

Antifederalist No. 60

Will the Constitution Promote the Interests of Favorite Classes?

John F. Mercer of Maryland was the author of this essay, taken from his testimony to members of the ratifying conventions of New York and Virginia, 1788, (From the Etting Collection of the Historical Society of Pennsylvania.)

We have not that permanent and fixed distinction of ranks or orders of men among us, which unalterably separating the interests and views, produces that division in pursuits which is the great security of the mixed Government we separated from and which we now seem so anxiously to copy. If the new Senate of the United States will be really opposite in their pursuits and views from the Representatives, have they not a most dangerous power of interesting foreign nations by Treaty [to] support Their views? -- for instance, the relinquishment of the navigation of [the] Mississippi -- and yet where Treaties are expressly declared paramount to the Constitutions of the several States, and being the supreme law, [the Senate] must of course control the national legislature, if not supersede the Constitution of the United States itself. The check of the President over a Body, with which he must act in concert -- or his influence and power be almost annihilated -- can prove no great constitutional security. And even the Representative body itself . . . are not sufficiently numerous to secure them from corruption. For all governments tend to corruption, in proportion as power concentrating in the hands of the few, tenders them objects of corruption to Foreign Nations and among themselves.

For these and any other reasons we are for preserving the rights of the State governments, where they must not be necessarily relinquished for the welfare of the Union. And, where so relinquished, the line should be definitely drawn. If under the proposed Constitution the States exercise any power, it would seem to be at the mercy of the General Government. For it is remarkable that the clause securing to them those rights not expressly relinquished in the old Confederation, is left out in the new Constitution. And we conceive that there is no power which Congress may think necessary to exercise for the general welfare, which they may not assume under this Constitution. And this Constitution, and the laws made under it, are declared paramount even to the unalienable rights which have heretofore been secured to the citizens of these States by their constitutional compacts. . . .

Moreover those very powers, which are to be expressly vested in the new Congress, are of a nature most liable to abuse. They are those which tempt the avarice and ambition of men to a violation of the rights of their fellow citizens, and they will be screened under the sanction of an undefined and unlimited authority. Against the abuse and improper exercise of these special powers, the people have a right to be secured by a sacred Declaration, defining the rights of the individual, and limiting by them the extent of the exercise. The people were secured against the abuse of those powers by fundamental laws and a Bill of Rights, under the government of Britain and under their own Constitution. That government which permits the abuse of power, recommends it, and will deservedly experience the tyranny which it authorizes; for the history of

mankind establishes the truth of this political adage -- that in government what may be done will be done.

The most blind admirer of this Constitution must in his heart confess that it is as far inferior to the British Constitution, of which it is an imperfect imitation, as darkness is to light. In the British Constitution the rights of men, the primary object of the social compact, are fixed on an immoveable foundation and clearly defined and ascertained by their Magna Charta, their Petition of Rights, their Bill of Rights, and their effective administration by ostensible Ministers secures responsibility. In this new Constitution a complicated system sets responsibility at defiance and the rights of men neglected and undefined are left at the mercy of events. We vainly plume ourselves on the safeguard alone of representation, forgetting that it will be a representation on principles inconsistent with true and just representation; that it is but a delusive shadow of representation, proffering in theory what can never be fairly reduced to practice. And, after all, government by representation (unless confirmed in its views and conduct by the constant inspection, immediate superintendence, and frequent interference and control of the people themselves on one side, or an hereditary nobility on the other, both of which orders have fixed and permanent views) is really only as one of perpetual rapine and confusion. Even with the best checks it has failed in all the governments of Europe, of which it was once the basis, except that of England.

When we turn our eyes back to the zones of blood and desolation which we have waded through to separate from Great Britain, we behold with manly indignation that our blood and treasure have been wasted to establish a government in which the interest of the few is preferred to the rights of the many. When we see a government so every way inferior to that we were born under, proposed as the reward of our sufferings in an eight years calamitous war, our astonishment is only equaled by our resentment. On the conduct of Virginia and New York, two important States, the preservation of liberty in a great measure depends. The chief security of a Confederacy of Republics was boldly disregarded, and the Confederation violated, by requiring 9 instead of 13 voices to alter the constitution. But still the resistance of either of these States in the present temper of America (for the late conduct of the party here [Maryland] must open the eyes of the people in Massachusetts with respect to the fate of their amendment) will secure all that we mean to contend for -- the natural and unalienable rights of men in a constitutional manner.

At the distant appearance of danger to these, we took up arms in the late Revolution. And may we never have cause to look back with regret on that period when connected with the Empire of Great Britain, we were happy, secure and free.