



Observe the plans of war, delightful Peace,
Unwary by party rage, to live like Brothers.

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AMENDMENT OF THE CONSTITUTION.

We have for some time wished to give the following Speech of Mr. Pickens from this State, in Congress, in favor of the amendment to the Constitution proposed by our Legislature, in respect to the mode of electing Electors. We now give it with a full statement of the votes on this question.

Mr. Pickens said, the object of the resolution is to establish a uniform mode of choosing electors of President and Vice-President of the United States; and that mode to be by the free, fair and direct, vote of the people in single districts; qualifying the right of suffrage by the same rules which the states have respectively prescribed for the choice of representatives—an object only to be attained by amending the constitution.

I am sensible of the delicacy of changing any important features of this great charter of our government. I believe it would be better to suffer minor evils than to lay our hands rashly upon it; so much sanction will it derive from the length of usage, as well as from a recollection of the purity when it was framed. Considering, however, that the instrument embraces a provision for its own amendment in such instances as experience might prove it to be defective; believing moreover, that in this particular the reasons in favor of the amendment are so impetuous, so to speak every countervailing consideration, I have felt it my duty to offer this proposition to the house. I will endeavor to assign such reasons in favor of the measure, as appear to me most forcible; tho' I fear I shall not be so fortunate as to be able to present them in such form, as to entitle them to a favorable consideration.

In free elective governments much of their stability will depend on such an exercise of the elective franchise as will ensure tranquility in the appointment of their principal officers; at such junctures they will experience their greatest trials. That this has been long a settled opinion will be illustrated by this fact, that it is from this very consideration the advocates of hereditary succession draw their chief argument, and have long succeeded in convincing the world, that to avoid the popular commotion which would flow from the exercise of the elective privilege, it was preferable to commit to chance the appointment of the first magistrate of a nation: Our care cannot, therefore, be too particular in establishing such a mode of choosing our first executive officer on such fair and simple principles as to ensure the most general satisfaction, and thereby the most tranquillity. It will then be of little avail what turn parties or politics may take; if evils be experienced under any course of measures, the people who bear and who feel them will in a short period make the necessary amendment by a fair expression of the public suffrage.

That some uniform method of appointing electors should be adopted, the reason of the case as well as our own short experience demonstrate. This will secure a just equality in the relative weight of the states. Otherwise one state having a regard to the feelings and sentiments of the majority will divide in its vote in proportion as political opinions are divided; giving only a fair balance in the electoral scale; while a sister state equally if not more divided in opinion on national politics, will give an undivided vote in the opposite scale. It requires no calculation to see that in this way a man may be elected to the first office of the nation by a minority of votes of the people, while an opposing candidate with two thirds of the weight of public sentiment in his favor will be rejected. That this is unjust is as evident as that the rights of men are equal. I am aware of the answer which may be made to this; that the inequality may be prevented by each state imitating the example of those states that adopt a mode of giving a united vote. This may be done; and from this idea of self-defence, rather

than from any belief of its abstract propriety, many of the states have been driven into the measure. The question again returns; if the states are obliged to resort (as some of them will reluctantly, I know) to a system of preserving their proportional weight why not establish at once a fair, equal and uniform rule upon this subject? a rule which every man's justice and good sense will approve, and which will appear most congenial with our free form of government. If by this rule any state will gain or lose in relation to its present comparative weight, it will lose only what in justice it ought.

It illy comports with the dignity of the real interests of this great confederacy to suffer this struggling among the states for the advantages over each other. Yet so long as the subject is left at large, contending parties will resort to it for present purposes. Ought we not then to fix a regular system which shall overlook the little interests of the moment, and such as will be just and fair under any change of circumstances and in the remotest times?

We must expect much agitation in the public mind at the approach of each period of election, as well from contending parties in the same state, as from the states themselves. The majority will endeavor to secure an individual vote to the candidate they may espouse, and to leave the minor division unheard in the college of electors; while this will be resisted with all the art and insinuation a minority can command, even to the hazard of losing the vote of the state entirely. This will be the ground of much crimination and recrimination, which naturally produce an irritation in the public feelings always unpleasant and often dangerous.

At the eve of our elections sudden changes will be made, or attempted, to answer the emergency. One instance will be used as a precedent for others less justifiable, until the people will have lost all confidence in the exercise of this important suffrage.—We need only look back to our late election for evidence of this. In the state of New Jersey, at the moment when the people were about to exercise their long accustomed rights of voting for the electors, the General Assembly met, and deeming it not prudent to trust the election to the vote of the people, repealed the law on the subject, and vested that power in their own body, and accordingly appointed their own electors. When these cases occur at this day, what may we expect when the parties are more virulent and meaner virtuous. About the same time this subject was long disputed between the two branches of the Assembly of Massachusetts. After much disagreeable jarring it happened that a compromise was effected between the two houses, each having insisted on the best terms which it could get for the purposes of their respective parties. I have been informed that a similar difference existed between the two houses of the Pennsylvania legislature on a former occasion, and that it was not until the time had nearly elapsed that a compromise was effected; and the votes of the state saved. It is not pretended that these compromises, were settled on the fair principles of public sentiment. They were mere bargains in which the parties were only influenced by a view to their own purposes.

To shew the preference of a regular plan, not liable to sudden changes, where it will become consecrated by usage, I would instance the state to which I have the honor to belong.—In N. Carolina almost ever since the government commenced, the method proposed by this resolution has prevailed. In consequence of which, the most perfect harmony had been kept up. If in any district an election was warmly contested, this caused no excitement beyond the limits of the particular district; and within each district the contest was soon ended; the failing would rest contented under the reflection that the suffrages were fairly weighed. Different parties would

prevail in different districts, in proportion to the political divisions which might exist; and of course no political party in the general result was exclusively gratified, each shared in the gratification of success whenever their importance entitled them to it. Previous to the last election, however, the accustomed mode was changed, and the power of choosing electors for the time, was given to the succeeding legislature. This change caused more agitation over the state than had been witnessed since the government commenced. At the session of the legislature when this power was to be exercised, it was not without much difficulty and much disagreeable debate and irritation that they made the choice of electors.—After which the former district plan was re established, and a resolution passed by a unanimous vote in both branches recommending the principle of the amendment now proposed, extending it also to representatives.

While this election is left to the regulation of the state legislatures, it will have a necessary tendency to intermix state and general politics. In most states the regular duties of legislation are of a different character from the subject of national politics, and therefore should not be confused together. A state will better attend to its internal affairs where its legislature is as little as possible engaged in forming electoral tickets or planning modes of election favorable to political views.

I have confined my remarks to the reasons why it would be advisable to have some uniform fixed mode, on fair principles. I would urge as a particular reason for viewing the Presidential election as important in relation to the regularity and harmony of conducting it, the coincidence of time throughout the nation. Every state being engaged at the same moment in the same choice, the commotion may therefore be more general and dangerous than that which may attend such occasions in more limited sections.

In enquiring what mode will be most advisable to establish as a uniform rule for the appointment of electors, but three plans present themselves: That by the vote of the people in districts, as proposed; an election by a general ticket; an appointment by the vote of the state legislatures. These are the only modes, one or other of which the several states have had in use.

The plan now presented appears to me most congenial with the free spirit of our government, and the most fair and simple in its operation if we still retain our first political maxim, that 'all legitimate power is derived from the people,' it must result that the direct channel through which this power can be conveniently communicated is so direct as that by which a man makes his own ticket, and votes it—no mode is more convenient than that by a single district. No qualification of suffrage will be so reasonable as that which adopts the rule which the states have prescribed:

In each district the candidates will most probably be known either in person or character to the people, and they will know the interests of the people, whose opinions they propose to represent, and the persons to whom they will be responsible for faithfully performing their trust. Every section of our great community, however diversified in interest, will be distinctly heard in the choice of the person who is to administer the laws.—This being fair to all interests and parties, will most probably produce general satisfaction. If different sentiments or interests exist in any state, those sentiments or interests should in their proper proportion be put into the national scale, and the fair result of the whole will point out the true national representation.

Political parties will be less sectional than in any other plan, where each single district gives a district vote, the political character of the votes

will not so probably be identified by geographical sections, but more interspersed over all sections of the country. When the states give an entire vote it may frequently happen that each end of the union will give a united vote in opposition to the other, as was nearly the case at the last Presidential election. This happening to be the case habitually for a few periods, the political parties will gradually assume a geographical character. A man elected by the entire votes of one end of the Union will be looked at by the other end not as the representative of the nation, but rather as the head of the party, and that party a local sectional one.

In the district plan no caucus or self-appointed committee will be required to form a ticket for the state, which is indispensable in any other more general mode of popular election, for otherwise a general concert in selecting could not well take place. The people will be free from the imposing influence of a nominated ticket, and will be able to fix on their own candidates with a fair prospect of success. Nor will they be liable to imposition by spurious tickets, where every man will know the person for whom he votes; very different will be the case where a collective number of candidates are named on the same ticket with all of whom, very few individuals in any one section of the state will be acquainted; then a ticket will gain currency by the title that may be endorsed on it, or the name of some prominent character placed at the head of the list. From this circumstance much fraud may be practised with effect; as it will be very difficult to detect impositions that may be offered at the various election grounds in a state. This kind of imposition was, if my information is correct, practised in the state of Ohio at the last presidential election, by which two separate tickets were introduced purporting to be for the same candidate, which had the effect of divesting from him a part of his support, though to a small extent.

An important advantage of district elections is that the agitation attending these occasions, however highly excited, will be confined to the limits of detached districts, and will be unknown and unfelt elsewhere. The general tranquility of the state will remain undisturbed by any general cause of excitement. I may add, the comparatively small importance of a single election, will render it extraordinary exertion; and therefore in the same limits the momentum of public agitation will be less, than when the general result was to give the united votes of the state.

In a state having any tolerable division of political sentiment, there will probably be a variance as to the results in the different districts which will be gratifying to the one side & the other respectively, wherever the one or the other may have the most relative weight. And from this mutual satisfaction we are to expect more general tranquillity, than when the heart-burnings of disappointment are applied exclusively to one political denomination in the state, while triumph of success exclusively attends the others. It is a rule of policy which applies to all public measures, and more especially to the concerns of a nation, that next to the object of acting rightly is that of rendering general satisfaction.

Elections will be best secured against intrigue and corruption where this power is exercised by the scattered freemen at large. Where this trust is centered as it were in a single point, by a legislative vote, designing men will have more inducement to offer corrupt influence; and in times less virtuous a few powerful men may be able to effect the elevation of an individual whom the nation may believe to be unworthy.

The proposed method will arrive the nearest at a fair equality between the relative weight of the states, respect being had to the proportional division of political interest that may

prevail. I admit, at first view, that this would seem to give an advantage to the small states, inasmuch as the balance of votes in a small state may be equal, or may exceed those of a large one. This, however, will never exist but where the equality of political parties in the latter will be such as nearly to neutralise the state, when it will be just. Where a state is precisely divided in its votes, it stands neutral, and no man can say it ought not. If this be just, then in proportion as the equality diminishes even until it approaches a unanimity, in that proportion only ought the majority to prevail in the college of electors.

By any mode of giving an entire vote to each state, the will of the majority of the people of the nation is not certain to prevail, unless the division of public sentiment shall be in the same proportion in each. A state, however divided, will give the same united vote with a state however unanimous. Suppose two states were left to decide the election of a President, all the other states having given an equal vote to A and to B. The one state entitled to 19 the other to 20 electors. The smaller state were unanimously in favor of A's election and also nine twentieths of the larger—the eleven twentieths of the larger state only being in favor of B. What would be the result? Though A will have 28 votes, and B only 11, yet by a general vote B will be elected. Though a minority will in every mode be left, yet it requires no calculation to see that in single districts this will be the smallest possible.

There is in most states some diversity of political interest, and in no other way can each be heard than by a district election.

In the mode of appointment by a Legislative vote, this privilege is necessarily removed a degree farther from the people, who are the fountain of political power. And in the election by general ticket the power is virtually removed still more remotely from them. For this ticket must of necessity be formed by a caucus of the state assembly or by some other collection of individuals. This nomination in a state though not obligatory yet, it is not in the power of the people to oppose it successfully, tho' a part of the whole of the persons named should be obnoxious, unless by a similar concert of other individuals who may take upon themselves to manufacture a ticket in opposition, and in reality the only alternative with the voter, is either to decline his right of vote with possibility of effect, or give his aid to one or other of the manufactured tickets.

A reason against any mode of giving the undivided votes of the states, of all others the most important, and most affecting the vital existence of the union, is its tendency towards a geographical severance of parties. By the principle of self-defence all the states must adopt such a mode, unless an uniform plan is established; indeed they have nearly all so acted at the last election as to give unanimous votes; and by this means a whole section of the union, with a small exception, voted for one individual, while the opposite section supported his opponent; and these sections are divided by regular state lines. Now does a chief magistrate so elected appear to represent the whole union?—And will not a small number of repetitions of such events naturally draw the opposite parties in looking toward their opponents to look directly across this divisional line? The states North and East of Pennsylvania and Maryland, with the exception of one small state, were by the manner of voting, unanimously opposed in the election of the candidate who succeeded; while the states south and west were entirely unanimous in his favor. This seems evidently a direct advance toward a separation of parties by geographical boundaries; for the irritation occasioned by mutual charges and recriminations will gradually lead to settled hatred and jea-