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REMARKS on the Amendments to the Federal Constitution, proposed by the Conventions of Massachusetts, New-Hampshire, New-York, Virginia, South and North-Carolina, with the minorities of Pennsylvania and Maryland, by a FOREIGN SPECTATOR.

NUMBER VII.

The convention of New-York proposes, *That the Congress shall not declare war without the concurrence of two-thirds of the senators and representatives present in each house.* This restriction might be applicable to offensive war, but certainly is not to defensive, for the reasons given in the last number. It must also be observed, that a war, in reality just and necessary, sometimes may appear offensive. It is just to compel another nation to compliance with an important treaty, to the delivery of a frontier place, or to the forbearance of many indirect injuries, which may be in their effects equal to pointed violence. It is also a self-defence to prevent an enemy, when he manifestly intends to attack us, as we snatch a pistol from a robber before he can fire it. Without a detail of circumstances very prolix, and yet incompetent to every emergency, the supreme power cannot be limited on this matter; and must therefore be left to its own wisdom, public virtue, and humanity.

The convention of North-Carolina thinks proper to move a question, which we hope may never be wanted: they request, *That the Congress shall not declare any state to be in rebellion, without the consent of at least two-thirds of all the members present of both houses,* 12 am. The constitution does not explicitly treat of such a case—but is contented with defining in 3d sect. of 3d art. that *"treason against the United States shall consist only in levying war against them, or adhering to their enemies, giving them aid and comfort;* and stipulating in 4th sect. of 4th art. *that the United States shall protect each state in the union against domestic violence, on application of the legislature, or of the executive council when the legislature cannot be convened.* In this, as in other things, the new government will by a direct operation on individuals, preserve national safety and prevent dreadful calamities. If the states were only connected by a simple reciprocal contract, the violation of it by any state could not otherwise be remedied than by the united force of all the rest. Here is then an appeal to arms, and a civil war in the first instance! Therefore the anarchy of the old constitution became so alarming, that a dissolution of the union, or a union by force, was the dreadful alternative. But in the new confederacy, the necessity of declaring any state to be in rebellion, can hardly ever exist, because traitors are disarmed before they can raise any dangerous insurrections; and if such should happen in any state, they will be quelled by federal arms on the request of the legislature, or executive of that state.

While the federal government is just and mild, yet firm and vigilant, it is hardly possible that disaffection should be so general and violent in any state, as to fill both the legislative and executive departments with traitors. But suppose this extraordinary event to happen from some rapid epidemic phrenzy, the minority will then be considered as true members of the union, and the majority as a faction that must be suppressed, and the leaders of which have incurred the punishment of treason. Even in this case, there is no necessity of declaring the state to be in rebellion. During the tumult, some general regulations must be made, by which the people at large must necessarily suffer; but no punishment can be inflicted upon the state, without depriving it of those rights and benefits which are common to all the states of the union, and consequently changing the federal constitution itself. Yet without such declaration, a speedy and powerful remedy must be applied in the alarming crisis, when a strong faction has seized upon the government and resources of a state, to levy war against the federal head: the federal arm should certainly in time crush those double traitors, who, by a cruel separation would maim the body and mortify the limb. During a slow deliberation, the fire may spread with such a rage, as not to be quenched without torrents of federal blood. It is true, that a unanimous vote would be desirable in this case; but we must allow a proportion to selfish, timid, and erroneous opinions. Perhaps it will be difficult to get a bare majority in a very upright and enlightened Congress, from an indulgence to revolution principles carried to extremes by many well-disposed minds, and from the natural reluctance against violent means, while there is any hope in gentle proceedings.

The same convention does also request, *that congress shall not introduce foreign troops into the United States without the consent of two-thirds of the members present of both houses*, 26th am. America well united, has nothing to fear from any power that will probably ever attack her, while she acts towards other nations with integrity and wisdom. At the same time as she may in some emergency act in concert with an ally, his troops may with propriety be admitted. If this caution implies a suspicion of Congress, is it not more reasonable to surmise that one or two states may be inveigled by a foreign power, and supported by a formidable army? In such a wo[e]ful situation, an ally may be very acceptable, nor should it be in the power of the disaffected in Congress to refuse his admittance.

Tho' I cannot see the propriety of requiring the consent of two-thirds of congress on the matters now discussed; yet I must observe, that if the word *present* implies a fear of absentees, I heartily agree to the necessity of very full houses when such capital resolves are to be made. A legislator who then is kept away by gain, pleasure, or idleness, is, with all his abilities or domestic virtues, a mean wretch, who ought to be severely punished for being such a slovenly faithless guardian of his country's dearest interests. This remark is the more essential, as a traitor may, by an insidious absence, injure his country both by carrying and loosing an important motion.

The conventions of Virginia and North-Carolina in the 10th am. and the minority of Maryland, desire, *that no soldier shall be enlisted for any longer term than four years, except in time of war, and then for no longer term than the continuance of the war*. This amendment is superfluous, because money for the support of troops is appropriated only for two years: If a new appropriation is made, troops can be kept, if not they must be disbanded.

The above minority, and the convention of New-Hampshire 10th am. request, *that soldiers in time of peace may not be quartered upon private houses without the consent of the owners*. If barracks and public houses can be had, this inconvenience will certainly be avoided; but oth-

erwise, if regular troops are requisite, they must be provided with necessaries. Suppose a regiment on a march in the dead of winter; must the brave fellows lye in the field, because churlish people will not let them sleep on their floors? Federal soldiers deserve the affection of their country as well as the militia, being its defenders, and not oppressors; unreasonable prejudices against them are illiberal and inconsistent with federal sentiments. To render those troops more agreeable to the people and more useful to the United States, they should be chosen with discretion; a man of principle will die for his country, a villain will stab it for good pay.

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