ON THE FEDERAL GOVERNMENT

1787

---------------------- Tench Coxe ----------------------

Tench Coxe (1755–1824) was a representative to the Continental Congress from Pennsylvania who wrote and published this essay (the first of three) during the Constitutional Convention. This essay, originally published in the Independent Gazetteer, was one of the first published defenses of the proposed Constitution.

THINK THROUGH HISTORY: Drawing Conclusions

Coxe praises the Constitution’s giving more power to the legislature than to the executive, but what problems might there be with a government that has a powerful legislature?

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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, 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....

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.... In short, danger
from ecclesiastical tyranny, that longstanding and still remaining curse of the
people... 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 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....

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....

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.... 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 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.


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