

## Antifederalist No. 59

### The Danger of Congressional Control of Elections

Alexander Hamilton, in Federalist #59, addresses this same topic from an opposing viewpoint. This essay was written anonymously by "Vox Populi," and appeared in The Massachusetts Gazette on October 30, 1787.

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. . I beg leave to Jay before the candid public the first clause in the fourth section of the first article of the proposed Constitution:

"The times, places and manner of holding elections, for senators and representatives, shall be prescribed in each state by the legislature thereof; but the Congress may, at any time, by law, make or alter such regulations except as to the places of choosing senators."

By this clause, the time, place and manner of choosing representatives is wholly at the disposal of Congress.

Why the Convention who formed the proposed Constitution wished to invest Congress with such a power, I am by no means capable of saying; or why the good people of this commonwealth [Massachusetts] should delegate such a power to them, is no less hard to determine. But as the subject is open for discussion, I shall make a little free inquiry into the matter.

And, first. What national advantage is there to be acquired by giving them such a power?

The only advantage which I have heard proposed by it is, to prevent a partial representation of the several states in Congress; "for if the time, manner and place were left wholly in the hands of the state legislatures, it is probable they would not make provision by appointing time, manner and place for an election; in which case there could be no election, and consequently the federal government weakened."

But this provision is by no means sufficient to prevent an evil of that nature. For will any reasonable man suppose -- that when the legislature of any state, who are annually chosen, are so corrupt as to break thro' that government which they have formed, and refuse to appoint time, place and manner of choosing representatives -- I say, can any person suppose, that a state so corrupt would not be full as likely to neglect, or even refuse, to choose representatives at the time and place and in the manner prescribed by Congress? Surely they would. So it could answer no good national purpose on that account; and I have not heard any other national advantage proposed thereby.

We will now proceed, in the next place, to consider why the people of this commonwealth should vest Congress with such a power.

No one proposes that it would be any advantage to the people of this state. Therefore, it must be considered as a matter of indifference, except there is an opportunity for its operating to their disadvantage -- in which case, I conceive it ought to be disapproved.

Whether there is danger of its operating to the good people's disadvantage, shall now be the subject of our inquiry.

Supposing Congress should direct, that the representatives of this commonwealth should be chosen all in one town, (Boston, for instance) on the first day of March -- would not that be a very injurious institution to the good people of this commonwealth? Would not there be at least nine-tenths of the landed interest of this commonwealth entirely unrepresented? Surely one may reasonably imagine there would. What, then, would be the case if Congress should think proper to direct, that the elections should be held at the north-west, south-west, or north-east part of the state, the last day of March? How many electors would there attend the business? And it is a little remarkable, that any gentleman should suppose, that Congress could possibly be in any measure as good judges of the time, place and manner of elections as the legislatures of the several respective states.

These as objections I could wish to see obviated. And I could wish the public inquiry might extend to a consideration, whether or not it would not be more conducive, to prevent a partial representation, to invest Congress with power to levy such a fine as they might think proper on states not choosing representatives, than by giving them this power of appointing time, manner and place.

It is objected by some, that Congress could not levy, or at least, could not collect, such a fine of a delinquent state. If that is the case, Congress could not collect any tax they might think proper to levy, nor execute any order whatever; but at any time any state might break through the national compact, dissolve the federal constitution, and set the whole structure afloat on the ocean of chaos.

It is, therefore, proposed to the public to consider, whether the said clause in the fourth section of the first article can answer the only purposes for which it is said to have been provided, or any other which will prove any advantage either to the nation or state.

*VOX POPULI*