

L E T T E R II.

BUT besides the objections originating from the before mentioned cause, that have been called *local*, there are other objections that are supposed to arise from *maxims of liberty and policy*.—

HENCE it is inferred, that the proposed system has such inherent vices, as must necessarily produce a bad administration, and at length the oppression of a monarchy and aristocracy in the federal officers.

THE writer of this address being convinced by as exact an investigation as he could make, that such mistakes may lead to the perdition of his country, esteems it his indispensable duty, strenuously to contend, that—*the power of the people* pervading the proposed system, by frequent elections, together with the *strong confederation of the states*, forms an adequate security against every danger that has been apprehended.

If this single assertion can be supported by facts and arguments, there will be reason to hope, that anxieties will be removed from the minds of some

citizens, who are truly devoted to the interests of *America*, and who have been thrown into perplexities, by the mazes of multiplied and intricate disquisitions.

THE objectors agree, that the *confederation of the states will be strong*, according to the system proposed, and *so strong*, that many of them loudly complain of that strength. On this part of the assertion, there is no dispute: but some of the objections that have been published, strike at another part of the principle assumed, and deny, that the system is sufficiently founded on *the power of the people*.

THE course of regular inquiry demands, that *these* objections should be considered in the first place. If *they* are removed, then *all the rest* of the objections, concerning unnecessary taxations, standing armies, the abolishment of trial by jury, the liberty of the press, the freedom of commerce, the judicial, executive, and legislative authorities of the several states, and the rights of citizens, and the other abuses of federal government, must, of consequence, be rejected, if the principle contains the salutary, purifying, and preserving qualities attributed to it. The question then will be—*not what may be done, when the government shall*

be turned into a tyranny ; but how the government can be so turned ?

THUS unembarrassed by subordinate discussions, we may come fairly to the contemplation of *that* superior point, and be better enabled to discover, whether our attention to it will afford any lights, whereby we may be conducted to *peace, liberty, and safety.*

THE objections, denying that the system proposed is sufficiently founded on *the power of the people*, state, that the *number* of the federal trustees or officers, is too *small*, and that they are to hold their *offices too long.*

ONE would really have supposed, that *smallness of number* could not be termed a cause of danger, as *influence* must increase with *enlargement.* If this is a fault, it will soon be corrected, as an addition will be often made to the number of the *senators*, and, a much greater and more frequently, to that of the *representatives* ; and in all probability much sooner, than we shall be able and willing to bear the expence of the addition.

As to the *senate*, it never can be, and it never ought to be large, if it is to possess the powers, which almost all the objectors seem inclined to al-

lot to it, as will be evident to every intelligent person, who considers those powers.

THOUGH small, let it be remembered, that it is to be created by the *sovereignties* of the several states; that is, by the persons, whom *the people* of each state shall judge to be *most worthy*, and who, surely, will be religiously attentive to making a selection, in which the interest and honour of their state will be so deeply concerned. It should be remembered too, that this is *the same manner*, in which the members of congress are *now* appointed; and that *herein*, the *sovereignties* of the states are so intimately involved, that however a *renunciation* of part of these powers may be desired by *some of the states*, it NEVER will be obtained from *the rest* of them. Peaceable, fraternal, and benevolent as *these* are, they think, the concessions *they* have made, ought to satisfy *all*.

THAT the *senate* may always be kept *full*, without the interference of congress, it is provided in the system, that if vacancies happen by resignation or otherwise, during the recess of the legislature of any state, the executive thereof may make temporary appointments, until the next meeting of the legislature, which *shall* then fill up such vacancies.

As to the house of representatives, it is to consist of a number of persons, not exceeding one for every thirty thousand : but each state shall have at least one representative. The electors will reside, widely dispersed, over an extensive country. Cabal and corruption will be as impracticable, as, on such occasions, human institutions can render them. The will of freemen, thus circumstanced, will give the fiat. The purity of election thus obtained, will amply compensate for the supposed defect of representation ; and the members, thus chosen, will be most apt to harmonize in their proceedings with the general interests, feelings, and sentiments of the people.

ALLOWING such an increase of population as, from experience and a variety of causes, may be expected, the representatives, in a short period, will amount to several hundreds, and most probably long before any change of manners for the worse, that might tempt or encourage our rulers to mal-administration, will take place on this continent.

THAT this house may always be kept full, without the interference of congress, it is provided in the system, that when vacancies happen in any state,

the executive authority thereof *shall* issue writs of election to fill such vacancies.

BUT, it seems, the number of the federal officers is not only too small : they are to hold their offices *too long*.

THIS objection surely applies not to *the house of representatives*, who are to be chosen *every two years*, especially if the extent of empire, and the vast variety and importance of their deliberations, be considered. In that view, *they* and *the senate* will actually be not only *legislative* but also *diplomatic* bodies, perpetually engaged in the arduous task of reconciling, in their determinations, the interests of several *sovereign* states, not to insist on the necessity of a competent knowledge of *foreign* affairs, relative to the states.

THEY who desire the *representatives* to be chosen *every year*, should exceed *Newton* in calculations, if they attempt to evince, that the public business would, in that case, be better transacted, than when they are chosen *every two years*. The idea, however, should be excused for the zeal that prompted it.

Is monarchy or aristocracy to be produced, without the consent of the people, by a *house of representatives* thus constituted ?

IT has been unanimously agreed by the friends of liberty, that FREE AND FREQUENT ELECTIONS OF THE REPRESENTATIVES OF THE PEOPLE, ARE THE SOVEREIGN REMEDY OF ALL GRIEVANCES IN GOVERNMENT.—Let us pass on to the senate.

AT the end of two years after the first election, *one third* is to be elected for *six* years; and at the end of *four* years, another third. Thus one third will constantly have but *four* years, and another but *two* years to continue in office. ——— The whole number at first will amount to *twenty-six*, will be regularly *renovated* by the *biennial* election of *one third*, and will be *overlooked*, and *overawed* by the house of *representatives*, nearly three times more numerous at the beginning, rapidly and vastly augmenting, and more enabled to overlook and overawe them, by holding *their* offices for *two* years, as thereby they will acquire better information, respecting national affairs. — These *representatives* will also command the public purse, as *all* bills for raising revenue, must originate in their house.

As in the *Roman* armies, when the *Principes* and *Hastati* had failed, there were still the *Triarii*, who generally put things to rights, so we shall be supplied with another resource.

We are to have a *president*, to *superintend*, and if he thinks the public weal requires it, to *controul* any act of the *representatives* and *senate*.

THIS president is to be chosen, not by the people at large, because it may not be possible, that all the freemen of the empire should always have the necessary information, for directing their choice of such an officer; nor by congress, lest it should disturb the national councils; nor *by any one standing body whatever*, for fear of undue influence.

HE is to be chosen in the following manner.— Each state shall appoint, as the legislature thereof may direct, a number of *electors*, equal to *the whole number of senators and representatives*, to which the state shall be intitled in congress: but no *senator or representative*, or *person holding an office of trust or profit under the United States*, shall be appointed an elector. As these electors are to be appointed, as the legislature of each state may direct, the fairest, freest opening is given, for each state to choose such *electors* for this purpose, as shall be most signally qualified to fulfil the trust.

To guard against undue influence, these electors thus chosen, are to meet *in their respective states*, and vote *by ballot*; and still further to guard against it, congress may determine the *time of choosing the*

electors, and the days on which they shall give their votes.—which day shall be the same throughout the United States. All the votes from the several states are to be transmitted to congress, and therein counted.—The president is to hold his office for four years.

WHEN these electors meet in their respective states, utterly vain will be the unreasonable suggestions derived from *partiality*. The electors may throw away their votes, mark, with public disappointment, some person improperly favoured by them, or justly revering the duties of their office, dedicate their votes to the best interests of their country.

THIS president will be no dictator. *Two thirds of the representatives and of the senate*, may pass any law, notwithstanding his dissent; and he is removable and punishable for misbehaviour.

CAN this limited, fluctuating senate, placed amidst such powers, if it should become willing, ever become able, to make *America* pass under its yoke? The senators will generally be inhabitants of places very distant one from another.—They can scarcely be acquainted till they meet.—Few of them can ever act together for any length of time, unless their good conduct recommends them to a

re-election ; and then there will be frequent changes in a body *dependent upon the acts of other bodies*, the legislatures of the several states, that are altering every year. *Machiavel* and *Cæsar Borgia* together could not form a conspiracy in such a senate, destructive to any but themselves and their accomplices.

It is essential to every good government that there should be *some council*, permanent enough to get a due *knowledge* of affairs internal and external ; so constituted, that by some deaths or removals, the current of *information* should not be impeded or disturbed ; and so regulated, as to be responsible to, and controulable *by the people*. Where can the authority for combining these advantages, be more *safely, beneficially, or satisfactorily* lodged, than in the senate, to be formed according to the plan proposed ? Shall parts of the trust be committed to the president, with *counsellors* who shall subscribe their advices ?* If assaults upon liberty are to be guarded against, and surely they ought to be with sleepless vigilance, (a) why should we depend more on *the commander in chief* of the army and navy of *the United States*, and of the militia of the several states, and on *bis* counsellors, whom he may secretly influence, than on the se-

* See late publications.

(a) See Appendix—for the notes referred to by the *Italic* letters (a) (b) &c. respectively.

nate to be appointed by the persons exercising the *sovereign* authority of the several states? In truth, the objections against the powers of the senate originated from a desire to have them, or at least some of them, vested in a body in which the several states should be represented, in proportion to the number of inhabitants, as in the house of representatives. This method is *unattainable*, and the wish for it should be dismissed from every mind, that desires the existence of a confederation.

WHAT assurance can be given, or what probability be assigned, that a board of *counsellors* would continue honest, longer than the *senate*? Or, that they would possess more useful information, respecting all the states, than the senators of all the states? It appears needless to pursue this argument any further.

How varied, balanced, concordant, and benign, is the system proposed to us? To secure the freedom, and promote the happiness of these and future states, by giving *the will of the people* a decisive influence over the whole, and over all the parts, with what a comprehensive arrangement does it embrace different modes of representation, from an election by a county to an election by an empire? What are the complicated ballot, and all the refined devices of *Venice* for maintaining her aristocracy, when com-

pared with this plain dealing work for diffusing the blessings of *equal liberty and common prosperity*, over myriads of the human race ?

ALL the foundations before mentioned, of the federal government, are by the proposed system to be established, in the most clear, strong, positive, unequivocal expressions, of which our language is capable.——*Magna charta*, or any other law, never contained clauses more decisive and emphatic. *While the people of these states have sense, they will understand them ; and while they have spirit, they will make them to be observed.*

FABIUS.