

WESTERN CAROLINIAN.

VOL. IV.]

SALISBURY, N. C. TUESDAY, MAY 4, 1824.

[NO. 204.]

PRINTED

By PHILLO WHITE,

Publisher of the *Laws of the United States.*

The terms of the *Western Carolinian* will hereafter be as follows:—Three Dollars a year, payable in advance.

Advertisements will be inserted at fifty cents per square for the first insertion, and twenty-five cents for each subsequent one.

All letters addressed to the Editor, must be post-paid, or they will not be attended to.

CAUCUS DEBATE.

In the United States Senate, on the proposed amendment to the constitution relative to the election of President and Vice President of the United States—during which debate, the policy of the late caucus at Washington was incidentally drawn into the discussion.

Mr. Branch asked the indulgence of the Senate for the purpose of submitting, for their consideration, a few thoughts in relation to the important subject matter under consideration.—He said it was due to the state he had the honor in part to represent, for him to support the amendments to the Constitution, which propose to establish an uniform mode for the appointment of Electors of President and Vice President, and to himself, to oppose the indefinite postponement of the various propositions now pending. With the sentiment of the Legislature of the state, he most heartily concurred.

In entering on the subject, he said that he should endeavor to conform to the decision of the Chair, and that he would not intentionally bring into discussion, matter foreign from the true question before the Senate; for he firmly believed that the decision of the presiding officer was correct, and ought to be enforced.

It would become necessary for him, however, to animadvert on the Constitution, as it is at present, and to call the attention of the Senate to the pernicious practices which had obtained, and grown up under it, which threatened, ultimately, to subvert the liberties of the people. It was the duty of an able surgeon to probe the wound to the bottom, that he might be the better enabled to devise and apply an effective remedy.

It would not be denied, he said, that it was the intention of the Convention which framed the Constitution, to give to the people the election of their Chief Magistrate. But what have we been told by my highly esteemed friend and colleague, (Mr. Macon,) who is certainly high authority?—Why, that the President had, since the days of Gen. Washington, been always elected by Congress.

Then, said Mr. B. is the most alarming declaration, and surely it becomes necessary, that something should be done to prevent that from taking place in future. The Constitution provides, that the President shall be elected by the people, through their electors; but we find that a plan has been found out, setting aside this provision,—the President is to be chosen—and the people are called upon, only to conform to the will of their rulers. Now, if these unconstitutional proceedings are to be continued, and the President hereafter to be chosen by Congress acting in Caucus, it is manifest that the Constitution is not only being practically altered, but that a door will be opened to the most abuse and corruption. We must, then, say that the President shall be chosen only by means of electors, and that the President hereafter shall be chosen by Congress acting in Caucus, it is manifest that the Constitution is not only being practically altered, but that a door will be opened to the most abuse and corruption.

Is not the question, therefore, whether we will give up the principle of election by the people, or by electors, and allow the President to be chosen by Congress acting in Caucus, it is manifest that the Constitution is not only being practically altered, but that a door will be opened to the most abuse and corruption.

Is not the question, therefore, whether we will give up the principle of election by the people, or by electors, and allow the President to be chosen by Congress acting in Caucus, it is manifest that the Constitution is not only being practically altered, but that a door will be opened to the most abuse and corruption.

Is not the question, therefore, whether we will give up the principle of election by the people, or by electors, and allow the President to be chosen by Congress acting in Caucus, it is manifest that the Constitution is not only being practically altered, but that a door will be opened to the most abuse and corruption.

Is not the question, therefore, whether we will give up the principle of election by the people, or by electors, and allow the President to be chosen by Congress acting in Caucus, it is manifest that the Constitution is not only being practically altered, but that a door will be opened to the most abuse and corruption.

Is not the question, therefore, whether we will give up the principle of election by the people, or by electors, and allow the President to be chosen by Congress acting in Caucus, it is manifest that the Constitution is not only being practically altered, but that a door will be opened to the most abuse and corruption.

Is not the question, therefore, whether we will give up the principle of election by the people, or by electors, and allow the President to be chosen by Congress acting in Caucus, it is manifest that the Constitution is not only being practically altered, but that a door will be opened to the most abuse and corruption.

Is not the question, therefore, whether we will give up the principle of election by the people, or by electors, and allow the President to be chosen by Congress acting in Caucus, it is manifest that the Constitution is not only being practically altered, but that a door will be opened to the most abuse and corruption.

this usurped authority, and return to the people the rights of which they have been wrongfully shorn. From whence do the members of Congress derive the power to elect the President of the United States? I hazard nothing, said Mr. B. in saying that the power is not to be found in the Constitution, and that it is, consequently, an encroachment upon the sovereignty of the people: the more alarming, inasmuch as it is exercised in the corrupt atmosphere of Executive patronage and influence. Make me President, and I will make you a Minister, a Secretary, or, at all events, I will provide you with a good birth, suited to your wants or capacity. And thus we shall barter away the rights and privileges of the people, at the expense of the best interests of the country, and the charter of our liberties. The mischief is abundantly manifest. Let us not, then, turn a deaf ear to the admonitions of duty, and the voice of an enlightened community, but rather let us have the magnanimity to return—to leave the things which belong to the Constitution, even though in doing so, we part with some of our influence. The President and Congress were intended, by the wise framers of our Constitution, to act as checks, each upon the other; but, by the system at present practised, they lose the benefit of this salutary provision. For, as has been observed by my honorable colleague, the Congress have always made the President, and will continue to do it. Yes, sir, the voice of that orthodox and experienced statesman has said so, and I have no reason to doubt the correctness of his assertion.

It ought not to be said, observed Mr. B. that we are incapable of acting on this important subject calmly and dispassionately. Our present session is comparatively unlimited—it is, in truth, the long session—our table is not burdened with important business; we sit but two or three hours in the day, and but five days out of the week; this objection, therefore, cannot be sustained. And as to the Senate of the United States, composed of gentlemen advanced in years, possessing a character—and justly, too—for their discretion and intelligence, being hurried away by passion and excitement, I cannot, said Mr. B. believe it for a moment. We are all convinced that no alteration can be made in time to affect the approaching Presidential election. Hence, wherever excitement may be felt, it will not be of a pernicious character, but will rather tend to elicit the best and most effectual remedy. If we suffer the present propitious moment to pass by, what may we expect? Why, sir, that the nation will again fall into a state of apathy, and that nothing will be done until the people are again called on to elect another Chief Magistrate, when we shall have to deprecate the recurrence of all the mischief at present complained of, and which threatens such alarming consequences to the peace and security of society.

Mr. Hayne, of S. C., protested that he had not anticipated the course which the debate had taken, and he most sincerely regretted that certain topics had been introduced into the discussion, which were unfortunately but too well calculated to produce a painful excitement. As these topics, however, had been discussed, it would become his duty, in the course of the conversation he was about to make, to notice them. The cause of truth demanded that arguments calculated to influence public opinion, though founded, as he believed, in error, should not go forth to the world uncontradicted.

(After continuing further (of considerable length) on the subject immediately before the Senate, he proceeded thus:—)

I come now (said Mr. H.) to that an obscure topic which has been unhappily introduced into the discussion. I mean a Congressional Caucus. The Hon. gentleman from New York, (Mr. King,) in the course of his remarks in favor of the amendment of the resolutions, has alluded to the Caucus, and has said that it is a "corrupt power," which had grown up at the expense of the rights of the people. The gentleman on the other side has thought proper, in reply, to enter into a charge against a Congressional Caucus for the nomination of a President. If these arguments could be confined to this Hall, and were not calculated to have an influence on public opinion, I would not,

perhaps find myself called upon to notice them. But, believing that the subject is one of vast importance, that it touches the vital interests of the country, and may, in its remote consequences, endanger liberty itself, I find myself constrained to attempt an answer to the particular arguments which have been urged. I shall confine myself strictly to a defensive warfare—and shall enter no further into the discussion of the subject, than may be necessary to reply to the arguments that have been urged on the floor.

It is contended by the gentleman from New Jersey, Mr. Dickinson, and the same argument has been urged by all the gentlemen who have spoken on the subject, that a Congressional Caucus or the nomination of a President, is not liable to any of the objections which may be urged against the election of a President by Congress, because the Senators and Representatives, in attending a caucus, act only in their private capacities. This appears to me, said Mr. H., to be a fallacy so obvious, that he was at a loss to conceive how any one would be deceived by it. Sir, if 50 or 60 private individuals should meet in this city and nominate a President, what effect would be produced by it? Would it be an event looked to with anxiety from every part of the country? Would it divide the nation into parties, or challenge the praise or the censure of every freeman in the land? No, Sir; it is because the gentlemen who compose such a meeting are members of Congress—it is the authority with which they are clothed, that gives influence and effect to their proceedings. But for this, no such meeting would be held. They meet in their characters of members of Congress, or they would not meet at all. It is true, they do not meet to perform a legislative duty, and the very objection to the proceeding is, that they step beyond the line of their peculiar and appropriate duties, and use the influence attached to their offices for the promotion of an object not within their Congressional powers, and with which the spirit of the constitution forbids them to interfere. To show, conclusively, that it is the influence attached to the office of a member of Congress which is the foundation of a Congressional caucus, and that it is expressly in their character of Members of Congress that gentlemen attend such a meeting, Mr. H. adverted to the fact that none other are invited or suffered to attend. If gentlemen acted only in their private capacities, every American citizen—certainly every inhabitant of this District, would be at liberty to unite with them. Look, too, at the forms or proceedings in such cases: the Hall of legislation is appropriated to their use; Speaker's chair is occupied by their chairman; the officers of the House are stationed at the door to prevent the entrance of any but Members of Congress, who are called up by States to give their suffrages. After this, tell us not that gentlemen act in their private capacities, and that, as Members of Congress, they have no concern in the transaction! Sir, said Mr. Hayne, I deny that a man can put off and put on, at pleasure, the official garb with which he is clothed. A man clothed with executive authority cannot, as a private citizen, perform legislative duties; neither can Members of Congress put off his character, and, as a private citizen, interfere with matters which the constitution has wisely prohibited him from meddling with. I have heard, Sir, said Mr. Hayne, of a priest, who, walking to church in his robes of office, received an insult; he threw off his gown, exclaiming, "Lie there, divinity, until I punish that rascal;" and having, in his private capacity, inflicted the chastisement, he resumed the character of a clergyman, and proceeded to preach up "charity, and forgiveness of injuries, love to God, and good will towards man." If there be, said Mr. Hayne, any sound distinction, any safe rule by which the private and public acts of an individual can be ascertained, it must be this—that matters, altogether of a private nature belong to one while matters of public nature to the other. This brings a Congressional caucus to the test. The choice of a President is a public matter; it is a business provided for by the constitution; the manner in which it is to be done is prescribed; the Members of Congress are prohibited from being Electors, and the Senators can, in no possible event, have any thing to do with it. It cannot be possible, therefore, for members of Congress, as such, to meddle with it. Not being a private matter, if they act on it at all collectively, as a body, and by virtue of their office, it cannot be said they act in their private capacities. I will proceed, said Mr. H., to give other illustrations of this subject, which I think will remove any doubts which may still rest upon it. Suppose the President and heads of Departments were to meet together in their private capacities, were to nominate their successors, and were to proclaim such a

nomination to the American people. The country would ring with denunciations of the act, the charges of usurpation, tyranny, and corruption, would rise in every corner of the land, and they would meet the just vengeance of an injured people. And yet, have not the President and heads of Departments as much a right to act, and to speak, in their private capacities, as any other members of the government? They are no more prohibited from nominating a President than are the members of Congress; and more danger is to be apprehended from the influence of the latter than the former. Suppose the Judges of the Supreme Court were to step from the bench, put off their robes, and, after public notice, were to proceed, in their private capacities, to nominate a President, and publish that nomination to the world! Would such a proceeding be relished? And yet, the Executive and Judiciary have certainly an equal right with the Legislature to proceed to such a nomination, in their private capacities. Again: Suppose the Governors of the several States were to consult and vote on the object, and announce the result to the world, in order to produce union among the people. What would we think of such a proceeding?

To illustrate the truth that legislators cannot, consistently with the spirit of the constitution, act in their private capacities on matters which may come before them officially, it may be asked whether it would be justifiable for a majority of this Senate, as a party, to meet together habitually, in their private capacities, and determine, by a majority, what measures they should, as a body, support or oppose? By such an arrangement, all the guards by which pure and enlightened legislation is secured, would be destroyed, and a small minority might sway the Senate. A Congressional Caucus is open to the same objection.

The next argument urged, is that a Congressional Caucus is free from objection, because it does not profess to elect, but only to nominate a President. Now, I would ask whether the design of this nomination is not to procure the election of some individual who would not be elected without it? If such be not the object, and if such were not the results hoped for, no nomination would be made; no caucus would be held. But, if a nomination is to have the effect of promoting a man to the Presidency who would not otherwise be promoted, it virtually amounts to an election; and is it any answer to this argument to say, that it is produced altogether by the authority and influence of Members of Congress? Or is not that the most objectionable means by which an election can be effected? But, sir, said Mr. H., let us bring this question to the test of principle, and see if the practice I am controverting will not directly deprive the people of the right of choosing among the several candidates for the Presidency? If a Congressional Caucus be right in principle, as the gentlemen allege, it follows, that the friends of all the candidates ought to attend, and the strength of each being ascertained, the strongest should be supported by all, and the others should be withdrawn. Thus, the people will be deprived of the right of choosing, and must, of necessity, take the man recommended to them. Take the case of two candidates only, and such a case has occurred. A caucus decides between them, the other is bound to withdraw; he can, on principle, no longer be a candidate; his friends cannot support him; and, though nine-tenths of the people should prefer him, he cannot, as a man of principle, even consent to serve. Take another case. Suppose there should be five candidates—the five most prominent and popular men in the country. Apply the caucus principle, and it results in presenting but one candidate to the people, and they must take him, or look out at the eleventh hour for a new man, which, under such circumstances, would be impossible. The principle of a Congressional caucus, therefore, leads inevitably, and of necessity, to the destruction of the right of the people to elect the President, and if it does not, in practice, produce that result, it is only because so many of us are such political heretics as to refuse to recognize it; and because the several candidates and their friends will not consent to abide by it. But, let the principles of the gentleman prevail, and the President will, hereafter, be virtually elected by a caucus in Washington, and not by the people. Now, said Mr. Hayne, there is not an objection which applies to the election of a President by the National Legislature, which does not apply much more strongly to a virtual election by a Congressional Caucus. Does the former disturb legislation, tinging every legislative act with party views and feelings, so, in a greater degree, does the latter. The letter and spirit of the constitution are opposed to every species of interference by the members

of Congress, in the election of a President; except in the particular case of a failure by the people to elect. Then, and not till then, are Congress permitted to interfere; and the mode in which they are then to proceed, is minutely prescribed. The House of Representatives only are to have any concern in the transaction, and they must vote by States. They are not permitted to elect any candidate according to their own views, feelings, or opinions, but they are compelled to choose one of three candidates previously selected and presented to them by the people. But a Congressional Caucus is composed of Senators, as well as members of the House of Representatives, the former of whom are wisely excluded, by the constitution, from voting on such a subject, because the tenure of their office renders them peculiarly liable to influence. They proceed to nominate the President before the people have proceeded to the election; they choose not from the candidates presented to them by the people, but according to their own pleasures, and are influenced by personal preferences; and lastly, they make such a nomination, not in the extraordinary case (which may not occur once in a century) provided for in the constitution, but at every election—once in every four years. Now, when to all this we add that, from the very nature of things, a Caucus never will be composed of more than a portion of the members of Congress, so that the vote of an individual will be of such consequence as to justify the extraordinary efforts to obtain it; when it is recollected that a Caucus nomination, every four years, will keep the matter constantly before Congress, can any man, who reflects on the subject, fail to see that the triumph and final establishment of the Caucus system in Congress, must not only supersede and controul the constitution but involves the introduction, into the halls of Congress, of excitement, party feeling, management, and finally of intrigue and corruption; at the bare contemplation of which the heart of the patriot must sicken, and his anticipations of future glory be converted into the most gloomy forebodings.

Gentlemen tell us that a Caucus is necessary to promote union. Should such a measure ever promote union, it can only be by controlling the will and stifling the voice of the people. But it seems to me, said Mr. Hayne, that, so far from promoting harmony and union, a Caucus is calculated to sow the seeds of dissension, and to prevent the possibility of union. To all the difficulties of selecting among men, is superadded the hostility created by the agitation of the Caucus question. The degree of support to be yielded, or of opposition to be offered, to such a nomination, will always be a faithful source of endless contests and animosities.

As a party measure, a Caucus may, in some instances, tend to promote union. In such a case, two candidates at least would be presented to the people, for their choice. But, where all the candidates are of the same party, the only effect of a Caucus must be to elevate a favourite individual, by putting all the other candidates out of the way, and thus to take the choice from the people, or from the States. If a Caucus is to be resorted to at every Presidential election, and Congress is by a preliminary vote, (in joint ballot,) to determine who is to be supported as President, it is manifest that the effect will be to bring the election practically into Congress, voting by polls and not by States; and thus the wise provisions of the constitution will be repealed, without the least regard to the forms prescribed by that instrument. Gentlemen will surely not venture to affirm, that union will be promoted by such means.

Literary.—A Biographical Sketch of Washington, written in Latin, with English notes, for the use of American Universities, is preparing for the press, in Ohio. The author is Francis Glass, A. M. of Dayton, in that state. The work has been examined and approved by the Professors of the Ohio University, located at Athens, and of the Cincinnati College.

A meeting of the citizens of Switzerland county, Indiana, on the 21st Feb. nominated Gen. Jackson for President, and Mr. Clay for Vice President.

Gen. Jackson, is spoken of in the following manner: "Bold and intrepid in the field, and decisive in council, he forms his plans with the velocity of lightning, and executes them with the tremendous energy of thunder!"

From the Vevay (Indiana) Register. Monday last was fixed on by the friends of Wm. H. Crawford, to meet at the court house in Vevay, to adopt measures to advance the interests of Mr. Crawford and Mr. Gallatin. The day came; passed: Nor a soul approached the edifice!!!!