

Antifederalist Nos. 30-31

A Virginia Antifederalist on the Issue of Taxation

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. . . . It has been the language, since the peace, of the most virtuous and discerning men in America, that the powers vested in Congress were inadequate to the procuring of the benefits that should result from the union. It was found that our national character was sinking in the opinion of foreign nations, and that the selfish views of some of the states were likely to become the source of dangerous jealousy. The requisitions of Congress were set at naught; the government, that represented the union, had not a shilling in its treasury to enable it to pay off the federal debts, nor had it any method within its power to alter its situation. It could make treaties of commerce, but could not enforce the observance of them; and it was felt that we were suffering from the restrictions of foreign nations, who seeing the want of energy in our federal constitution, and the unlikelihood of cooperation in thirteen separate legislatures, had shackled our commerce, without any dread of recrimination on our part. To obviate these grievances, it was I believe the general opinion, that new powers should be vested in Congress to enable it, in the amplest manner, to regulate the commerce, to lay and collect duties on the imports of the United States. Delegates were appointed by most of them, for those purposes, to a convention to be held at Annapolis in the September before last. A few of them met, and without waiting for the others, who were coming on, they dissolved the convention -- after resolving among themselves, that the powers vested in them were not sufficiently extensive; and that they would apply to the legislatures of the several states, which they represented, to appoint members to another convention, with powers to new model the federal constitution. This, indeed, it has now done in the most unequivocal manner; nor has it stopped here, for it has fairly annihilated the constitution of each individual state. It has proposed to you a high prerogative government, which, like Aaron's serpent, is to swallow up the rest. This is what the thinking people in America were apprehensive of. They knew how difficult it is to hit the golden mean, how natural the transition is from one extreme to another -- from anarchy to tyranny, from the inconvenient laxity of thirteen separate governments to the too sharp and grinding one, before which our sovereignty, as a state, was to vanish.

In Art. I, Sect. 8, of the proposed constitution, it is said, "Congress shall have power to lay and collect taxes, duties, imposts, and excises." Are you then, Virginians, about to abandon your country to the depredations of excisemen, and the pressure of excise laws? Did it ever enter the mind of any one of you, that you could live to see the day, that any other government but the General Assembly of Virginia should have power of direct taxation in this state? How few of you ever expected to see excise laws, those instruments of tyranny, in force in your country? But who could imagine, that any man but a

Virginian, were they found to be necessary, would ever have a voice towards enacting them? That any tribunal, but the courts of Virginia, would be allowed to take cognizance of disputes between her citizens and their tax gatherers and excisemen? And that, if ever it should be found necessary to curse this land with these hateful excisemen, any one, but a fellow citizen, should be entrusted with that office?

For my part, I cannot discover the necessity there was of allowing Congress to subject us to excise laws, unless -- that considering the extensiveness of the single republic into which this constitution would collect all the others, and the well known difficulty of governing large republics with harmony and ease -- it was thought expedient to bit our mouths with massive curbs, to break us, bridled with excise laws and managed by excisemen, into an uniform, sober pace, and thus, gradually, tame the troublesome mettle of freemen. This necessity could not, surely, arise from the desire of furnishing Congress with a sufficient revenue to enable it to exercise the prerogatives which every friend to America would wish to see vested in it. As it would, by unanimous consent, have the management of the impost, it could increase it to any amount, and this would fall sufficiently uniform on every one, according to his ability. Or, were this not found sufficient, could not the deficiency be made up by requisitions to the states? Could it not have been made an article of the federal constitution, that, if any of them refused their quota, Congress may be allowed to make it up by an increase of the impost on that particular state so refusing? This would, surely, be a sufficient security to Congress, that their requisitions would be punctually complied with.

In any dispute between you and the revenue officers and excisemen of Congress, it is true that it is provided the trial shall be in the first instance within the state, though before a federal tribunal. It is said in par. 3, sect. 2, art. 3, "The trial of all crimes except in cases of impeachments shall be by jury; and such trial shall be held in the state where the crime shall be committed." But what does this avail, when an appeal will lie against you to the supreme federal court. In the paragraph preceding the one just now quoted, it is said, "In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make." But where is this Supreme Court to sit? Will it not be where Congress shall fix its residence? Thither then you will be carried for trial. Who are to be your jury? Is there any provision made that you shall have a Venire from your county, or even from your state, as they please to call it? Not You are to be tried within the territory of Congress, and Congress itself is to be a party. You are to be deprived of the benefit of a jury from your vicinage, that boast and birthright of a freeman.

Should it not at least have been provided, that those revenue officers and excisemen -- against whom free governments have always justly entertained a jealousy -- should be citizens of the state? Was it inadmissible that they should be endued with the bowels of fellow citizens? Are we not to expect that New England will now send us revenue officers instead of onions and apples? When you observe that the few places already under Congress in this state are in the hands of strangers, you will own that my suspicion

is not without some foundation. And if the first cause of it be required, those who have served in Congress can tell you that the New England delegates to that assembly have always stood by each other, and have formed a firm phalanx, which the southern delegates have not; that, on the contrary, the maneuvers of the former have been commonly engaged, with success, in dividing the latter against each other.

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