NATIONAL INTELLIGENCER,

AND

WASHINGTON ADVERTISER.

Vol. IV. WASHINGTON CITY, PRINTED BY SAMUEL HARRISON SMITH, PENNSYLVANIA AVENUE. *No. D.*

Five Dolls. Per Ann. WEDNESDAY, JANUARY 4th, 1804. *Paid in advance.*

CONGRESS.

HOUSE OF REPRESENTATIVES.

THURSDAY, December 8.

Debate on the AMENDMENT to the CONSTITUTION.

(Continued.)

Mr. G. W. CAMPBELL. When this resolution came from the Senate to this House, it was not my intention to have spoken on the subject. I had determined to vote in favor of it, and let the measure itself justify my conduct in so doing. But so much has been said, on this floor, with regard to the interests of small and large states, and the effect which it is insisted this resolution will have on the rights of the former, that I conceive it my duty, having the honor to represent, (in part) one of those small states, to state some of the reasons that induce me to vote for the resolution, and to be of opinion, that its adoption will not, in the manner contended for, infringe the rights of the small states, or diminish their relative weight in the general government—I am, sir, of opinion, that our government was formed by the people of the United States, in their capacity as such, by their immediate representatives in the general convention in their state capacities. The words of the constitution are "we the people of the United States, in order to form a more perfect union, &c." and not we the United States in our state capacity, which I presume would have been the language used, had the framers of the constitution intended to have formed a government for the states united in their state capacities—and though the state-interests as such, are regarded in our government, and their sovereignties represented, whereby it may be considered as partaking in some degree of the federative principle, yet this will not prove our constitution to be a confederation of states, in the extent contended for in their state capacities; but only shews that the framers of the constitution intended by thus regarding the state rights and sovereignties as such, to qualify and limit the operations of the general government, with regard to the several state governments, and their respective interests and rights. The laws that are made by the general government are binding on the people of the United States at large, and not on the state governments; for though the state governments are limited by, and bound not to violate the constitution of the United States, yet they certainly cannot be controlled, or in any manner bound by the legislative acts of the government. This I conceive shews, in a very strong manner, that the union is not a mere confederation of states. And considering the subject in this view, will not tend to produce a consolidation of the general government so as to incroach upon the rights of the state sovereignties; for the operations of the general government being felt by the people, only in their individual capacities, the state governments will not be affected thereby, so as to infringe their powers, or endanger their independence; provided the general government in exercising its legislative powers, keep within those bounds prescribed to it by the constitution; and does not assume the right of legislating on subjects that properly belong to, and recognizable by the respective state governments—I will here observe, that the object of every free government, is to lay down a rule of conduct for the people who live under it, by the observance of which, their general welfare and happiness may be promoted. Whenever, therefore, the intentions of the people in framing their government, can be ascertained, I conceive it the duty of those who administer the government, to pursue those intentions as nearly as possible. I have always considered it to be the intentions of the framers, of the constitution, and the true spirit of that instrument, that the chief magistrate shall be chosen by the people, through their electors, and not by the states represented in this House, and that the provision for electing the president, by the House of representatives, in case no election should be made by the electors, was intended to guard against an event that might happen which if unprovided for, would stop the operations of government: and not as a mode of election that was desired by any portion of the union, or contemplated to be introduced, when it could be avoided. I conceive, therefore, such measures ought to be adopted as would prevent as much as possible the necessity of resorting to that mode of election. It is certainly of primary importance that the people should have that person to govern them, that possesses their confidence in the highest degree—In him they will repose the protection of their rights and the security of their interests; and will acquiesce with the greater readiness in the just measures he may pursue—It will, I presume, be admitted, that in all free governments, the will of the majority must be considered, for the purposes of government as the will of the nation, and that it ought, therefore, to prevail, and control the will of the minority, when opposed to it. This I conceive, sir, is a fundamental principle in our government.—I am therefore of opinion, that whatever part of our constitution is found in its operations to contravene this principle, ought to be altered, and so modified that the will of the majority of the people should be pursued. This I conceive, sir, is the case, with that part of the constitution prescribing the mode of electing the President and Vice President now proposed to be amended; it puts it in the power of the minority to control the will of the majority, and elevate a man to the Presidential Chair, who did not receive a vote from the majority for that office. According to the present provision of the constitution, two persons are voted for by the electors for President and Vice-President, without designating which of them is voted for as President and which as Vice President—Suppose the majority nominate two candidates, the one intended for President and the other for Vice-President, and vote for them accordingly—It is well known that the electors, who are presumed to express the will of the people, have in view, at the time they vote, which of those persons they intend shall be President, and which Vice President, though they are not permitted so to designate them in voting. In this case the minority, by voting for the person intended by the majority to be the Vice-President, and not voting for the person by them intended to be President, will contravene the intentions of the majority, and place in the Presidential Chair, a person not designed by the majority or by one of them for that office, nor in most cases agreeable to the minority, but preferred by them in consequence of not possessing, in so high a degree the confidence of the majority, as the person by them intended for President, and therefore most likely to favor the measures of the majority—And the person thus elected would, in all probability, become suspected by both parties, and possess the confidence of neither. Hence a very serious inconvenience would arise, the majority, being disappointed, would become dissatisfied, and the minority would not have the man of their choice; but one from whom they expect some favor, in consequence of having contributed to his elevation; and it is confidently believed, the peace of the nation would in such a case be more endangered, than if a person decidedly the choice of the minority, as President, had been elected to that office. To avoid these and many other inconveniences likely to arise from the present mode of electing the chief magistrate of the nation, I am decidedly of opinion, that the electors ought to designate by name the person they vote for as President, and the person they vote for as Vice President. By this mode, a fair and unequivocal expression of the public will may be obtained, and will have its due weight—the man declared best qualified by the general voice of the nation, to direct the government, will by that voice be placed in the presidential chair—he will be more likely than any other to give general satisfaction in conducting the affairs of state; and this will very much contribute to promote the general welfare and happiness of the people.

I will notice another reason here, which I have not heard mentioned, that in my view has considerable weight in proving the expediency of adopting the designating principle. I am of opinion, the election of the chief magistrate of a nation ought not to be left in such uncertainty, that it would depend on a mere casualty or chance, who should be the person chosen to that office. This is the case, according to the present constitutional provision for electing the President. A difference of opinion among the majority, with regard to the person who shall be Vice President, or a greater unanimity in their choice of a person as Vice President, than in that of President, may contrary to the design of the electors, by giving the person designed as Vice President the greatest number of electoral votes (though all were given with the view of making him Vice President only) operate to the exclusion from the chair of state, of the person intended by the majority, (and also of the person wished for by the minority) to fill that place, and elevate to the first magistracy a man who did not receive one electoral vote from either party with the design of putting in his hands the reins of government. This I conceive, sir, is contrary to the representative principle in government, which I understand to be, that the sense of the nation should be made known, by a fair, and unequivocal expression of the public will, and when thus made known should *govern*. But it has been said that the minority ought to have some share in the government, and have a chance of obtaining the man of their choice to fill the second office in government if they should not expect to succeed in electing him to the first, or at least, that they should have an opportunity of voting for that person as chief magistrate, that might be their choice of the two persons nominated by the majority, to fill the office of President and Vice President, and it is stated that the present mode of voting for those officers, without designation, is calculated to answer these purposes. I am, sir, of opinion the voice of the minority should be expressed, and fairly heard in government, and that it should have its due weight consistent with the principles on which that government is founded; but I am not willing that the minority should rule the nation, or have it in their power to defeat the will of the majority, as I conceive this would sap the very foundation of our government; and the present mode of electing the President and Vice President, without designation, cannot strengthen the minority, or give them a share in the administration of government, in any other way than by enabling them to contravene the will of the majority.—They have not thereby a fairer prospect of obtaining the person of their choice to fill the second office in our government, than they have to fill the first—to succeed in their choice as to either, they must, probably vote for those nominated by the majority—and the ultimate consequence is, that if they succeed, the majority must yield to their wishes, therefore, according to the present mode of election, the major part of society have only the power of nominating, and it will, in most cases, rest with the minor part to make the election from such nomination. This I conceive, sir, does not accord with the general sense of the American nation in theory, and will not operate more to the general satisfaction in practice. But it is insisted the proposed amendment is calculated to infringe the rights of the small states—that they have certain advantages secured to them by the present provision of the constitution, directing the electors of President and Vice President to vote for two persons without designation—and in requiring the votes in the House of Representatives, for President, to be given by states, in case the event should bring the election into that House, and also, in that the President is to be chosen in such event from the five highest on the list of those voted for. These provisions are said to constitute a part of the original compact between the states, and it is insisted, that although this amendment preserves the right of voting by states in this House, yet it diminishes the chances of the election coming into this House, and changes the number of persons from whom the President is to be chosen in such an event, from the five highest on the list, to the *persons* having the highest numbers not exceeding three, on the list of those voted for as President, and thereby, it is pretended to affect the interests of the small states, as they will not so frequently have the opportunity of exercising the power of voting for President by states, should this amendment be adopted, as they otherwise would have had; and also in that they will be more limited in the number from whom the choice is to be made. These are the only arguments I have heard advanced on this part of the subject by the opposite side of the House, that appear to me to possess sufficient plausibility to merit an examination, and these it is confidently believed, upon a fair investigation, will not support the objections made to this amendment, on the ground of its affecting the interests of the small states.

It is certainly true, that our constitution in some of its features, partakes of the nature of a compact bottomed on a compromise of powers and rights, between the small and large states; and this compromise will be found to be confined chiefly, to the share, which the several states have in the national legislature, and the consequent effect, which that modification produces with regard to the number of electors of President and Vice-President to which each state is entitled, according to the provisions of the constitution; but it will not follow, as a necessary consequence, that the right of voting by states in this House for President, (in the event of the choice being left to the House) was considered as an advantage granted to the small states in order to induce them to come into the union. I cannot be of opinion that this was considered by the convention who formed the constitution, as an equivalent, given to the small states for any rights or powers by them surrendered to the general government. If the small states considered it so, they must have esteemed those rights and powers, thus surrendered, of very small importance indeed. For the event in which, they could have the opportunity of exercising the right this mode of election secures to them, (of voting by states) is extremely uncertain and might not occur once in a century. And though it has once happened, it is evident, the small states did not in that case unite, nor did the interests of large and small states seem to be taken into view as opposed to each other. But, Sir, let me ask what real benefit can the small states expect to derive from this mode of election, more than the large states? Have they the power to bring the election into the House of Representatives at their pleasure? They have not. It is a mere casualty, in which the small states, can have no more agency than the large states. But what interest have the small states in bringing the election into the House of Representatives if it were in their power? Is it very probable that in such an event, there would be a candidate, from either of the small states on the list of those from whom this House would be authorised to chuse the President? I presume it is not.—But is it to be expected, that the small states would in such an event combine so as to succeed in electing a President in opposition to the large states? Would the small states to the east and north-east, unite with those to the south and west? This may be possible, but certainly it is not very probable. Their positions are remote from each other, and each neighbouring on large states; their local interests are different, and they differ in their politics, as much from each other at least, as they do from the large states. I am then, Sir, inclined to conclude, that all the benefit the small states could expect to derive from the election of President coming into this House, would be only the opportunity of throwing their weight and influence, as each of them might feel disposed, into the electoral scales in favour of such of the candidates from the large states, as might be most agreeable to them. And this cannot be deemed such an interest, as would induce the small states, at the least possible hazard of the national tranquility, even to desire such an event. But, I am decidedly of opinion it is the substantial interest of the small states, that the election should be decided by the electors, and not come into this House. It is their interests, that the government should be administered according to its genuine principles, that no jarring interests should so come in collision with each other, as to produce a convulsion in the nation or endanger the fate of the union. So long as this is the case, so long will the small states, and their respective rights, be in perfect security, and if they ever should be in danger, it will be when the bonds of union, between the states are broken asunder, and each left to protect its own interests. But I am of opinion the mode of voting by states is productive of advantages of a different kind from those contended for by the opponents to this amendment.—It was probably intended to guard the interests of the small states in some degree, in case the event should happen of the election coming into this House, and not as an advantage to the small states, that would induce them to endeavor to bring about that event;—it was intended as a wholesome rule in applying a remedy in the case of a possible evil, and not as a measure to invite that very evil that seems to have been dreaded. It was probably considered, by the framers of the constitution, that in case the election came into this House of Representatives, unless the votes were taken by states, the weight and influence of the large states, would render them too powerful for the small—because the large states could, if disposed, more easily act in concert, and unite their powers and influence, in order to effect their purpose, as there would be but few of them necessary to constitute a majority of votes in this House, and it would be more difficult for the small states, being more numerous, and of course their interests more variant, to combine so as to act in concert. To this may be added that the mode of voting by states, is less liable to the inconveniences that might arise from voting *per capita* in so large a body as this is, on such an occasion, which would in some degree partake of the nature of a popular election. From this view of the subject I conceive it will also result, that the framers of the constitution in fixing on the five highest on the list of those voted for as President and Vice-President, as the number of candidates, from whom this House should choose the President, in case the event should render such a choice necessary, could not have intended, thereby to confer any favor on the small states, more than they would have done by fixing on the two, three, or four highest on the list—as it has been shewn that the small states could not be benefited by the election being decided in this House. I am therefore decidedly of opinion, that the relative interests of the large and small states had no influence whatever in fixing the number five in the constitution. But I conceive that number was adopted by the framers of the constitution as the least exceptionable to the states in general, when connected with the present mode of voting for President and Vice-President without designation; according to that mode of election, three persons might have each a majority of the votes of all the electors, and of the whole number of votes be an equal number, (which will be the case at the next election) four persons might divide the votes equally, each having within one of a majority of the whole number of electors appointed: and this is a case that might have been considered as likely to take place, upon the supposition that two persons would be nominated and voted for by one political party, and two other persons by the opposite party—therefore less than the four highest on the list, could not, with any reason, have been adopted, from whom this House should choose the President in case no election was made by the electors; and the framers of the constitution thought it advisable to add one to this number, making the five highest on the list, conceiving in all probability, that this would have an effect to prevent an equality of electoral votes being given for different persons, and thereby be more likely to produce an election by the electors.—It must also be taken into view that from this number of candidates (five) both the President and Vice-President are to be chosen, and on that ground might be considered as small a number as could reasonably have been fixed upon. Here, Sir, I cannot help noticing a circumstance in this debate, which presents to me a very singular aspect—and that is, that most of those who have opposed this amendment on the ground of its affecting the interests of the small states, are representatives from large states. These would seem to become the protectors of the rights of the small states, as if they were not sufficiently tenacious of their own interests. Is this anxiety in those gentlemen for the security of the small states and their rights really serious? or is it intended to awaken the fears of the small states and alarm them in order to defeat the proposed amendment? I trust the representatives of small states will see their true interests, and will not be influenced by such measures. With regard to the verbal criticisms made on the manner in which this resolution is expressed, I deem it unnecessary to enter into any examination of them, except so far as they relate to the number of candidates from whom the President is to be chosen by this House, in case the event should render such a choice necessary.—As the resolution was printed and laid on our tables, the words alluded to are, "*from the persons having the highest number not exceeding three on the list,*" &c. In this, the word number being singular, might occasion some doubt in the construction of this clause, whether the word *three* related to person as its antecedent, or was intended to relate to *number*; but as the words in the resolution as it came from the Senate, and as it is now considered under discussion, are "from the persons having the highest *numbers* not exceeding three on the list, &c. The word *numbers*, being plural,—the word three, must relate to