Americanus II, Virginia Independent Chronicle, 19 December 1787

Mr. Davis. Sir, The Fœderal Constitution is, in one respect, like the Christian religion, the more minutely it is discussed, the more perfect it will appear. Without being guilty of any extravagance of expression or pretending to the gift of divination, I may venture to foretell, that the Bible and the Fœderal Government will be read and reverenced, when the arguments, insidiously employed against both, are forgotten. I believe, Sir, there is no one, however insensible he may be to the feelings of his country, who will not readily confess, that the situation, to which we are reduced, justifies the most melancholy reflections, and calls for the combined wisdom and vigor of the states. The enlightened apprehend the most ruinous consequences,—the patriot laments the deplorable situation of his country, and apathy itself feels interested in the event. At this important period, indifference would be dangerous, inaction criminal.

In a preceding number, I have endeavored to designate the powers of the president, and to remove, from the minds of my fellow-citizens, the apprehensions, which they might by the insidious misrepresentations of some designing persons, entertain of their supposed dangerous tendency. From an impartial consideration of this point, it must appear evident to every unbiassed mind, that the authority of the president is, in many instances, restrained by the co-operation of the senate, and that the cases, in which he can exercise an exclusive power, are too insignificant to be productive of dangerous consequences. The president stands alone. The United States are the scrutinising spectators of his conduct, and he will, always, be the distinguished object of political jealousy. Destitute of a council and of the means, by which he might extend his influence and secure his safety, he and he alone is responsible for any perversion of power. This unity of the executive authority constitutes, in my humble opinion, our greatest safety, and affords the most effectual means of restraining it within proper bounds. Was the president surrounded with counsellors, or was the executive power lodged in the hands of many persons, it would be difficult to discover the one, who might recommend an obnoxious measure. Secrecy and dispatch could not be expected. The unavoidable imbecility of measures would be retarded by the difficulty of procuring an unanimous consent, and the most important proceedings would be liable to interruption by a contrariety of opinions. No sooner was an abuse of power suppressed in one place, than it would appear in another. Tyranny might assume a variety of forms. It would elude all the vigilance of the most watchful jealousy. It would mock the efforts of the people, not because it is invincible, but because it is unknown;—seized by the strong arm of a Hercules, it would escape with the various transformations of a Proteus.

To alarm the people and prejudice them against a government, which, I cannot forbear thinking, has certainly received the solemn sanction of Heaven, some persons have presumed to predict the establishment of an odious aristocracy in the senate. To detect the futility of this prediction, let us enquire into the manner, in which this body is elected, and examine the powers, with which it is entrusted.

The senate is composed of two members from each state chosen by the respective
legislatures; when assembled, they are to be divided, as equally as possible, into three classes. The seats of the first class are to be vacated at the expiration of the second year, of the second class at the expiration of the fourth year,—and of the third class at the expiration of the sixth year;—so that one third may be chosen every second year. The wisdom and prudence, which dictated this rotation of members, must, at first sight, forcibly strike every unprejudiced mind. The fluctuation of members, the temporary duration of their power, and the variety of interests, which will, invariably, occur in the senate, are so many securities to the public for the faithful administration of affairs. Is it possible, that a body, subject to the changes which every new election will produce, can form a junto sufficiently powerful to govern its decisions? Let us however suppose, that many members of the senate should be profligate enough to employ, in the prosecution of aristocratical designs, the sacred authority with which they are entrusted—Could they accomplish their purpose? Is it possible, that they could obtain two-thirds to consent to so dangerous a measure? Is it probable, that even one-third would be under a temptation to the same injustice, and have the same object in view? But admit, Sir, that all were actuated by the same ambitious motives—would not the power to execute be remote and circumscribed? Could a senate, consisting of few members and modified like ours, erect itself into a perpetual body on the ruins of thirteen independent states, to whom it owes its political existence? Could it corrupt or annihilate the federal house of representatives, a more numerous body than itself, chosen by the unbought, unbiased voices of an enlightened people, and without whose concurrence it could effect no design? Could they exercise an aristocratical power over the different states, so distant from each other, with the same impunity, that a numerous nobility might do over their respective vassals and dependents? To admit suppositions of this kind is to insult the sacred majesty of the people, sport with their undertakings, and by attempting to scare them with visionary dangers to treat them like children.

In the organization of the senate, we may observe three distinctions of characters, into which it is divided, the one legislative, the other executive, the third judicial. Each is rendered independent of the other, and so excellently modified, that the privileges, annexed to each character, cannot be exercised without the intervention of another power. Permit me, Sir, to illustrate my meaning. In its legislative capacity, it can enact no law, succeed in no measure, and accomplish no purpose, without the concurrence of the house of representatives. In its executive capacity, it can effect no design, without the co-operation of the president; and in its judicial capacity, it can exercise no power, without an impeachment is previously presented by the house of representatives. Thus fettered, and guarded by opposing checks, I can see no act, which the senate can of itself perform, that might lead to the establishment of a dreaded aristocracy. Should it, however, attempt to overlap the limits prescribed to its power, and dare to invade the rights of one part of the legislature, it would meet an antagonist power, residing in another part capable of restraining it within its original bounds. For instance—Should the senate endeavor to extend its authority by contracting the rights and privileges of the house of representatives, the president, foreseeing his own dignity endangered by every new accession of power, which the senate might acquire, would interpose his controlling authority and counteract its ambitious designs. On the other hand, if the
senate—this fancied object of fear—should encroach upon the province of the president, and assume the exercise of his prerogatives, the house of representatives would receive an instant alarm and immediately extend “its strong arm” to restrain it. But, independent of these checks, which absolutely reside in the constitution itself, there are thirteen collateral checks, whose united powers, like an overbearing torrent, could not be resisted—I mean the legislatures of the thirteen states. For, as the senate is elected by the legislature of each state, it must be confessed, that each member is responsible to that body, which respectively elect him. Now, Sir, was authority of the senate more extensive and less constitutionally controlled, still these checks would be sufficient, and will constitute unsurmountable barriers to its ambition, which it can never destroy. I shall, Sir, mention but one more check, which the senate has to encounter. Perhaps it may be considered as trifling, but, in my humble opinion it is as strong, as it is extensive. Should an aristocracy be established in this body, it must be confined to particular families. As we have no nobility, and as no one family can claim a superiority over another, it is natural to suppose, that each would operate as a check to the other, and from a principle of jealousy, if not of patriotism, endeavor to counteract the ambitious hopes of all. If power thus restrained is not safe, I ask, by what human means can it be rendered more so? If the country is not secure in such hands, in whose hands may it be confided? If a number of such men, as we may suppose the senate will be composed, be liable to the influence of corrupt motives, what assembly of men will be secure from the same danger?

No description of people are excluded from a seat in Congress. The Fœderal Constitution, like our holy religion, knows no invidious distinctions. It embraces, without discrimination, every individual citizen of the states, and considers every man as entitled to an equal share in the government. The doors of the senate are open for the admission of every one, who is actuated with the laudable ambition, of serving his country, and who possesses that knowledge and those faculties, which qualify men for deliberation and debate. The splendid rewards of political dignity and importance, which, of all others, rouse and animate the human mind, are held out to all, who have the qualifications necessary to obtain them, and the virtues calculated to gain the confidence of the people.

It is alluded, Sir, “that the right of taxation, with which Congress is invested, is too great a surrender of the properties of the people.” This objection, like many others, appears to me to originate in ignorance, or is maliciously intended to delude the people. That taxation and representation are inseparable, and that each should bear an exact ratio to the other, are self-evident truths. America first asserted the novel doctrines, and fame has proclaimed it, with her victories, to the remotest regions of the earth. Had the antient republics of Greece and Rome rigidly observed this grand political position, they might, perhaps, have still continued in existence and transmitted their liberties undiminished to the latest ages. It is the grand palladium of freedom. It is the only pedestal on which a temple to liberty can be securely erected. In all the American governments this native truth “that taxation and representation are inseparable”—has been religiously observed, and perhaps in no one is it more exactly ascertained, than in the Fœderal Constitution. The house of representatives, which has the exclusive right of
originating bills of taxation, is composed of members elected directly by the people in the most exact proportion. The object of this representation is the common defence and general welfare of the United States. The concomitant right of taxation extends no farther. It is the express language of the constitution, that all monies, arising from the taxes imposed by Congress shall be appropriated to the support of the federal government, the common defence of the United States, and the regular discharge of the national debts. The interests of the representatives are so intermixed with that of the people, that they cannot, without a partiality too flagrant to be endured, impose a tax in which they will not take a share themselves: nor can they scarcely adopt an advantageous regulation, in which their own interests will not participate of the advantage.