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CONGRESS.

HOUSE OF REPRESENTATIVES.

FRIDAY, December 9.

Debate on the AMENDMENT to the CONSTITUTION.

(Continued.)

Mr. HOGE having declared himſelf in favor of the principle of deſignation, but adverſe to the other proviſions of the reſolution, moved to recommit it, for for the purpoſe of obtaining the following amendment, "for the term of one year; an extraordinary election of Preſident and Vice Preſident, ſhall be made by electors, who ſhall be choſen in the ſame manner, and ſhall give their votes on the ſame day, as is directed by the conſtitution in the caſe of a regular election of Preſident and Vice Preſident; and in caſe of ſuch extraordinary election, the votes ſhall be tranſmitted to the ſeat of government, and the election aſcertained and concluded in the ſame manner, and if no election ſhall be made by the Houſe of Repreſentatives in the ſame manner as is provided by the conſtitution in relation to the regular election of Preſident and Vice Preſident; and the perſon who ſhall be elected at ſuch extraordinary election, ſhall be the Preſident until the next conſtitutional period of election".

The motion to recommit was loſt—Ayes 40—Noes 68.

Mr. TAGGART. Mr. Speaker, Unaccuſtomed as I am to parliamentary diſcuſſions, I feel a degree of diffidence and embarraſſment to which many others are probably in a great meaſure ſtrangers. I have no intention to enter into a lengthy diſcuſſion, or inveſtigation of the reſolution now before the Houſe. But as I ſtand here in my place the conſtitutional repreſentative of a ſection of the American people, perhaps equal in point of reſpectability to other ſections repreſented on this floor, and as I ſuppoſe ſome of my conſtituents expect that I will, upon certain occaſions, do ſomething more than give a ſilent vote upon ſuch queſtions as may from time to time, come before the Houſe, I requeſt the indulgence of a patient hearing, whilſt I offer two or three reaſons for the vote I ſhall give upon the reſolution under conſideration. I have not the vanity to ſuppoſe that I ſhall be able by any thing I ſhall offer, to influence the members of this Houſe to vote in a different manner from that in which they have already made up their minds. Probably no diſcuſſion which can now take place will alter ſo much as one ſingle vote. I think it likely that the propoſed alteration in the conſtitution, compriſed in the reſolution now before us, will paſs this Houſe by the conſtitutional majority, and I know not but it may be finally ratified by a ſufficient number of ſtate legiſlatures to make it a part of the conſtitution of the United States. If this event ſhould take place, I ſhall, nevertheleſs, feel a ſatisfaction in having done my duty, in endeavouring, though feebly and unſucceſsfully to arreſt the progreſs of a ſpirit of innovation, which I fear, (God grant that my fears may prove groundleſs,) will undermine, and finally deſtroy our national compact.

I have not heretofore been particularly hoſtile to what is called the mere deſignating principle. I have ſometimes enquired within myſelf, what good reaſons could be aſſigned why the convention which framed the conſtitution, left that article in its preſent form? It never having been a ſubject of inveſtigation in the ſmall circle of my acquaintance, I viewed it as a matter of but little conſequence either one way or the other, and I am perſuaded that heretofore, this inattention to the merits of the queſtion has been general in the part of the country to which I belong. But after ſeriouſly reflecting upon the ſubject, and attending to the diſcuſſions which have taken place in this Houſe, both upon a former occaſion, and ſince the reſolution was tranſmitted from the Senate, as well as attending occaſionally to the debates in that body, I have received that evidence which, in the view of my mind, has more weight than a thouſand metaphyſical arguments, that the conſtitution ought not to be meddled with. When I have beheld the many difficulties and perplexities attending every attempt to adjuſt the propoſed alterations to the various bearings of the other parts of that inſtrument, I have been led to admire the wiſdom and diſcernment of the framers, as well as to have a more realizing ſenſe, both of the difficulty and danger of innovating. Innovations in a national ſyſtem, I humbly conceive ought never to be admitted without the moſt imperious neceſſity. They are, at all times, a matter of hazardous experiment. But where is the imperious neceſſity in the preſent caſe? I truſt it does not exiſt. If our national ſyſtem is, in the main a good one, though it may not in every particular completely meet the wiſhes of every individual, or even of every ſtate in the union, which, conſidering that it was formed upon a compromiſe, uniting a variety of different, and, ſome of them, claſhing intereſts, was an event rather to be deſired than expected, it ought to be like the law of the Medes and Perſians, which altereth not. But that it is, in general, a good one, we have had the moſt ſtriking practical demonſtration in its beneficial effects; in the almoſt unexampled national proſperity and advancement, enjoyed under that ſyſtem. In one reſpect I muſt be permitted to differ widely from an opinion advanced during the diſcuſſion of this queſtion, by a gentleman from Virginia. I don't know that I ſhould be correct in ſaying, that he advanced it as his own opinion, I believe he rather ſpoke of it as the prevailing ſentiment of particular ſections of the union, at the period in which the conſtitution was adopted. The ſentiment alluded to was, that the conſtitution was objectionable on account of the difficulty of obtaining amendments; I believe on the other hand, that the facility wherewith alterations may be propoſed and obtained, is not one of the leaſt of its imperfections. That proviſion of the ſtate conſtitution of Maſſachuſetts, which, agreeable to the general ſentiment and impreſſion of the people, was at the time of its eſtabliſhment, conſidered as an obſtacle not eaſily ſurmounted in the way of its reviſal, until after the term of fifteen years, had elapſed, was, in my opinion, a wiſe one: though objected againſt by many at the time of its adoption. About ſix or ſeven years afterwards there was a peculiar ſeaſon of ferment and irritation throughout a large portion of the commonwealth. Had it not been for that proviſion in the conſtitution, which threw an obſtacle in the way of its reviſal for a limited time, it is probable it would then have underwent ſome important alterations. This public ferment happily ſubſided, and when the fifteen years elapſed, the period when the voice of the people was called for, to ſee whether they wiſhed for a reviſal, I do not recollect that there was found one town or corporation in the commonwealth, which manifeſted the deſire of an alteration, in ſo much as a ſingle article. At the end of another fifteen years; it is probable the public ſentiment may be found ſtill the ſame. Had as great, or even greater obſtacles been thrown in the way of alterations in the conſtitution of the United States, for the term of twenty years; inſtead of its being expoſed to frequent alterations under the name of amendments, ſo much am I oppoſed to innovations in a national ſyſtem, I could not have viewed it as leſs perfect. Upon this general principle I am at preſent oppoſed to any alteration whatſoever in the conſtitution of the United States.

But further, Mr. Speaker, another reaſon which as it is a point of delicacy to mention, I previouſly declare that I conſider it as having reference to no individual only myſelf. I make no doubt but every gentleman on this floor, can reconcile the part he takes in this buſineſs, with the utmoſt purity of intention. But ſo far as it reſpects myſelf the conſideration of taking a ſolemn oath to ſupport the conſtitution of the United States is of conſiderable weight. I cannot ſee how I could act conſiſtently in taking ſuch an oath to day; and endeavouring to introduce an alteration in one of its important principles and proviſions to-morrow.

It further appears to me, that ſhould alterations in our national compact become really neceſſary, this Houſe, or even both Houſes of Congreſs, are the moſt improper of all places to originate them. That the Senate and Houſe of Repreſentatives have a jointly, conſtitutional right to originate amendments, is a point not to be conteſted. But in alluſion to a remark which, upon another occaſion, fell from a gentleman, who occupies a conſpicuous ſtation upon the floor of this Houſe, that there were certain proviſions or powers in the conſtitution, which Congreſs never had exercifed, and which probably there would be no occaſion to exerciſe, and which he hoped never would be exerciſed, I am free to declare it as my opinion the power of originating amendments to the conſtitution, ought to be the laſt of all conſtitutional powers to be put in practice. If any thing in the world approaches to a ſoleciſm in practice, it is a legiſlative body engaged in enlarging, altering, varying, or narrowing the ſphere of their own powers.

I further obſerve, that, after hearing this ſubject diſcuſſed largely in this Houſe, when it was firſt under conſideration, and occaſionally attending debates in the Senate, after patiently attending to the diſcuſſions on the different arrangements, adjuſtments, and modifications of the propoſed amendment, which as all are ſenſible, has proved a ſubject of no ſmall difficulty; I could not but feel a degree of ſurpriſe to find that, in the courſe of ſuch a lengthy diſcuſſion, not ſo much as one ſolitary argument ſhould be advanced in ſupport of the general principle of the reſolution. It ſeemed to me as if the importance of the deſignating principle was in the view of its advocates, one of thoſe ſelf-evident propoſitions, which were in themſelves ſo plain as to be incapable of any illuſtration by proofs. I am free to confeſs that I am not poſſeſſed of that intuitive knowledge, which enable me to diſcover either the importance or correctneſs of the principle. Before I can vote for it I muſt have ſome ſound convincing argument in its favour.

It is true, ſome attempts of this kind have been made in an advanced ſtage of the diſcuſſion. firſt by a gentleman from Virginia, afterwards by a gentleman from Pennſylvania, and laſtly by another gentleman from Tenneſſee. But when I reflect upon the acknowledged talents of theſe gentlemen, I cannot but be affected with ſame degree of ſurpriſe that a meaſure of ſo much importance ſhould be proſecuted with ſuch a degree of zeal while ſupported with ſuch ſuperficial arguments. My deſign is merely to ſtate my own reaſons for voting againſt the reſolution, and not to anſwer arguments in favour of it. I ſhall only briefly mention one which appears to be principally relied on, viz. that it is the voice or will of the people. I know not of a more equivocal phraze in the Engliſh language than this—"the voice or will of the people." Gentlemen I preſume will not aſſert that the voice of the multitude but too frequently formed upon a ſudden impulſe, and ever fluctuating, which is one thing to-day and another to-morrow; changing many times by the breath of ſome popular demagogue who is diſpoſed to make this voice a hobby-horſe to ſerve a turn, can furniſh any ſolid baſis either for legiſlation or the formation of a national compact. But it is ſaid that this voice has been expreſſed by the conſtitutional organ, by the legiſlatures of the ſeveral ſtates from time to time. We are referred back to New-Hampſhire and S. Carolina, to New-York and Vermont, to federal and republican ſtates, and to the ſame ſtate when federal and when republican. If the diſtinction between federal and republican, is meant merely to diſcriminate the two great political parties into which the United States have been principally divided, it is acknowledged ſome terms muſt be uſed for that purpoſe. Whether this is the moſt proper I pretend not to ſay. I preſume the term is not meant to convey an idea that thoſe who chooſe to call themſelves republicans are ſo excluſively, and that all others are oppoſed to a republican government. Such a diſtinction is better adapted to a diſcuſſion in a party newſpaper than to the floor of this Houſe. I give full faith and credit to that gentleman when he ſays he is a republican, and that the ſtate of Pennſylvania which he repreſents is a republican ſtate. But will the gentleman aſſert that the ſtate of Maſſachuſetts is not equally republican, and that the repreſentatives of that ſtate upon this floor are not republicans as well as thoſe from Pennſylvania? No, I truſt he will not. I am willing to go hand in hand with that gentleman in favor of real practical republicaniſm. I hope to live and to die under a republican government. I know of no ſtate in the union which is not a republican ſtate, nor any period of the union in which they were otherwiſe; and I know of no member upon this floor who is any other than a republican, nor of any prevailing party in the United States oppoſed to a republican government. But to return from this digreſſion to the ſubject of public opinion. This as expreſſed by legiſlative acts has been various. What it is at the preſent moment I pretend not to ſay. In ſome ſtates I believe important changes have taken, and are gradually taking place. To ſay poſitively what it is in Maſſachuſetts, I perhaps am incompetent. Many probably have never viewed the queſtion in a ſerious point of light. I am far from ſuppoſing a majority in the ſtate to be decidedly in favor of the deſignating principle. But, Sir, the public opinion, when conſtantly and uniformly expreſſed ought to have its due weight. There are other reaſons which ought more eſpecially to govern the deciſions of public bodies. The queſtion ought to be rather what will operate for the beſt good of the people, than what will ſtrike the preſent full tide of public opinion, which perhaps before another year may be greatly, if not almoſt totally changed. I can therefore ſee no reaſon ariſing from this why I ſhould vote in favor of the reſolution.

But as I have as yet heard no arguments ſufficiently forcible to evince the propriety of adopting the reſolution, ſo there are ſtill many good reaſons for its rejection, at leaſt they appear ſo to me. Here I ſhall not again travel over the ground of the claſhing intereſts of great and ſmall ſtates, when elections ſhall happen to be finally determined in the Houſe of Repreſentatives. Nor ſhall I enquire whether three, five, or twenty are the moſt proper numbers of candidates from which to ſelect the Preſident. I believe that an election in any form by the Houſe of Repreſentatives, is an event which will happen but very ſeldom. The larger ſtates by acting in concert, can always carry an election by the electors. It will be for their intereſt to do it, and we are not to ſuppoſe that it is an intereſt which will be often overlooked. Whatever objections may be againſt the deſignating principle on account of its militating againſt ſmall ſtates, when the election happens to be determined in the Houſe of Repreſentatives, I have a ſtill ſtronger one admitting the determination to be made by the electors, which will be an event more common, and that is, that whenever we adopt the diſcriminating principle we will throw an influence almoſt unbounded into the hands of the Preſident of the United States, which will in the end, make him Preſident for life. That extenſive patronage which is neceſſarily attached to the Preſidency of the United States, aided by 25,000 dollars per annum; a ſum which, with our growing wealth and population, will probably increaſe, joined to his influence in the army, navy and militia can ſcarcely fail to render his re-election at all times ſo certain as to be nothing more than form. I have not the moſt diſtant apprehenſions that theſe conſequences would be immediate. Probably this generation may not realize them in their fulleſt extent. But if the progreſs is ſlow, I apprehend it will be ſure, and that we will hereby forge Preſidential chains for poſterity, it may be to the lateſt generation. I ſee no ſecurity that we have that a Preſident of the U. States may not one time or another be both ambitious, artful and intriguing. The love of power is congenial to mankind; this deſire ſeems to be interwoven with human nature. It grows with our growth, and ſtrengthens with our ſtrength. Is it not natural to expect that a Preſident of the United States, unleſs he is ſuch a prodigy of virtue and diſintereſtedneſs as is not at all times to be expected to fill that important office, having once taſted the ſweets of power as well as the emoluments of office, would wiſh to perpetuate it. We cannot but ſuppoſe that a judicious diſtribution of the places of honor and profit which he has in his gift will have a great tendency to ſecure his re-election, and if a little extra expence ſhould be ſometimes neceſſary in the view of an ambitious and unprincipled man, the importance of the object to be obtained, will be ſufficient to juſtify the means. I wiſh to entertain as high an opinion of the integrity and incorruptibility of every member of the government, as any gentleman on this floor. I wiſh not only that all the individuals attached to any branch of our government but that all our citizens were forever to remain ſo entirely incorruptible as to be totally uninfluenced by indirect means and motives. But is ſuch a degree of public and private virtue to be expected in the exiſting ſtate of things. It was a maxim of a wiſe ſtateſman, one who had a very extenſive knowledge of human nature, eſpecially on the dark ſide, I mean the noted Sir Robert Walpole, prime miniſter of Great Britain during the firſt part of the reign of George the ſecond; 'that every man had his price.' Though I cannot ſuppoſe this obſervation true in its fulleſt extent, yet I believe its oppoſite is equally untrue, i. e. 'that no man has his price.' Truth I believe lies between the extremes. The ſame ſtateſman farther obſerved, 'that patriots were like muſhrooms. He could cauſe fifty of them to ſpring up in a night, and left the world to judge by what means.' Such patriots or friends to prerogative may ſpring up in our country. They may, at ſome future time, ſpring up on the floor of this Houſe.—Why then will we, by the adoption of the diſcriminating principle, lay ſuch a temptation before a Preſident, by putting it into his power, with ſo much greater facility, to prolong and perpetuate his authority. It appears to me that the wiſdom of man could ſcarcely adopt a more effectual check to ambitious views of that kind, than the preſent mode of election, by a double ballot for two perſons without diſcrimination. So long as elections are managed in this way, an ambitious man as he muſt forever remain uncertain of carrying an election, even by ſecuring all the electors, unleſs he can ſecure the Houſe of Repreſentatives too, will be under comparatively ſmall temptations to uſe any unfair means to accompliſh that end. But adopt the deſignating principle and according to the preſent ratio of population his election is ſecured by eighty-nine votes.

Beſides, as the Vice-Preſident will not ſtand on ſuch high ground in the method propoſed, as he does in the preſent mode of a double ballot, ſo it is probable ſo great care will not be taken in the ſelection of a character to fill that office. Not ſtanding on ſuch high ground, the probability is that he will take the more humble ſtation of the mere tool of the Preſident. And truly if the deſignating principle be once introduced into the conſtitution, I ſee not what end a Vice Preſident can anſwer, unleſs it be to take a pleaſant journey to the ſeat of government once a year, meet with and preſide in the Senate for a few weeks, poſſibly not more than three or four in a ſeſſion, receive five thouſand dollars, and go home again. This to be ſure is a very pretty douceur, and if he can, by-the-by, lend a hand to help forward the Preſident's re-election, he may expect to be aſſiſted in ſecuring his own in return. Upon the whole, can it be thought neceſſary, in order to avoid a momentary inconvenience, ſuch as was ſuppoſed to be experienced at the laſt Preſidential election, and ſuch as will rarely happen more than once in an age if ſo often, to ſet aſide an important principle in the conſtitution, and thereby ſubject our country to inconveniences of a more ſerious nature.

If it be ſaid, that ſhould theſe or any other ſerious inconveniences be experienced, the amendment may be dropped, or a new one introduced to guard againſt them. I reply in the words of the poet.

Facilis deſcenſus Averni ſed referri gradum,
Hic Labor, Hoc opus.

The deſcent is eaſy, but to retrace the ſtep on an up hill road, this is the arduous taſk, this the painful labor.

But as I view the propoſed alteration in every view of it needleſs; and as injuring inſtead of amending the conſtitution of the United States, ſo I view the reſolution which has come from the Senate as ſtill much more exceptionable than the one which originated in this Houſe. I agree with gentlemen who urge the propriety of paying a ſuitable deference to the opinions of the Senate, but as no member of this Houſe is obliged to give the ſanction of his vote to a meaſure, merely becauſe it is agreeable to the Senate, ſo I think this Houſe ought to pay ſome reſpect to their own opinions. To pay an implicit deference to a reſolution of the Senate, which, I have reaſon to ſuppoſe the majority of this Houſe, ſo far from conſidering as ſuperior, view as much more objectionable than their own; merely from its being a ſuppoſed expreſſion of the opinion of the Senate, is a degree of deference which I can hardly ſuppoſe due from one legiſlative body to another.

The reſolution in its preſent form, tends to plunge us completely back into all the difficulties apprehended from the conſtitution as it now ſtands, which its advocates propoſed to avoid by the adoption of the diſcriminating principle, by rendering it poſſible that we may have an acting Preſident of the United States, who never was contemplated; and never had ſo much as one vote for the office—a man who, in all probability, will not have that dignity, independence, and reſpectabity of character, which we would naturally expect would be found in one choſen by a joint bal-