

A Friend of Society and Liberty (July 23, 1788)

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To the INHABITANTS of the Western Counties of Pennsylvania.

FRIENDS and COUNTRYMEN, The promotion of harmony and peace throughout the state must be the cordial desire of every good man. Fatigued as we all are with political discussions, nothing can justify this new call of your attention but a concern for the ease of mind of our friends and fellow citizens.

A variety of circumstances have contributed to give an unpleasing appearance to parts of the federal constitution-it is my intention decently to examine into some of them, and to pursue the investigation as a high and serious duty, in the performance of which whatever is disrespectful, unkind or passionate, would be unworthy and criminal. I conjure you, my countrymen, to exercise your own native sense. I entreat you to remember the dignity of a free people. Do not permit yourselves to form opinions, or to adopt any line of conduct that may affect the public, without cool and serious reflexion in the hour of stillness and composure at your own houses. Take care of the flame which may be kindled in your minds at taverns, places of parade and public meetings. Remember at these places too many are affected by the intoxicating draughts, which are always near at hand. The maddening influence of spirituous liquors is not necessary to keep up the almost divine feelings of a freeman. Avoid then all political meetings in places that expose the people to these temptations. Meet rather at your court-houses, and your places of worship. JUSTICE will not be offended at the presence of freemen, and the sacred temple of THE DEITY himself will not be profaned by the decent and cool deliberations of the sincere sons of liberty.

In the course of the present year many errors have been propagated among you. It was said that our neighbours of Maryland would reject the new constitution. Yet you see the most extraordinary unanimity, considering the pains that were taken there to prove the constitution faulty. Eleven dissentient votes were all the opposition amounted to, and of these, two of the principal were chosen by counties in which they did not reside, contrary to the usual practice and to the resolutions of the legislature; and a third was but a short time a citizen of that state. You were told also, that Virginia would reject, yet you see their convention have adopted the constitution, and all is tranquility there. You were also told that New York would certainly reject without hesitation, yet they have been sitting very long, and have not done so. The people of that state, it is positively asserted, are becoming more favourable to the constitution, as they become more fully acquainted with it. There is no doubt too, that an old party difference in their state politics has affected the choice of their convention exceedingly, which you know might easily be the case, but this circumstance has no more to do with the qualities of the new constitution, than with those of the holy scriptures. A good deal of pains have been taken to make you believe, that Congress will have power to regulate the elections of the state legislatures. Nothing is more untrue. The federal legislature can no more regulate the elections of our state representatives, councillors, &c. than they can regulate those of Holland, England or Ireland. Those who assert that the new federal constitution extends to that point, are either grosly mistaken, or wickedly attempting to deceive you. The meaning of the article about the regulation of elections is this. Your members of the general convention, and those of some other states, saw plainly that Pennsylvania and several other states had paid up about their proportion of the interest on the continental debts, and that some other states, such as Rhode-Island, had not done the same just thing, and that they omitted to send their delegates to Congress, in order that there might not be a due representation in that body, whereby they might prevent a legal requisition to perform this and other acts of duty to the union and our foreign friends. This fell hard upon Pennsylvania and other honest states, and yet the old confederation being defective in not giving power to Congress to remedy the evil, we must have groaned under the hardship for ever, had not the states adopted that article in the new constitution. TEN of them having

ratified it, things stand so now that if anyone refuses or neglects to perform its duty, and does not send members to the senate, nor does not appoint a time for the people to chuse their representatives in the federal house, Congress can say, that the people of each election district in each state shall chuse, in their proper district, the federal representatives, to which by the new constitution and by reason they are justly entitled. This is the true meaning of the clause, and it will appear at first view a great security for the liberty and independence of the whole body of the people.

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You have been told also, that after the new constitution takes place the officers under it may become perpetual. Now it is fully and absolutely secured that no Representative, Senator, President or Vice-President can continue beyond a stipulated time, and if the people think that time too long they can get their state legislatures to apply for its being shortened. If nine legislatures out of thirteen apply this year, or ten years hence, there must be a convention called to consider the point (or indeed any thing else which you complain of in the constitution) and then if three fourths of the states approve the alteration, it will be made. But if Congress should want to extend the time of their duration, or wickedly wish to make themselves perpetual, they must get three fourths of the state legislatures to consent to it before it can take place. I believe no body therefore, on due reflexion, will see any cause to fear Congress will ever be able to render their seats perpetual. It will seem foolish to some of my countrymen to take so much pains to remove this apprehension, because they know there is no danger of any such thing, but I can assure them that so much deception and mistake has taken place, that there are many worthy inhabitants of our western counties that have been made very unhappy on this point. I want those good people to read the constitution quietly by themselves, and to judge like reasonable and free men for themselves. I do not want to inflame their passions, nor to hide the subject from them. I wish them to pass a sober, cool and honest judgment on it. They will see that every man among them, whether protestant or catholic, rich or poor, may elect or be elected. The Assembly may chuse any of them a Senator, or the people may chuse any of them a federal Representative²³, or any of them may be chosen Vice-President or President of the United States. Nothing in the constitution forbids it, though they must be sensible that a man must be very good and very wise, to deserve and receive such great trusts from the Assembly and from the people. However, as I said before, any man, rich or poor, protestant or catholic, can be chosen, if he is thought fit by the state legislature, or the people at large, and when he is chosen nothing can prevent his taking his seat and performing his high duties.⁴ In other countries religious tests would prevent him, though he were ever so wise, ever so good, or ever so much beloved and esteemed. In Spain a protestant would be disqualified, in Ireland a presbyterian or a catholic would be disqualified, in England a catholic, presbyterian, or any dissenter from their church, would be disqualified. But our new federal constitution admits all, whether protestant, or catholic, or presbyterian, or episcopalian, &c. for it expressly says there shall be no religious test. Blessed circumstance, for which above all others the favored people of these states should ever raise their grateful voices in praise and thanksgiving to the author of every good and perfect gift. The federal connexion, established on these liberal and generous principles, will lead to a sort of federal union among the various churches which it has pleased God to raise up in the world. Here none can be particularly favored, none can be particularly oppressed, none can be interfered with—all are equal—all independent of each other. They will not render to each other nor to the government, tithes, nor tenths, nor free gifts (as they have been preposterously termed) nor any species of taxes, as religious men or societies. Nothing will be expected, nothing will be required but peace and goodwill, and brotherly loving kindness. This excellent quality of the new government will warm and expand our bosoms whenever we reflect upon it. The liberality and virtue of America in establishing perfect equality and freedom among all religious denominations and societies, will no doubt produce to us a great reward, for when the news of it shall reach the oppressed dissenters from the established churches of Britain, Ireland, Holland, Germany, France, Spain and Italy, and they shall find that it encourages both protestants and catholics, they will at once cry out, America is "the land of promise." There alone can the sincere votaries of religion enjoy their lives, their civil and religious rights and property, without suffering from their attachment to that church in

which they have been born and bred, and which they believe to be right and true. Ye Sovereigns of the European world, continue your religious oppressions at your peril. So sure as you persist, thousands of your present subjects, transplanted to the fertile fields, the healthful villages and populous cities of America, shall remind you of your impiety and error, when it shall be too late for you to retrieve the loss.

5

It has been said, the public defaulters will be excused from paying the public debts they owe. It is not necessary at this time to enter into any enquiry, who are public defaulters. That will lay with those persons to whose charge it is committed by the laws. All monies had and received by any citizen of the United States must be accounted for, or if not duly accounted for, the person who received the same will be liable to an action at law, and if he has it, must pay the same; if he has it not, his body will be subjected to imprisonment, as in other cases. The United States have been declared a body corporate by acts of the state assemblies. Those acts remain in force, and were the states to separate and become thirteen unconnected sovereignties, (unallied and unconfederated) they would still be a body corporate, and that body corporate could sue any public defaulter, in the courts of any state, wherein his person or his property could be found.

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The militia have been alarmed with assertions, that they could be sent not only from Georgia to New-Hampshire, but even to France. The jurisdiction of the federal legislature does not extend beyond the territories of the United States. Congress therefore could have no more authority over the militia on the high seas, or in France, than they could have over the militia of Ireland, or the regular troops of the Empress of Russia. These things cannot be believed by the people, who invent and propagate them. They can only have in view to deceive you into acts of violence and disorder. It is a blow wickedly aimed at your peace, and their wishes must be to make you the miserable instruments of destroying your own happiness. It is said our militia may be marched to New-Hampshire, or North-Carolina, under the powers of the new constitution. To this we may answer, that by the laws and constitution of this state, the militia of Washington may be ordered by council to Philadelphia, or those of Philadelphia to Washington. The distance between them is the same as between New-Hampshire and Philadelphia, or between Philadelphia and North-Carolina, but the march from Washington to this city would be much worse, through great tracts of unsettled country, and bad roads over the Laurel-hill, the Allegheny mountain, &c. Though this power is possessed by our Assembly, who ever feared the use of it. The truth is the legislature of Pennsylvania must necessarily have authority over the militia, in every part of their jurisdiction, and so of the federal legislature; but a moment's reflexion will shew you, that the federal government can never be so foolish as to order the people from one extreme of the union to the other, nor could they expect, that the militia, with arms in their hands and officers appointed by their own state governments, would ever obey. It is preposterous and criminal to endeavour to alarm and enflame you with such things. In the same way they have attempted to make you uneasy about a poll tax. They ought rather honestly to inform you, that an impost of five per cent, upon all foreign merchandize, and more upon some will take off a great part of the land tax, which you have been used to pay, and they should observe to you, that as you wear and use a great deal of home made articles of dress, food and drink, which the citizens cannot obtain and the monied men do not use, the citizens and the monied men will pay a very large proportion of the public revenues, to the great relief of the landholder, and the industrious poor. This will hereafter be the best poor man's country upon earth, and a most happy one at the same time for the rich, if they have sense and virtue with all; and if they have not sense and virtue, they must endeavour to get them, or they will not be half as happy as their poorer fellow citizens.

7

It has been asserted, that the new constitution, when ratified, would be fixed and permanent, and that no

alterations or amendments, should those proposed appear on consideration ever so salutary, could afterwards be obtained. A candid consideration of the constitution will shew this to be a groundless remark. It is provided, in the clearest words, that Congress shall be obliged to call a convention on the application of two thirds of the legislatures; and all amendments proposed by such convention, are to be valid when approved by the conventions or legislatures of three fourths of the states. It must therefore be evident to every candid man, that two thirds of the states can always procure a general convention for the purpose of amending the constitution, and that three fourths of them can introduce those amendments into the constitution, although the President, Senate and Federal House of Representatives, should be unanimously opposed to each and all of them. Congress therefore cannot hold any power, which three fourths of the states shall not approve, on experience.

8

There is one grand operation of the new federal constitution, favorable to general liberty, which I do not remember to have heard from any of its friends. It is well known, that in most of the states the members of their Houses of Representatives are chosen in equal numbers from each county, and in the eastern states, in equal numbers from each town, without any regard to the number of taxable inhabitants, or the number of souls. Hence it is very frequent for a county, with ten thousand souls, to send only the same number of members to the State house of representatives, as a county with two thousand souls, by which each person in the least populous county has five times as great a voice in electing representatives, as his fellow citizens of the most populous county. This is clearly a departure from the principles of equal liberty, and ought to be altered in the several states. I speak the more plainly because our state constitution is free from that fault in the formation of our house of Assembly. Now the new constitution expressly declares, that the Federal Representatives shall be in the proportion of one to every thirty thousand, which accords with reason and the true principles of liberty. This house, therefore, so far as national matters go, will remedy the evil spoken of in the several states, and is one more great step towards the perfection of equal liberty and genuine republicanism in America. It must strongly recommend the federal constitution to the serious reflecting patriot, even though he may formerly have had doubts, and it will suggest to the several states the propriety of reconsidering that point in their respective constitutions. Pennsylvania, though right in the principles on which her legislative elections are and will be held, is less safe from the existence of this fault in the adjoining sister states of Virginia, Maryland, Jersey, Delaware and New-York.

There is now so universal a spirit of conciliation, acquiescence and mutual concession prevailing through the states, that the prospect before us is the most comfortable. The minority of Massachusetts were lately called upon to elect Mr. Gerry their Governor, because of his being of their former sentiments on the new plan of government, but they gave much the greater part of their votes to Mr. Hancock, who voted for the plan, believing, on better considering the constitution, that he was right. Governor Randolph, of Virginia, though at first an opposer of the constitution, proved one of its most useful friends in the Virginia Convention, and finally voted for its adoption. The leading members of the minorities of South-Carolina, Connecticut, Massachusetts and New-Hampshire, have said they would promote the execution of it, and its cheerful acceptance by the people. The clearest symptoms acquiescence and goodwill have also appeared among the gentlemen in Pennsylvania, who originally opposed the new constitution. May God grant that this reign of REASON, MODERATION AND BROTHERLY AFFECTION, may daily increase among the good people of this flourishing commonwealth.