

Antifederalist No. 53

A Plea for the Right of Recall

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Some time before a Convention of the United States was held, I mentioned in a paragraph which was published in one of the Charlestown papers, that it would be acting wisely in the formation of a constitution for a free government, to enact, that the electors should recall their representatives when they thought proper, although they should be chosen for a certain term of years; as a right to appoint (where the right of appointing originates with the appointees) implies a right to recall. As the persons appointed are meant to act for the benefit of the appointees, as well as themselves, they, if they mean to act for their mutual benefit, can have no objection to a proposal of this kind. But if they have any sinister designs, they will certainly oppose it, foreseeing that their electors will displace them as soon as they begin to act contrary to their interest. I am therefore glad to find that the state of New York has proposed an amendment of this kind to the federal constitution, viz: That the legislatures of the respective states may recall their senators, or either of them, and elect others in their stead, to serve the remainder of the time for which the senators so recalled were appointed. I wish this had been extended to the representatives in both houses, as it is as prudent to have a check over the members of one house as of the other.

Some persons as object to this amendment, in fact say, that it is safer to give a man an irrevocable power of attorney, than a revocable one; and that it is right to let a representative ruin us, rather than recall him and put a real friend of his country, and a truly honest man in his place, who would rather suffer ten thousand deaths than injure his country, or sully his honor and reputation. Such persons seem to say, that power ought not to originate with the people (which is the wish, I fear, of some among us); and also that we are not safe in trusting our own legislature with the power of recalling such senators as will not abide by such instructions -- as shall be either given them, when chosen, or sent to them afterwards, by the legislature of this or any other state, or by the electors that chose them, although they should have met together in a body for the purpose of instructing or sending them instructions on a matter on which the salvation of the state depends. That we should insist on the amendment respecting this matter taking place, which the state of New York has proposed, appears to me to be absolutely necessary, the security of each state may be almost said to rest on it. For my own part, I would rather that this amendment should take place and give the new government unlimited powers to act for the public good, than give them limited powers, and at the same time put it out of our power, for a certain term of years, to recall our representatives, although we saw they were exceeding their powers, and were bent on making us miserable and themselves, by means of a standing army -- perpetual and absolute government. For power is a very intoxicating thing, and has made many a man do unwarrantable actions, which before he was invested with it, he had no thoughts of doing. I hope by what I have said I shall not be thought to cast even the shadow of a reflection on the principles of either of the members of the federal convention -- it is far from being my intention.

I wish for nothing more than a good government and a constitution under which our liberties will be perfectly safe. To preserve which, I think the wisest conduct will be to keep the staff of power in our own hands as much as possible, and not wantonly and inconsiderately give up a greater share of our liberties with a view of contributing to the public good, than what the necessity of the case requires.

For our own sakes we shall keep in power those persons whose conduct pleases us as long as we can, and shall perhaps sometimes wish (when we meet with a person of an extra worthy character and abilities) that we could keep him in power for life. On the other hand, we shall dismiss from our employ as soon as possible, such persons as do not consult our interest and will not follow our instructions. For there are, I fear, a few persons among us, so wise in their own eyes, that they would if they could, pursue their own will and inclinations, in opposition to the instructions of their constituents. In so doing, they may perhaps, once in a hundred times, act for the interest of those they represent, more than if they followed the instructions given them. But I wish that we would never suffer any person to continue our representative that obeyed not our instructions, unless something unforeseen and unknown by us turned up, which he knew would alter our sentiments, if we were made acquainted with it; and which would make his complying with our will highly imprudent. In every government matter, on which our representatives were not instructed, we should leave them to act agreeable to their own judgment; on which account we should always choose men of integrity, honor and abilities to represent us. But when we did instruct them, as they are our representatives and agents, we should insist on their acting and voting conformable to our directions. But as they would each of them be a member of the community, they should have a right to deliver to the houses of representatives of which they were members, their own private sentiments so that if their private sentiments contained cogent reasons for acting contrary to the instructions given them -- the other members of said houses who would not be bound by said instructions, would be guided by them; in which case, that would take place which would be most for the public good, which ought to be the wish of all of us.

AMICUS