, let them be judged by their country, and if I mistake not, they will be found guilty of the treacherous views, and dark designs with which they are so ready to asperse their antagonists.

December 5, 1787.

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