

Antifederalist No. 57

Will the House of Representatives Be Genuinely Representative? (Part 3)

. . . . But "the people must elect good men." Examine the system -- is it practicable for them to elect fit and proper representatives where the number is so small? "But the people may choose whom they please." This is an observation, I believe, made without due attention to facts and the state of the community, To explain my meaning, I will consider the descriptions of men commonly presented to the people as candidates for the offices of representatives. We may rank them in three classes.

1. The men who form the natural aristocracy, as before defined.
2. Popular demagogues -- these men also are often politically elevated, so as to be seen by the people through the extent of large districts; they often have some abilities, fare] without principle, and rise into notice by their noise and arts.
3. The substantial and respectable part of the democracy -- they are a numerous and valuable set of men, who discern and judge well, but from being generally silent in public assemblies are often overlooked. They are the most substantial and best informed men in the several towns, who occasionally fill the middle grades of offices, etc., who hold not a splendid, but respectable rank in private concerns. These men are extensively diffused through all the counties, towns and small districts in the union; even they, and their immediate connections, are raised above the majority of the people, and as representatives are only brought to a level with a more numerous part of the community, the middle orders, and a degree nearer the mass of the people. Hence it is, that the best practical representation, even in a small state, must be several degrees more aristocratical than the body of the people. A representation so formed as to admit but few or none of the third class, is in my opinion, not deserving of the name. Even in armies, courts-martial are o formed as to admit subaltern officers into them. The true idea is, so to open and enlarge the representation as to let in a due proportion of the third class with those of the first. Now, my opinion is, that the representation proposed is so small as that ordinarily very few or none of them can be elected. And, therefore, after all the parade of words and forms, the government must possess the soul of aristocracy, or something worse, the spirit of popular leaders.

I observed in a former letter, that the state of Delaware, of Rhode Island, the Province of Maine, and each of the great counties in Massachusetts, etc., would have one member, and rather more than one when the representatives shall be increased to one for each 30,000 inhabitants. In some districts the people are more dispersed and unequal than in others. In Delaware they are compact, in the Province of Maine dispersed; how can the

elections in either of those districts be regulated so that a man of the third class can be elected? Exactly the same principles and motives, the same uncontrollable circumstances, must govern the elections as in the choice of the governors. Call upon the people of either of those districts to choose a governor, and it will probably never happen that they will not bestow a major part, or the greatest number, of their votes on some very conspicuous or very popular character. A man that is known among a few thousands of people, may be quite unknown among thirty or forty thousand. On the whole it appears to me to be almost a self-evident position, that when we call on thirty or forty thousand inhabitants to unite in giving their votes for one man it will be uniformly impracticable for them to unite in any man, except those few who have become eminent for their civil or military rank, or their popular legal abilities. It will be found totally impracticable for men in the private walks of life, except in the profession of the law, to become conspicuous enough to attract the notice of so many electors and have their suffrages

But if I am right, it is asked why so many respectable men advocate the adoption of the proposed system. Several reasons may be given. Many of our gentlemen are attached to the principles of monarchy and aristocracy; they have an aversion to democratic republics. The body of the people have acquired large powers and substantial influence by the revolution. In the unsettled state of things, their numerous representatives, in some instances, misused their powers, and have induced many good men suddenly to adopt ideas unfavorable to such republics, and which ideas they will discard on reflection. Without scrutinizing into the particulars of the proposed system, we immediately perceive that its general tendency is to collect the powers of government, now in the body of the people in reality, and to place them in the higher orders and fewer hands; no wonder then that all those of and about these orders are attached to it. They feel there is something in this system advantageous to them. On the other hand, the body of the people evidently feel there is something wrong and disadvantageous to them. Both descriptions perceive there is something tending to bestow on the former the height of power and happiness, and to reduce the latter to weakness, insignificance, and misery. The people evidently feel all this though they want expressions to convey their ideas. Further, even the respectable part of the democracy have never yet been able to distinguish clearly where the fallacy lies. They find there are defects in the confederation; they see a system presented; they think something must be done; and, while their minds are in suspense, the zealous advocates force a reluctant consent. Nothing can be a stronger evidence of the nature of this system, than the general sense of the several orders in the community respecting its tendency. The parts taken generally by them proves my position, that notwithstanding the parade of words and forms, the government must possess the soul of aristocracy.

Congress, heretofore, have asked for moderate additional powers. The cry was give them -- be federal. But the proper distinction between the cases that produce this disposition, and the system proposed, has not been fairly made and seen in all its consequences. We have seen some of our state representations too numerous and without examining a medium we run to the opposite extreme. It is true, the proper number of federal representatives, is matter of opinion in some degree; but there are extremes which we immediately perceive, and others which we clearly discover on examination. We should

readily pronounce a representative branch of 15 members small in a federal government, having complete powers as to taxes, military matters, commerce, the coin, etc. On the other hand, we should readily pronounce a federal representation as numerous as those of the several states, consisting of about 1,500 representatives, unwieldy and totally improper. It is asked, has not the wisdom of the convention found the medium? Perhaps not. The convention was divided on this point of numbers. At least some of its ablest members urged, that instead of 65 representatives there ought to be 130 in the first instance. They fixed one representative for each 40,000 inhabitants, and at the close of the work, the president suggested that the representation appeared to be too small and without debate, it was put at, not exceeding one for each 30,000. I mention these facts to show, that the convention went on no fixed data. In this extensive country it is difficult to get a representation sufficiently numerous. Necessity, I believe, will oblige us to sacrifice in some degree the true genuine principles of representation. But this sacrifice ought to be as little as possible. How far we ought to increase the representation I will not pretend to say; but that we ought to increase it very considerably, is clear -- to double it at least, making full allowances for the state representations. And this we may evidently do and approach accordingly towards safety and perfection without encountering any inconveniences. It is with great difficulty the people can unite these different interests and views even tolerably, in the state senators, who are more than twice as numerous as the federal representatives, as proposed by the convention; even these senators are considered as so far removed from the people, that they are not allowed immediately to hold their purse strings. The principal objections made to the increase of the representation are, the expense and difficulty in getting the members to attend. The first cannot be important; the last, if founded, is against any federal government. As to the expense, I presume the house of representatives will not be in sessions more than four months in the year. We find by experience that about two-thirds of the members of representative assemblies usually attend; therefore, of the representation proposed by the convention, about forty-five members probably will attend. Doubling their number, about 90 will probably attend. Their pay, in one case, at four dollars a day each (which is putting it high enough) will amount to, yearly, 21,600 dollars; in the other case, 43,200 dollars -- [a] difference [of] 21,600 dollars. Reduce the state representatives from 1,500 down to 1,000 and thereby save the attendance of two-thirds of the 500, say three months in a year, at one dollar and a quarter a day each [would amount to] 37,125 dollars. Thus we may leave the state representations sufficient large, and yet save enough by the reduction nearly to support exceeding well the whole federal representation I propose. Surely we never can be so unwise as to sacrifice, essentially, the all-important principles of representation for so small a sum as 21,600 dollars a year for the United States. A single company of soldiers would cost this sum. It is a fact that can easily be shown, that we expend three times this sum every year upon useless inferior offices and very trifling concerns. It is also a fact which can be shown that the United States in the late war suffered more by a faction in the federal government, than the pay of the federal representation will amount to for twenty years.

As to the attendance -- can we be so unwise as to establish an unsafe and inadequate representative branch, and give it as a reason, that we believe only a few members will be induced to attend? We ought certainly to establish an adequate representative branch, and

adopt measures to induce an attendance. I believe that a due proportion of 130 or 140 members may be induced to attend. There are various reasons for the non-attendance of the members of the present congress; it is to be presumed that these will not exist under the new system...

In the second place, it is said the members of congress must return home, and share in the burdens they may impose; and, therefore, private motives will induce them to make mild laws, to support liberty, and ease the burdens of the people, This brings us to a mere question of interest under this head. I think these observations will appear, on examination, altogether fallacious; because this individual interest, which may coincide with the rights and interests of the people, will be far more than balanced by opposite motives and opposite interests. If, on a fair calculation, a man will gain more by measures oppressive to others than he will lose by them, he is interested in their adoption. It is true, that those who govern generally, by increasing the public burdens, increase their own share of them; but by this increase they may, and often do, increase their salaries, fees, and emoluments, in a tenfold proportion, by increasing salaries, forming armies and navies, and by making offices. If it shall appear the members of congress will have these temptations before them, the argument is on my side. They will view the account, and be induced continually to make efforts advantageous to themselves and connections, and oppressive to others.

We must examine facts. Congress, in its present form, have but few offices to dispose of worth the attention of the members, or of men of the aristocracy. Yet from 1774 to this time, we find a large proportion of those offices assigned to those who were or had been members of congress; and though the states choose annually sixty or seventy members, many of them have been provided for. But few men are known to congress in this extensive country, and, probably, but few will be to the president and senate, except those who have or shall appear as members of congress, or those whom the members may bring forward. The states may now choose yearly ninety-one members of congress; under the new constitution they will have it in their power to choose exactly the same number, perhaps afterwards, one hundred and fifteen, but these must be chosen once in two and six years. So that, in the course of ten years together, not more than two-thirds so many members of congress will be elected and brought into view, as there now are under the confederation in the same term of time. But at least there will be five, if not ten times, as many offices and places worthy of the attention of the members, under the new constitution, as there are under the confederation. Therefore, we may fairly presume, that a very great proportion of the members of congress, especially the influential ones, instead of returning to private life, will be provided for with lucrative offices, in the civil or military department; and not only the members, but many of their sons, friends, and connections. These offices will be in the constitutional disposition of the president and senate, and, corruption out of the question, what kind of security can we expect in a representation so many of the members of which may rationally feel themselves candidates for these offices? Let common sense decide. It is true, that members chosen to offices must leave their seats in congress; and to some few offices they cannot be elected till the time shall be expired for which they were elected members. But this scarcely will effect the bias arising from the hopes and expectations of office....

But it is asked how shall we remedy the evil, so as to complete and perpetuate the temple of equal laws and equal liberty? Perhaps we never can do it. Possibly we never may be able to do it in this immense country, under any one system of laws however modified. Nevertheless, at present, I think the experiment worth making. I feel an aversion to the disunion of the states, and to separate confederacies; the states have fought and bled in a common cause, and great dangers too may attend these confederacies. I think the system proposed capable of very considerable degrees of perfection, if we pursue first principles. I do not think that De Lolme, or any writer I have seen, has sufficiently pursued the proper inquiries and efficient means for making representation and balances in government more perfect. It is our task to do this in America. Our object is equal liberty, and equal laws diffusing their influence among all orders of men. To obtain this we must guard against the bias of interest and passions, against interested combinations, secret or open. We must aim at a balance of efforts and strength.

Clear it is, by increasing the representation we lessen the prospects of each member of congress being provided for in public offices. We proportionably lessen official influence, and strengthen his prospects of becoming a private citizen, subject to the common burdens, without the compensation of the emoluments of office. By increasing the representation we make it more difficult to corrupt and influence the members. We diffuse them more extensively among the body of the people, perfect the balance, multiply information, strengthen the confidence of the people, and consequently support the laws on equal and free principles. There are two other ways, I think, of obtaining in some degree the security we want; the one is, by excluding more extensively the members from being appointed to offices; the other is, by limiting some of their powers. These two I shall examine hereafter.

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