

**Melancton Smith on June 25, 1788**

Debates in New York Convention on Ratification of the Constitution

[http://www.constitution.org/rc/rat\\_ny.htm#msmith04](http://www.constitution.org/rc/rat_ny.htm#msmith04)

**WEDNESDAY, June 25.** — Section the third was again read, when

**Mr. SMITH** resumed his argument, as follows: The amendment embraces two objects — first, that the senators shall be eligible for only six years in any term of twelve years; second, that they shall be subject to the recall of the legislatures of their several states. It is proper that we take up these points separately. I concur with the honorable gentleman that there is a necessity for giving this branch a greater stability than the House of Representatives. I think his reasons are conclusive on this point. But, sir, it does not follow, from this position, that the senators ought to hold their places during life. Declaring them ineligible during a certain term after six years, is far from rendering them less stable than necessary. We think the amendments will place the Senate in a proper medium between a fluctuating and a perpetual body. As the clause now stands, there is no doubt that senators will hold their office perpetually; and in this situation they must of necessity lose their dependence, and attachments to the people. It is certainly inconsistent with the established principles of republicanism that the Senate should be a fixed and unchangeable body of men. There should be, then, some constitutional provision against this evil. A rotation I consider as the best possible mode of effecting a remedy. The amendment will not only have a tendency to defeat any plots which may be formed against the liberty and authority of the state governments, but will be the best means to extinguish the factions which often prevail, and which are sometimes so fatal to legislative bodies. This appears to me an important consideration. We have generally found that perpetual bodies have either combined in some scheme of usurpation, or have been torn and distracted with cabals. Both have been the source of misfortunes to the state. Most people acquainted with history will acknowledge these facts. Our Congress would have been a fine field for party spirit to act in. That body would undoubtedly have suffered all the evils of faction, had it not been secured by the rotation established by the Articles of Confederation. I think a rotation in the government is a very important and truly republican institution. All good republicans, I presume to say, will treat it with respect.

It is a circumstance strongly in favor of rotation, that it will have a tendency to diffuse a more general spirit of emulation, and to bring forward into office the genius and abilities of the continent: the ambition of gaining the qualifications necessary to govern will be in some proportion to the chance of success. If the office is to be perpetually confined to a few, other men, of equal talents and virtue, but not possessed of so extensive an influence, may be discouraged from aspiring to it. The more perfectly we are versed in the political science, the more firmly will the happy principles of republicanism be supported. The true policy of constitutions will be to increase the information of the country, and disseminate the knowledge of government as universally as possible. If this be done, we shall have, in any dangerous emergency, a numerous body of enlightened citizens, ready for the call of their country. As the Constitution now is, you only give an opportunity to two men to be acquainted with the public affairs. It is a maxim with me that every man employed in a high office by the people, should, from time to time, return to them, that he may be in a situation to satisfy them with respect to his conduct and the measures of administration. If I recollect right, it was observed by an honorable member from New York, that this amendment would be an infringement on the natural rights of the people. I humbly conceive, if the gentleman reflects maturely on the nature of his argument, he will acknowledge its weakness. What is government itself but a restraint upon the natural rights of the

people? What constitution was ever devised that did not operate as a restraint on their original liberties? What is the whole system of qualifications, which take place in all free governments, but a restraint? Why is a certain age made necessary? why a certain term of citizenship? This Constitution itself, sir, has restraints innumerable. The amendment, it is true, may exclude two of the best men; but it can rarely happen that the state will sustain any material loss by this. I hope and believe that we shall always have more than two men who are capable of discharging the duty of a senator. But, if it should so happen that the state possessed only two capable men, it would be necessary they should return home, from time to time, to inspect and regulate our domestic affairs. I do not conceive the state can suffer any inconvenience. The argument, indeed, might have some weight, were the representation very large; but, as the power is to be exercised upon only two men, the apprehensions of the gentleman are entirely without foundation.

With respect to the second part of the amendment, I would observe, that, as the senators are the representatives of the state legislatures, it is reasonable and proper that they should be under their control. When a state sends an agent commissioned to transact any business, or perform any service, it certainly ought to have a power to recall. These are plain principles, and so far as they apply to the case under examination, they ought to be adopted by us. Form this government as you please, you must, at all events, lodge in it very important powers. These powers must be in the hands of a few men, so situated as to procure a small degree of responsibility. These circumstances ought to put us upon our guard, and the inconvenience of this necessary delegation of power should be corrected, by providing some suitable checks.

Against this part of the amendment a great deal of argument has been used, and with considerable plausibility. It is said, if the amendment takes place, the senators will hold their office only during the pleasure of the state legislatures, and consequently will not possess the necessary firmness and stability. I conceive, sir, there is a fallacy in this argument, founded upon the suspicion that the legislature of a state will possess the qualities of a mob, and be incapable of any regular conduct. I know that the impulses of the multitude are inconsistent with systematic government. The people are frequently incompetent to deliberate discussion, and subject to errors and imprudences. Is this the complexion of the state legislatures? I presume it is not. I presume that they are never actuated by blind impulses; that they rarely do things hastily and without consideration. My apprehension is, that the power of recall would not be exercised as often as it ought. It is highly improbable that a man in whom the state has confided, and who has an established influence, will be recalled, unless his conduct has been notoriously wicked. The arguments of the gentleman, therefore, do not apply in this case. It is further observed, that it would be improper to give the legislatures this power, because the local interests and prejudices ought not to be admitted into the general government; and that, if the senator is rendered too dependent on his constituents, he will sacrifice the interests of the Union to the policy of his state. Sir, the Senate has been generally held up, by all parties, as a safeguard to the rights of the several states. In this view, the closest connection between them has been considered as necessary. But now, it seems, we speak in a different language; we now look upon the least attachment to their states as dangerous; we are now for separating them, and rendering them entirely independent, that we may root out the last vestige of state sovereignty.

An honorable gentleman from New York observed yesterday, that the states would always maintain their importance and authority, on account of their superior influence over the people. To prove this influence, he mentioned the aggregate number of the state representatives throughout the continent.

But I ask him how long the people will retain their confidence for two thousand representatives who shall meet once in a year to make laws for regulating the height of your fences and the repairing of your roads. Will they not, by and by, be saying, Here, we are paying a great number of men for doing nothing: we had better give up all the civil business of our state, with its powers, to Congress, who are sitting all the year round: we had better get rid of the useless burden. That matters will come to this at last, I have no more doubt than I have of my existence. The state governments, without object or authority, will soon dwindle into insignificance, and be despised by the people themselves. I am, sir, at a loss to know how the state legislatures will spend their time. Will they make laws to regulate agriculture? I imagine this will be best regulated by the sagacity and industry of those who practise it. Another reason offered by the gentleman is, that the states will have a greater number of officers than the general government. I doubt this. Let us make a comparison. In the first place, the federal government must have a complete set of judicial officers of different ranks throughout the continent; then, a numerous train of executive officers, in all the branches of the revenue, both internal and external; and all the civil and military departments. Add to this, their salaries will probably be larger and better secured than those of any state officers. If these numerous offices are not at once established, they are in the power of Congress, and will all in time be created. Very few offices will be objects of ambition in the states. They will have no establishment at all to correspond with some of those I have mentioned; in other branches, they will have the same as Congress. But I ask, What will be their comparative influence and importance? I will leave it, sir, to any man of candor to determine whether there will not probably be more lucrative and honorable places in the gift of Congress than in the disposal of the states altogether. But the whole reasoning of the gentlemen rests upon the principle that the states will be able to check the general government, by exciting the people to opposition: it only goes to prove that the state officers will have such influence over the people as to impel them to hostility and rebellion. This kind of check, I contend, would be a pernicious one, and certainly ought to be prevented. Checks in government ought to act silently, and without public commotion. I think that the harmony of the two powers should by all means be maintained: if it be not, the operation of government will be baneful; one or the other of the parties must finally be destroyed in the conflict. The constitutional line between the authority of each should be so obvious, as to leave no room for jealous apprehensions or violent contests.

It is further said, that the operation of local interests should be counteracted; for which purpose the Senate should be rendered permanent. I conceive that the true interest of every state is the interest of the whole; and that, if we should have a well-regulated government, this idea will prevail. We shall, indeed, have few local interests to pursue, under the new Constitution, because it limits the claims of the states by so close a line, that on their part there can be but little dispute, and little worth disputing about. But, sir, I conceive that partial interests will grow continually weaker, because there are not those fundamental differences between the real interests of the several states, which will long prevent their coming together, and becoming uniform. Another argument advanced by the gentlemen is, that our amendment would be the means of producing factions among the electors; that aspiring men would misrepresent the conduct of a faithful senator, and by intrigue procure a recall upon false grounds, in order to make room for themselves. But, sir, men who are ambitious for places will rarely be disposed to render those places unstable. A truly ambitious man will never do this, unless he is mad. It is not to be supposed that a state will recall a man once in twenty years, to make way for another. Dangers of this kind are very remote: I think they ought not to be brought seriously into view.

More than one of the gentlemen have ridiculed my apprehensions of corruption. How, say they, are the people to be corrupted? By their own money? Sir, in many countries, the people pay money to corrupt themselves: why should it not happen in this? Certainly, the Congress will be as liable to corruption as other bodies of men. Have they not the same frailties, and the same temptations? With respect to the corruption arising from the disposal of offices, the gentlemen have treated the argument as insignificant. But let any one make a calculation, and see whether there will not be good offices enough to dispose of to every man who goes there, who will then freely resign his seat; for can any one suppose that a member of Congress will not go out and relinquish his four dollars a day, for two or three thousand pounds a year? It is here objected that no man can hold an office created during the time he is in Congress. But it will be easy for a man of influence, who has in his eye a favorite office previously created, and already tilled, to say to his friend who holds it, Here, I will procure you another place of more emolument, provided you will relinquish yours in favor of me. The Constitution appears to be a restraint, when, in fact, it is none at all. I presume, sir, there is not a government in the world in which there is a greater scope for influence and corruption in the disposal of offices. Sir, I will not declaim, and say all men are dishonest; but I think, in forming a constitution, if we presume this, we shall be on the safest side. This extreme is certainly less dangerous than the other. It is wise to multiply checks to a greater degree than the present state of things requires. It is said that corruption has never taken place under the old government: I believe gentlemen hazard this assertion without proofs. That it has taken place in some degree is very probable. Many millions of money have been put into the hands of government, which have never yet been accounted for: the accounts are not yet settled, and Heaven only knows when they will be.

I have frequently observed a restraint upon the state governments, which Congress never can be under, construct that body as you please. It is a truth capable of demonstration, that the nearer the representative is to his constituents, the more attached and dependent he will be. In the states, the elections are frequent, and the representatives numerous: they transact business in the midst of their constituents, and every man must be called upon to account for his conduct. In this state, the council of appointment are elected for one year. The proposed Constitution establishes a council of appointment who will be perpetual. Is there any comparison between the two governments in point of security? It is said that the governor of this state is always eligible; but this is not in point. The governor of this state is limited in his powers; indeed, his authority is small and insignificant, compared to that of the Senate of the United States.