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## Cato V

### *New York Journal*, 22 November 1787 (excerpt)

. . . But the next thing to be considered in conformity to my plan, is the first article of this new government, which comprises the erection of the house of representatives and senate, and prescribes their various powers and objects of legislation. The most general objections to the first article, are that bi-ennial elections for representatives are a departure from the safe democratical principles of annual ones—that the number of representatives are too few; that the apportionment and principles of increase are unjust; that no attention has been paid to either the numbers or property in each state in forming the senate; that the mode in which they are appointed and their duration, will lead to the establishment of an aristocracy; that the senate and president are improperly connected, both as to appointments, and the making of treaties, which are to become the supreme law of the land; that the judicial in some measure, to wit, as to the trial of impeachments is placed in the senate a branch of the legislative, and some times a branch of the executive: that Congress have the improper power of making or altering the regulations prescribed by the different legislatures, respecting the time, place, and manner of holding elections for representatives; and the time and manner of choosing senators; that standing armies may be established, and appropriation of money made for their support, for two years; that the militia of the most remote state may be marched into those states situated at the opposite extreme of this continent; that the slave trade, is to all intents and purposes permanently established; and a slavish capitation, or poll-tax, may at any time be levied—these are some of the many evils that will attend the adoption of this government.

But with respect to the first objection, it may be remarked that a well digested democracy has this advantage over all others, to wit, that it affords to many the opportunity to be advanced to the supreme command, and the honors they thereby enjoy fills them with a desire of rendering themselves worthy of them; hence this desire becomes part of their education, is matured in manhood, and produces an ardent affection for their country, and it is the opinion of the great Sidney, and Montesquieu that this in a great measure produced by annual election of magistrates.

If annual elections were to exist in this government, and learning and information to become more prevalent, you never will want men to execute whatever you could design—Sidney observes *that a well governed state is as fruitful to all good purposes as the seven headed serpent is said to have been in evil; when one head is cut off, many rise up in the place of it.* He remarks further, that *it was also thought, that free cities by frequent elections of magistrates became nurseries of great and able men, every man endeavoring to excel others, that he might be advanced to the honor he had no other title to, than what might arise from his merit, or reputation,* but the framers of

this *perfect government*, as it is called, have departed from this democratical principle, and established bi-ennial elections, for the house of representatives, who are to be chosen by the people, and sexennial for the senate, who are to be chosen by the legislatures of the different states, and have given to the executive the unprecedented power of making temporary senators, in case of vacancies, by resignation or otherwise, and so far forth establishing a precedent for virtual representation (though in fact, their original appointment is virtual) thereby influencing the choice of the legislatures, or if they should not be so complaisant as to conform to his appointment—offence will be given to the executive and the temporary members, will appear ridiculous by rejection; this temporary member, during his time of appointment, will of course act by a power derived from the executive, and for, and under his immediate influence.

It is a very important objection to this government, that the representation consists of so few; too few to resist the influence of corruption, and the temptation to treachery, against which all governments ought to take precautions—how guarded you have been on this head, in your own state constitution, and yet the number of senators and representatives proposed for this vast continent, does not equal those of your own state;<sup>1</sup> how great the disparity, if you compare them with the aggregate numbers in the United States. The history of representation in England, from which we have taken our model of legislation, is briefly this, before the institution of legislating by deputies, the whole free part of the community usually met for that purpose; when this became impossible, by the increase of numbers, the community was divided into districts, from each of which was sent such a number of deputies as was a complete representation of the various numbers and orders of citizens within them; but can it be asserted with truth, that six men can be a complete and full representation of the numbers and various orders of the people in this state?<sup>2</sup> Another thing may be suggested against the small number of representatives is, that but few of you will have the chance of sharing even in this branch of the legislature; and that the choice will be confined to a very few; the more complete it is, the better will your interests be preserved, and the greater the opportunity you will have to participate in government, one of the principal securities of a free people; but this subject has been so ably and fully treated by a writer under the signature of Brutus, that I shall content myself with referring you to him thereon, reserving further observations on the other objections I have mentioned, for my future numbers.

1. Under the Constitution, if all thirteen states ratified, Congress was to consist of 26 Senators and 65 Representatives, making a total of 91. Under the New York constitution of 1777, the legislature was to consist of at least 24 senators and at least 70 assemblymen, making a total of at least 94.

2. Under the Constitution, New York had only six representatives in the U.S. House of Representatives.

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