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Massachusetts Centinel, 21 November 1787 (excerpts)

(From a correspondent at New-York, who frequently furnishes us with authentick information from that quarter, we received, by the last mail, the Hon. Mr. MASON'S *Objections to the Federal Constitution*—which we thus early lay before the publick for their gratification, and, if it were necessary, to convince them how false the carpings of those men are who pretend that the freedom of discussion and investigation of the new constitution are restrained.)

The Hon. GEORGE MASON'S Objections to the New Constitution. . . .

The President of the United States has no Constitutional Council (a thing unknown in any safe and regular government) he will therefore be unsupported by proper information and advice; and will generally be directed by minions and favourites—or he will become a tool to the Senate—or a Council of State will grow out of the principal officers of the great departments; the worst and most dangerous of all ingredients for such a Council, in a free country; for they may be induced to join in any dangerous or oppressive measures, to shelter themselves, and prevent an inquiry into their own misconduct in office: Whereas had a constitutional council been formed (as was proposed) of six members, viz. two from the eastern, two from the middle, and two from the southern States, to be appointed by vote of the States in the House of Representatives, with the same duration and rotation of office as the Senate, the Executive would always have had safe and proper information and advice: The President of such a Council might have acted as Vice-President of the United States, *pro tempore*, upon any vacancy or disability of the Chief Magistrate; and long continued sessions of the Senate would in a great measure have been prevented. From this fatal defect of a constitutional council has arisen the improper power of the Senate, in the appointment of publick officers, and the alarming dependence and connection between that branch of the Legislature and the Supreme Executive. Hence also sprung that unnecessary and dangerous officer, the Vice-President, who for want of other employment, is made President of the Senate; thereby dangerously blending the Executive and Legislative powers; besides always giving to some one of the States an unnecessary and unjust pre-eminence over the others.

The President of the United States has the unrestrained power of granting pardons for treason; which may be sometimes exercised to screen from punishment those whom he had secretly instigated to commit the crime, and thereby prevent a discovery of his own guilt. By declaring all treaties supreme laws of the land, the Executive and the Senate have in many cases, an exclusive power of Legislation; which might have been avoided, by proper distinctions with

respect to treaties, and requiring the assent of the House of Representatives, where it could be done with safety. Under their own construction of the general clause at the end of the enumerated powers, the Congress may grant monopolies in trade and commerce, constitute new crimes, inflict unusual and severe punishment, and extend their power as far as they shall think proper; so that the State Legislatures have no security for the powers now presumed to remain to them; or the people for their rights. There is no declaration of any kind for preserving the liberty of the press, the trial by jury in civil causes, nor against the danger of standing armies in time of peace.

The State Legislatures are restrained from laying export duties on their own produce—the general legislature is restrained from prohibiting the further importation of slaves for twenty odd years, though such importations render the United States weaker, more vulnerable, and less capable of defence.—Both the general legislature, and the state legislatures, are expressly prohibited making *expost facto laws*, though there never was, nor can be a legislature but must and will make such laws, when necessity and the publick safety require them; which will hereafter be a breach of all the Constitutions in the union, and afford precedents for other innovations.

This government will commence in a moderate aristocracy, it is at present impossible to foresee whether it will, in its operation, produce a monarchy, or a corrupt oppressive aristocracy; it will most probably vibrate some years between the two, and then terminate in the one or the other.

CITE AS: John P. Kaminski et al., eds., *The Documentary History of the Ratification of the Constitution*, Vol. IV: Massachusetts [1] (Madison, Wis.: Wisconsin Historical Society Press, 1997), 288–90.