

Anti-Federalist 9, October 17, 1787

Independent Gazetteer on October 17, 1787.

We the Aristocratic party of the United States, lamenting the many inconveniences to which the late confederation subjected the well-born, the better kind of people, bringing them down to the level of the rabble-and holding in utter detestation that frontispiece to every bill of rights, “that all men are born equal”-beg leave (for the purpose of drawing a line between such as we think were ordained to govern, and such as were made to bear the weight of government without having any share in its administration) to submit to our Friends in the first class for their inspection, the following defense of our monarchical, aristocratical democracy.

1st. As a majority of all societies consist of men who (though totally incapable of thinking or acting in governmental matters) are more readily led than driven, we have thought meet to indulge them in something like a democracy in the new constitution, which part we have designated by the popular name of the House of Representatives. But to guard against every possible danger from this lower house, we have subjected every bill they bring forward, to the double negative of our upper house and president. Nor have we allowed the populace the right to elect their representatives annually . . . lest this body should be too much under the influence and control of their constituents, and thereby prove the “weatherboard of our grand edifice, to show the shiftings of every fashionable gale,”-for we have not yet to learn that little else is wanting to aristocratize the most democratical representative than to make him somewhat independent of his political creators. We have taken away that rotation of appointment which has so long perplexed us-that grand engine of popular influence. Every man is eligible into our government from time to time for life. This will have a two-fold good effect. First, it prevents the representatives from mixing with the lower class, and imbibing their foolish sentiments, with which they would have come charged on re-election.

2d. They will from the perpetuality of office be under our eye, and in a short time will think and act like us, independently of popular whims and prejudices. For the assertion “that evil communications corrupt good manners,” is not more true than its reverse. We have allowed this house the power to impeach, but we have tenaciously reserved the right to try. We hope gentlemen, you will see the policy of this clause-for what matters it who accuses, if the

accused is tried by his friends. In fine, this plebian house will have little power, and that little be rightly shaped by our house of gentlemen, who will have a very extensive influence—from their being chosen out of the genteeler class ... It is true, every third senatorial seat is to be vacated duennually, but two-thirds of this influential body will remain in office, and be ready to direct or (if necessary) bring over to the good old way, the young members, if the old ones should not be returned. And whereas many of our brethren, from a laudable desire to support their rank in life above the commonalty, have not only deranged their finances, but subjected their persons to indecent treatment (as being arrested for debt, etc.) we have framed a privilege clause, by which they may laugh at the fools who trusted them. But we have given out, that this clause was provided, only that the members might be able without interruption, to deliberate on the important business of their country.

We have frequently endeavored to effect in our respective states, the happy discrimination which pervades this system; but finding we could not bring the states into it individually, we have determined ... and have taken pains to leave the legislature of each free and independent state, as they now call themselves, in such a situation that they will eventually be absorbed by our grand continental vortex, or dwindle into petty corporations, and have power over little else than yoaking hogs or determining the width of cart wheels. But (aware that an intention to annihilate state legislatures, would be objected to our favorite scheme) we have made their existence (as a board of electors) necessary to ours. This furnishes us and our advocates with a fine answer to any clamors that may be raised on this subject. We have so interwoven continental and state legislatures that they cannot exist separately; whereas we in truth only leave them the power of electing us, for what can a provincial legislature do when we possess the exclusive regulation of external and internal commerce, excise, duties, imposts, post-offices and roads; when we and we alone, have the power to wage war, make peace, coin money (if we can get bullion) if not, borrow money, organize the militia and call them forth to execute our decrees, and crush insurrections assisted by a noble body of veterans subject to our nod, which we have the power of raising and keeping even in the time of peace. What have we to fear from state legislatures or even from states, when we are armed with such powers, with a president at our head? (A name we thought proper to adopt in conformity to the prejudices of a silly people who are so foolishly fond of a Republican government, that we were obliged to accommodate in names and forms to them, in order more effectually to secure the substance of our proposed plan; but we all know that Cromwell was a King, with the title of Protector). I repeat it, what have we to fear

armed with such powers, with a president at our head who is captain- -general of the army, navy and militia of the United States, who can make and unmake treaties, appoint and commission ambassadors and other ministers, who can grant or refuse reprieves or pardons, who can make judges of the supreme and other continental courts-in short, who will be the source, the fountain of honor, profit and power, whose influence like the rays of the sun, will diffuse itself far and wide, will exhale all democratical vapors and break the clouds of popular insurrection? But again gentlemen, our judicial power is a strong work, a masked battery, few people see the guns we can and will ere long play off from it. For the judicial power embraces every question which can arise in law or equity, under this constitution and under the laws of “the United States” (which laws will be, you know, the supreme laws of the land). This power extends to all cases, affecting ambassadors or other public ministers, “and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State, claiming lands under grants of different States; and between a State or the citizens thereof, and foreign States, citizens or subjects.”

Now, can a question arise in the colonial courts, which the ingenuity or sophistry of an able lawyer may not bring within one or other of the above cases? Certainly not. Then our court will have original or appellate jurisdiction in all cases-and if so, how fallen are state judicatures-and must not every provincial law yield to our supreme fiat? Our constitution answers yes. . . . And finally we shall entrench ourselves so as to laugh at the cabals of the commonalty. A few regiments will do at first; it must be spread abroad that they are absolutely necessary to defend the frontiers. Now a regiment and then a legion must be added quietly; by and by a frigate or two must be built, still taking care to intimate that they are essential to the support of our revenue laws and to prevent smuggling. We have said nothing about a bill of rights, for we viewed it as an eternal clog upon our designs, as a lock chain to the wheels of government-though, by the way, as we have not insisted on rotation in our offices, the simile of a wheel is ill. We have for some time considered the freedom of the press as a great evil-it spreads information, and begets a licentiousness in the people which needs the rein more than the spur; besides, a daring printer may expose the plans of government and lessen the consequence of our president and senate-for these and many other reasons we have said nothing with respect to the “right of the people to speak and publish their sentiments” or about their “palladiums of liberty” and such stuff. We do not

much like that sturdy privilege of the people—the right to demand the writ of habeas corpus. We have therefore reserved the power of refusing it in cases of rebellion, and you know we are the judges of what is rebellion.... Our friends we find have been assiduous in representing our federal calamities, until at length the people at large—frightened by the gloomy picture on one side, and allured by the prophecies of some of our fanciful and visionary adherents on the other—are ready to accept and confirm our proposed government without the delay or forms of examination—which was the more to be wished, as they are wholly unfit to investigate the principles or pronounce on the merit of so exquisite a system.

Impressed with a conviction that this constitution is calculated to restrain the influence and power of the LOWER CLASS—to draw that discrimination we have so long sought after; to secure to our friends privileges and offices, which were not to be ... [obtained] under the former government, because they were in common; to take the burden of legislation and attendance on public business off the commonalty, who will be much better able thereby to prosecute with effect their private business; to destroy that political thirteen headed monster, the state sovereignties; to check the licentiousness of the people by making it dangerous to speak or publish daring or tumultuary sentiments; to enforce obedience to laws by a strong executive, aided by military pensioners; and finally to promote the public and private interests of the better kind of people—we submit it to your judgment to take such measures for its adoption as you in your wisdom may think fit.

Signed by unanimous order of the lords spiritual and temporal.

MONTEZUMA

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