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Cincinnatus IV: To James Wilson, Esquire *New York Journal*, 22 November 1787 (excerpt)

. . . I come now, sir, to the most exceptionable part of the Constitution—the senate. In this, as in every other part, you are in the line of your profession, and on that ground assure your fellow citizens, that—“perhaps there never was a charge made with less reason, than that which predicts the institution of a baneful aristocracy in the Fœderal Senate.” And yet your conscience smote you, sir, at the beginning, and compelled you to prefix a—perhaps to this strange assertion. The senate, you say, branches into two characters—the one legislative and the other executive. This phraseology is quaint, and the position does not state the whole truth. I am very sorry, sir, to be so often obliged to reprehend the suppression of information at the moment that you stood forth to instruct your fellow citizens, in what they were supposed not to understand. In this character, you should have abandoned your professional line, and told them, not only the truth, but the whole truth. The whole truth then is, that the same body, called the senate, is vested with—legislative—executive—and judicial powers. The two first you acknowledge; the last is conveyed in these words, sec. 3d. The senate shall have the sole power to try all impeachments. On this point then we are to come to issue—whether a senate so constituted is likely to produce a baneful aristocracy, which will swallow up the democratic rights and liberties of the nation.

To judge on this question, it is proper to examine minutely into the constitution and powers of the senate; and we shall then see with what anxious and subtle cunning it is calculated for the proposed purpose. 1st. It is removed from the people, being chosen by the legislatures—and exactly in the ratio of their removal from the people, do aristocratic principles constantly infect the minds of man. 2d. They endure, two thirds for four, and one-third for six years, and in proportion to the duration of power, the aristocratic exercise of it, and attempts to extend it, are invariably observed to increase. 3d. From the union of the executive with the legislative functions, they must necessarily be longer together, or rather constantly assembled; and in proportion to their continuance together, will they be able to form effectual schemes for extending their own power, and reducing that of the democratic branch. If any one would wish to see this more fully illustrated, let him turn to the history of the Decemviri in Rome. 4th. Their advice and consent being necessary to the appointment of all the great officers of state, both at home and abroad, will enable them to win over any opponents to their measures in the house of representatives, and give them the influence which, we see, accompanies this power in England; and which, from the nature of man, must follow it every where. 5th. The sole power of impeachment being

vested in them, they have it in their power to controul the representative in this high democratic right; to screen from punishment, or rather from conviction, all high offenders, being their creatures, and to keep in awe all opponents to their power in high office. 6th. The union established between them and the vice president, who is made one of the corps, and will therefore be highly animated with the aristocratic spirit of it, furnishes them a powerful shield against popular suspicion and enquiry, he being the second man in the United States who stands highest in the confidence and estimation of the people. And lastly, the right of altering or amending money-bills, is a high additional power given them as a branch of the legislature, which their analogous branch, in the English parliament, could never obtain, because it has been guarded by the representatives of the people there, with the most strenuous solicitude as one of the vital principles of democratic liberty.

Is a body so vested with means to soften & seduce—so armed with power to screen or to condemn—so fortified against suspicion and enquiry—so largely trusted with legislative powers—so independent of and removed from the people—so tempted to abuse and extend these powers—is this a body which freemen ought ever to create, or which freemen can ever endure? Or is it not a monster in the political creation, which we ought to regard with horror? Shall we thus forge our own fetters? Shall we set up the idol, before which we shall soon be obliged, however, reluctantly to bow? Shall we consent to see a proud aristocracy erect his domineering crest in triumph over our prostrate liberties?

But we shall yet see more clearly, how highly favored this senate has been, by taking a similar view of the representative body. This body is the true representative of the democratic part of the system; the shield and defence of the people. This body should have weight from its members, and the high controul which it should alone possess. We can form no idea of the necessary number in this untried system, to give due weight to the democratic part, but from the example of England. Had it not been intended to humble this branch, it would have been fixed, at least, at their standard. We are to have one representative for every thirty thousand—they have nearly one for ten thousand souls. Their number is about six millions; their representatives five hundred and fifteen. When we are six millions, we shall have only two hundred representatives. In point of number therefore and the weight derived from it, the representative proposed by the constitution is remarkably feeble. It is farther weakened by the senate being allowed not only to reject, but to alter and amend money-bills. Its transcendent and incommunicable power of impeachment—that high source of its dignity and controul—in which alone the majesty of the people feels his sceptre, and bears aloft his fasces—is rendered ineffectual, by its being triable before its rival branch, the senate, the patron and prompter of the measures against which it is to sit in judgment. It is therefore most manifest, that from the very nature of the constitution the right of impeachment apparently given, is really rendered ineffectual. And this is contrived with so much art, that to discover it you must bring together various and distant parts of the constitution, or it will not strike the examiner, that the same body that advises the executive measures of government which are usually the subject of impeachment, are the sole judges on such impeachments. They must therefore be both party and judge, and must condemn those who have executed what they advised. Could such a monstrous absurdity have escaped men who were not determined, at all events, to vest all power in this aristocratic body? Is it not plain, that the senate is to be exalted by the humiliation of the

democracy. A democracy which, thus bereft of its powers, and shorn of its strength; will stand a melancholy monument of popular impotence. . . .

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