

An American Citizen, On the Federal Government I, II, III, Independent Gazetteer, 26–29 September

These essays by Tench Coxe were the first major defenses of the Constitution published in the United States. They were printed in the *Independent Gazetteer* on 26, 28, and 29 September, and reprinted in the *American Museum*, the *Pennsylvania Gazette*, and the *Carlisle Gazette* by 7 November. The *Philadelphische Correspondenz* printed German translations of the first essay on 13 November, the second on 20 November, and the third probably on 27 November, in an issue not extant. The three essays were reprinted, with a fourth essay by Coxe, in an anthology, *Addresses to the Citizens of Pennsylvania*, 21 October. See Coxe to Madison, 21 October, II-C below; and CC:100 A-C, 109, 112, 183 A-C for national distribution.

An American Citizen I

It is impossible for an honest and feeling mind, of any nation or country whatever, to be insensible to the present circumstances of America. Were I an East Indian, or a Turk, I should consider this singular situation of a part of my fellow creatures, as most curious and interesting. Intimately connected with the country, as a citizen of the Union, I confess it entirely engrosses my mind and feelings.

To take a proper view of the ground on which we stand, it may be necessary to recollect the manner in which the United States were originally settled and established. Want of charity in the religious systems of Europe and of justice in their political governments were the principal moving causes which drove the emigrants of various countries to the American continent. The Congregationalists, Quakers, Presbyterians and other British dissenters, the Catholics of England and Ireland, the Huguenots of France, the German Lutherans, Calvinists, and Moravians, with several other societies, established themselves in the different colonies, thereby laying the ground of that catholicism in ecclesiastical affairs, which has been observable since the late Revolution. Religious liberty naturally promotes corresponding dispositions in matters of government. The constitution of England, [139] as it stood on paper, was one of the freest at that time existing in the world, and the American colonies considered themselves as entitled to the fullest enjoyment of it. Thus when the ill-judged discussions of latter times in England brought into question the rights of this country, as it stood connected with the British Crown, we were found more strongly impressed with their importance and accurately acquainted with their extent, than the wisest and most learned of our brethren beyond the Atlantic. When the greatest names in Parliament insisted on the power of that body over the commerce of the colonies, and even the right to bind us in all cases whatsoever, America, seeing that it was only another form of tyranny, insisted upon the immutable truth, that taxation and representation are inseparable, and while a desire of harmony and other considerations induced her into an acquiescence in the commercial regulations of Great Britain, it was done from the declared necessity of the case, and with a cautious, full and absolute saving of our voluntarily suspended rights. The Parliament was persevering, and America continued firm till hostilities and open war commenced, and finally the late Revolution closed the contest forever.

Tis evident from this short detail and the reflections which arise from it, that the quarrel between the United States and the Parliament of Great Britain did not arise so much from objections to the form of government, though undoubtedly a better one by far is now within our reach, as from a difference concerning certain important rights resulting from the essential principles of liberty, which the constitution preserved to all the subjects actually residing within the realm. It was not asserted by America that the people of *the island of Great Britain* were slaves, but that *we*, though possessed absolutely of the same rights, were not admitted to enjoy an equal degree of freedom.

When the Declaration of Independence completed the separation between the two countries, new governments were necessarily established. Many circumstances led to the adoption of the republican form, among which was the predilection of the people. In devising the frames of government it may have been difficult to avoid extremes opposite to the vices of that we had just rejected; nevertheless many of the state constitutions we have chosen are truly excellent. Our misfortunes have been, *that in the first instance we adopted no national government at all*, but were kept together by common danger only, and *that in the confusions of a civil war we framed a federal constitution now universally admitted to be inadequate to the preservation of liberty, property, and the Union*. The question is not then how far our state constitutions are good or otherwise—the object [140] of our wishes is to amend and supply the evident and allowed errors and defects of the federal government. Let us consider awhile, that which is now proposed to us. Let us compare it with the so much boasted British form of government, and see how much more it favors the people and how completely it secures their rights, remembering at the same time that we did not dissolve our connection with that country so much on account of its constitution as the perversion and maladministration of it.

In the first place let us look at the nature and powers of the head of that country, and those of the ostensible head of ours.

The British king is the great bishop or supreme head of an established church, with an immense patronage annexed. In this capacity he commands a number of votes in the House of Lords, by creating bishops, who, besides their great incomes, have votes in that assembly, and are judges in the last resort. They have also many honorable and lucrative places to bestow, and thus from their wealth, learning, dignities, powers and patronage give a great luster and an enormous influence to the Crown.

In America our President will not only be *without* these influencing advantages, *but they will be in the possession of the people at large, to strengthen their hands in the event of a contest with him*. All religious funds, honors and powers are in the gift of numberless, unconnected, disunited, and contending corporations, wherein the principle of perfect equality universally prevails. In short, danger from ecclesiastical tyranny, that longstanding and still remaining curse of the people—that sacrilegious engine of royal power in some countries, can be feared by no man in the United States. In Britain their king is for life. In America our President will always be *one of the people* at the end of four years. In that country the king is hereditary and may be an idiot, a knave, or a tyrant by nature, or ignorant from neglect of his education, yet cannot be removed, for “*he can do no wrong*.” In America, as the President is to be one of the people at the end of his short term, so will he and his fellow citizens remember, *that he was originally one of the people; and that he is created by their breath*. Further, he cannot be an idiot, probably not a knave or a tyrant, for those whom nature makes so, discover it before the age of thirty-five, until which period he cannot be elected. It appears we have not admitted that he can do no wrong, but have rather presupposed he may and will sometimes do wrong, by providing for *his impeachment, his trial, and his peaceable and complete removal*.

In England the king has a power to create members of the upper house, who are judges in the highest court, as well as legislators. Our President not only cannot make members of the upper house, but [141] their creation, like his own, is by *the people* through their representatives, and a member of assembly may and will be as certainly dismissed at the end of his year for electing a weak or wicked Senator, as for any other blunder or misconduct.

The king of England has legislative power, while our President can only use it when the other servants of the people are divided. But in all great cases affecting the national interests or safety, his modified and restrained power must give way to the sense of two-thirds of the legislature. In fact it amounts to no more, than a serious duty imposed upon him to request both houses to reconsider any matter on which he entertains doubts or feels apprehensions; and here the people have a strong hold upon him *from his sole and personal responsibility*.

The president of the upper house (or the chancellor) in England is appointed by the king, while our Vice President, who is chosen by *the people* through the Electors and the Senate, *is not at all dependent on the President*, but may exercise equal powers on some occasions. In all royal governments an helpless infant or an inexperienced youth may wear the crown. *Our President must be matured by the experience of years*, and being born among us, his character at thirty-five must be fully understood. Wisdom, virtue, and active qualities of mind and body can alone make him the first servant of a free and enlightened people.

Our President will fall very far short indeed of any prince in his annual income, which will not be hereditary, but *the absolute allowance of the people passing through the hands of their other servants from year to year as it becomes necessary*. There will be no burdens on the nation to provide for his heir or other branches of his family. Tis probable, from the state of property in America and other circumstances, that many citizens will exceed him in show and expense, those dazzling trappings of kingly rank and power. He will have no authority to make a treaty without *two-thirds of the Senate*, nor can he appoint ambassadors or other great officers *without their approbation*, which will remove the idea of *patronage and influence*, and of personal obligation and dependence. The appointment of even the inferior officers may be taken out of his hands by an act of Congress at any time; he can create no nobility or titles of honor, nor take away offices during good behavior. *His person is not so much protected as that of a member of the House of Representatives; for he may be proceeded against like any other man in the ordinary course of law*. He appoints *no officer of the separate states*. He will have no influence from *placemen in the legislature*, nor can he prorogue or dissolve it. He will have no power *over the treasures of the state*; and [142] lastly, as he is created through the Electors by the people at large, *he must ever look up to the support of his creators*. From such a servant with powers so limited and transitory, there can be no danger, especially when we consider the solid foundations on which our national liberties are immovably fixed by the other provisions of this excellent Constitution. Whatever of dignity or authority he possesses is a *delegated part of their majesty and their political omnipotence, transiently vested in him by the people themselves for their own happiness*.

An American Citizen II

We have seen that the late Honorable Convention, in designating the nature of the chief executive office of the United States, *have deprived it of all the dangerous appendages of royalty*, and provided for the frequent expiration of its limited powers. As our President bears no resemblance to a king, so we shall see the Senate have no similitude to nobles.

First then not being hereditary, their collective knowledge, wisdom and virtue are not precarious, *for by these qualities alone are they to obtain their offices*; and they will have none of the *peculiar follies and vices* of those men who possess power merely because their fathers held it before them, for they will be educated (under equal advantages and with equal prospects) among and on a footing with the other sons of a free people. If we recollect the characters, who have, at various periods, filled the seats of Congress, we shall find this expectation *perfectly reasonable*. Many young men of genius and many characters of more matured abilities, without fortunes, have been honored with that trust. *Wealth has had but few representatives there, and those have been generally possessed of respectable personal qualifications*. There have also been many instances of persons, not eminently endowed with mental qualities, who have been sent thither *from a reliance on their virtues, public and private*. As the Senators are still to be elected by the legislatures of the states, there can be no doubt of *equal safety and propriety* in their future appointment, especially as no further pecuniary qualification is required by the Constitution.

They can hold no other office civil or military under the United States, nor can they join in *making provisions for themselves*, either by creating new places or increasing the emoluments of old ones. As their sons are not to succeed them, they will not be induced to aim at an increase or perpetuity of their powers, at the expense of the liberties of the people of which those sons will be a part. They [143] possess a *much smaller share of the judicial power* than the upper house in Britain, for they are not, as there, the highest court in civil affairs. Impeachments alone are the cases cognizable before them, and in what other place could matters of that nature be so properly and safely determined? The judges of the federal courts will owe their appointments to the President and Senate, therefore may not feel so perfectly free *from favor, affection and influence* as the upper house, who receive their power from the people, through their state representatives, and are immediately responsible to those assemblies, and finally to the nation at large. Thus we see when a daring or dangerous offender is brought to the bar of public justice, the people *who alone can impeach him by their immediate representatives* will cause him to be tried, *not by the judges appointed in the heat of the occasion*, but by two-thirds of a select body, chosen a long time before, for various purposes by the collected wisdom of their state legislatures. From a pretense or affection of extraordinary purity and excellence of character *their word of honor* is the sanction under which these high courts in other countries have given their sentence. But with us, like the other judges of the Union, like the rest of the people of which they are never to forget they are a part, it is required that they be on oath.

No ambitious, undeserving or unexperienced youth can acquire a seat in this house by means of the most enormous wealth or most powerful connections, *till thirty years have ripened his abilities and fully discovered his merits to his country*—a more rational ground of preference surely than mere property.

The Senate, though more independent of the people as to the *free exercise of their judgment and abilities* than the House of Representatives, by the longer term of their office, must be older and more experienced men, and the public treasures, *the sinecus of the state*, cannot be called forth by their original motion. They may *restrain the profusion or errors of the House of Representatives, but they cannot take the necessary measures to raise a national revenue*.

The people, through the Electors, *prescribe* them such a President as shall be best qualified to control them.

They can only, by conviction on impeachment, *remove and incapacitate a dangerous officer*, but the punishment of him as a criminal remains *within the province of the courts of law to be conducted under all the ordinary forms and precautions*, which exceedingly diminishes the importance of their judicial powers. They are detached, as much as possible, from local prejudices in favor of their respective states by having a *separate and independent vote*, for the sensible and conscientious use of which, every member will find [144] *his person, honor and character* seriously bound. He cannot shelter himself, *under a vote in behalf of his state*, among his immediate colleagues. As there are only two, he cannot be voluntarily or involuntarily governed by the majority of the deputation. He will be obliged, by wholesome provisions, to attend his public duty, and thus in great national questions *must give a vote* of the honesty of which he will find it necessary to convince his constituents.

The Senate *must always receive the exceptions of the President* against any of their legislative acts, which, without serious deliberation and sufficient reasons, they will seldom disregard. They will also feel a considerable check from the constitutional powers of the state legislatures, whose rights they will not be disposed to infringe, since they are the bodies to which they owe their existence, and are moreover to remain the immediate guardians of the people.

And lastly the Senate will feel the *mighty check of the House of Representatives*—a body so pure in its election, so intimately connected, by its interests and feelings, with the people at large, so guarded against corruption and influence—so much, from its nature, above all apprehensions, that it must ever be able to maintain the high ground assigned to it by the Federal Constitution.

An American Citizen III

In pursuing the consideration of the new Federal Constitution, it remains now to examine the nature and powers of the House of Representatives—the immediate delegates of the people.

Each member of this truly popular assembly will be chosen by about six thousand electors, *by the poor as well as the rich*. No decayed and venal borough will have an unjust share in their determinations. No old Sarum will send thither a Representative by the voice of a single elector.^(a) As we shall have no royal ministries to purchase votes, so we shall have no votes for sale. For the suffrages of six thousand enlightened and independent freemen are above all price. When the increasing population of the country shall render the body too large at the rate of one member for every thirty thousand persons, they will be returned at the greater rate of one for every forty or fifty thousand, which will render the electors still more incorruptible. For this regulation is only designed to prevent a smaller number than thirty thousand from having a Representative. Thus we see a provision follows, that no state shall have less than one member; for if a new and greater number should hereafter be fixed on, which shall exceed the whole of the inhabitants of any state, such state, without this wholesome provision, would lose its voice in the House of Representatives, a circumstance which the Constitution renders impossible.

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The people of England, whose House of Commons is filled with military and civil officers and pensioners, say their liberties would be perfectly secured by triennial parliaments. *With us no placemen can sit among the Representatives of the people, and two years are the constitutional term of their existence*. Here again, lest wealth, powerful connections, or even the unweariness of the people should place in this important trust an undeserving, unqualified or inexperienced youth, the wisdom of the Convention has proposed *an absolute incapacity fill the age of twenty-five*. At twenty-one a young man is made the guardian of his own interests, *but he cannot for a few years more be entrusted with the affairs of the nation*. He must be an inhabitant of the state that elects him, that he may be intimately acquainted with their particular circumstances. The House of Representatives is not, as the Senate, to have a president chosen for them from without their body, but are to elect their speaker from their own number. They will also appoint all their other officers. In great state cases, they will be the grand inquest of the nation, for they possess the sole and uncontrollable power of impeachment. They are neither to wait the call nor abide the prorogations and dissolutions of a perverse or ambitious prince, for they are to meet at least once in every year, and sit on adjournments to be agreed on between themselves and the other servants of the people. Should they differ in opinion, the President, who is a prevent their constitutional meeting within the year. They can compel the attendance of their members, that their public duty may not be evaded in times of difficulty or danger. The vote of each Representative can be always known, as well as the proceedings of the House, *that so the people may be acquainted with the conduct of those in whom they repose so important a trust*. As was observed of the Senators, they cannot make new offices for themselves, nor increase, for their own benefit, the emoluments of old ones, *by which the people will be exempted from needless additions to the public expenses on such sordid and mercenary principles*. They are not to be restrained from the firm and plain language which becomes the independent representatives of freemen, *for there is to be a perfect liberty of speech*. Without their consent no monies can be obtained, no armies raised, no navies provided. They alone can originate bills for drawing forth the revenues of the Union, and they will have a negative upon every legislative act of the other house. So far, in short, as the sphere of federal jurisdiction extends, they will be controllable only by the people, and in contentions with the other branch, so far as they shall be right, they must ever finally prevail.

Such, my countrymen, are some of the cautionary provisions of [146] the frame of government your faithful Convention have submitted to your consideration—such the foundations of peace, liberty and safety, which have been laid by their unwearyed labors. They have guarded you against all servants but those “whom choice and common good ordain,” against all masters “save preserving Heaven.”

^(a) This is the case with that British borough.