

Debate on Mr. Fisher's Caucus Resolutions.

MR. STANLEY'S SPEECH CONCLUDED.

If there are at this time any other candidates for the Presidency than republicans—if there is any federal candidate, I ask gentlemen to name them. Certainly sir, said Mr. S. there are still federalists in existence, as the gentlemen from Fayetteville has thought it necessary to intimate—men who imbibed their principles of government from Washington—principles which will be cherished as his, until his name and his virtues shall cease to be revered. But these men are not united as a party in the support or opposition of any man or of any measures. And a reference to federalism, as requiring a caucus of republicans, is an unandid pretence to give countenance to the caucus. I say, therefore, that the union desired to be effected by the caucus, is a union of members of Congress in a conspiracy against the people—to obtain for their united influence the highest reward, to advance their views of personal ambition, without regard to the public good. For himself, Mr. S. said, he was a federalist; he derived his opinions from the doctrines of Washington and Hamilton: never did principles of virtue and patriotism flow from a purer source! He had always avowed and maintained his principles, and approaching the close of an active life, he was proud to recollect, that he had never obtained popular favor (and he had had his share of it) by any disguise or concealment. He had lived to see the hostility to the prominent measure of federalism, the Constitution of the United States: the support of the navy, neutrality, commerce and unfettered friendship with all nations, become the favorites and the doctrines of all parties. He had approved and supported the administration of Mr. Monroe—but still, if heaven preserved to him his integrity and understanding, he should live and die a federalist. He offered as an apology for these remarks, the observation and allusions of the gentleman from Fayetteville.

One further observation about "Caucus union." Mr. S. said he was of the company in which Aaron Burr gave his celebrated toast, "an union of all honest men!" The apparent liberality and patriotism of the sentiment obtained universal applause: but we were soon undeceived; the union he desired was a union of conspirators against the government and constitution of the country. He must be excused for not entertaining much respect for the union which a caucus was to produce—an union of individuals against the rights of the people. Burr's scheme was to be acted openly; our people saw the treason and put it down: but the schemes of a caucus, are hidden: they are planned to deceive us under the pretence of recommendation and union, and are more dangerous than Burr's.

The last reason urged in support of a Congressional Caucus, is, that it is necessary to prevent the election of a President going to the House of Representatives, where it must be made by the vote of States, in case no person voted for by the electors has a majority of the whole number of electors.

Mr. S. said, he must be allowed to express his surprize at the objection now urged to this provision of the constitution. Not only was this principle contained in the constitution as adopted in 1789, but with a slight alteration, was submitted to the States and adopted as a substitute for the original article as late as the year 1803. He here read the act of the General Assembly of 1803, ratifying as a substitute for the original article of the constitution, the amendment providing that "if no person voted for as President have a majority of the whole number of electors, then from the person having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately by ballot the President; but in choosing the President, the votes shall be taken by States, the representation from each State having one vote."

In examining the weight of this reason for a Caucus—the propriety and justice of the design by means of a Caucus to defeat this provision of the Constitution, it is necessary to advert to the nature of our Government.—The Federal Government, we must remember, is a Compound Government, partly popular, the will of the people deciding agreeably to numbers; and partly Federal, the States deciding in their capacity of Sovereign Members of a Federal body. The election of President in the first instance is popular; the advantage is given to the large States: their number of votes in the electoral college, is in proportion to their number of people, and six States, giving 131 votes, uniting on the same person may elect the President. But if the election is not made by the people in the first instance, the choice is then thrown upon the House of Representatives, voting by States, where thirteen States, being a majority of the whole Union; though they may be the smallest states, and have together but 70 votes in the electoral college of 260, may yet elect the President. As the six large States that might elect the President by their electors, Mr. Stanly named, New-York, entitled to 36 Electors; Pennsylvania, to 28; Virginia, to 24, North-Carolina, to 15; Ohio, to 16; Kentucky, to 14.—Six States, having 133 Electors, giving in the electoral college, 133 votes, a majority of the whole electors. As the thirteen small States which might elect the President in the House of Representatives, voting by States, he named, Maine, having 9 Electors; New-Hampshire, 8; Rhode-Island, 4; Connecticut, 8; Vermont, 7; New-Jersey, 8; Delaware, 3; Illinois, 3; Indiana, 5; Missouri, 3; Mississippi, 3; Alabama, 5; Louisiana, 5.—13 States—71 electors.

In the first case, the advantage is given to the large States, where six can out-vote eighteen.—In the last case, the advantage is given to the small States, thirteen of whom being a majority of twenty-four, elect the President, though, in point of numbers, the thirteen contain little more than one-fifth of the whole population of the United States. But before we array ourselves in opposition to this course fixed in the Constitution, we ought to remember, that our union is a work of compromise, and our Constitution an instrument of concession and conciliation. Under this spirit of compromise and concession, the Southern States count three-fifths of their slaves in the census which entitles us to Representatives to Congress, and electors of President and Vice President, under which the Southern States gave as many electoral votes above those we were entitled to for our white population, as made Mr. Jefferson President of the U. States, and under which we now send as many representatives to Congress, as five small States are entitled to, more than we could claim from our white population alone. Under this compromise, the smaller States have as much weight in the Senate as the largest, and the smallest and weakest States, have their independence and safety guaranteed by the strength and wealth of the whole. It is this spirit of concession and compromise that formed and must cement our Union. It is as gross a violation of honor and good faith to endeavor to deprive the small States of their constitutional right of election of President by equal votes in the House of Representatives, as it would be by Caucus or other indirect mode, to deprive them of their equal vote in the Senate, on all treaties, appointments, and acts of legislation. If we prize our Union, it does not become us to complain of the terms on which it was obtained, nor act the dishonest part of defrauding the weaker members of the Union of the right we have promised they should enjoy.—The concessions of the Constitution are a cheap price for its inestimable worth.

But, Sir, said Mr. S. before we lend ourselves to defeat this provision of the Constitution, for an ultimate election of President by the States in the House of Representatives, let it be remembered, that the election by States even then is not a controlled—the States cannot elect whomsoever they please—their choice is confined to one of the three highest, presented by the votes of the Electoral College. And even in this case, the large States not agreeing upon the President, nominate three persons for the office, for which one is to be elected. Their choice therefore is at last but a ratification of the election made by a respectable portion of the people themselves. A word more on this point of debate:—There are persons in this State and in this House, who hold that the government is a mere union of States; what shall we think of the consistency of these gentlemen, who holding such opinion, yet support a caucus, to rob a portion of the States of their equal power, not only resulting to them, as equals in the compact, but secured to them in the constitution?

Mr. S. said, it had nearly escaped him that there was yet another ground on which a caucus nomination of President was defended—the one advanced by the gentleman from Fayetteville alone: "to prevent the election of De Witt Clinton." While the gentleman mentioned this among the advantages of the caucus, he thought it proper to say Mr. Clinton was a man "pre-eminently for talents." It would have interested many of us, had the gentleman informed us, why the election of a man thus pre-eminently gifted should be defeated—but the gentleman gave us no reason. Mr. S. said, it was due to Mr. Clinton to say, that his qualifications for the highest of-

fice in the gift of his country, were of the first order; and if it were not his misfortune to be a citizen of a State, torn, distracted, and governed by rancorous factions, his chance for the Presidency would not be inferior to that of any man presented to our choice on the present occasion.

Mr. S. said, that having examined the arguments urged upon us in vindication of a Congressional Caucus, he would now briefly turn to the other side of the account, and add some further observations the more clearly to expose the wickedness of this Caucus system.

By the fundamental law of a Caucus, the members strip themselves of all the obligations and responsibilities of their office of members of Congress—they are not bound by oath to act honestly in Caucus, nor are they liable to impeachment or punishment, for the corruption which may there govern them. Yet, though all the restraints which honor and good faith would prescribe are cast off, they assume fetters which common sense should disdain to wear; they bind themselves to one another, to recommend and to support for the Presidency, the man preferred by a majority in that Caucus, although the individual thus selected, may be unknown to them, or what is worse, may be the object of their distrust or dislike; and should the Caucus be composed of a bare majority of the Congress, of a small fraction, the Caucus recommendation may be obtained, (as I have before shown) by the votes of three States only. An admirable plan this to prevent an election by the votes of thirteen States in the House of Representatives! To avoid what they call the monstrous injustice of an election by thirteen States, they invent a plan by which, without any injustice three States may decide the election!

The reasons for the exclusion of members of Congress from the office of Electors have already been explained—the danger of corrupt bargains between them and the President; and of improper influence from foreign powers. Their exclusion on ground of expediency is also strong. Members of Congress should be chosen with a regard to their ability as legislators, their knowledge of the foreign relations of the United States, and the influence which any measure of foreign or domestic policy may have on the general welfare; and on the interests of the particular section of the country which they represent. Convert them into Electors and these necessary qualifications are lost sight of. Instead of their capacity for legislation, their opinion on the Presidential Question, will become the subject of enquiry; those who agree with us on one point, may be most opposed to our interests and wishes on the other, and on one or the other questions we may be misrepresented.

But the labour of the Caucus is to produce only a "recommendation," and that from persons "acting merely as private citizens." Yet after making this declaration, as every advocate for the Caucus has made it, they see no inconsistency in acknowledging, that "the Caucus will have an influence, a bearing on the election"—it will "prevent electioneering," (by deciding the election, I presume, and leaving nothing to electioneering about);—"it will keep the election from the House of Representatives"—and "it will prevent the election of De Witt Clinton!"—Sum all these acknowledged effects of the Caucus together, and I think it will amount to "an election of the President." But in this Caucus they meet merely as private men. Pity it is, sir, that this foul blot of a conspiracy to undermine and overturn the barriers erected by the people against fraud and corruption, should rest on members of Congress—but such is unfortunately the fact. Who are invited to attend the Caucus? Members of Congress only. Why are not all citizens invited? Surely it is an uncandid evasion of the fact, to say they meet merely as private citizens.

Assuredly, sir, said Mr. S. I may hope for universal assent when I say, that no right of independence is more valuable than the right to elect our first Magistrate, and that no right more requires virtue and intelligence in its exercise. However favorably, we may think of our members of Congress, there is, there must be more wisdom, virtue and intelligence in the great body of the freemen of the country, than can possibly fall to the lot of any individual. The election of President is safest therefore, in the hands of the great body of the people.—It is sure to be exercised by them with the purest views—with a more certain aim at the public good. Yet sir, it is the fact, all who hear me know it is the fact, that under the operation of this Caucus system, the great body of the people take no interest in the election of President. Witness your last elections, in which I verily believe not six thousand votes were given in the State, when the comparatively trifling State elections call sixty thousand freemen to the polls. They do not attend, because they know the thing is already settled: Caucus management has usurped their rights; who the President shall be, has been settled by our Congressmen at Washington; who the Electors shall be, is settled here, by a Sub-Caucus of Assemblymen! The ardent love of his country, which once urged the freeman to investigate and weigh the qualifications of the candidates for his favor, is changed into a servile submission to the choice made for him by others: the generous warmth of independence under which he once pressed to the polls, now changed to apathy and indifference, he remains at home; and the few who witness the sickening effect of this Caucus, sitting like a night-mare upon our most valuable institutions, turn with disgust and abhorrence from the scene. Look, I say again, look at your last elections for the proof of these declarations. Such is the practical result of a Caucus—the surrender of the right of election to the hands of a few, and the debasement of the individual citizen and the disgrace of our institutions of liberty. To reverse this scene, abandon the Caucus interference; restore the election of President, where the wisdom of our fathers with the blessing of Heaven placed it, into the hands of the freemen of the State.—You elevate the national character, and dignify the individual citizen, by requiring him to reflect and to decide upon subjects deeply affecting the best interests of his country—the virtue of a free people will guarantee the correctness of their decision, and you preserve the splendor and purity of our Republican Government.

But, sir, said Mr. S. we are asked what right has the Legislature to interfere by offering our opinions upon this subject? He thought gentlemen might be satisfied of our right to interfere by a reference to their own arguments and to their own conduct on former occasions. As the grand inquest of the people of the State, as the guardians of their rights, as the watchmen placed by them on the walls to give the alarm of approaching danger, it is our right, our duty, freely to investigate and fearlessly to challenge the movements of any man or set of men, which in our opinion threaten our liberties, or impair our rights. Upon this foundation the legislatures of all the States, by resolutions and instructions, in almost every year, express their views on various subjects, committed by the Constitution to the control of Congress; and so firmly has the practice been established, that the legislature of this State, has on divers occasions exercised the right. The vote of censure on a former Senator, the resolutions approving the late war, and Mr. Madison's conduct in prosecuting it, are prominent instances of such interference. The right of the States, thus to interfere is supported by the highest authority. The letters of Publius to which I have before referred, give an assurance of safety to the people from the vigilance of the State Governments—who as guardians of the rights of the citizen will have their attention awake to the conduct of the national rulers—who on any thing improper appearing, will sound the alarm to the people—will be their voice, and if necessary the arm of their discontent. If the statesmen who wrote the Federalist are right, we may examine the measures of the Federal Government and sound the alarm, if we discover ought improper. But if the Caucus advocates are right, we shall not dare to whisper disapprobation of their unhalloved treason.

But the right of the legislature to interfere in this business, rests upon still firmer ground than usage and common understanding. By the 1st section of the 2d article of the Constitution, the trust of appointing Electors of President and Vice-President is given to the legislatures of the States. To regulate the election of Electors, even to make the choice by their own votes is, by the Constitution, the right of the State Legislatures; and when any set of men, call it Caucus or what you will, assemble together, step before us, the Legislature of the State, and virtually elect the President, leaving to us and to the people the humble duty of subscribing to what they have done; if it be not in our power to act in opposition to this conspiracy, it is at least very moderate presumption to go as far as the proposed resolutions; humbly to declare our disapprobation of the course proposed.

With a few observations he should be done with this part of the subject. In entering this building, said Mr. Stanly, we are gratified with a sight of the Statue of Washington, from the first sculptor of the world. In this Hall, too, we have here before us the striking resemblance of his person from the first painter of the age. For what purpose are these monuments thus placed? Does any one believe, as mere splendid gew-gaws, to indulge our fondness for the fine arts, or to please the eye of the listless visitor? No,

Sir. I fondly hope, said Mr. S. they are placed before us for far more exalted purposes. For an end in which States are proud to vie with each other. To recal the recollection of the Father of his Country, the Statesman and the Hero; to express the deep interest we feel in his character to awaken the best feelings of the heart, a grateful remembrance of his services and virtues, a inspiring resolution to imitate his virtues, to emulate his fame, and to derive wisdom and virtue from his life.

Permit me, Sir, at this moment, when we may hope that the base passions of party are suspended, to read, as applicable to the occasion, a part of Washington's FAREWELL ADDRESS:

"All obstructions to the execution of the laws, all combinations and associations under whatever plausible character, with the real design to usurp control, counteract or awe, the regular administration and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency.... They serve to organize faction, to give it an artificial and extraordinary force, to put in the place of the delegated will of the nation, the will of party, often a small but artful and enterprising minority of the community; and according to the alternate triumphs of different parties, to make the public administration, the mirror of the ill-concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans, digested by common councils, and modified by mutual interests."

"However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men, will be enabled to subvert the power of the people, and to usurp for themselves the reins of government, destroying afterwards the very engines which have lifted them to unjust dominion."

It is Washington who thus counsels—though dead he yet speaketh! The dangers against which, as if by inspiration, he thus warned us, have arrived. The self-created Societies, or combinations, call them by what name you please, whether Jacobin Clubs in France, or Caucus in America, alike design to "direct and control" the election of President—to "organize a faction," to take the power from the hands of the people, to sell their own influence at the highest price.—They are destructive of the liberty of the people and ought to be put down. If we pay any regard to the admonition of Washington—If his opinions are not to sink into contempt, as he has sunk into the grave, this Caucus system should receive the reprobation of every friend of his country.

But say the advocates of a Caucus, admitting the objections to a Caucus recommendation to be well founded, admitting the right of the Legislature to interfere, yet, say they, the Preamble to the Resolutions is improper—is sophistical. Is it candid, Sir, in gentlemen to say, they vote against the Resolutions, because they dislike the Preamble, when they well know, and are repeatedly told, the Preamble may be amended, and even stricken out, if they will withdraw the motion to postpone indefinitely, which they have made, and which motion, by the rule of the House, precludes amendment? Is there an honorable man on this floor, who can say to the people "I voted against the Resolutions, because I disapproved the Preamble," and not at the same time acknowledge, "yet the Preamble would have been amended, or stricken out, but I would not permit it?" As no attempt has been made to prove the Preamble sophistical or untrue, it would have been full as well not to have charged it with being so.

The names of the most conspicuous of the persons nominated for the Presidency have been introduced into this debate by several gentlemen who have preceded me. I may therefore be pardoned for glancing at them. And as I am still a free man—no office-seeker, and never have and never shall either ask or desire any favor from great men, I shall express my opinion with freedom.

Mr. Crawford, it is said by his friends on this floor, is the best qualified of the candidates for the Presidency. The qualifications for this high office, are of such nature, they cannot easily be concealed. From what quarter the lustre of Mr. Crawford's merits thus shine, I am unable to discover. As a politician his course has been marked by twisting and turning; by the instability of a political weathercock. In 1798, he addressed John Adams, from Augusta, in terms of fulsome adulation, at a period subsequent to the commission of the most obnoxious of his federal sins. Upon removing soon after to a soil where republicanism (so called) most flourished, Mr. Crawford is distinguished as an inveterate republican, and of course, denying to John Adams a single claim to merit or approbation. Subsequently, in Congress, at a crisis when the beam trembled; and it was doubtful, whether the measure of the Republican party would not sink, then Mr. Crawford acted with the Federalists in opposition to the embargo, non-intercourse, non-importation and embargo, and war, and in support of a national bank. This changing course might pass for independence, and might do Mr. Crawford credit, but his friends must call him the only truly Republican candidate, and think to delude the uninformed by this winning appellation, when in truth, so far from adhering to the Republican party in all cases, or at all times, he differed from them and acted with the Federal party, in the most critical times, and on the most important party questions.

In one point he has been consistent. He has always opposed (what he called *Fungus*), a Navy. To deny to Mr. Crawford, the credit of considerable ability would be unjust, but so far from meriting the first rank I should be disappointed greatly if there were not hundreds of men in every State of the Union, his equals and many his superiors in talents. Where, I ask, do the gentleman's friends point us for the evidence of his superior powers? His speeches are of ordinary fabric: his reports in the departments which he has filled, are the mere common-place detail, which the chief Clerk of his office might, if in fact he does not prepare. It would be unjust, however, to withhold from Mr. Crawford, the