

Fisher Ames in the Massachusetts Ratification Convention, 15 January 1788

Mr. AMES. I do not regret, Mr. President, that we are not unanimous upon this question. I do not consider the diversity of sentiment which prevails, as an impediment in our way to the discovery of truth. In order that we may think alike upon this subject at last, we shall be compelled to discuss it, by ascending to the principles upon which the doctrine of representation is grounded.

Without premeditation, in a situation so novel, and awed by the respect which I feel for this venerable assembly, I distrust extremely my own feelings, as well as my competency to prosecute this inquiry. With the hope of an indulgent hearing, I will attempt to proceed. I am sensible, sir, that the doctrine of frequent elections, has been sanctified by antiquity; and is still more endeared to us by our recent experience, and uniform habits of thinking. Gentlemen have expressed their zealous partiality for it. They consider this as a leading question in the debate, and that the merits of many other parts of the constitution are involved in the decision. I confess, sir, and I declare that my zeal for frequent elections, is not inferior to their own. I consider it as one of the first securities for popular liberty, in which its very essence may be supposed to reside. But how shall we make the best use of this pledge and instrument of our safety? A right principle, carried to an extreme, becomes useless. It is apparent that a delegation for a very short term, as for a single day, would defeat the design of representation. The election in that case would not seem to the people to be of any importance, and the person elected would think as lightly of his appointment. The other extreme is equally to be avoided. An election for a very long term of years, or for life, would remove the member too far from the controul of the people, would be dangerous to liberty, and in fact repugnant to the purposes of the delegation. The truth as usual, is placed somewhere between the extremes, and I believe is included in this proposition: The term of election must be so long, that the representative may understand the interests of the people, and yet so limited, that his fidelity may be secured by a dependence upon their approbation.

Before I proceed to the application of this rule, I cannot forbear to premise some remarks upon two opinions, which have been suggested.

Much has been said about the people divesting themselves of power, when they delegate it to representatives; and that all representation is to their disadvantage, because it is but an image, a copy, fainter and more imperfect than the original, the people, in whom the light of power is primary and unborrowed, which is only reflected by their delegates.—I cannot agree to either of these opinions.—The representation of the people is something more than the people. I know, sir, but one purpose which the people can effect without delegation, and that is, to destroy a government. That they cannot erect a government is evinced by our being thus assembled, on their behalf. The people must govern by a majority, with whom all power resides. But how is the sense of this majority to be obtained? It has been said that a pure democracy is the best

government for a small people who may assemble in person. It is of small consequence to discuss it, as it would be inapplicable to the great country we inhabit. It may be of some use in this argument, however, to consider, that it would be very burdensome, subject to faction and violence, decisions would often be made by surprise, in the precipitancy of passion, by men who either understand nothing, or care nothing about the subject; or by interested men, or those who vote for their own indemnity. It would be a government not by laws, but by men. Such were the paltry democracies of Greece and Asia Minor, so much extolled, and so often proposed as a model for our imitation. I desire to be thankful, that our people are not under any temptation, to adopt the advice. I think it will not be denied, that the people are gainers by the election of representatives. They may destroy, but they cannot exercise the powers of government, in person; but by their servants, they govern—they do not renounce their power—they do not sacrifice their rights—they become the true sovereigns of the country when they delegate that power, which they cannot use themselves, to their trustees.

I know, sir, that the people talk about the liberty of nature, and assert that we divest ourselves of a portion of it, when we enter into society. This is declamation against matter of fact. We cannot live without society; and as to liberty, how can I be said to enjoy that which another may take from me, when he pleases. The liberty of one depends not so much on the removal of all restraint, from him, as on the due restraint upon the liberty of others. Without such restraint, there can be no liberty—liberty is so far from being endangered or destroyed by this, that it is extended and secured. For I said, that we do not enjoy that, which another may take from us. But civil liberty cannot be taken from us, when any one may please to invade it: For we have the strength of the society on our side.

I hope, sir, that these reflections, will have some tendency to remove the ill impressions which are made by proposing to divest the people of their power.

That they may never be divested of it, I repeat that I am in favour of frequent elections. They who commend annual elections, are desired to consider, that the question is, whether biennial elections are a defect in the constitution: For it does not follow, because annual elections are safe, that biennial are dangerous: For both may be good. Nor is there any foundation for the fears of those, who say that if we who have been accustomed to chuse for one year only, now extend it to two, the next stride will be to five, or seven years, and the next for term of life: For this article, with all its supposed defects, is in favour of liberty. Being inserted in the constitution, it is not subject to be repealed by law. We are sure that it is the worst of the case.

It is a fence against ambitious encroachments, too high and too strong to be passed: In this respect, we have greatly the advantage of the people of England and of all the world. The law which limits their parliaments, is liable to be repealed.

I will not defend this article, by saying that it was a matter of compromise in the federal Convention: It has my entire approbation as it stands. I think that we ought to prefer, in this article, biennial elections to annual, and my reasons for this opinion, are drawn from these sources.

From the extent of the country to be governed.

The objects of their legislation.

And the more perfect security of our liberty.

It seems obvious, that men who are to collect in Congress from this great territory, perhaps from the bay of Fundy, or from the banks of the Ohio, and the shore of Lake Superiour, ought to have a longer term in office, than the delegates of a single state, in their own legislature. It is not by riding post to and from Congress, that a man can acquire a just knowledge of the true interests of the union. This term of election, is inapplicable to the state of a country, as large as Germany, or as the Roman empire in the zenith of its power.

If we consider the objects of their delegation, little doubt will remain. It is admitted that annual elections may be highly fit for the state legislature. Every citizen grows up with a knowledge of the local circumstances of the state. But the business of the federal government will be very different. The objects of their power are few and national. At least two years in office will be necessary to enable a man to judge of the trade and interests of states which he never saw. The time I hope, will come, when this excellent country will furnish food, and freedom, (which is better than food, which is the food of the soul) for fifty millions of happy people. Will any man say that the national business can be understood in one year?

Biennial elections appear to me, sir, an essential security to liberty. These are my reasons.

Faction and enthusiasm are the instruments by which popular governments are destroyed. We need not talk of the power of an aristocracy. The people when they lose their liberties are cheated out of them. They nourish factions in their bosoms, which will subsist so long as abusing their honest credulity shall be the means of acquiring power. A democracy is a volcano, which conceals the fiery materials of its own destruction. These will produce an eruption, and carry desolation in their way. The people always mean right, and if time is allowed for reflection and information, they will do right. I would not have the first wish, the momentary impulse of the publick mind, become law. For it is not always the sense of the people, with whom, I admit, that all power resides. On great questions, we first hear the loud clamours of passion, artifice and faction. I consider biennial elections as a security that the sober, second thought of the people shall be law. There is a calm review of publick transactions, which is made by the citizens who have families and children, the pledges of their fidelity. To provide for popular liberty, we must take care that measures shall not be adopted without due deliberation. The member chosen for two years will feel some independence in his seat. The factions of the day will expire before the end of his term.

The people will be proportionally attentive to the merits of a candidate. Two years will afford opportunity to the member to deserve well of them, and they will require evidence that he has done it.

But, sir, the representatives are the grand inquisition of the union. They are by impeachment to bring great offenders to justice. One year will not suffice to detect guilt, and to pursue it to conviction: therefore they will escape, and the balance of the two branches will be destroyed, and the people oppressed with impunity. The senators will represent the sovereignty of the states. The representatives are to represent the

people. The offices ought to bear some proportion in point of importance. This will be impossible if they are chosen for one year only.

Will the people then blind the eyes of their own watchmen? Will they bind the hands which are to hold the sword for their defence? Will they impair their own power, by an unreasonable jealousy of themselves?

For these reasons I am clearly of opinion, that the article is entitled to our approbation as it stands: and as it has been demanded, why annual elections were not preferred to biennial, permit me to retort the question, and to inquire in my turn, what reason can be given why, if annual elections are good, biennial elections are not better?

The enquiry in the latter part of Mr. Ames's speech, being directed to the Hon. Mr. ADAMS—that gentleman said, he only made the inquiry for information, and that he had heard sufficient to satisfy himself of its propriety.

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