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Will the House of Representatives Be Genuinely Representative? (Part 4)

It is said that our people have a high sense of freedom, possess power, property, and the strong arm; meaning, I presume, that the body of the people can take care of themselves, and awe their rulers; and, therefore, particular provision in the constitution for their security may not be essential. When I come to examine these observations, they appear to me too trifling and loose to deserve a serious answer.

To palliate for the smallness of the representation, it is observed, that the state governments in which the people are fully represented, necessarily form a part of the system. This idea ought to be fully examined. We ought to inquire if the convention have made the proper use of these essential parts. The state governments then, we are told, will stand between the arbitrary exercise of power and the people. True they may, but armless and helpless, perhaps, with the privilege of making a noise when hurt. This is no more than individuals may do. Does the constitution provide a single check for a single measure by which the state governments can constitutionally and regularly check the arbitrary measures of congress? Congress may raise immediately fifty thousand men and twenty millions of dollars in taxes, build a navy, model the militia, etc., and all this constitutionally. Congress may arm on every point, and the state governments can do no more than an individual, by petition to congress, suggest their measures are alarming and not right.

I conceive the position to be undeniable, that the federal government will be principally in the hands of the natural aristocracy, and the state governments principally in the hands of the democracy, the representatives of the body of the people. These representatives in Great Britain hold the purse, and have a negative upon all laws. We must yield to circumstances and depart something from this plan, and strike out a new medium so as to give efficacy to the whole system, supply the wants of the union, and leave the several states, or the people assembled in the state legislatures, the means of defense.

It has been often mentioned that the objects of congress will be few and national, and require a small representation; that the objects of each state will be many and local, and require a numerous representation. This circumstance has not the weight of a feather in my mind. It is certainly inadvisable to lodge in 65 representatives, and 26 senators, unlimited power to establish systems of taxation, armies, navies, model the militia, and to do every thing that may essentially tend soon to change, totally, the affairs of the community; and to assemble 1500 state representatives, and 160 senators, to make fence laws and laws to regulate the descent and conveyance of property, the administration of justice between man and man, to appoint militia officers, etc.

It is not merely the quantity of information I contend for. Two taxing powers may be inconvenient; but the point is, congress, like the senate of Rome, will have taxing

powers, and the people no check. When the power is abused, the people may complain and grow angry, so may the state governments; they may remonstrate and counteract, by passing laws to prohibit the collection of congressional taxes. But these will be acts of the people, acts of sovereign power, the dernier resort unknown to the constitution; acts operating in terrorum, acts of resistance, and not the exercise of any constitutional power to stop or check a measure before matured. A check properly is the stopping, by one branch in the same legislature, a measure proposed by the other in it. In fact the constitution provides for the states no check, properly speaking, upon the measures of congress. Congress can immediately enlist soldiers, and apply to the pockets of the people.

These few considerations bring us to the very strong distinction between the plan that operates on federal principles, and the plan that operates on consolidated principles. A plan may be federal or not as to its organization each state may retain its vote or not; the sovereignty of the state may be represented, or the people of it. A plan may be federal or not as to its operation-federal when it requires men and monies of the states, and the states as such make the laws for raising the men and monies; not federal when it leaves the states' governments out of the question, and operates immediately upon the persons and property of the citizens. The first is the case with the confederation; the second with the new plan. In the first the state governments may be [a] check; in the last none at all. . . .

It is also said that the constitution gives no more power to congress than the confederation, respecting money and military matters; that congress under the confederation, may require men and monies to any amount, and the states are bound to comply. This is generally true; but, I think . . . that the states have well founded checks for securing their liberties. I admit the force of the observation that all the federal powers, by the confederation, are lodged in a single assembly. However, I think much more may be said in defense of the leading principles of the confederation. I do not object to the qualifications of the electors of representatives, and I fully agree that the people ought to elect one branch.

Further, it may be observed, that the present congress is principally an executive body, which ought not to be numerous; that the house of representatives will be a mere legislative branch, and being the democratic on ought to be numerous. It is one of the greatest advantages of a government of different branches, that each branch may be conveniently made conformable to the nature of the business assigned it, and all be made conformable to the condition of the several orders of the people. After all the possible checks and limitations we can devise, the powers of the union must be very extensive; the sovereignty of the nation cannot produce the object in view, the defense and tranquility of the whole, without such powers, executive and judicial. I dislike the present congress-a single assembly-because it is impossible to fit it to receive those powers. The executive and judicial powers, in the nature of things, ought to be lodged in a few hands; the legislature in many hands. Therefore, want of safety and unavoidable hasty measures out of the question, they never can all be lodged in one assembly properly-it, in its very formation, must imply a contradiction.

In objection to increasing the representation, it has also been observed that it is difficult to assemble a hundred men or more without making the tumultuous and a mere mob. Reason and experience do not support this observation. The most respectable assemblies we have any knowledge of and the wisest, have been those, each of which consisted of several hundred members - as the senate of Rome, of Carthage, of Venice, the British Parliament, etc. I think I may, without hazarding much, affirm that our more numerous state assemblies and conventions have universally discovered more wisdom, and as much order, as the less numerous ones. There must be also a very great difference between the characters of two or three hundred men assembled from a single state, and the characters of that number or half the number assembled from all the united states.

It is added, that on the proposed plan the house of representatives in fifty or a hundred years will consist of several hundred members. The plan will begin with sixty-five, and we have no certainty that the number ever will increase, for this plain reason-that all that combination of interests and influence which has produced this plan, and supported [it] so far, will constantly oppose the increase of the representation, knowing that thereby the government will become more free and democratic. But admitting, after a few years, there will be a member for each 30,000 inhabitants, the observation is trifling; the government is in a considerable measure to take its tone from its early movements, and by means of a small representation it may in half of 50 or 100 years, get moved from its basis, or at least so far as to be incapable of ever being recovered. We ought, therefore, . . . now to fix the government on proper principles, and fit to our present condition. When the representation shall become too numerous, alter it. Or we may now make provision, that when the representation shall be increased to a given number, that then there shall be one for each given number of inhabitants, etc.

Another observation is, that congress will have no temptations to do wrong. The men that make it must be very uninformed, or suppose they are talking to children. In the first place, the members will be governed by all those motives which govern the conduct of men, and have before them all the allurements of offices and temptations to establish unequal burdens, before described. In the second place, they and their friends, probably, will find it for their interests to keep up large armies, navies, salaries, etc., and in laying adequate taxes. In the third place, we have no good grounds to presume, from reason or experience, that it will be agreeable to their characters or views, that the body of the people should continue to have power effectually to interfere in the affairs of government. But it is confidently added, that congress will not have it in their power to oppress or enslave the people; that the people will not bear it. It is not supposed that congress will act the tyrant immediately, and in the face of daylight. It is not supposed congress will adopt important measures without plausible pretenses, especially those which may tend to alarm or produce opposition. We are to consider the natural progress of things-that men unfriendly to republican equality will go systematically to work, gradually to exclude the body of the people from any share in the government, first of the substance, and then of the forms. The men who will have these views will not be without their agents and supporters. When we reflect, that a few years ago we established democratic republics, and fixed the state governments as the barriers

between congress and the pickets of the people, what great progress has been made in less than seven years to break down those barriers, and essentially to change the principles of our governments, even by the armless few-is it chimerical to suppose that in fifteen or twenty years to come, that much more can be performed, especially after the adoption of the constitution, when the few will be so much better armed with power and influence, to continue the struggle? Probably they will be wise enough never to alarm, but gradually prepare the minds of the people for one specious change after another, till the final object shall be obtained. Say the advocates, these are only possibilities. They are probabilities a wise people ought to guard against; and the address made use of to keep the evils out of sight, and the means to prevent them, confirm my opinion.

But to obviate all objections to the proposed plan in the last resort, it is said our people will be free, so long as they possess the habits of freemen, and when they lose them, they must receive some other forms of government. To this I shall only observe, that this is very humiliating language, and can, I trust, never suit a manly people who have contended nobly for liberty, and declared to the world they will be free.

THE FEDERAL FARMER