



CENTER FOR THE STUDY OF THE AMERICAN CONSTITUTION

csac.history.wisc.edu > Document Collections > The Creation and Ratification of the Bill of Rights > Serial Essays Related to the Creation and Ratification of the Bill of Rights > Essays by “An American Citizen”

An American Citizen

Philadelphia *Federal Gazette*, 31 December 1788

Thoughts on the subject of Amendments of the Federal Constitution.

NUMBER IV.^(a)

When we consider the nature of our affairs, and compare the business of amending the constitution with the same measure in any other country, we discover at once, that a general convention will not be a proper body to effect the proposed alterations. Were the state legislatures to elect the members of a federal convention, it is evident that the people would have *no representatives* therein; on the other hand, were the people at large to elect them, the state governments would have *no representatives*; and thus *the federal qualities* of the constitution would be endangered, and that *consolidation*, about which so much apprehension has been expressed, would certainly ensue. But these objections do not exist against *proposing* amendments by the *two houses* of Congress; for the house of representatives will consent to none, that will affect the liberties of the people at large, by whom they are chosen; and the senate will consent to none that will diminish the rights of the state governments, by whose legislatures they are elected; nor will they agree to any thing that will change the federal qualities of the constitution.

Were any alterations in the government of Great-Britain proposed, we cannot suppose a general convention, chosen by the people alone, would have that duty assigned to them; for the constitutional powers of the two other branches would probably be diminished by them. Less probable is it that the people could acquiesce in an election by the upper house. *No one* estate of Parliament would be permitted to form alterations affecting the other two. All three must consent. In short, whether we consider what equity and policy suggest as proper here, or reason from a comparison with the necessary and rational proceedings under other forms of government, we must prefer the measure of proposing amendments by the new Congress, as the only one that is strictly proper. A trial of that mode first will not preclude the other, which will be as practicable then as now. Whatever amendments the mode by Congress shall give will be more immediate, less expensive and inconvenient, and less disagreeable in their effects upon the minds of the people, who are prevented by political agitations from attending to their private duties. A resort to a general convention should never be used, but upon extraordinary occasions, and for cogent reasons. The ferment that attends them must ever give an unfavourable impression abroad, and must produce injurious effects at home. Cool reason is best exercised, when the measures in discussion have the complexion of ordinary acts of legislation. Passion naturally rises high in extraordinary assemblies.

The number of persons qualified to discharge important public trusts are not very many in any country. America has certainly her share of them, but many are prevented from undertaking them by the necessary attention to their professions and private affairs. From this, and other causes, it is highly probable a new convention would contain many members of the new Congress. In confirmation of this, we see, that of the federal Representatives and Senators already chosen, thirteen were members of the late general convention, and the remainder who were not of that body, are only eleven. Of the whole twenty-four now elected, two thirds were chosen by the people to represent them in their respective state conventions. 'Tis really unreasonable to doubt the conduct of men thus repeatedly selected for public service, and it were preposterous to suppose they do not possess and deserve the confidence of the people.

(a) *For the three preceding numbers, see the Federal Gazette of the 4th, 10th, and 24th instant.*

CITE AS: John P. Kaminski et al., eds., *The Documentary History of the Ratification of the Constitution*, Vol. XXXIX: Bill of Rights [3] (Madison, Wis.: Wisconsin Historical Society Press, 2023), 454–56.