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## Centinel, Revived, XXVII

### Philadelphia *Independent Gazetteer*, 5 September 1789

TO THE PEOPLE OF THE UNITED STATES.

*Friends and Fellow-Citizens*, The nature of the government whereby a nation or people is ruled, has so decisive and inevitable an influence on their personal enjoyments and individual happiness—and the contrast between the blessings and complicated miseries, enjoyed or suffered, according to the respective form of government so replete with salutary instruction; that one would naturally suppose, that mankind would not be easily deluded to part with the only security of their temporal felicity, a good government; but that on the contrary, that they would cherish and maintain, in genuine purity, the inestimable blessing, and that every man, excepting in those who expected to aggrandize themselves on the ruins of the community, would suffer no consideration to stand in competition with the duty he owed himself and country, whenever the least infringement was attempted on the common liberties. But this is so far from being the case, as to have led many good and great men to adopt the degrading and humiliating opinion of mankind, that they are incapable of enjoying the blessings of liberty; and that, therefore, it is struggling against the nature of things to resist the establishment of despotic sway over the lives, liberties and properties of all men.—On the other hand, it was fondly hoped, that notwithstanding history confirms the triumphs of ambition, and mournful fate of liberty hitherto, that America was reserved to vindicate the dignity and felicity of human nature, by establishing and perpetuating EQUAL LIBERTY to all men. But the occurrences of a very few years have considerably damped such philanthropic hopes, and obscured the glorious prospect that opened to America upon the establishment of her independence. An implicit reliance upon the virtues of her illustrious deliverer [George Washington], have rendered her citizens insensible of the mighty danger of overturning the fundamentals of their governments. They have been worked up, by designing men, into such extravagant enthusiasm, and heedless confidence, that they have ventured upon the unexplored ocean of governmental experiment, with thoughtless indifference about the goodness or safety of the vessel of state upon which all that they hold dear and valuable is embarked.

If the importance of the subject were duly considered; if the people could be roused from their infatuation, so far as to give a dispassionate attention to the arguments of those, who, from a zealous regard to their lasting welfare, cannot suffer the present, and may be the only opportunity to pass over, without warning their fellow-citizens of the impending danger; in short, if the people would but seriously reflect on the fatal folly of building their invaluable liberties and temporal felicity on the paternal care and influence of ONE MAN, which the intrigues of ambition,

and venality of power, may render unavailing, or death so soon bring to a period, I should not, in that case, entertain a doubt of triumphing in the fulness of success in my patriotic labours, and speedily enjoying the supreme delight of beholding the resurrection of genuine republicanism. To every mind not totally blinded by invincible prejudice, or calously indifferent, I must have already carried the clearest conviction, that the general government, notwithstanding the proposed amendments should be incorporated, would necessarily and speedily become an iron-handed, grievous despotism, by the establishment of a consolidated national government, founded on the ruins of the state governments, which would be entirely superceded and dissipated by the controlling and absorbing powers vested in the general government.

The exceptionable clauses of the constitution of Congress, that have been already noticed by me, are so conclusively sufficient to subvert all liberty, and their consequences appear so evident, without illustration, that I am lost in astonishment that the freemen of America, after so ample a discussion of them as has taken place, should still remain so insensible to the impending danger—and more especially as these pregnant and menacing clauses are attended with numerous and powerful auxiliaries in other parts of this constitution. In the prosecution of my plan, I will, in the next place, illustrate the nature and operation of these auxiliaries. And in doing this, I shall, as in the last number, repeat arguments I made use of when the subject was formerly discussed. It is the opinion of the greatest men, and confirmed by experience, that republicanism cannot long exist without an extensive circulation of power and office among the community, fundamentally provided for in the constitution of government;—without such necessary rotation in power and offices, all other guards and restrictions are found to be nugatory and unavailing. The want therefore of this necessary rotation of official power in the general government, is an essential defect, and may alone be the efficient cause of despotism, and to accelerate the evil the permanency of the appointments of Senators and Representatives, and the control the Congress have over their election [Article I, section 4], will place them so independent of the sentiments and resentment of the people, and the administration having a greater interest in the government than in the community, there will be no consideration to restrain them from oppression and tyranny. In the government of this state, under the old confederation, the Members of the Legislature are taken from among the people, and their interests and welfare are so inseparably connected with those of their constituents, that they can derive no advantage from oppressive laws and taxes, for they would suffer in common with their fellow-citizens; would participate in the burthens they impose on the community, as they must return to the common level, after a short period; and notwithstanding every exertion of influence, every means of corruption, a necessary rotation excludes them from permanency in the Legislature.<sup>1</sup>

The undue and dangerous mixture of the powers of government, the same body possessing legislative, executive and judicial powers, is another fruitful source of tyranny. The senate, for instance, is a constituent branch of the legislature; it has judicial power in judging on impeachments, and in this case unites in some measure, the characters of judge and party, as all the principal officers are appointed by the president-general, with the concurrence of the senate, and therefore they derive their offices in part from the senate. This may bias the judgments of the senators and tend to skreen great delinquents from punishment. And the senate has, moreover, various and great executive powers, viz. in concurrence with the president-general, they form treaties with foreign nations, that may controul and abrogate the constitution and laws of the

several states. Indeed, there is no power, privilege or liberty of the state governments, or of the people, but what may be affected by virtue of this power. For all treaties, made by them, are to be the “supreme law of the land, any thing in the constitution or laws of any state, to the contrary notwithstanding.”

And this great power may be exercised by the president and 10 senators, (being two-thirds of 14, which is a quorum of that body.) What an inducement would this offer to the ministers of foreign powers to compass by bribery *such concessions*, as could not otherwise be obtained. It is the unvaried usage of all free states, whenever treaties interfere with the positive laws of the land, to make the intervention of the legislature necessary to give them operation. This became necessary and was afforded by the parliament of Great-Britain, in consequence of the late commercial treaty between that kingdom and France.—As the senate judges on impeachments, who is to try the members of the senate for the abuse of this power! And none of the great appointments to office can be made without the consent of the senate.

Such various, extensive, and important powers, combined in one body of men, are inconsistent with all freedom; the celebrated Montesquieu tells us, that “when the legislative and executive powers are united in the same person, or in the same body of magistrates, there can be no liberty, because apprehensions may arise, lest the same monarch or senate should enact tyrannical laws, to execute them in a tyrannical manner.”

“Again, there is no liberty, if the power of judging be not separated from the legislative and executive powers. Were it joined with the legislative, the life and liberty of the subject, would be exposed to arbitrary control; for the judge would then be legislator. Were it joined to the executive power, the judge might behave with all the violence of an oppressor. There would be an end of every thing, were the same man, or the same body of the nobles, or of the people, to exercise those three powers; that of enacting laws; that of executing the public resolutions; and that of judging the crimes or differences of individuals.”

The president-general is dangerously connected with the senate; his coincidence with the views of the ruling junto in that body, is made essential to his weight and importance in the government, which will destroy all independency and purity in the executive department, and having the power of pardoning without the concurrence of a council, he may skreen from punishment the most treasonable attempts that may be made on the liberties of the people, when instigated by his coadjutors in the senate. Instead of this dangerous and improper mixture of the executive with the legislative and judicial, the supreme executive powers ought to have been placed in the president, with a small independent council, made personally responsible for every appointment to office, or other act, by having their opinions recorded; and that without the concurrence of the majority of the quorum of this council, the president should not be capable of taking any step.

A standing army in the hands of a government placed so independent of the people, may be made a fatal instrument to overturn the public liberties; it may be employed to enforce the collection of the most oppressive taxes, and to carry into execution the most arbitrary measures. An ambitious man who may have the army at his devotion, may step up into the throne, and seize upon absolute power.

The absolute unqualified command that Congress have over the militia may be made instrumental to the destruction of all liberty, both public and private; whether of a personal or civil nature.

First, The personal liberty of every man, probably from sixteen to sixty years of age, except in such persons who are religiously scrupulous of bearing arms, may be destroyed by the power Congress have in organizing and governing of the militia. As militia they may be subjected to fines to any amount, levied in a military manner; they may be subjected to corporal punishments of the most disgraceful and humiliating kind, and to death itself by the sentence of a court martial: To this our young men will be more immediately subjected, as a select militia, composed of them, will best answer the purposes of government.

Secondly, The absolute command of Congress over the militia, may be destructive of public liberty; for under the guidance of an arbitrary government, they may be made the unwilling instruments of tyranny. The militia of Pennsylvania may be marched to New-England or Virginia, to quell an insurrection occasioned by the most galling oppression, & aided by the standing army, they will, no doubt, be successful in subduing their liberty and independency; but in so doing, although the magnanimity of their minds will be extinguished, yet the meaner passions of resentment and revenge will be increased, and these in turn will be the ready and obedient instruments of despotism to enslave the others; and that with an irritated vengeance. Thus may the militia be made the instruments of crushing the last efforts of expiring liberty, of rivetting the chains of despotism on their fellow-citizens, and on one another. This power can be exercised not only without violating the constitution, but in strict conformity with it.

As this government will not enjoy the confidence of the people, but be executed by force, it will be a very expensive and burthensome government.—The standing army must be numerous, and as a further support, it will be the policy of this government to multiply officers in every department; judges, collectors, tax-gatherers, excisemen, and the whole host of revenue-officers will swarm over the land, devouring the hard earnings of the industrious. Like the locusts of old, impoverishing and desolating all before them.

Philadelphia, August 28, 1789.

1. Section 8 of the Pennsylvania constitution of 1776 provided that annually-elected assemblymen could serve no more than four years within any seven-year period. Section 19 provided that members of the Supreme Executive Council would be elected for three-year terms, after which they were ineligible for four years.

CITE AS: John P. Kaminski et al., eds., *The Documentary History of the Ratification of the Constitution*, Vol. XLI: Bill of Rights [5] (Madison, Wis.: Wisconsin Historical Society Press, 2025).