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## Centinel, Revived, XXIX

Philadelphia *Independent Gazetteer*, 9 September 1789

*To the PEOPLE of PENNSYLVANIA.*

*Friends and Fellow-Citizens*, What would be your opinion of the man who, living where thieves were so numerous and vigilant as to improve every opportunity of plunder, should go to sleep at night in thoughtless security, with his doors wide open, trusting for the preservation of his property from depredation, to the care with which he had fastened the window shutters. Would you not laugh at his stupidity and folly?

Similar would be the conduct of the people of the United States, if they rest the security of their invaluable privileges upon the partial amendments making by Congress to the new constitution: for although many of these amendments are very proper and necessary, yet whilst the constitution is suffered to retain powers that may not only defeat their salutary operation, but may and incontrovertibly will be so decisively injurious as to sweep away every vestige of liberty; it is an insult upon the understanding and discernment of the people to flatter them with the secure enjoyment of privileges, that are held by so precarious and transient a tenure.

Besides, some of even these limited, insecure amendments, which, to a superficial observer, seem to contain useful provisions, when examined with attention, are found to be delusive and inoperative. I will instance two or three of them. Article 2d of the proposed amendments, "No law varying the compensation to the Members of Congress, shall take effect, until an election of Representatives shall have intervened." After the steed is stolen, the stable door is shut. Congress first vote themselves the very *genteel* sum of six dollars specie a day, and then generously consent to alter the constitution in such manner as to prevent this extravagant compensation from being varied during the term of their appointment. — How disinterested! What a tender regard does not this conduct manifest for the ease of their constituents! what sympathy for the increased burthens of the people!

If Congress really meant to divest themselves and successors of the irresistible temptation of voting themselves such profuse allowances, they would have made a very different amendment. The amendment about to be adopted puts it absolutely out of the power of Congress ever to lower or raise the wages as to the Members *for the time being*, but allows them to do either, provided the alteration is not to take effect until after the next election; however, as there is no rotation or ineligibility established by the constitution to prevent the same man from being continued a Member of Congress for life, as the great probability is, will be the case from the opportunities of influence which a seat in Congress afford, and from the natural progression of

power; and as such a continuance in office will always be in the contemplation of the Members of Congress, is it reasonable to suppose that there will ever be found a Congress so disinterested as to reduce the present exorbitant wages? on the contrary, is it not more probable, that the increasing luxury and dissipation, and the growing pride of station, naturally to be expected from the establishment of a court and train of splendid departments, will induce Congress from time to time, to add to their wages, so as to keep pace with the general corruption; which will be continually aggravated by the exercise of this power, for a motive of consistency will still lead Congress to raise proportionably the salaries and emoluments of the officers of government, whenever they increase their own wages. Thus we see the hypocrisy of the intended amendment, which professes a future relief to the burthens of the people, without meaning any thing, unless it is to disguise, for the present, the obnoxious and ruinous power of Congress to put their hands into the pockets of the people to enrich themselves. Thus, also it appears, that this power of Congress, to determine their own compensation, will be one of the most efficient, productive causes of the burthens of the people, and the corruption of the general government. Had the wages been granted by the State Legislatures, who having no selfish bias to mislead them, and who being more immediately responsible to the people, a spirit of economy might have influenced the general government, for the Members of Congress being denied immoderate wages themselves, would have felt no disposition to lavish the public money upon the officers of government.

It was a serious objection to the new constitution, that as certain personal rights and privileges were expressly provided for, whilst many others were omitted, that agreeably to the usual and established rule of construction in such case, the latter were abrogated, or at best left at the mere discretion of Congress. To obviate the apprehensions of the people on this head, a specious amendment is proposed, as follows, viz. Article the 15th. “The enumeration in the constitution of certain rights, shall not be construed to deny, or disparage others *retained* by the people.” This sounds very well; But what is the amount of these shewy words when brought to the test of rational construction? why really nothing. For to give them any meaning or operation, it must be first shewn in what part of the new constitution there is any reservation made of the rights or privileges of the people, other than those expressly enumerated, which I challenge the most ingenious to do. The fact incontrovertibly is, that there are none retained but what are specifically inserted. This proposed amendment, therefore, makes no provision for the defect, and will be absolutely inoperative and nugatory.

Article 5th of the proposed amendments—“A well regulated militia, composed of the body of the people, being the best security of a free state, the right of the people to keep and bear arms, shall not be infringed, &c.” It is remarkable that this article only makes the observation, “that a well regulated militia, composed of the *body* of the people, is the best security of a free state;” it does not ordain, or constitutionally provide for, the establishment of such a one. The absolute command vested by other sections in Congress over the militia, are not in the least abridged by this amendment. The militia may still be subjected to martial law and all its concomitant severities, and disgraceful punishments, may still be marched from state to state and made the unwilling instruments of crushing the last efforts of expiring liberty.

Article 17th of the proposed amendments—“The powers not delegated by the constitution, nor prohibited by it to the states, are reserved to the states respectively.” That is, in other words,

all powers that are not expressly or *impliedly* delegated, &c. Now, I ask what power, right or privilege is reserved to the state governments? Is not every efficient power comprehended in the express or *implied* grants made to Congress by the new constitution? In fact does not the *express* grants without recurring to *implied* grants fully transfer every thing to Congress? After the illustration that has been given of the operation of the general government, no unprejudiced person can hesitate to pronounce the state governments divested of every means of preservation, and therefore that this amendment provides for what has no existence. I was struck at the strained jealousy of the votaries of ambition in Congress, who would not consent to dress up this harmless amendment in the fulness of parade, that when a motion was made to insert the word “expressly” before the word [“]delegated,” they should be so unaccountably startled at the ghost of departed power in the state governments, as to refuse the insertion of the word.

Such are the devices, such the impositions by which the just expectations of America are to be defeated! If *Machiaval* were to rise from the dead, he would be lost in admiration, at the prodigious improvements made upon his code of disengenuous and deceptive policy; he would at once resign the palm of refined dissimulation and deceptive sagacity to his American successors, who in effecting the unqualified establishment of the new constitution, and now in the present attempt to gull the people by professing to supply the defects of this constitution, whilst in reality they mean to confirm and perpetuate the fulness of dominion, have exhibited such a luxuriance of invention, such a sagacity in deception, and have blinded and led the people step by step to such a pitch of delusion by such seducing fallacies, as fully entitle them to look down, with supercilious contempt, upon the piddling devices of their Italian predecessor in imposition. My hope, however, of their being disappointed in the consummation of their ambitious projects, is founded on the experimental knowledge which the people have acquired of the genuine views of these men, by detecting the numerous fallacies and flattering promises made use of to lead them into the establishment of the new constitution, and that being thus apprised by that best of monitors, experience, they will have their eyes now opened to their true situation, and whilst opportunity yet offers, disappoint the all-grasping designs of the Cesars of America, by resolutely determining to obtain adequate amendments to the new constitution.

Philadelphia, August 28, 1789

N. B. In my 26th number, in noticing the proposed *legislative* restriction upon the unlimited jurisdiction of the federal judiciary, and the denial of making it a fundamental regulation, I erroneously stated that it extended so far as to prohibit assignments of all demands whether for personal or *real* property, to citizens of another state, for the purpose of borrowing their names to give the federal court cognizance of the controversy; but I have since found upon recurrence to the judicial bill, that this temporary prohibition which may be repealed at any time, extends only to prevent the assignment of “les choses en action,” or, in plain English, to demands of a personal nature, such as for money due on bonds, bills of exchange, notes of hand, &c. and that therefore suits may be immediately instituted in the federal court for all the controverted land in Pennsylvania or any other state, by merely borrowing the name of a friend in another state, to bring the suit, which, as before observed, may be done by a mock assignment of the claim. Here is a fruitful source of vexatious litigiousness and oppression; an ejectionment may be brought for land in the most remote part of the state in the federal court of the state, and from thence

carried by appeal to the Supreme Court of Congress, at such a distance from the evidence, and necessarily attended with such great expence of time and money as to make it frequently better to surrender the best title to real estate, rather than contend with a litigious or wealthy suitor.

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