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Philanthropos

Pennsylvania Gazette, 16 January 1788¹

To the People of the United States.

When we observe how much the several gentlemen of the late Convention, who declined to sign the foederal constitution, *differ in their ground of opposition*, we must see how improbable it is, that another convention would unite in the same degree in any plan. Col. Mason and Mr. Gerry complain of the want of a bill of rights; Governor Randolph does not even mention it as desirable, much less as necessary. Col. Mason objects to the powers of Congress to raise an army; Governor Randolph and Mr. Gerry make no objections on this point, but the former seems to think a militia an inconvenient and uncertain dependence, which is contrary to our opinions in Pennsylvania. Mr. Randolph gives up the objection against the power of Congress to regulate trade by a majority; Mr. Mason complains of this, and says the objection is insuperable; Mr. Gerry does not say a word against it. Mr. Randolph wishes the President ineligible after a given number of years; Mr. Mason and Mr. Gerry do not make this one of their objections. Mr. Randolph objects to some ambiguities; Mr. Mason does not. Col. Mason objects to the slave trade on the principles of policy merely; Mr. Gerry and Mr. Randolph make no such objections. Mr. Mason objects to the power of the President to pardon for treason; Mr. Gerry makes no such objection, and Mr. Randolph wishes, only, that the offender may be *convicted* before the President shall have power to *pardon!* This appears to be a legal solecism. Mr. Randolph objects to the power of Congress to determine their wages (the privilege of every legislature in the union;) but Mr. Gerry and Col. Mason do not object to this power. Mr. Randolph objects to the President's power of appointing the judges; Mr. Gerry and Col. Mason do not. Mr. Gerry says the people have no security for the right of election; Col. Mason and Mr. Randolph do not make this objection. Mr. Gerry and Mr. Mason think the representation not duly provided for; Mr. Randolph expresses no such idea. Mr. Mason objects to the want of security for the common law, to the power of the senate to alter money bills, to originate applications of money, to regulate the officers salaries, to the want of a privy Council, to the Vice-President, to the want of a clause concerning the press, and to the want of power in the states to lay imposts on exports; not one of which are stated as objections by Mr. Randolph or Mr. Gerry. Mr. Randolph objects to the want of a proper court of impeachment for senators (tho' the state courts of impeachment can always take cognizance of them;) Mr. Gerry and Col. Mason do not hold this exceptionable. Col. Mason objects to the states, or Congress, being restrained from passing *ex post facto* laws; Mr. Randolph and Mr. Gerry do not.

The minority of the Pennsylvania convention, on the other hand, differ from all these gentlemen. They say, the defects of the old confederation were not discovered till after the peace;

while Mr. Randolph says, the short period between the ratification of the old constitution and the peace was distinguished by *melancholy testimonies* of its defects and faults. The Minority object, because some of the persons appointed by Pennsylvania have disapproved of our state constitution, which differs from those of eleven states in the union in the want of *a division* of the legislature, and in having *nineteen* persons to execute the office of governor, whose number will be increased by the addition of one more for every new county.

The Minority object to the *latitude* taken by the convention; we find no such objection made by Mr. Randolph, Mr. Gerry or Col. Mason. Mr. Gerry says, in his letter, it was *necessary*; and Mr. Mason insisted strongly in the house, that the convention could not do their business, unless they considered and recommended *every thing* that concerned the interests of the United States, tho' the strict letter of their powers was supposed by some not to extend so far. The Minority say, religious liberty is not duly secured; which is omitted as an objection by all of the three gentlemen above named. The right of the people to fish, fowl and hunt, the freedom of speech, provision against disarming the people, a declaration of the subordination of the military to the civil power, annual elections of the representatives, and the organization and call of the militia, are considered by the Minority of our convention, as on an exceptionable footing; but none of these are even mentioned by Governor Randolph, Mr. Mason or Mr. Gerry. The Minority desire a declaration, that such powers as are not expressly given shall be considered as retained; Mr. Randolph thinks this unnecessary, for that the states retain every thing they do not grant. Mr. Gerry is silent on this head. The Minority desire a constitutional Council for the President; Mr. Gerry and Mr. Randolph do not. The Minority except against powers to erect a court of equity being vested in the federal government; to which neither of the above gentlemen express any dislike. The minority desire a bill of rights, and object to the smallness of the representation; which Mr. Randolph does not. They object to the term of duration of the legislature; which none of the above gentlemen find fault with. Nor does the account of particulars end here. The objections severally made by the three honorable gentlemen and the Pennsylvania Minority are so *different*, and even *discordant* in their essential principles, that all hope of greater unanimity of opinion, either in *another convention*, or in *the people*, must be given up by those who know the human heart and mind, with their infinitely varying feelings and ideas.

January 15, 1788.

1. "Philanthropos" was written by Tench Coxe.

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