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they live in this world, that while they have families to provide for, they must have the means of living? We all know, we are too apt to conclude, that our neighbours will be pretty well provided for, when we are very well provided for ourselves.

But, Mr. President, this evil does not stop with the head of the family—it stops not with his wife and his children; it is communicated to his family connections. They know the situation of the officer, he and they talk it all over in their family circle, they sympathize with him, and all know the feelings of the Executive will go the more kind towards him, in proportion to his influence among his friends, and the result will be, that in most cases they will all settle down in the conviction that it is most wise to think and vote as the President wishes.

Very little reflection, I think, must satisfy us of the alarming extent of this influence in our elections. All district attorneys, all custom house officers, all pay masters, all receivers of public moneys at your land offices, and all surveyors of your public lands, with their clerks and all their family connexion placed in a situation to do as the President of the United States may wish; add to this the further consideration that these men from their official stations each has vastly more influence among his acquaintances, that he would have if he were a private man.

Now let us suppose a President in office, possessed of the mass of influence thus collected, wishing to be elected a second term, when it was the interest of society to leave him out, and put some other person in; or let us suppose a President in for the last time, and to wish to designate some individual as his successor, who would not be the choice of a majority if left free to act according to their unbiased judgment, what then would most probably happen? We might sometimes find that the President would not in such a case be contented with all these people simply thinking with him, and voting with him; they must do more, on pain of not being re-nominated—they must each man do his best to influence as many to think, to speak, and to act with them, as they can procure.

Where could you find a man able to make a stand in opposition to it? No where! And you would seldom find one willing to make the experiment. Every one must believe he could have no chance for success against such fearful odds. These officers and their friends would act in concert, from one end of the Union to the other. They will have it in their power to pour out at once, through the whole body politic, a flood that would sweep from the purest man that lives, every particle of reputation he had acquired by a long life of virtue and usefulness.

In 1826, as one member of the Committee, I came to the conclusion, it was dangerous to leave such a power in the hands of the Executive, and through our Chairman expressed that opinion to the world. I entertain the same opinion now, and prepared to re-affirm, and to act upon it.

Then I was in opposition to the

Administration—now I am a friend to the Administration. This can make no change in my course. When we have a pure and virtuous man for a Chief Magistrate, he will thank Congress to take from him every discretionary power, which they can take with propriety. It will ease him of a labor, and a responsibility, most unpleasant to a good man, and he will still have as many discretionary powers as he will know how to exercise for the public good. If ever it should be our misfortune to have one of an opposite character, disposed to use all his powers for the benefit of himself and his friends, and for the purpose of perpetuating power in his, or their hands, then society at large, ought to thank us for stripping the Executive of this influence.

My opinions upon this subject are not founded upon the petty consideration of who is in power, whether a political friend, or a political opponent; they rest upon the eternal principles of what I think is right and wrong, between those who are in, and those who are out of power. They are founded upon principles deep as the foundations of the Government itself. Upon principles which if disregarded, will poison the very fountain from which all the blessings of our free and happy Government flow. The elective franchise, corrupt that, place our citizens in such a situation that they will not freely form opinions for themselves, and fearlessly act upon them, and we will have little left worth preserving.

When called on to act my part, it is matter not to be considered by me, whether my friends are in or out. In 1826, when called on for an opinion, my friends and myself were at the bottom of the political wheel. I then entertained and expressed an opinion. Now it has turned, my friends and myself are on its top, our opponents are all at the bottom; where we may be with the next whirl no man can tell. As wise men, what ought we to do? We ought to act justly to all men, honestly carry out our own old opinions. Secure the people as far as we can in the free, uninfluenced exercise of their own opinions at elections.

My principles are to limit power if we can, so as to make every man as secure in voting for whom he pleases, as he is in matters of religion, in worshipping his Maker according to the dictates of his conscience.

When power is so limited that no man can use it, as to injure his opponents, then, and then only, do I consider myself safe.

Some speak of this body as a permanent one, the situation in which we now find ourselves is another proof of the mutability of all temporal concerns. In 1836, I had the honor of being a member of the Committee of nine, a majority of whom, at least, must have entertained opinions similar to my own, upon this subject. Where are they now? Two only on this floor, in a situation to be heard in this debate. You, Mr. President, 'tis true are present, and I am sorry in a situation—no I am not sorry you are in the honorable station you now occupy, but I am truly sorry we are now deprived of the aid of your distinguished talents in this debate, if you entertain the same opinions I do.

We are not acting for ourselves alone, we are not acting for the people of our own time only. We are acting for the people at large of our own time, and for the people in all time to come, let us then so act as will transmit, uncontaminated by official influence, to our posterity, the free institutions, for which our ancestors struggled, and which we received from them as an invaluable inheritance.

The bill still will leave in the hands of the President, power enough over all the officers. He will still have the power of dismissing any one of them, at any moment he pleases. This is of itself a tremendous power, given him in trust, to be used for the public good, and for that only. Never for mere difference of opinion, honestly entertained, decently expressed, and acted on with moderation.

The question recurs, how can Congress secure the citizen in office, against an arbitrary exercise of this power, in cases where the public good does not require it? The Committee have attempted in the third section, by providing that whenever a nomination is made to the Senate to fill a vacancy made by a removal, the President shall state the reason for such removal.

Thus it has been contended, Congress has no power to do, because, say the opponents of this bill, all executive power is vested in the President by the Constitution, and a removal from office is an exercise of Executive power.

The arguments upon this point are far from satisfactory to my mind, and I must crave the indulgence of the Senate while I present as briefly as possible my own views upon it.

It is true the Constitution vests in the President the Executive power, but immediately we ask ourselves, what Executive power, in what is it to consist, and where shall we ascertain its amount and a specification of it?

Is any gentleman, either here or elsewhere prepared to state it as his opinion, that under our form of Government, Executive power is unlimited and undefined? I hold no such doctrine, and it would appear to me a most wild and mischievous opinion.

The Executive power in our Government in the President, is that vested in him, by express grants in the Constitution, or vested in him by acts of Congress passed in pursuance of the Constitution, and no more.

By the Constitution all legislative power therein (herein) granted, is vested in Congress. By the same instrument, the Executive power is vested in a President.

In this latter clause, the words "herein granted," used in the former are adopted.

The reason for dropping them, is, to my mind very obvious. If they had been used as to the President, he would not have any but a small portion of the powers necessary to be vested in him, to carry on the affairs of Government.

The framers of that instrument, foresaw that he must have many more powers than they could specify in the Constitution, and therefore they say the Executive power shall be vested in a President, intending that he should have and exercise all the powers they themselves afterwards might vest him with, and also all others which Congress might from time to time vest in him by Laws passed in pursuance of the Constitution. And afterwards they sum up his duties, by saying that he shall see that the laws are faithfully executed.

Under these several claims the executive powers are easily ascertained. We first look into the Constitution, and there see what powers are expressly given to him. Next we look to the acts of Congress, and there find what powers Congress has vested him with, and thus we ascertain his whole powers, and then we see that his duties are to see that all these powers are faithfully executed. It is as much his duty to see that a power vested in him by Constitutional law is faithfully executed, as it is to see that a power vested in him by the Constitution itself is faithfully executed.

Whatever powers are vested by the Constitution, Congress has no power to change, whatever powers they vest by statute, they may change and modify at pleasure.

Any other notion of Executive powers vested in the President, it seems to me cannot be maintained under our form of Government.

By the Constitution two classes of officers are evidently intended. In relation to one of these, Congress is bound to create them, and when created, the tenure of their office is fixed by the Constitution, and can never be changed by act of Congress.

As it relates to the other class, Congress may create the office, or not, as they please. In creating it, they may fix the tenure as they please, for life, for years, or at will; they prescribe what duties they please, and fix their compensation to suit their own pleasure, and they may point out the mode in which the officer is to be removed or displaced.

Every officer specified in the bill now under consideration, falls within this latter class.

They are, what is called in the Constitution "inferior officers," the appointment of whom Congress may vest in the President alone, in the courts of justice, or in the heads of the departments.

Congress then, has complete power over all these officers—they may create and abolish the office at pleasure, fix and modify the tenure as they choose, and regulate at pleasure the mode of getting clear of the officer. They may either have them appointed as they now are, by the President, with the advice of the Senate, or by the

President alone, or by the courts of justice, or the heads of the department.

Suppose the bill had provided that district Attorneys should be appointed by the courts to hold their offices during the pleasure of the court, but when the courts remove one and appoint another, they should put down the reason for removal, would any gentleman say such provision was unconstitutional? I fancy not.

Suppose all the other officers to be appointed by the Secretary of the Treasury, and him vested with a power of removal, but a provision inserted that when he appointed a successor he should state why he had removed the incumbent.—Would such a provision be unconstitutional? I think not.

If such provisions would not, in those cases be unconstitutional, why will the like provisions be unconstitutional when the President is to appoint with the advice and consent of the Senate. In each case it is legislative enactments, or a subject where Congress has express power to act as it pleases without any limitation, the law therefore being constitutional, the President would be bound to see it faithfully executed.

To me it appears so plain that Congress has the power to do what this bill proposes, that I feel some surprise there should be any variety of opinion among us upon this question.

Ours is emphatically a government of laws. We are a free people because it is so. Whenever the will of the people is expressed either in the Constitution or in a law passed in pursuance thereof, it must be complied with, because, according to the theory of our government the people are sovereign.

No person doubts, or can doubt, the power of the President to remove in these cases; but the manner in which he requires this power is a different question. Gentlemen who argue against this section say, he has it from the Constitution, because it is an executive power. I deny this, and say it is an executive power, because it is made so by Statute, and he performs a Constitutional duty when he removes, because he is as much bound to perform executive duties pointed out by Statute, as he is to perform those specified in the Constitution. It is an Executive power because it was the will of the people, through Congress, as their agent, to make it so, and the same power through the same agent could have made it a judicial duty, if it had been deemed wise so to provide.

When our reason has fair play it appears to me there can be no difficulty on this point. In 1789 as we have seen, Congress, by the casting vote of the Vice President, thought this power of removal an Executive power, or under the Constitution. From that time to this all officers of this class have held their offices during the pleasure of the President, so expressed in the commission itself. Subsequent statutes, and especially those of 1820, speaking of these very officers being removed, and holding during pleasure, indicate removals by the President and at his sole pleasure. If then the enactments of Congress authorize the removal, who can doubt of the power of the President to remove? But suppose by this very bill, Congress should say these officers should hold their offices during good behaviour, what then becomes of this Constitutional Executive power? It is converted into a judicial power, and you have no way to remove the incumbent but by impeachment; or by an exertion of legislative power in abolishing the office.

If we suppose this power of removal conferred by Statute, and not by the Constitution, our whole course is consistent in our Executive business. We have repeatedly refused to call upon the Executive for his reasons, and why? Because the Statutes had vested the power of removal at his pleasure merely, and one branch of Congress alone had no power to require that which both branches had not seen fit to require.

Mr. President, these are the principles upon which I was prepared to act in 1826. They are those upon which I wished to bring into power the present Chief Magistrate. I speak only for myself, but I believe they were the principles of the party with which I acted, and that we were to give effect to these principles, so far as we might have the power. For one I have seen no sufficient reason to change them, and am prepared to act them out. It is in vain to tell me this is a party question.—It is a question of fundamental principles, and I am on that side of it, in

which I have been educated, in which I have heretofore acted, as well as by humble abilities have enabled me to do so. I cannot abandon, for any earthly consideration, because in its maintenance I believe the prosperity, happiness, and security of the present and succeeding generations have a deep and abiding interest.

It is asked by the opponents of this bill, what benefits its friends expect from a statement of the reasons of the removal, when the nomination of a successor is presented to the Senate?

I answer for myself, I wish to cut up by the roots the demoralizing tendencies of office hunting. I wish to make such provisions by law as will shield the Chief Magistrate from impositions being practiced upon him, to induce him to remove men from office; I wish to shield him from being imposed upon as to the character of those who apply for office.

As the law now stands, whenever a man may cast a fancy for an office filled by his neighbor, all he has to do, is to poison the mind of the Executive against the incumbent, and to make a favorable impression on the fitness of him who desires to be the successor. These objects can be accomplished by making characters upon paper secretly. Before the officer is aware of it his reputation is blighted by secret and confidential communications made by some of those he had esteemed his friends; they are lodged with the Executive, where it is expected they will remain secret, and upon the strength of these representations the officer is removed. When this is accomplished the scruple consciences for a successor, and paper characters are procured for perhaps half a dozen applicants, and very frequently the individual having in point of fact the worst character of any of the group is so dressed up, & supported by certificates, as to convince the Executive the public interest will be promoted by selecting him as the successor, and he is nominated to the Senate. The business will not end here; all the disappointed applicants then go to work with Senators to defeat the confirmation of the nomination, each hoping when that is done, he stands next best with the Executive, and will procure the office.

Under the present state of things, society will become demoralized, men will be constantly coveting that possessed by their neighbors, and for the sake of procuring what they covet, they will bear themselves, and procure others also to bear false witness.

Under the laws as they now stand, the business of office hunting will become a science. Men will be selected and furnished with funds to defray the expense of coming to Washington for the purpose of having one set turned out and another set put in, by means of artful tales, secretly gotten up and reduced to writing, which it is supposed will never see the light. This officer and representative of office hunters will come on with open pockets full of bad characters, with which to turn out incumbents, and with the other filled with good characters, with which to provide for his constituents.

Pass the bill and a wholesome check will be given to this whole system, require the reasons for removal to be stated, and no man will dare to make a statement which he does not believe to be true, because exposure and disgrace will certainly be the consequence. You will take out of the hands of the cowardly assassin the poisoned dagger heretofore used in the dark. You will shield the Executive against mistakes founded on false representations. No Executive can be personally acquainted with the characters of all men in office, nor with the characters of those who desire office; he must act upon the information derived from others; he ought, and I feel persuaded the present Chief Magistrate will, thank Congress for any plan by which he may be better enabled to discharge his official duties to the welfare of society.

Another advantage to be derived from this bill is that it will check the thirst for office, and will restore harmony to society.

When a man is removed for want of capacity, for want of integrity, an account of intemperance, or a lack of business habits, why not put down the reason? Who is harmed by it? Nobody. Now, a man's reputation is strangled in the dark, by whom or in what manner, he is unable to find out. Pass this bill, and if a man is injured he will know by whom, and in what manner, and can wipe out the stain, not by a controversy with the President, but a controversy with the man whose falsehood misled the President.

Again, we will secure in all things to come honest officers in the enjoyment of honest political opinions. No President will ever remove an officer