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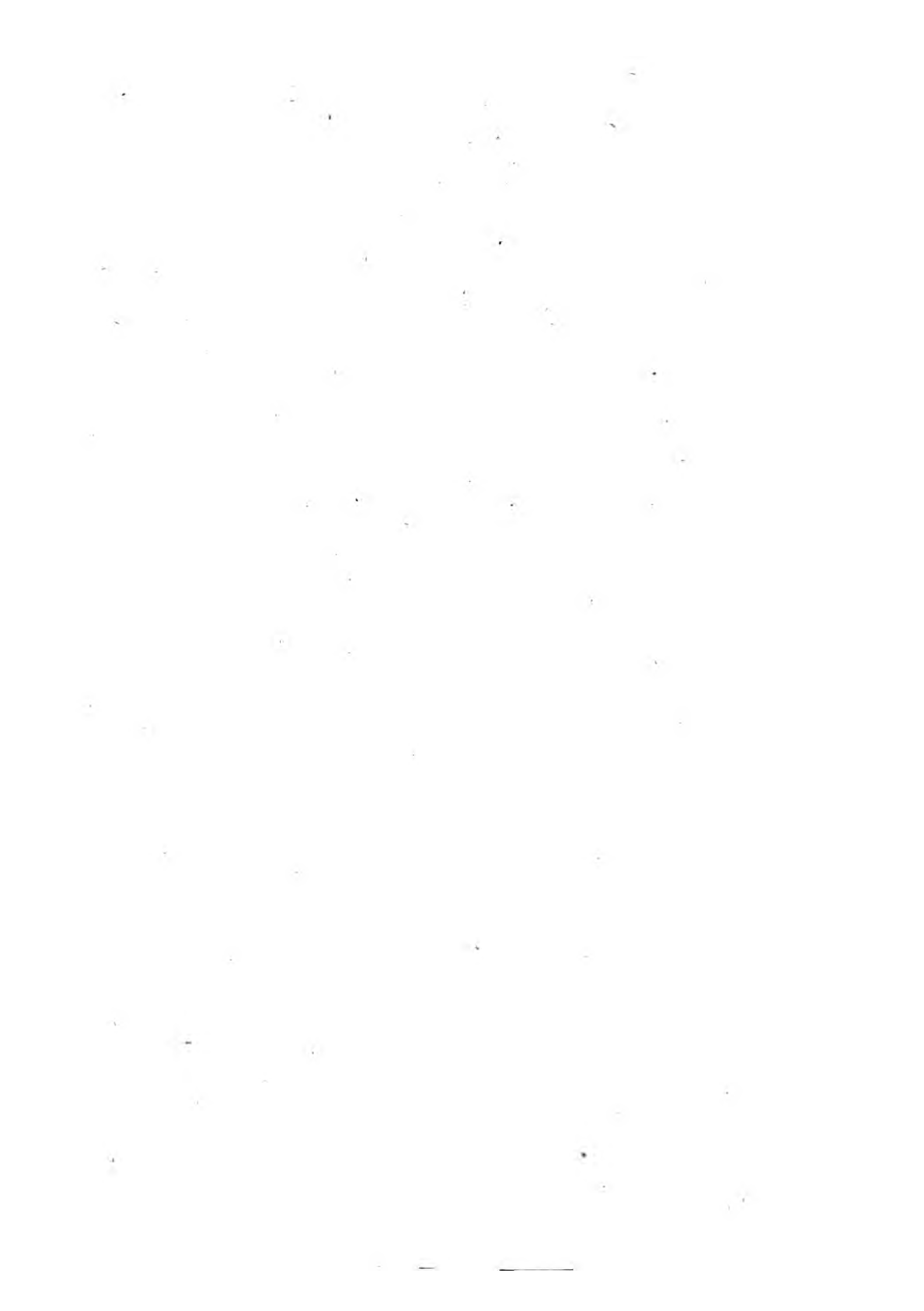
SPEECH

OF

Robert Goodloe Harper, Esq.

&c.

PRICE ONE SHILLING AND SIXPENCE.



SPEECH

OF

R. GOODLOE HARPER, Esq.,

ON THE

Foreign Intercourse Bill ;

DELIVERED

IN THE HOUSE OF REPRESENTATIVES

OF THE

UNITED STATES,

On FRIDAY, March 2, 1798.

LONDON:

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1798.

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S P E E C H, &c.

THE following Amendment to the Bill providing the Means of Intercourse between the United States and Foreign Nations, being under consideration, to wit:—In the section which provides that “ the “ President shall not allow to any Minister Plenipotentiary a greater sum than at the rate of “ nine thousand dollars per annum, as a compensation for all his personal services and other “ expences ; nor a greater sum for the same than “ four thousand five hundred dollars per annum, “ to a Chargé des Affaires ;” strike out the word “ Plenipotentiary,” and insert in lieu thereof the words “ to Great-Britain, France or Spain ;” strike out the words “ Chargés des Affaires,” and insert in lieu thereof the words “ any Minister to “ any other foreign nation :”

MR. HARPER

DELIVERED THE FOLLOWING

ELEGANT AND IMPRESSIVE

S P E E C H.

IT was my wish, and my hope, Mr. Chairman, when this business was again called up some days ago, after an intermission of three weeks or more, that we should at length be permitted to come to a decision without further debate, on a question
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which had so long occupied the attention of the House, and already, perhaps, exhausted the patience of the public. I and those with whom I think on this occasion, were willing, for the sake of an early decision, to pass by, unanswered, many things which, though susceptible, in our opinion, of an easy refutation, were calculated to make an impression to our disadvantage. We were even content to leave unnoticed the violent philippic of the gentleman from Virginia (Mr. Nicholas), who introduced this motion, and who, in support of it, has allowed himself so great a latitude of invective against its opposers and their adherents. We therefore repeatedly called for the question, and did all in our power to close a debate in which such immoderate use had already been made of the indulgence of the House.

But it did not so seem good to the gentleman from Pennsylvania (Mr. Gallatin). He yesterday pronounced a discourse of three hours and a half long, in which he repeated assertions formerly refuted, and made them the ground of a long train of reasoning; and advanced many new positions equally untenable, but equally capable, if left undetected and unexposed, of misleading the mind. These assertions, which the gentleman from Pennsylvania has not attempted to prove, though they are the ground-works of all his reasonings, were advanced with a boldness, which nothing but a belief that he was to remain unanswered could have produced. His speech, when prepared in his closet, was evidently intended for a concluding speech; and hence he has laid down positions which he knew to be unfounded, with a boldness whereof even he himself has heretofore exhibited no example. On these positions he has built a gigantic structure of argument to support the present motion; a structure which, like a vast edifice resting on loose blocks,

blocks, must fall and crumble in the dust, as soon as some person shall take the trouble to discover and knock away its frail and temporary props.

It is for this purpose, that I now rise once more to trespass on the indulgence of the committee. The loose blocks which support this edifice I mean to knock away; an operation which requires neither strength nor skill, which may be performed by any person who stands near enough to discover the defect; and then it will be seen with what speedy ruin a structure so large, and appearing so solid, when viewed from a distance, will tumble to the earth.

Though called up, however, Mr. Chairman, by the assertions of the gentleman from Pennsylvania, I shall not confine myself wholly to them, but shall incidentally notice such observations of other gentlemen as may appear reducible to any head of argument. There are some parts of the last speech of the gentleman from Virginia (Mr. Nicholas) on which, though they appear to have no necessary connection with the subject, I cannot omit to make some animadversions. Those I shall, in the first place, submit to the committee, and then proceed to other and more important parts of the discussion.

The gentleman from Virginia (Mr. Nicholas) perhaps foreseeing that ample retribution of praise which he has since received, employed a considerable part of his last speech in a most pompous panegyric on his friend from Pennsylvania (Mr. Gallatin). Had he stopt here, Mr. Chairman; had he contented himself with extolling the virtues and talents of his friend and political associate, even at the expence of every body else, I should have been disposed to pass it by unnoticed. The gentleman from Virginia, no doubt, entertains this exalted opinion of his friend from Pennsylvania, and I should never deny him the right, or grudge him the pleasure

sure of expressing it; nor have I any disposition to detract from the merit of the gentleman from Pennsylvania, or diminish the reputation which he may be supposed to possess. But the gentleman from Virginia did not stop here. Not content with extolling his friend above all that is great and distinguished in the country, he went on to impute the worst of motives, the most base and contemptible passions, to those who do not partake in his enthusiastic admiration. He told us, that frequent attacks were made, in this House, on the gentleman from Pennsylvania, that those attacks proceeded from envy of his superior talents, and were a tacit acknowledgment of that pre-eminence of ability which every day's debate rendered more and more conspicuous.

Mr. Chairman, I might, I know, be excused from taking any part of this observation to myself personally; for it will be remembered that I have made none of those attacks which are spoken of on the gentleman from Pennsylvania. Perhaps this has been because I have, for my part, never felt that superiority, never perceived that pre-eminence, from which the attacks are supposed to proceed. That the gentleman from Pennsylvania has merit no body will deny, and no body can be less disposed to deny it than me; but I confess that I have never observed that superiority over many other members of this House, much less over all, whereby the gentleman from Virginia has been so much dazzled. And I would remind that gentleman, that all greatness is by comparison, and that the comparison, in cases of this kind, is generally made, not between a man and his antagonists, but between him and his associates. Even a rush-light may seem a resplendent luminary, when compared to a glow-worm; and in a dark room, the smallest spark becomes bright and distinguished. I would submit it
to

to the gentleman from Virginia, whether he has not committed some mistake of this kind. Amidst the thick gloom that is observed to rest on a certain description of persons, a certain class of political opinion, in this country, I will not say in this House, is it to be wondered at, if the glimmerings of sense and capacity which are sometimes emitted from that quarter by the gentleman from Pennsylvania, should dazzle the eyes of his associates? But they must not judge of the eyes of the community by their own eyes, nor conclude that the brightness of the sun is to be found in those flashes of light which, undiscernible amidst the full blaze of day, are indebted for all their apparent resplendency to the blackness of that night from whose bosom they are sent forth. Let me advise the gentleman from Virginia, Mr. Chairman, to forbear his panegyrics. They produce no effect on the decision of the American public, before which the gentleman from Pennsylvania, with his associates, and his opponents, stands to be judged. This judgment will be formed on better premises than the panegyrics or the invectives pronounced in this House. It will place the gentleman from Pennsylvania, and those who appear with him on the political scene, in their true positions; it will not only be impartial, but final and conclusive; and to it all of us, whatever we may think or say of ourselves, or of each other, must implicitly submit.

The gentleman from Virginia, having paid this large tribute of flattery to his friend from Pennsylvania, who, to do him justice, has not been unmindful of the proper retribution, went on to select from his political associates another object of enthusiastic adulation, whom he has extolled in terms still more extravagant, and with allusions still more offensive. I mean, Sir, the late Minister to France; and as I shall have occasion to make some observations, of

no very flattering nature, on the conduct of that gentleman, I beg leave to remark, in the first place, that for any thing which I may say here, I shall not claim the protection of my seat, or shelter myself under its privileges.

The gentleman from Virginia has represented the talents and accomplishments of this person (Mr. MANDROE), the late minister to France, as so pre-eminently superior, not only to the distinguished character (General Pinckney) who was sent to succeed him, but to every other character in this country, to any person who might have been sent, his qualifications as so extraordinary, his services as so great, and his conduct as so exemplary, that his recal could be considered in no other light than as the act of an *assassin*. Yes, Mr. Chairman, the gentleman from Virginia has declared that the recal of the late minister to France was the act of an *assassin*. And who is this assassin? It is Washington; for by Washington this minister was recalled; and for this exercise of his constitutional powers as President, he is branded by the gentleman from Virginia with the name of *assassin*.

Mr. Chairman, were I to give way to the feelings which naturally arise in the breast of an American at hearing the epithet *assassin* affixt to the name of Washington, I should apply expressions to the gentleman from Virginia little suitable to the dignity of this place, and little consonant with the respect which I entertain for his personal character. But I will repress them; and instead of giving vent to a just and natural indignation, I will content myself with repelling this rude, this unlooked-for attack, upon the administration of this government and its late venerable and illustrious chief.

This I am fortunately enabled to do in a manner the most easy and complete; for the late minister to France has written a book. *Oh that mine enemy might*

write a book!" was the affecting exclamation of a virtuous and suffering man of old, unjustly accused, but conscious of rectitude, and wishing ardently for an opportunity of confounding his accusers out of their own mouths! "*Oh that mine enemy might write a book!*" ought also to be the exclamation of the American government; which, to use the expression of its late illustrious chief, "requires nothing but a knowledge of the truth to justify its measures, and cannot but be desirous of having this truth frankly and fully displayed." The American Government has been more fortunate than Job. His enemies wisely confined themselves to the strong holds of dark, vague and general abuse. They practised the "*Ambiguas in vulgam spargere voces*" of the poet, and wisely avoided the open field of facts and specific accusations. But not so the late minister to France. Prompted by that *restless vanity* for which demagogues of an inferior order are always remarkable, he has *rashly* and *foolishly* challenged his enemy to combat on the open plain of dates and facts, and has written a book. In this book is to be found the most *complete justification* of the Executive for his recal, in every respect, except that it was so long delayed; for the book contains the most singular display of *incapacity, unfaithfulness* and *presumption*, of neglect of orders, forgetfulness of the dignity, rights and interests of his own country, and servile devotedness to the government of the country to which he was sent, that can be found in the history of diplomacy. In this book it appears that the late minister to France, took every occasion of thwarting the views of the government by which he was sent, that he forebore to do much that he was ordered, and did much that he was expressly forbidden; that he, in all cases, set up his own judgement above the judgement of his government; that he assured

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France,

France, "that this country was ready to submit to
 " any violation of its rights, to any infractions of
 " its treaties which she might think fit to practise,
 " and that if she thought these violations and in-
 " fractions advantageous to herself she ought to
 " persist in them, for in that case we should not on-
 " ly submit, but acquiesce with cheerfulness and
 " pleasure:" that he made a direct attempt to ren-
 der this country tributary to France, in order to gain
 her assistance for accomplishing, by force, objects
 which our government was then striving to accom-
 plish, and actually did accomplish by amicable ne-
 gociation: that he did every thing in his power to
 involve this country *in the war against England*,
 pursuant to the *wishes* and *policy* of France, and
directly contrary, not only to what he knew to be
 the desire and determination of our government,
 but to the express letter of his instructions. All
 this, Mr. Chairman, appears from this book, and it
 is but a small part of the catalogue which might be
 presented. The book lies before me; its disgusting
 pages I will not open to the House; the members
 no doubt have perused it, and to their own recol-
 lection I refer for the proof of all that I have ad-
 vanced. The late minister to France stands self-
 convicted of every thing short of *selling his country*
for a price. Of this I do not accuse him, but no-
 thing else, which his incapacity permitted him to
 do, has he left undone.

And this, Mr. Chairman, is the man, for recal-
 ling whom the epithet of *assassin* is applied to the
 name of Washington!

[Mr. Nicholas explained, by saying, that he had
 said, "that after the full disclosure of the conduct
 " of Mr. Monroe, he was sorry to find that gentle-
 " men thought it necessary to make insinuations
 " against him; but that since gentlemen made it
 " necessary to give an opinion on the subject, he
 " had

“ had no hesitation in declaring, that, in his opinion, the publication had proved that it was in the power of the Executive to have preserved peace with France, but that they had wantonly thrown it from us. He said he was convinced, that the discovery was a very unpleasant one to gentlemen who had avocated certain measures; but he thought it could not be condemned after the attacks made on that gentleman; and that the effect was like the wounds of the assassin, who finds his enemy unexpectedly prepared.”]

I do not think, (continued Mr. Harper) that the gentleman from Virginia has made the matter better by his explanation. It appears by that very explanation, that he did apply the term *assassin* to General Washington for having recalled the late minister to France; a term which, some years ago, surely could not have been expected ever to be applied to that name within the United States, much less within these walls.

I must beg leave, Mr. Chairman, to conclude these remarks with the declaration wherewith I began them, that I do not intend to shelter myself under the privileges of my place for any thing that I have said on this subject. If the remarks which I have made on his friend should appear harsh to the gentleman from Virginia, let him recollect that he himself provoked and gave occasion for them, by declaring that General Washington had acted the part of an *assassin*.

Having disposed, Mr. Chairman, of this part of the subject, I will next advert to the constitutional ground taken by the gentleman from Pennsylvania (Mr. Gallatin). That gentleman prefaced his observations, by declaring that the amendment under consideration went no further than to reduce the salaries of certain ministers plenipotentiary from 9000 to 4500 dollars; but unfortunately, he forgot

got his tenet before he arrived at the middle of his speech, for he soon confessed that the object of the amendment was to restrain and control the Executive in the exercise of the power of appointing foreign ministers, which is vested in it by the constitution, and having made this acknowledgement, so contradictory to his first position, the gentleman from Pennsylvania proceeded to shew, by the utmost exertion of powers, that it was right and proper for the House thus to interfere, thus to control the Executive, and to use its power over appropriations, for effecting that purpose. Indeed the gentleman from Virginia (Mr. Nicholas) at the outset of the business, expressly stated this to be the sole object of his amendment. With a candour and openness characteristic of his usual conduct, he avowed that his object was not to save money, but to restrict the President in the exercise of this power. He told us that the diplomatic corps had been improperly increased; that the number of ministers had been improperly extended; that there was danger of a further extension, whereby a dangerous executive influence in the House was likely to be produced; and that it was right for the House to interfere, prevent this extension, and bring back the establishment to its original limits; and this he stated to be the object of his amendment. Hence, then, Mr. Chairman, it is manifest, not only from the arguments of the gentleman from Pennsylvania, but from the express declaration of the mover of this amendment himself, that the question now agitated, is a question of power, and not a question of money. It is manifestly not a question to know whether a minister plenipotentiary shall have this, that, or the other salary, but whether this House shall direct the President where he shall appoint ministers plenipotentiary, where ministers resident, and where no ministers at all. The question goes
this

this whole length; for if the House can say, as the amendment declares it can and ought, that no minister plenipotentiary is necessary at Lisbon or Berlin, it can say, with the same propriety, and on the same principles, that no minister plenipotentiary is necessary at London, Paris or Madrid, or that no minister is necessary any where.

That such is the object of the amendment, that the question between us is a question of power, and not of money, is further evident from the mode of argument whereby the amendment is supported. Gentlemen do not pretend that 9000 dollars is too much for a minister plenipotentiary at Lisbon or Berlin, on that ground we should cheerfully meet them, and agree to a reduction of the salary, if it should appear to be too high; but they tell us, and attempt to prove, that there is no need of a minister plenipotentiary at Lisbon or Berlin. In answer, we alledge, that by the constitution, the President and Senate are solely authorized to judge where ministers of this, that, or the other grade ought to be employed, and that this House has nothing to do with the business but fix their salaries, which it is bound to do in a suitable manner. This gentlemen deny; and thus the question of power, the sole question which has been agitated, or is considered of any importance, arises between us.

I say "the only question which is considered as important," because the supporters of the amendment have laid no stress whatsoever on the question of expence. They have, on the contrary, shewn themselves ready to abandon it, for the sake of gaining the least additional chance of support in the great question, the question of power. This is manifest from the motion of the gentleman from Maryland (Mr. S. Smith) which was immediately agreed to by the mover of the amendment. By the amendment, as first proposed, ministers plenipotentiary

tentiary were to be allowed only at London and Paris. The gentleman from Maryland proposed, to allow one at Madrid also, because he had observed that the impropriety of recalling our minister from that court had been particularly insisted on by some who opposed the amendment. The gentleman from Virginia immediately consented to modify his amendment, so as to leave a minister plenipotentiary at Madrid. From which it would appear most evidently, if we did not know it before, that gentlemen care not how many ministers plenipotentiary there are, nor how much money is spent in maintaining them, provided the House of Representatives can obtain the power, of controlling and directing the appointment. It is to obtain this power, and not to save public money, that gentlemen struggle; and provided the principle can but be established, they are content to have ministers plenipotentiary as many as any body pleases; for they know that the principle may be as completely established in the case of one minister, as by turning out the whole diplomatic corps.

And notwithstanding all this, the gentleman from Pennsylvania (Mr. Gallatin) tells us that this is merely a question about salaries, a question of saving 9000 dollars, and wonders how it could lead to a controversy about the constitutional powers of the President and the House! This proves that the gentleman from Pennsylvania intended his speech for a concluding speech, or that he entertains a most contemptuous opinion of the understanding of the House.

I shall, therefore, Mr. Chairman, consider this amendment as having for its object, and its sole object too, the establishment of this principle: "that
 " the House of Representatives, by its power over
 " appropriations, has a right to control and direct
 " the Executive in the appointment of foreign ministers." I shall treat the question which arises
 " upon

upon this amendment, as a question of power between this House and the President and Senate, and I shall endeavour to shew that the amendment, if carried, would be a direct breach of the constitution, an alarming usurpation by this branch, on the constitutional powers of the Executive department.

The supporters of this amendment, avowing its object to be the establishment of a controul over the appointment of foreign ministers, contend that this House have a right to exercise that controul, and rely on that part of the Constitution which provides that "no money shall be issued from the treasury without an approbation by aw," At this House, say gentlemen, must concur in passing all laws, it follows that it may refuse its assent to approbations. In judging whether it will give or refuse this assent, it must be guided solely by its own discretion, by its own opinion about the necessity or utility of the object for which an approbation is wanted. If it should think this object unnecessary, or hurtful, it is bound in duty to withhold the approbation. Consequently, it may refuse to appropriate for a minister to Lisbon, Berlin, or any other place, if it should think such minister though appointed by the President and Senate, unnecessary or injurious. This I take to be a fair state of the argument.

But gentlemen while they lay such stress upon this part of the Constitution, seem entirely to forget another part, that part which provides that "the President, by and with the advice and consent of the Senate, shall appoint foreign ministers and consuls." It will, however, be admitted, that these two parts of the Constitution are equally authoritative, and must both have effect; that the whole instrument, like all other instruments, must be taken together, and so construed that none of its provisions may be defeated or rendered neugatory. These two powers

powers, therefore, the power of appointment in the President and Senate, and the power of appropriation in the House, must be reconciled to each other; must be made to act as mutual helps, not as mutual obstructions. How is this to be done? Certainly not by admitting the doctrine of this amendment, which would utterly destroy one of the powers; would give the House an absolute control over the appointment of ministers, and reduce the President and Senate to the mere power of making a nomination, which the House might refuse or agree to, according to its good pleasure. This is the plain and necessary consequence of admitting the principle, contended for in support of this amendment, that the House, when called on to appropriate for an officer, legally appointed, may, in the first place enquire, whether the appointment is necessary.

Some other way of reconciling these powers, must therefore be found out; and which is it? We contend, Mr. Chairman, that it is thus. An office must first be authorized by law: for nobody pretends that the President and Senate can create offices. When the office is thus authorized, the President and Senate exercise their power of appointment, and fill the office. The House of Representatives then exercises its constitutional power over appropriations, by providing an adequate compensation for the officer. In the exercise of this power, they cannot enquire whether the office was necessary or not; for that has already been determined by the law which authorized it. Neither can they enquire whether the office was properly filled; for that would be to invade the powers of the President and Senate, to whom, by the constitution, the right of choosing the officer is exclusively referred. What then is their power, and into what may they enquire? They may enquire what is a proper and adequate compensation for such an officer? They may fix the amount of his salary: and in fixing it,
they

they must be guided by a proper discretion; by a sense of duty; by the nature of the office, the circumstances of the country, and the public service. Thus the constitution would be reconciled, and each department would act within its proper sphere. The President and Senate could make no appointment till the office should be authorised by law, consequently there would be no danger of abuse. When they had made the appointment, they could not fix the amount of salary, or order the money to be paid out of the treasury; another guard against the danger of abuse. When the appointment should be duly made, the House, on the other hand, would be bound to provide an adequate salary; and could not, by refusing it, defeat the law and the appointment, because they might think the one unnecessary, or the other unwise, and this principle would be a guard against any abuse of the powers of the House; would prevent it from invading the province of the other departments, and subverting the principles of the Constitution.

Had gentlemen confined themselves within these limits, had they carried their enquiries no farther than to the adequacy of this or that salary, this debate would never have existed. We should have met them on the ground of sufficiency of salaries, without any reference to constitutional points, or contention about constitutional powers. But this was not their conduct. They expressly declared, not that the salaries were too high, and ought to be reduced, but that the appointments themselves were unnecessary, and ought to be abridged; and thus they drove us into the constitutional question, and compelled us to defend the Executive powers against their attacks in this House.

But, say gentlemen, is the House always bound to appropriate? If the President should appoint an hundred ministers plenipotentiary, must the House, without

without enquiry, give money to support them all? What guard would there then be, they exclaim, against an enormous and abusive extension of the diplomatic establishment?

To this I answer, Mr. Chairman, in the first place, that we have a security in the responsibility of the President. He is elected by the people; and elected every four years. All these appointments, tho' sanctioned by the Senate, must originate with him: and therefore he is particularly, and almost solely, responsible. His character is at stake. He is a single actor on a most conspicuous theatre; and all eyes are upon him. He is watched with all the jealousy, which, in this country particularly, is entertained of Executive power. He is watched by the gentlemen themselves who support this amendment, and who are sufficiently prone to find fault with him and abuse him, even when he acts properly. This he well knows, and consequently will take care to do nothing which may strengthen their hands, by giving them ground for censure. Should he act improperly, make foolish or unnecessary appointments, he must disgust his friends and supporters, forfeit the public esteem, and lose his election. He may be even turned out by impeachment before the time for a new election arrives. These, I apprehend, are sufficient securities against wanton misconduct.

I answer, in the next place, that if the President should think fit to abuse his powers, it is his own concern, and no business of this House, unless, indeed, we chuse to impeach him. We are sent here by the people, to exercise our own powers, and not to watch over the President; who, equally with us, derives his powers from the people, and is amenable to them, and not to his House, for the exercise of those powers. We may, indeed, as individuals, censure his conduct, as we may that of any member on this floor, and endeavour to prevent the people

ple from re-electing him; but, as a body, we have nothing to do with him, or his conduct, but impeach him. If he proposes measures to us which we do not approve, we may reject them; in the same manner as he may reject bills which we send up to him: but we have no more right to prevent him, either directly or indirectly, from making such appointments as he pleases, than he has to prevent us from passing such votes or resolutions as we please. The interference in one case is equally unconstitutional as in the other. It has, indeed, become fashionable, with some gentlemen on this floor, to consider this House as "the people," and to speak and act as if the people had delegated to us their general superintending power over the other departments: but this doctrine is unknown to the Constitution, to the utter subversion of which it directly leads. It directly leads to that concentration of powers in one popular body, which it was the main object of those gentlemen to introduce: that concentration whereto this amendment is considered, and intended by its supporters, as an introductory step.

I answer, in the last place, Mr. Chairman, that if the President should appoint an hundred ministers plenipotentiary, or commit any other such wanton and foolish abuse of his power, it would be an extreme case, which would speak for itself, and dictate the line of conduct which this House and country ought to pursue. But we never can legislate on extreme cases. They must be left to suggest and provide their own remedies, when they occur. Suppose two-thirds of both Houses, under the influence of some unaccountable madness, should pass a law, in spite of the President, for building fifty ships of the line, to be given to France in order, to augment her navy, or for any other violent purpose, how ought the President and the country to act? I

do not know: these would be extreme cases, and they would carry their own evidence, and the indication of their own remedies, with them. We may as well suppose extreme cases of one kind as of another; and however our own self-love may induce us to think that there is less danger from us than from the President and Senate, and that power, however dangerous in their hands, is perfectly safe, as soon as it comes into ours, the constitution, and the framers of it, judged otherwise, and they judged rightly. It is infinitely more dangerous in our hands, when uncontrolled; because we have less personal responsibility, and are far more liable to the influence of passion. When, therefore, these extreme cases occur, we will act accordingly, and should they obviously require the breach of a law, the necessity will be universally felt and acknowledged, and we must break it. All that I contend for is, that the present is not an extreme case, and that these appointments, being authorized by law, a law must be broken before we can defeat the appointments, according to the avowed object of this amendment. I contend, that when we undertake to defeat these appointments, we must consider them as authorized by law, as much as the appointment of a Judge, or a Secretary of the Treasury; and must enquire whether the motives are sufficiently urgent, the case sufficiently extreme, to induce the necessity of breaking a law. This is denied by gentlemen who support the amendment. They contend that these appointments of foreign ministers are not to be considered as completely authorized by law; and consequently that the House may withhold the appropriation without breaking any law. This is the very point in dispute; and to this point I shall direct such remaining observations as seem necessary to be made on the constitutional question.

The question then is, Mr. Chairman, from what

source is the office of minister plenipotentiary, or any other foreign minister derived? The officer, we well know, must be appointed by the President and Senate; but the office and the officer are distinct things; and before an officer can be appointed, an office must exist; unless gentlemen are disposed to admit, as I certainly am not, that the President and Senate can create offices. The gentleman from Pennsylvania (Mr. Gallatin) well aware, that if the office of foreign minister could be considered as legally existing previous to the appointment by the President and Senate, and independently of it, the conclusion which we contended for would irresistibly follow, has denied this position; has denied that the office of foreign minister becomes a complete and legal office as soon as the officer is appointed by the president and Senate.

[Mr. Gallatin explained. He had asserted, he said, the very contrary; and had admitted, though he considered it as a disputable point, that the office was like that of a Judge, and became complete on the appointment by the President. But he had denied that the House was bound to appropriate for the officer.]

(Mr. Harper continued) I know, Mr. Chairman, what the gentleman denied, and what he admitted, and it appears by his explanation, that I was right in my first statement. The gentleman contended, and that was the leading point of his argument, that the office of foreign minister was derived from the appointment of the President; and why did he contend for this? Because he knows that the President cannot erect offices; and consequently if the office of foreign minister had no other origin than the appointment of the President, it could not be considered as a legally existing and complete office, until this House had concurred in it. This was the scope and object of the gentleman's argument, and hence his solicitude to establish the position, that the office

of foreign minister originates in the appointment of the President. He said, indeed, that he would admit these offices to be analogous to those of Judges; but he immediately denied it again, by denying that the House was bound by any law to appropriate for these offices, as they evidently are for Judges; and in denying this, he denied every thing. The gentleman admitted, in form, but denied in substance, and contended for principles directly at war with his seeming admission. These are complete offices, according to the gentleman, but they were derived from no legal authority; nor is the House bound by any law to appropriate for their support. That is, they are legal, and they are not legal; they are offices, and they are not offices; and that is the amount of the gentleman's admission and of his explanation. Thus he told the House, on a former occasion, that he did not dispute the power of the President and Senate to make treaties; he only contended, that those treaties, when made, were not binding till the House had concurred in them, by granting appropriations: in other words, that the President and Senate could *make* treaties, which, however, though *made*, were in fact, not treaties till ratified by the House; that is, that there might be treaties, which were not treaties. This was the substance and amount of that gentleman's reasoning on a former occasion; and it exceedingly resembles his present argument, as just now explained by himself.

The question, therefore, between the gentleman from Pennsylvania and us, is, whether the office of foreign minister be derived from the appointment of the President and Senate, concurred in by this House; or whether it must be traced to a higher origin, and considered as completely existing before the appointment takes place, in the same manner as the office of Secretary of the Treasury, or of State, which completely existed as soon as the law
was

was passed establishing those departments, and before any officer was appointed? We contend for the latter doctrine, and the gentleman from Pennsylvania for the former. If he be right, it follows that the appointment is incomplete until this House gives its sanction; for we well know that the President and Senate cannot of themselves create an office. If we be right, it follows, that as soon as an appointment is made to fill this office, this House is legally bound to supply an adequate salary, in the same manner as for any other office created by law.

There are two modes, Mr. Chairman, by which an office may exist; either by law, or by the constitution; and from one or the other of these sources the office of foreign minister must be derived. It is not derived from the constitution, like the office of President, Vice-President, or Speaker of the House; for the constitution speaks of it as already in existence. The constitution does not say there shall be foreign ministers, and then go on to direct how they shall be appointed, as in the case of President; but considering the office as already existing, it merely directs how it shall be filled. "The President, it says, by and with the advice and consent of the Senate, shall appoint foreign ministers, and consuls." Unless, then, gentlemen are disposed to deny that there were foreign ministers previous to the constitution, they cannot contend that the office of foreign minister is derived from the constitution. It must therefore, be derived from the law.

But from what law? Not from any act of Congress; for we know that there is no such act. Congress has never done any thing more than to fix salaries for foreign ministers, and vote money to pay them: And besides, the constitution, which is previous to all acts of Congress, recognizes the office

of foreign minister as already existing, and directs in what manner the appointments to fill it shall be made. From what law, then, is this office derived? Mr. Chairman, it is derived from the law of nations.

In every civilized state there are two sorts of law, derived from two distinct sources; the municipal law, and the law of nations. The law of nations, deriving its origin and its force from the consent of nations themselves, mutually given to each other, is independent of their municipal laws, which have relation to their own internal affairs, and depend upon the acts of their respective governments. The municipal laws of the United States consist in our acts of Congress, and are derived from the authority given by the constitution. The law of nations, as it respects us, has a higher origin, and became binding on us from the moment when we erected ourselves into an independent state, and entered into the pale of civilized nation. We then gave our consent to that law, when we began to send and receive ambassadors, and to form treaties with other powers. This law, then, became binding on us by our own consent and our own acts, and this law establishes the office, regulates the duties, and defines the privileges of foreign ministers. That office, consequently, was established among us, as soon as we submitted ourselves to the law of nations. Accordingly we had foreign ministers before we had a President, before we had a Congress, and before we had a constitution. Even before the first articles of Confederation were entered into, we considered this office as existing; for those articles do not establish the office, but merely declare how it shall be filled, by whom foreign ministers shall be sent, by whom they shall be appointed.

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The gentleman from Pennsylvania, indeed, has told us that the office of foreign minister originated in the appointment of the president and Senate. But where did that gentleman learn that the President and Senate can create or originate offices? He has said, that the office becomes complete when sanctioned by an appropriation in this House. But all offices not existing by the constitution, must be created by law; and where did he learn that this House could concur in a law, by any other means than having a bill before them, and passing it with the usual forms? Where did he learn that this house could, in this indirect way, by voting a sum of money, legalize an act not otherwise legal, and give the force of a law to what otherwise would not be a law? The gentleman has neither learned this in the constitution, nor in the proceedings of the House; but though we know not where he learned it, we are well apprized of the purpose for which he introduced it here. That purpose I have already explained.

It being manifest, then, Mr. Chairman, that the office of foreign minister is established by the law of nations, it only remains to enquire, whether that law is complete and binding. Can there be a doubt that it is so within its proper sphere? Do not our courts of justice acknowledge its existence, and yield to its authority as to all objects on which it is calculated to act? Is any aid required from acts of Congress or other municipal laws, in order to give it efficacy? Certainly not. These two kinds of law, the law of nations and the municipal law, are each supreme in their respective spheres. They operate, indeed, upon different objects, and are executed in different modes; but each is complete in its operation. From hence it results, that an office existing by the law of nations, has an existence as completely legal, as one which

exists by act of Congress: that the office of foreign minister is as much a legal office, exists as much by the laws of this country, as the office of Chief Justice, or Secretary of State; and that when one of these offices is filled by the appointment of the President and Senate, the House is under as complete a legal obligation to provide an adequate salary for it, as for the other. This House can no more say this, that, or the other minister plenipotentiary is unnecessary, and we will not provide for him, than it can say, a Chief Justice, or a Secretary of State, is unnecessary, and we will not provide for him. It would as much be guilty of a violation of law in one case as in the other.

But, Mr. Chairman, if these conclusions, and the premises whereon they are founded, should be erroneous, if the doctrines of the gentleman from Pennsylvania should be correct, still this amendment cannot be supported. It is in direct contradiction with the principles whereon its supporters rely, and is refuted by the very arguments adduced to defend it.

What is the doctrine of the gentleman from Pennsylvania? That the office of foreign minister originates with the appointment of the President, and becomes completely established when this House has sanctioned it by an appropriation. I state this to be his doctrine, though he did not lay it down in these express words. This is the substance, for otherwise he must admit, in direct contradiction to his whole argument, that the office not only originates, as he says, but also becomes complete, by the appointment of the President and Senate: in other words, that the President and Senate can create offices. When the gentleman from Pennsylvania, therefore, told us, that although the office of foreign minister originates with the appointment of the President and Senate, yet the
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House is not bound to appropriate a proper salary, as he admits it to be bound in case of an office erected by law; the office of Chief Justice, for instance, he told us, in substance, that this office, though originating with the appointment of the President and Senate, remained *inchoate*, did not become a complete and legal office, till sanctioned by an approbation in this House. This, Mr. Chairman, is the true doctrine of the gentleman from Pennsylvania; and it is precisely analogous to his doctrine of *inchoate treaties*, about which we heard so much on a former occasion. His doctrine about treaties was this; that a treaty, though made by the President and Senate, is but an *inchoate act*, till completed by the assent and sanction of this House. The House, he said, was in no wise bound to give this assent; but when it should be given, the treaty would then become complete. Accordingly, after this House had assented to the British treaty, by passing an approbation for carrying it into effect, that gentleman told us that the treaty was complete, and had become as much the act of this House as of the President and Senate. This position he has repeated more than once; and in the debates on the President's speech, during the summer session, he laid it down in the most emphatic manner. I presume, Mr. Chairman, that an "inchoate office" is like an *inchoate treaty*, and may become perfect in the same manner. The gentleman admits, nay contends, that what he calls an *inchoate treaty*, becomes perfect and binding, to all intents and purposes, on this House, and every body else, as soon as this House gives its sanction by an appropriation. Hence it irresistibly follows, that this *inchoate office* of foreign minister, this office originating, according to the gentleman from Pennsylvania, in the appointment of the President and Senate, but not binding on the House, and therefore not complete, must

must become complete and binding from the moment when it receives the sanction of the House. If not, it never can be complete and binding; must always remain an inchoate thing, which would be a most manifest absurdity.

If, therefore, the sanction of the House can legalize and complete that office of foreign minister which originates in the appointment of the President, this sanction has already been given, and these offices of minister plenipotentiary to Lisbon and Berlin, which it is the object of this amendment to destroy, have already been legalized and completed by the assent of this House. They are, consequently, at this time, according to the principles of gentlemen themselves, completely legal offices; as much so as those of President, Chief Justice, or Secretary of State; and these gentlemen, in attempting to destroy them, by withholding an appropriation, are guilty of as direct, and as great an infraction of the law and the constitution, as if they were to attempt to drive the President of the United States from his office, by refusing the annual appropriation for payment of his salary. An office must either be legal, or not legal. If legal, it is equally binding, in whatever mode it became so, whether by the law of nations, an act of Congress, or the appointment of the President and Senate, sanctioned by this House; and there exists the same obligation on the House to provide an adequate salary in one case as in the other.

Will gentlemen ask when these offices of ministers plenipotentiary to Lisbon and Berlin received the sanction of this House? Lest they should have forgotten, I will tell them. The first received it in May 1796, and the second from this present Congress, in June 1797. It will appear, by a reference to the files of the House, that on the 28th of May 1796, the President of the United States sent a
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message to the House, informing it that he had appointed ministers plenipotentiary to Madrid and Lisbon, instead of ministers resident, and that this augmentation of the grade would require an additional appropriation. In consequence of this message, a bill was passed on the fifth of June following, by which the necessary appropriation was made. Thus the office of minister plenipotentiary to Lisbon received the express sanction of this House.

Surely we cannot have forgotten what passed in this House last June, during the first session of this Congress. We were informed by the estimates from the department of state, that 13,500 dollars would be wanted for the salary and outfit of a minister plenipotentiary to Berlin. A bill was brought in containing this appropriation. The appropriation was opposed; but, after full discussion, it was carried, by a great majority, and the bill passed. Thus the office of minister plenipotentiary to Berlin received the express sanction of this present House of Representatives.

If these offices, therefore, were *inchoate* before, according to the doctrine of the gentleman from Pennsylvania, they became complete, on his own principles, as soon as these appropriations were consented to by this House; for he has told us, over and over, that an *inchoate* treaty becomes complete as soon as this House gives its assent by an act of approbation; and, by the whole tenor, and the very terms of his argument, he places an *inchoate* treaty and an *inchoate* office on the same footing. Consequently, he is now bound to appropriate for this office as much as he admits himself to be bound to appropriate any sums which may still be wanted for carrying into effect a treaty once sanctioned by this House. And yet that gentleman, and those who agree with him on the present occasion, are content,

content, for the sake of effecting their favourite object, the establishment of a controul over Executive appointments, to act in direct opposition to their own principles, in manifest inconsistency with those very doctrines for which, on former occasions, they have so strenuously contended! The truth is, that they shape their doctrines to the purposes of the moment; and abandon them, without difficulty, when those purposes require it. When they had resolved to defeat the British treaty in this House, they introduced the doctrine of *inchoate*. They alleged that the House was under no obligation to carry a treaty into effect, because it was only an *inchoate* act till sanctioned by this House; but they admitted, in the most explicit manner, and made it a part of their doctrine of *inchoate*, that when this House had given its sanction, the treaty became complete and obligatory. Now that their object is to turn certain ministers plenipotentiary out of office, and to establish a precedent of the controul of this House over the Executive in the exercise of its constitutional functions, they discard their favourite doctrine of *inchoate*, which is no longer adequate to the purpose. They go farther, and contend that the House, by its power over appropriations, has a right to controul all the acts, to stop all the movements of the other departments; that it may withhold appropriations, in all cases, according to its own good pleasure or caprice, which the gentlemen dignify with the name of discretion. There cannot be a doubt that the doctrine now contended for, would enable this House to drive the Secretaries, the Judges, and even the President, from office, by withholding the appropriation for their salaries, if ever they should become personally obnoxious to a majority of this House. The step from the present doctrines to that point, would be far shorter than from *inchoate* to
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the present doctrines; and the right of encroachment being once established, there will be nothing to set bounds to it, but the good pleasure of the House. I have heard it avowed, Mr. Chairman, that the affairs of this country can never prosper until all the present heads of departments shall be driven from office; and I have no doubt that the means of effecting that purpose, so desirable to these gentlemen, are intended to be furnished by this amendment. Should it prevail, it will establish a precedent that may easily be extended to that or any other object; and have we reason to believe, from what we now see and have witnessed on former occasions, that the extension will not be attempted?

Let not gentlemen, therefore, Mr. Chairman, accuse us of too much jealousy, when we zealously oppose these attempts, and charge them with supporting principles which lead to the utter overthrow of the constitution. I view their principles in that light; and in this view I am fully confirmed by the most mature reflection, not only on the consequences of those principles, but on the manner in which they have been introduced and supported here.

But say, gentlemen, what interest can we have to subvert the constitution? Why should we harbour designs of overthrowing the government; and introducing anarchy and confusion? Have we not as much at stake, as much to lose, as you? Have we not equally concurred in the establishment of this government? And what inducement can we have to wish for its destruction?

Since gentlemen, Mr. Chairman, make this appeal to their motives, I must be permitted to offer a few observations on that subject, before I dilate, as it is my intention to do, on the object and tendency of their political system.

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As to motives, Mr. Chairman, I have no difficulty in declaring, that I believe the far greater part of these gentlemen to be actuated by the purest motives. I do not say all; because I am not bound to answer for the motives of all. There are some among them of whose motives I know nothing; but far the greater part of those who support the system whereof this amendment is a leading member, are actuated, in my opinion, by motives as pure, I will not say as my own, because perhaps those gentlemen may deny me the merit of pure motives, but as those of the best and purest men in this country: and if I could find security against the consequences of men's actions in the uprightness of their intentions, I never should apprehend harm from these gentlemen. But, Mr. Chairman, does history, experience, or common sense, inform us that such security can be found? Do we not confine lunatics, and keep knives and razors out of the hands of children? Why? Not because we are afraid of their intentions, but of their actions; because we are justly apprehensive of their doing mischief without intending it. Is there a description of people on earth, who have inspired the world with a firmer confidence in their good intentions than the Quakers? And yet we dread the consequences of some of their attempts. This society, so virtuous, so praise-worthy, and whose institutions are formed on principles so beneficial and benevolent, have, however, adopted it as part of their creed, have made it a tenet of their religion, that Personal Slavery ought to be abolished; and they go forward with unwearied perseverance, to the accomplishment of this object, without regard to risks or consequences. In vain do we tell them that their attempts, if successful, must render the Southern States a new St. Domingo, a mournful scene of massacre, pillage, and conflagration; must
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end in the common destruction of the blacks and whites, the slaves and their masters. In vain do we hold up to their view the recent and neighbouring example of the French Islands, where similar maxims have reduced the most flourishing and beautiful provinces to one great Slaughter-pen, have every where mingled the blood and bones of the wretched inhabitants with the ashes of their dwellings. They answer, that they have no intention to produce these consequences, and do not apprehend them; that it is their duty to proceed, and that the consequences are with God. Suppose the agents and missionaries of this society, whom we see so often attending this House, should address themselves to the gentleman from Virginia who moved this amendment, or to his friend from North-Carolina (Mr. Macon) who claim so much indulgence for their system on the score of their good intentions, and should say,—“ We have the
 “ best possible intentions: nothing can be more
 “ pure than our motives: we mean, no doubt, to
 “ free all your slaves, but good, not evil, will re-
 “ sult from the measure: we can have no interest
 “ to produce massacres, plunder and conflagration
 “ throughout your country; and you ought there-
 “ fore to be perfectly easy as to the consequences
 “ of our attempts.” Those gentlemen might believe all this, and no doubt would believe it, as firmly as I believe them when they make similar protestations; but would they think it sufficient reason for indulging the Quakers in their wishes; or sufficient security against the consequences of their system? I believe not. I believe those gentlemen would act like men of sense, and would say to the Quakers,—“ We have no doubts about the
 “ purity of your motives; but while we remain
 “ persuaded, as we now are, that your plans, how-
 “ ever well-intentioned, lead to the most direful
 “ calamities,

“ calamities, not only to us and our families and
 “ our country, but also to the objects of your care,
 “ we shall oppose them with all our might.” This
 would, no doubt, be the language of the gentle-
 men, and it would be the language of good sense ;
 and this same language I now address to them.

In fact, Mr. Chairman, does not history teach us
 there is nothing more common than for men to do
 mischief when they mean to do good ? Did the La
 Fayettees, the Rochefaucalds, the Liencours, the
 Lameths, and the Clermonts of France, when they
 first taught the doctrines of insurrection, and stirred
 up the mob to resist the government, intend to pull
 down ruin on their country, their families, and
 themselves ? Did they intend to procure their own
 death or banishment, and the confiscation of their
 estates ; to send to the guillotine hundreds of thou-
 sands of the best citizens, including their own fa-
 milies and friends ; to drench the whole country in
 blood, and transfer the most absolute power into the
 hands of the vilest of mankind ? Certainly they
 had no such intentions ; and yet we find that these
 consequences did result from their measures ;
 France and the world have groaned, and are groan-
 ing under these consequences ; nor are they less
 real, or less deplorable, because their authors in-
 tended to do good and not mischief. Fanatics
 never, or very rarely indeed, intend to do mischief ;
 and yet all experience proves that no description
 of men is half so mischievous. They rush blindly
 on, without reflection or hesitation, and aim direct-
 ly at the accomplishment of their designs, without
 being delayed or turned aside by any considerations
 of the result.

This, Mr. Chairman, is the nature, the peculiar
 characteristic of all fanaticism, whether religious or
 political. It hurries on its votaries, with an impetu-
 ous and inconsiderate fury, which renders them
 equally

equally deaf to the voice of reason, and blind to the consequences of their actions. Thus the *Quakers* rush forward to the liberation of the blacks; thus the *falsely-named philanthropists* of France involved the French colonies in flames and slaughter; and thus a set of *political fanatics*, in the same country, in pursuit of their wild and visionary theories, put arms into the hands of the mob, taught the populace the doctrine and practice of insurrection, overthrew the government, and were themselves, with their families, their fortunes, and their country, crushed under its ruins. Their fanaticism impelled them to pull down a stupendous fabric, the work of fourteen centuries; which by its fall spread death and devastation over the whole extent of the finest country on earth.

With these awful examples before us, shall we trust fanatic men with power, by reason of their upright motives; or sit regardless of the consequences of their actions, because we are convinced that their intentions are pure? So far otherwise, Mr. Chairman, that, in my opinion, their honesty is an additional reason for dreading them. Of your cool, calculating, political knaves, I am never afraid. Such men are not apt to be much trusted, and moreover they never do mischief but when there is something to be gained by it. They never do mischief for mischief's sake; and being, for the most part, men of sense and reflection, you may generally convince them that their own interest lies in avoiding mischief. But it is the sincere, the *honest fanatic* whom I dread, and whom I think myself bound to restrain, as I would confine a maniac. His honesty, his zeal, and his good character, enable him to inspire confidence, and gain proselytes; the consciousness of upright intentions renders him as bold as he is blind. He rushes directly forward, without looking to the right hand or the left; pulls down

all that stands in his way, regardless on whom it may fall; destroys a country, in order to make it free; inflicts unheard-of calamities on the present generation, for the happiness of posterity; and makes experiments on governments and nations, with the sang-froid of an anatomist dissecting the body of a malefactor. These are the men of whom I am afraid, and whom I think it my duty, at all times and places to withstand: men whose projects and experiments have brought ruin on other countries, and will bring it on this, unless they are resisted and restrained by the sober and reflecting part of the community.

After all, Mr. Chairman, I am not much afraid of these men. There was indeed a time when their efforts might have been formidable; because that *phrenzy of revolution* which seemed to have been poured out upon the earth like a vial of wrath, which had fallen upon mankind like a plague, did once extend its dreadful influence to this country, where, in a greater or less degree, it infected every description of people, and made them eager for a change, and ripe for revolution. But *it has passed away never to return*. Fortunately, before the disease had risen to its height here, time was given for observing its terrible effects elsewhere; and the American people *profiting by example* and aided by the peculiar happiness of their situation, first resisted, and have finally *subdued* this dreadful malady, — *the love of revolution*.

In this, I repeat again, they have been aided no less by their own happy situation, than by the mournful experience of other countries. For revolutions, Mr. Chairman, are brought about in all countries by three descriptions of men; *Philosophers, Jacobins, and Sans-cullottes*. They exist in all countries, and accordingly in all countries,
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are to be found the materials of revolution; but they exist in different proportions, and according as these proportions are greater or less in any country, so is the danger of revolution wherewith it is threatened.

The *Philosophers* are the pioneers of revolution. They advance always in front, and prepare the way, by preaching infidelity, and weakening the respect of the people for ancient institutions. They are, for the most part, fanatics, of virtuous lives, and not unfrequently of specious talents. They have always, according to the expression of an ancient writer, "*Satis eloquenti, parum sapienti;*" eloquence enough, but very little sense. They declaim with warmth on the miseries of mankind, the abuses of government, and the vices of rulers; all of which they engage to remove, provided their theories should once be adopted. They talk of the perfectibility of man, of the dignity of his nature; and, entirely forgetting *what he is*, declaim perpetually about *what he should be*. Thus they allure and seduce the visionary, the superficial, and the unthinking part of mankind. They are for the most part honest, always zealous, and always plausible; whereby they become exceedingly formidable. Of the three classes employed in the work of revolution, they are infinitely the most to be dreaded; for until they have shaken the foundations of order, and infused a spirit of discontent and innovation into the community, neither the Jacobins nor the Sans-culottes, can produce any considerable effect. The army cannot find entrance until these forerunners have corrupted the garrison to open the gates. Of these men we, in this country, have enough, and more than enough.

Of *Jacobins* we also have plenty. They follow close in the train of the *Philosophers*, and profit by all their labours. This class is composed of that

daring, ambitious, and unprincipled set of men, who possessing much courage, considerable talents, but no character, are unable to obtain power, the object of all their designs, by regular means, and therefore perpetually attempt to seize it by violence. Tyrants when in power, and demagogues when out, they lay in wait for every opportunity of seizing on the government *per fas aut nefas*, and for this purpose use all implements which come to their hands, neglect no means which promise success. Unable to enter at the door of the sheep-fold, they climb in at the windows, and devour the flock. Although they use the assistance of the philosophers in gaining entrance, they dread their honesty, their zeal, and their influence with the public; and accordingly the first use they make of power, when they can obtain it, is to destroy the philosophers themselves.

As the *Philosophers* are the pioneers, these men are the generals of the army of revolution; but both pioneers and generals are useless without an army; and, *fortunately, the army does not exist in this country.*

This army is composed of the Sans-culottes; that class of idle, indigent, and profligate persons, who so greatly abound in the populous countries of Europe, especially the large towns; and being destitute of every thing; having no home, no families, no regular means of subsistence, feel no attachment to the established order, which they are always ready to join in subverting, when they find any one to pay them for their assistance. These were the men, who, in the pay of a wealthy jacobin, and under the guidance of fanatic philosophers, overturned all order and government in France, and *will overturn* it in every other country where they exist in great numbers, and *are not opposed with great force and unceasing vigilance.* But fortunately

nately for America, *there are few Sans-cullottes* among her inhabitants, *very few indeed*. Except some small portions of rabble in a few towns the character is unknown among us; and hence our safety. Our people are *all, or very nearly all*, proprietors of land, spread over a vast extent of country, where they live in ease and freedom; strangers alike to oppression and want. Those who reside in the largest towns are possessed of property, have homes, families, and regular occupations; and among such a people the principles of sans-culottism never did, and never will, make much progress. If a new Duke of Orleans were here, with a Mirabeau for his privy-counsellor, and an annual revenue of three hundred thousand guineas to supply the means of corruption, he could not raise a mob sufficient to drive this body from their seats, or over-awe their deliberations. We have jacobins in plenty, and philosophers not a few; but while we are free from sans-culottes, and it is probable that the nature of our government, and the abundance of untilled land in our country, will secure us from them for ages, we need not apprehend great danger. We ought, no doubt, to watch and withstand the enterprizes of the pioneers and generals; but while they remain without troops, they are not much to be dreaded.

Having made these observations on the purity of gentlemen's motives, observations which were due not only to candour and truth, but to the respect I feel for their personal characters, I hold myself at full liberty to explain the tendency of the present amendment, and of that system of policy whereof it is a part; and I mean not to impute any ill intentions to gentlemen, when I declare, and attempt to prove, that this tendency is to the *utter subversion* of the present government. It is my firm and most deliberate opinion, that the amendment now

under consideration, and the principles of that system to which it belongs, lead directly to the introduction of anarchy and revolution in this country, and if not steadily opposed, must sooner or later produce that effect. This opinion it is my purpose to support by the observations which I am about to offer; and it is by a full conviction of its truth, that I have been induced to consider it as a most sacred duty, to combat the system at all times, and by all the means in my power.

The gentleman from Pennsylvania (Mr. Gallatin) has denied this to be the tendency of his system, and contends that our principles, not his, lead to revolution and anarchy. Revolution and anarchy, he tells us, in emphatic language, are the results of a system of expence, of war, of oppression, and of arbitrary sway, the last leaf of that book in which are written the excesses of tyranny. I agree fully with the gentleman in this position; but there is another question anterior to this, which he has omitted to discuss. It is by what means tyranny, by what means the excesses of arbitrary government, are most likely to be produced? This question I propose to discuss with the gentleman from Pennsylvania; I mean to compare his system, his principles, with our's, and to enquire which of the two is most likely to introduce arbitrary government into this country. And I hope to convince, not that gentleman himself, but the House, that if ever arbitrary government should exist here, it must owe its existence to the system of policy which that gentleman supports,

How, let me ask, Mr. Chairman, have the governments of other countries been converted from free into arbitrary governments? By one of two ways; either a military chief, possessing little political authority, but hereditary, and having at his disposal the military force of the state, has availed himself

himself of the frequent wars, whereby neighbouring states are so frequently afflicted, has augmented that military force, and finally employed it in extending and confirming his own authority; or in states where no military chief of this description existed, popular leaders, possessed of talents, and actuated by an inordinate ambition, have formed a strong party among the people, have invaded and finally subverted the authority of the government, and erected themselves an absolute dominion. Every state that has lost its liberty since the foundation of the world to the present day, except in cases of conquest by a foreign power, has lost it by one or the other of these two methods. The first is the natural death of free monarchies, the second of free republics; and both ancient and modern history furnish many examples of both. It was by the first that all the feudal states were converted into absolute monarchies, except *England* and *Poland*, the former of which was protected, by its insular situation, from the necessity, and also from the consequences, of a great military power in the hands of its chief, and thus preserved its liberties; while in the latter, powerful individuals retained the military force in their own hands, divided it among themselves, kept their chief in subjection, and at length, by their feuds and civil broils, destroyed the strength of the state, and delivered it over to be subdued and divided by the neighbouring powers. It was by the concentration and exercise of military force in the hands of an hereditary chief, that the Cortes of Spain were broken under Ximenes, and the States General of France under Richlieu and Mazarine. It was thus that the great princes of Germany became absolute in their respective dominions, and that the Russian despotism was founded on the ruins of feudal aristocracy.

This danger, however, does not exist in popular governments. They have no great military chief of hereditary power, who, disposing absolutely of the public force, may use it for the extension of his own authority: and of all republics that ever have existed, none ever was so little threatened with danger from that quarter as our's. It is needless to dwell on the reasons of this peculiar advantage; for they are obvious to every one. When republics fall, they fall by other means; by gradual inroads on the principles of their governments; by popular encroachments on regular authority; by the concentration of their powers in some popular body, where *artful, able, and aspiring demagogues*, obtain sway, and establish arbitrary power under the name of *the people*. This is the quarter from which all popular governments have been assailed, for the most part with success; and from which our's will be successfully assailed, should the principles of the gentleman from Pennsylvania ever be adopted. Thus fell Rome under the power of Cæsar; thus fell the republic of England under the power of Cromwell; and thus will fall the United States under some future Cæsar or Cromwell, unless a steady opposition be given to the system of the gentleman from Pennsylvania, whereof this amendment, let it be repeated, forms a part.

When the examples of the ancient republics was adduced by my friend from Massachusetts (Mr. Thatcher) the gentleman from Pennsylvania denied it to be applicable, because the government of those republics was different from ours. I know, Mr. Chairman, that our government is different from that of Athens or Rome, and I wish to keep it so. That is the object of all my exertions; of all my zealous opposition to motions like the present. To make our government like those of Athens or Rome, is, in my apprehension, the object and tendency of the

the system advocated by the gentleman from Pennsylvania. How is this to be effected? By inducing this House, sometimes under this, and sometimes under that plausible pretence, to establish precedents of encroachments on the other departments, to practice on these precedents, and extend them further and further, until at length all power shall be concentrated in this House, and exercised according to the good pleasure of those members who can obtain influence here. In Athens all power was concentrated in the hands of one body, and it was abused at the pleasure of those, who by their eloquence, their wealth, or by any other means, could obtain the confidence, and influence the determinations of that body. In Rome, the case was somewhat different; but even there, for want of a well fixed balance in her government, the mass of the people gradually usurped all power, and transferred it to their favourites, or their purchasers. By pursuing the principles of the gentleman of Pennsylvania, the same effect must be produced here. This House first begins the attack on the President. It controls his appointments, directs his measures, gives him orders under the name of advice, and if he refuses to obey them, withholds all the supplies for the service of the government. All this is justified under the gentleman's doctrine of appropriation. A favourable moment is seized for laying the corner stone, for fixing the principle, and plausible pretexts are adduced. A treaty is made, and a popular clamour is excited against it. Advantage is taken of this clamour to refuse an appropriation for carrying the treaty into effect, and thus a precedent of interfering in treaties is attempted to be established. A foreign minister is appointed, the reasons for whose appointment are capable of being obscured or misrepresented. The occasion is seized to deny an appropriation; and, under the pretence of saving public money, and preventing the expence
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of an useless appointment, an attempt is made to acquire a control over the appointments of officers. These points being carried, the precedents are soon drawn into practice, and further enterprizes are undertaken in due season. Every success gives further strength and boldness for new assaults; the cannon of every bastion that is taken, is immediately turned on the remaining works: and finally the President is reduced to the condition of the chief officer of this House, and the heads of departments become the first clerks of its committees.

The President being demolished, the party proceeds with new vigour, and greater forces, to attack the Senate, which, deprived of the support of the Executive, is speedily overthrown. The House says to the Senate, " Unless you conform to our will, we lay our hands on the purse strings, and stop the wheels of government. Should a contest ensue, we are sure to be uppermost; for we are the immediate representatives of the people; we adore the people; nay we are the people themselves. Therefore beware of a contest in which you have every thing to lose, and we are certain of gaining."

The Senate, enfeebled and dismayed, yields by degrees to these powerful arguments, and this House remains victorious with all power in its hands. It proceeds to appoint a Committee of Exterior Relations, a Committee of Interior Relations, a Committee of Justice, a Committee of Finance, and so on, and a new French Convention arises to view, where principles are set at naught, caprice is law, and the whim of the moment disposes of all public and private rights. Then follow confiscations and banishments, and the long train of tyrannical excesses ever attendant on popular bodies in whose hands the whole powers of government have been concentrated, from the assemblies of the people at Athens

Athens, and the *Comitiæ* at Rome, down to the Rump Parliament of England, and the French Convention. Then will the member who shall possess the most art, the greatest eloquence, and the most daring spirit of enterprize, speedily form a party, by means of which he will enslave the House, and rule the country. Should there be several of equal or nearly equal strength, they will first divide the power among themselves; but their union will be fallacious and short. They will be employed in attempting to circumvent or undermine each other; divisions will soon arise, and mortal quarrels will ensue; till at length the rest will sink beneath the overbearing genius of one, and he will establish his dominion uncontrolled. This is the *liberty* which gentlemen, should their schemes succeed, will sooner or later, bestow on the country; the liberty of a few bold, able, ambitious men to do what they please, and of the rest of the community to obey them. This, Mr. Chairman, may be very pleasant liberty for those who are to be possessed of power; but for me, and the rest of the community, it has no charms; and I shall, therefore, omit no opportunity of resisting its first and most distant approaches.

Should any one object, that this state of things must be extremely distant, I beg him to recollect how short a space intervened between the throne of Louis the Sixteenth and the scaffold on which he bled, between the absolute power of Neckar, and the despotism of Marat; between the splendid fortune of so many distinguished families, and the dungeon or the guillotine. Governments like our's, Mr. Chairman, may be compared to the planetary system, whose preservation depends entirely on the exact preservation of its balance. The exact balance between the centrifugal force and the power of gravitation, retains the planets and their orbits; but should some angel of destruction push them out of
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those orbits, though in ever so small a degree, the balance is lost; one power gains what is taken from the other; and these immense bodies, whose beautiful and regular play furnishes the greatest wonder of creation, fly out, and are lost in boundless space, or rush to the sun, with increasing and incalculable velocity, and there are mingled in one mighty ruin. Should the gentleman from Pennsylvania succeed in his present attempt, he becomes the angel of destruction to our beautiful constitution. He destroys the happy balance of its powers; and the approximation of the different departments, though slow and gradual at first, would become more rapid as it advanced, and speedily produce that concentration of power in this House, which seems to be the object of all that gentleman's labours and cares.

It is this view of the subject, Mr. Chairman, that stimulates me to oppose this amendment with the utmost perseverance and zeal; not that I apprehend great mischief from this particular measure, could it be viewed singly and by itself; but that I regard it as a part of a system wholly incompatible with the existence of this government, or the happiness of this country. I regard the gentleman from Pennsylvania and his friends, in the light of an enemy who has commenced a siege against the fortress of the constitution. He proceeds at first by cautious steps, and endeavours to make a lodgment by surprise in some strong and advantageous outwork, from whence he may direct a more efficacious attack against the citadel itself. On this advanced ground, in this outwork, I hold it wise to resist him; convinced that success here would be the prelude to a bolder and more dangerous assault; and that all the guns which he can now carry, will immediately be turned upon our remaining fortifications.

I must now be allowed, Mr. Chairman, to say a few words as to the expediency of this measure, as to the utility of foreign ministers. To one side of the House, to me and those with whom I usually act, it is sufficient to say, that the President has thought fit to appoint foreign ministers; for we are convinced, that the right of judging on this subject, has been given exclusively to him and the Senate by the people of this country, and that when he and the Senate have thought fit to exercise this right by appointing a minister to this or that place, or of this or that grade, nothing is left for this House, but to provide an adequate salary. But other gentlemen hold a different opinion, and contend that we may not only enquire how much the salary ought to be, but also whether the appointment itself be necessary. To gentlemen who sincerely hold this opinion, I address my remaining observations.

The gentleman from Pennsylvania (Mr. Gallatin) has asserted, that ministers have nothing to do with the interests of commerce, except to make commercial treaties; while the care of seeing those treaties duly executed, and the commercial rights of individuals properly protected, belongs to consuls. Hence he infers, that foreign ministers are useless; because we have no need to form more *commercial* connections, and ought to have no *political* connections, with foreign nations. In order to prove that we ought to make no more commercial treaties, he contends that we have received much more harm than good from those already made. This is the whole amount of this part of the gentleman's argument, which includes two-thirds of his long and ingenious speech, and it is wholly built on the assertion, that "commercial interests are managed by consuls, while ministers have nothing to do with commerce, except the making of treaties for its regulation." This as-
 sertation

sertion has been already refuted; and the gentleman from Pennsylvania, though he has made it the ground-work of his whole reasoning, has not attempted to prove it. For this he had very good reasons; for he well knows it to be wholly unfounded; and therefore he has contented himself with asserting it, and taking it for granted. I say he well knows it to be unfounded, because that gentleman is well read in the law of nations, the writers on which, as well as its maxims and doctrines, we often see him adduce with much dexterity and learning, when they suit his purpose. Now, Mr. Chairman, I may, I think, venture to affirm, that there is no student in any college, who has read the indexes of some elementary books on the law of nations, but knows that it is the peculiar business of ministers not only to make commercial treaties, but to watch over their execution, and to take care that the commercial rights of their country, under the law of nations as well as under treaties, are preserved inviolate. This is a business with which consuls never interfere, and to which they are wholly inadequate; not only from the nature and powers of their appointment, but also from their local circumstances and situation. All this the gentleman from Pennsylvania well knows; and yet he has asserted, that every thing respecting the interests of our commerce in foreign countries, except the formation of commercial treaties, can be, and is, transacted by consuls, without the interference of ministers. This assertion is the loose block whereon, for want of a better foundation, he has rested the whole edifice of his reasonings; and this block I mean to knock away. A very slight stroke will be sufficient for the purpose.

In what manner, Mr. Chairman, is the observance of a treaty of commerce with any country to be enforced? In what manner are the infractions
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of such a treaty, or of the laws of nations, to be prevented or redressed? Is it not by applications to the government of that country; by representations, by remonstrances, by negotiations? The gentleman from Pennsylvania will not answer in the negative. I know he will not. By whom then, and where, are these applications to be made, these representations, these remonstrances to be presented, these negotiations to be carried on? Must it be at the seat of government, by agents residing there; or at the sea-ports of the countries, where the consuls reside? If the former, these agents will be ministers. You may call them by a different name, but the thing will be the same: for a public agent of one country charged with the management of its affairs, and residing at the seat of the government of another, is the very definition of a foreign minister, by whatever name you may think fit to call him. As these transactions are, from their very nature, to be with the government itself, let us see whether they could possibly be managed by consuls.

In the first place, consuls, by the established law and usage of nations, have no public official character, and cannot be admitted to any intercourse whatever with the governments of the countries where they reside. We may, if we please, exclaim against this usage, and call it absurd, or foolish; but it is the established usage of nations, and while it remains so we must conform to it. Suppose, therefore, that any injury should be done to the commerce of our citizens by French privateers, for instance, or French municipalities, in contravention of our treaty, or against the law of nations, but under colour of certain acts of the French government. Could redress be obtained by means of consuls? So far from it, that it even could not be applied for; since the consuls could have no access to the government. And yet the gentleman from
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Pennsylvania tells us, that the interests of our commerce in foreign countries can be managed by consuls !

In the next place our consuls in foreign countries are, for the most part, natives of the countries where they reside; with very few exceptions they are mere private merchants; and except in the single case of the consuls to the Barbary powers, who, according to established usage, are a species of ministers, they receive no salaries. Are men of this description adequate to the protection of our commercial interests? Can they be expected to possess the requisite knowledge for conducting affairs of this kind, or the requisite influence or weight of character? Will they abandon their own private affairs to attend at a remote capital, and solicit the restitution of vessels, the revocation of injurious orders, or indemnification for improper seizures? If they were qualified for this business, and willing to undertake it, they certainly would not do so at their own expence. When our consul at Bourdeaux, Nantes, or Marseilles, for instance, should be applied to on any business which would require an application to the French government, would he go to Paris, and remain there to finish the business at his own expence? Certainly not. We must pay him, not only for his expences, but a compensation for his time and trouble. As these applications would frequently occur, he could not go specially for each one; but must remain always there; and we must give him a salary sufficient to induce him to do so. He would then be a minister in fact, and in expence. He would want nothing of the character but the name, and the capacity of usefulness. This is the establishment which the gentleman from Pennsylvania wishes to substitute in the place of our present diplomatic appointments. The consuls, in order to perform the duties which he says
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ought to be assigned to them, must be turned into ministers; equally expensive with the present corps, but far less efficacious.

In the third place, we should have a multitude of these new-fashioned consul-ministers; for we have a variety of consuls in each of the great maritime nations of Europe. There is one in every considerable trading town. In France, for instance, we have six or seven; perhaps a much greater number. Each of these, upon the plan of the gentleman from Pennsylvania, must reside at Paris; for it would be impossible for them to be perpetually running backward and forward between their respective sea-ports and Paris, as often as any affair might occur requiring an application to the government. If any gentleman should doubt of this, let him look at the list now on the table of between four and five hundred American vessels, carried into the different ports of France, or detained there, contrary to the treaty, and redress for the capture or detention of which must be obtained, if obtained at all, from the French government by means either of a minister or of consuls. The consuls, therefore, if they are to do the business, must all reside at Paris; and instead of one minister we should have nine or ten; perhaps a greater number. These observations will apply with a greater or less degree of force, to every other country with which we have a considerable commerce. And yet the gentleman from Pennsylvania tells us that our commercial relations ought to be left to consuls!

Having seen, Mr. Chairman, what the duty of consuls is not, let us now enquire, for a moment, what it is. We shall find them very necessary agents, though wholly inadequate to the business usually committed to ministers.

In the first place, it is their duty to settle disputes which may arise between seafaring people of
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their own nation, arriving in the foreign ports where they respectively reside. These disputes, we know, are apt to arise between the masters of ships and their crews, between the crews themselves, and between the masters or crews of different ships; and these consuls are usually empowered to terminate them in a manner less tedious and expensive than could be done by the local laws of the country.

In the next place, they are to assist seafaring people of their own country, who may happen to have any disputes with the people of the place; are to make advances to them when in distress; and procure redress for them in all cases where it can be afforded by the local authorities of their respective ports.

And lastly, they are to act as agents between the people of their country, and the minister: to inform him of cases which require his interference with the government, and to facilitate to the sufferers the means of applying to him. They are to be his agents in all the sea-ports; while he is the general and immediate agent of his country with the government. They are to keep him informed of all the cases which occur in their respective ports, of violations of treaties or of neutral rights; so that he may be enabled to take the proper steps for obtaining redress.

The duties of these agents, whom we call consuls, are therefore distinct from those of a minister, so necessary in themselves, and so incapable of being performed except by persons residing in the sea-ports, that were all the present consuls, according to the plan of the gentleman from Pennsylvania, to be immediately sent to the capitals, and converted into ministers under a new name, their place must instantly be supplied by other agents, whom, perhaps, the gentleman would not chuse to call consuls, but who must be invested with the same

powers, and perform the same duties. Such is the wise and notable scheme of the gentleman from Pennsylvania; and thus it is he is to rid us of the expence of ministers!

Let me be permitted, Mr. Chairman, to propose another question to the gentleman from Pennsylvania. If ministers have nothing to do with commercial relations except making treaties of commerce, how comes it to pass that the gentleman is willing for us to have ministers of the highest grade with those two nations with whom we have treaties of commerce, and where, according to him, ministers can have nothing to do? I mean France and England; with both of which nations we have commercial treaties, and where the gentleman consents to our retaining ministers plenipotentiary. To be consistent with himself he ought to attempt the recal of these two ministers, by refusing an appropriation for their salaries, and to leave untouched those of Lisbon and Berlin, who may possibly have something to do. But this is not the gentleman's object. He has another; which is to establish the principle of controlling the Executive in the exercise of this part of his constitutional functions, and thus effect a breach in the intrenchments of the constitution; and he will pardon me for considering this doctrine, about which he has discoursed so much, and with such ingenuity, as a mere pretext to cover his attack.

So much, Mr. Chairman, for the utility of ministers in general, who appear to me essentially necessary, not merely for making commercial treaties, but for protecting the rights of our citizens in foreign countries, according to treaties where there are any, and under the law of nations, where there are none.

But gentlemen point particularly to the mission to Berlin, and triumphantly demand what benefit

is to be expected from sending a minister to Berlin? What have we to do, say gentlemen, with the King of Prussia, or the politics of Germany? To me, Mr. Chairman, let me repeat it, it is enough that the President has judged it proper to send a minister to Berlin; for to him and the Senate, in my belief, and not to this House, has the constitution confided the right to decide on this subject. But to gentlemen who are not satisfied with this answer, I will give another, and one which, I promise myself, they will find satisfactory. Have gentlemen who object to this mission, adverted to the peculiar situation of Europe at this moment? Have they adverted to our own peculiar situation? We have a most disagreeable dispute with the French republic. France has made peace with the Emperor; and a Congress is now sitting, if not already terminated, to settle the affairs of Germany, and adjust the balance of Europe. In this congress, interests of the utmost magnitude in themselves, and in the highest degree important to France, are to be discussed; no less than to determine whether France shall extend her borders to the Rhine, or be restricted to the Meuse; whether more than two millions of souls, formerly subjects of the German empire, shall become citizens of the French republic. In this congress the King of Prussia is mediator; a youthful monarch, enterprising, warlike, and ambitious, at the head of three hundred thousand of the finest troops in Europe, and with a treasury replenished by four years of peace, while the coffers of his neighbours are in a most exhausted condition. With these advantages, joined to his local position, he holds in his hands the balance of France and Germany. Prepared to strike in every direction, he is dreaded and courted by all parties; and especially by France, who feels that after Austria, now exhausted and desirous of repose, he is the only power

power capable of checking her ambitious designs. Hence she has the greatest possible interest to soothe and conciliate him. This monarch possesses all the finest ports in the Baltic, and a great extent of maritime territory. His predecessor, the great Frederick, sensible that commerce alone can supply money, the sinews of military strength, always felt the greatest solicitude to render his states commercial; and one of the means by which he hoped to effect this purpose, was to form connections with commercial nations. This was the spirit of his government, and became a standing maxim in his system of policy. Accordingly, having discovered that the United States must speedily become a great commercial nation, he was among the first to form a treaty of commerce with us. Is there not reason to expect that the same views may be entertained by his successor now on the throne? And was it not wise to do every thing in our power for keeping up a good understanding with a monarch who has it in his power to serve us so essentially? How is this to be done? By sending a minister to his court, renewing our treaty with him which is about to expire, and holding out to him the prospect of commercial arrangements, not injurious to us, but perhaps highly desirous to him, and sufficient to procure his good offices and interference in the adjustment of our differences with France. Would this interference be unavailing? I apprehend not; for France has too much interest in keeping well with this monarch to refuse attention to his mediation. His interference, if he should chuse to interfere seriously, would, on the contrary, be more efficacious, in all probability, than fifty ships of the line.

I do not know, Mr. Chairman, that this interference will be obtained, or ought much to be expected; but I am fully persuaded that it was wise to use the means, to send the minister, and make

the attempt; from which I have no idea that we ought to have been deterred by the paltry consideration of saving nine or ten thousand dollars.

But gentlemen constantly repeat that we ought to have no political connections with the nations of Europe. This is about as wise as to say that a man ought never to have a fever. A fever, no doubt, is a very bad thing, and political connections may also be bad things; but we already have them, and the question is not whether they are good or bad, but how we shall get rid of them. We not only have political connections, but disputes of a most disagreeable nature growing out of those connections. This is attested by all the papers on the table, by various acts of the House, and more strongly, still, by the universal capture and condemnation of our property. It is vain, and foolish, therefore, to repeat continually that we ought not to have foreign connections; but our business is to enquire how they may be best got rid of. How is this to be done? I answer, by settling our present differences, and avoiding new ones. Unless gentlemen mean to submit, and if they do I have nothing to say to them, having already had opportunities, on former occasions, to say all that seemed necessary on that subject. Unless they now mean to submit, I repeat, that the only method of getting rid of those foreign connections, about which they so loudly exclaim, is to settle our present differences in the best manner we can, and avoid new ones. For this purpose we must employ ministers; and none could be more wisely employed than the one to Berlin.

This diplomatic intercourse, therefore, about which gentlemen raise so great an outcry, is perfectly consistent with a wish to get rid, as fast as we can, of foreign connections; and if gentlemen were sincere in that wish, it appears to me, that instead of opposing these appointments, they would
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applaud and support them. Gentlemen must excuse me if I say I do not think them sincere; that in my opinion foreign relations are merely a stalking-horse, behind which they advance to attack the Administration, and the system of policy which it has adopted. To foreign relations, and foreign intercourse, in my opinion, gentlemen have no objection, provided those relations can be such as they wish, and conducted in the manner which they desire. It is against the nature of these connections, and not to foreign connections in themselves, that the hostility of gentlemen is directed. For the proof of this position, I appeal to the history of the measures pursued by those gentlemen since the commencement of this government.

I ask gentlemen, Mr. Chairman, who think with me that the present attempt ought to be resisted, whether they can separate it from that system of measures which its supporters have so zealously and perseveringly pursued, since the commencement of the war between France and England? I cannot. I am compelled to view it in connection with that system, and it is this connection which makes me dread it. Viewing it in this connection, the time which is chosen for making the attempt is to me its most alarming feature. This extension of foreign intercourse, which is made the pretext for the present attempt, is not a measure of this day. It was adopted in May, 1796, and that was the time for opposing it, if the reasons for the opposition were really as gentlemen alledge. But no opposition, or at least none of any consequence, was made at that time. I have looked over the debate which took place on that occasion; and I find that although some objections were made, they rested on a ground wholly different from that now taken. They were confined to the expediency of the measure; but not one word was said of the danger of Executive influence, or the necessity of checking Executive patronage.

tronage. Among others I was most struck by the observations of a gentleman from Pennsylvania (Mr. Findley) which agree precisely with our present doctrines, and appear to me so solid and important that I cannot forbear presenting them to the committee. They are found in the debate of May 30th, 1796, on the extension of foreign intercourse, and in these words:

“ Mr. Findley said, that he had voted against this
 “ measure in the committee, of the whole, and he
 “ thought he was right in doing so: but he was now
 “ of opinion, that except the House had informa-
 “ tion sufficient to convince them that the appro-
 “ priation was necessary, they ought to grant it.
 “ He wished as much as any one to save the money
 “ of the public; but he believed our government
 “ was, in some degree, obliged to conform to Eu-
 “ ropean practices. If we had ministers plenipo-
 “ tentiary at one court, he did not know where to
 “ draw the line. *He believed they should do best in*
 “ *leaving the Executive to settle this matter.*”

The committee, Mr. Chairman, will doubtless be struck, as I have been, with the contrast between these sentiments and those which the same gentleman, and those with whom he acts, have expressed on the present occasion. The gentleman, no doubt, has good reasons for his change of opinion, but as I do not know them, I must seek for them in the change of our situation. I should be sorry to say, or believe, that it is to be found there; but the appearance of the thing to my mind is so singular, and so alarming, that I cannot conceal it.—At that time we had no dispute with France; now we have. At that time, the French government had not declared us to be a people divided from our government; now it has. At that time, we were not on the eve of a conflict in which it was to be proved whether the people of this country shall be governed by France, or themselves; now it is to be feared that we are. In this awful, this momentous

mentous situation of our country; when we know that France, in her hostile measures, proceeds on the persuasion that our people are divided from our government, and this house against the Executive; when we see measures here introduced and prosecuted with unequalled zeal, whose plain and direct tendency is to set this House at war against the Executive; to degrade the President, and hold him up to public view as the enemy of liberty, and unworthy of confidence; can we avoid observing, how exactly these attempts are calculated to promote the views of France? Can we avoid the impression of a concert with those on the other side of the water, the impression that gentlemen are playing into the hands of a foreign government, which is pursuing every hostile measure against this country? This impression I wish to resist; but I fear that the public mind will not resist it; nor can I easily resist it, when I advert to that system of alliance with France and war against England, which was at an early period imported into this country, and has been ever since pursued with so much activity and perseverance in this House.

When I say this system of alliance and war was *imported* into this country, I have no allusion to any member of this House. I have no doubt that it was imported by a member of this government, but not of this House; and it was a part of the system adopted by the revolutionists of France, when they resolved to wage war against all their neighbours, especially England, for the purpose of subverting the government of their own country, and gratifying their own personal ambition. This war, we know, was resolved on long before it was declared; and it was then determined that the United States should engage in it on the part of France. A regular scheme was concerted, according to every appearance, for drawing them into it; the mission-
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ary arrived who was to convert us to this new faith; and this missionary was a citizen of our own, who was recalled from a public employment in that country, to fill a high official station here.* Not long after a French minister was sent over to second his efforts, and he came furnished with ample instructions, and fortified with ample means of seduction.

Before this minister arrived, accounts reached us that the war between England and France was commenced. As we had extensive and important relations, both of a commercial and political nature, with these two nations, it immediately became a question, of the greatest importance and solicitude, how we should act in this critical situation. In the deliberations which took place, on this subject, in the cabinet of the Executive, two very opposite opinions immediately appeared; one for war on the side of France, and the other for a firm neutrality; and there were two men† at that time in the councils of the President who supported these two

Notes by Mr. Harper.

* For avoiding mistakes, I declare, that in this, and the succeeding passages, I allude to the present Vice-President of the United States, whom I consider as the author and secret mover of this system of War against England, and alliance offensive and defensive with France: a system which, far from being abandoned, is, in my opinion, now pushed with more zeal than ever, by the same party. Hence all their efforts to keep the country disarmed, to deprive the government of the public confidence, and to compel it, by those means, to break anew with England, in obedience to the orders of France. For when this breach is once made, they know that a war must be the next step, and then the alliance with France, or rather subjection to her under the name of an alliance, follows of course; and these gentlemen would rule the country, under the orders of a French Minister, as is now actually the case in Holland. I consider the letter to Mazzie, and Genet's charge about "a language official and "a language confidential," joined to the general tenor of this gentleman's conduct, and the book of his friend Mr. Monroe, as full proofs that my opinion is well founded.

† These two men were Jefferson and Hamilton. The first was for war, the second for neutrality.

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opinions. The advocate of the war system, did not venture openly to oppose the system of neutrality, which he knew to be the wish of the country. To have opposed it openly ; to have declared, in plain terms, that we ought not to remain neutral, but to engage in the war, with finances so deranged, a government so imperfectly established, and a condition of affairs so unsettled ; would, as he well knew, have disgusted and alarmed the people, and ruined the project. He therefore acted with more art and address. He laboured to the utmost to induce the president not to decide, himself, upon the question of neutrality ; but to convene Congress, and refer the decision to them. Why? Because it was known that a popular body, like Congress, was infinitely more susceptible of enthusiasm, more easily wrought on by management and intrigue, more obnoxious to the influence of popular clamour, mobs, and venal presses, than the cool, deliberative councils of the President. It was also known, that in case of a reference to Congress, the neutral system would lose the aid of its author's talents, who was precluded, by his official station, for a seat in that body. To this point then the author of the war system directed his whole force. He laboured to convince the President that it did not belong to him to decide the question of neutrality, but to Congress, to whom the Constitution required it to be referred ; and in this effort, it was well known that he was aided, to the utmost, by that description of people who have, since that time, omitted no opportunity in their power of hurrying us into a war against England.

Fortunately, however, the President saw and avoided the snare. His sound judgement, and penetrating discernment, enabled him to perceive all the hazards of such a reference : his good sense prevented him from entertaining a doubt about his constitu-

constitutional power to decide this question ; and his firmness enabled him to make, and support the decision. The proclamation of neutrality accordingly appeared.

It no sooner made its appearance, than the war party and their chief raised an out-cry against it from one end of the continent to the other. The French-minister (Genet) who arrived soon after, remonstrated ; the popular societies formed under his auspices, published resolutions ; and the venal presses, the principal of which* was under the immediate direction of the author of the war system, poured forth abuse against the proclamation of neutrality, the minister who advised it, and the President by whom it was issued. In short, Mr. Chairman, no expedient which disappointed intrigue, and an artful, enraged spirit of party, could devise, was omitted for raising an universal popular indignation against this proclamation of neutrality, and for preparing Congress to condemn and reverse it. The changes were rung from town to town, from state to state, and from one end of the union to the other, on pusillanimity, on national degradation, on ingratitude to France, on servile submission to England ; and this proclamation was furiously assailed, with the very same weapons which we have since seen employed against the British treaty, which was justly considered as a part of the same system of neutrality.

The efforts of the friends of war and their chief were, however, unavailing. The people of America indeed felt a warm, an almost enthusiastic partiality for France, whom they considered as contending for liberty, and on this partiality the party

Note by Mr. Harper.

* The National Gazette, whose editor, Philip Freneau, was a confidential clerk of Mr. Jefferson. This paper was the vehicle of all the most violent attacks against the proclamation of neutrality.

founded

founded strong hopes of success. But the good sense of the people enabled them to discern that whatever might be their wishes for the success of France, the interest of their own country lay in preserving peace: and they gave, throughout the union, the most unequivocal proofs of approbation to the proclamation of neutrality. When Congress met, this sentiment had become so strong and universal, that the war party did not dare to oppose it. The proclamation was approved of by Congress; and the party and their chief once more had a hook put into their nose.

Though a second time disappointed, they did not, however, lose courage, nor abandon their schemes. But as a system of neutrality had now been adopted, it was too late to talk of war; and the next step, therefore, was to explain this neutrality in such a manner as would render it, in effect, an alliance with France, and a state of hostility against England. This was attempted accordingly; but as the author of the war system held an official station under the Executive, he could not openly appear in it. The French minister came forward, and advanced the pretensions, which it was the part of the other personage to second and support in the President's council. A right was claimed on the part of France to arm, fit, and commission ships of war in our ports; to exclude British ships of war under pretences which would have applied to every possible case; to enlist crews among our citizens; to raise armies in our country, and to preclude our courts of justice from all cognizance of prizes taken and brought in by vessels acting under French commissions. It was contended on the part of France, that we ought to resist, by force, the right claimed by England, and clearly acknowledged by the law of nations, to take the goods of her enemies, when found on board of our neutral vessels. It requires
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no discernment, Mr. Chairman, to see that these pretensions, had they been agreed to, would have placed the direction of our affairs in the hands of France, and must instantly have induced a state of war between us and England. This was well understood by the war party; and therefore, as every body recollects, they aided and supported the French minister to the utmost of their power. These pretensions, indeed, were repelled by the President, who adopted a system wholly different; a system of national independence and fair neutrality: but it is well known to have been adopted contrary to the opinion, and in spite of the efforts, of the chief of this party. When it was adopted, he did indeed defend it, in his official character; but he has taken care to declare* his abhorrence of it, and the French minister did not fail to accuse him of duplicity for having written officially in its defence.† While officially defended by their chief, the party themselves assailed it with the most persevering violence. The haranguers exclaimed, the self-created societies resolved, the presses devoted to the party teemed with abuse; and that in particular which was under the immediate direction of the chief, poured forth one continued torrent of virulent invective. Afraid to attack the head of the Executive department himself, whose tried virtue, whose splendid services, whose great and well-earned popularity, could not fail to rouse the public indignation against any who might impeach the purity of his conduct, all the shafts were levelled at the councillor by whose advice the system was supposed to have been adopted, and by whose talents

Notes by Mr. Harper.

* In the letter to Mazzei, where he stigmatizes this very system, as a system of ingratitude and injustice to France.

† See Genet's letter to Mr. Jefferson, of Sept. 18, 1793. Pages 70, and 73, of the printed correspondence.

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it was ably supported. It was every where declared, and every where most industriously propagated, that this person had enslaved the mind of the president, and misled his judgement. Every where, by every press and every club, was this person branded as a speculator, a thief, a plunderer of the public treasury which was under his superintendance, a wretch in the pay of England; in fine, the most profligate of traitors, the most dangerous of public enemies. These calumnies, asserted within these walls, circulated by members of this House, were industriously wafted from state to state, for the purpose of overwhelming with obloquy and public hatred the author and prop of the neutral system, as an essential step towards the destruction of the system itself. When the public mind was thought to be sufficiently prepared, a direct attack was made on him in this House, for the purpose of driving him from his office, so that the president deprived of his counsels, might the more easily be brought to concur in the designs of the war party and of France. The charges before circulated in a vague and indirect form, were reduced to specific accusations, and brought before this House, as the grounds of a vote of impeachment. But although the party had met with some success while they confined themselves to their strong hold, to the "*Ambiguas in vulgum spargere voces*" which I mentioned in the beginning of my observations, yet when they ventured to fight on the open plain of fact and proof, they were totally routed; when their vague calumnies assumed the shape of resolutions, they were easily refuted. Every charge was repelled by a vast majority of this House; and the wise and virtuous statesman to whom his country is so much indebted, rising triumphant from the contest, established his fame and his system on a basis more solid than ever. Like some mighty oak, whose
 roots

roots are more strongly fixed, and new vigour added to its growth, by those storms which seem to threaten its overthrow.

Thus the war party were again discomfited ; and in spite of all their efforts, aided by the efforts of the French minister, a system of fair and impartial neutrality, calculated to preserve justice to all, and keep peace with all, was completely established.

Though beaten, however, Mr. Chairman, they were not subdued ; nor could they be induced to relinquish their favourite object of war and alliance. They waited for a favourable opportunity of renewing the attack, and that opportunity the unjust aggressions of England on our trade too soon supplied. These aggressions, joined to the remembrance of our former contest with that power, and the resentments remaining from her former injuries, raised a flame of indignation throughout the country, which pervaded all classes and distinctions of people, and prepared the public mind for measures of hostility. The occasion was seized by the war party, and used with an activity and zeal which gave them the fairest prospects of success. The attempts were not direct ; because in that case the people might have been brought to reflect. The great object then, as before, was against England, and alliance with France ; but not one word was said about war or alliance, words which might have created alarm, and given rise to hesitation.

But measures were proposed whose direct and inevitable tendency was to widen the breach with England, and inflame the two countries more and more against each other. These measures assumed various shapes, to suit the feelings and catch the passions of particular individuals, or classes of men ; and were urged with unremitting zeal, and indefatigable industry. Sometimes commercial restrictions on the trade of England, were attempted ; some
times

times the intercourse between the two countries was to be cut off, and sometimes confiscation and sequestration were resorted to.

Many of our best citizens, and the firmest friends to peace and neutrality, were impelled by the warmth of the moment, and the insinuations of this party, to favour, and even to propose or advocate these measures; and nothing was omitted to raise a storm of popular resentment and public odium against all those who had the firmness to withstand them. To speak of negotiation, was branded as pusillanimity; to speak of attempts at amicable adjustment, was pronounced to be little short of treason. Gentlemen, for their opposition to these hostile measures, were stigmatized, on this floor, as the agents of England; mobs were hired to burn them in effigy in various towns in the union; the presses devoted to the war party, assailed them with continued volleys of calumny; their names were coupled with every disgraceful epithet, with every vile accusation; in the toasts of clubs, and the resolutions of societies; and finally, by all these means, aided by the continued aggressions of England, an universal flame was excited in the country, and the party saw itself approach rapidly to the moment of its triumph over the system of peace and neutrality.

When the country was thus on the point of rushing down the precipice, the President of the United States, destined so often to become its saviour, again stretched out his paternal hand, and prevented the fall. Interposing the powers of his office, and his immense personal popularity, between the legislature and the gulph, at the very brink of which it had almost arrived, he arrested his career, and afforded the country time to recover from its delirium. He sent an envoy-extraordinary to make one further attempt at an amicable adjustment of our differences with England, before we should resolve to terminate

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them

them by the sword; and by this step he again broke the measures of the war party.

Their rage was proportioned to their disappointment, and it hurried them into the most furious invectives against the President, against the envoy, and against all who were understood to favour the measure. Every body remembers, Mr. Chairman, how they accused this envoy of being a tool of the British ministry, an enemy to liberty, and even an opposer of the independence of this country. Every body remembers what clamours were raised about the unconstitutionality of his appointment; how the clubs toasted, the orators harangued, and the societies resolved. Every body remembers how all the presses under the influence of this party loudly alleged that the friends of the negotiation were a faction devoted to England, and that the President of the United States, by sending the envoy, had placed himself at the head of this faction. Every one remembers how the leaders of this party did not refrain from repeating these accusations within the walls of this House, and even on this floor. It was in vain that the friends of the measure, and of peace, spoke to them in language like this—"Let this attempt at negotiation be made, and, if it fails, we will join you in war. Should England refuse to do us justice, when thus peaceably applied to, we will join you in every measure of compulsion. We consider this as the last effort at negotiation; and so the President has announced it in his message for nominating the envoy." No! These gentlemen now so peaceable, when France repels with contempt, two successive efforts at negotiation, and meets all our advances by new measures of hostility, could then be satisfied with nothing less than immediate measures of coercion and irritation against England. A single attempt to negotiate they represented as pusillanimity, and the very idea
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of a compromise they treated as a surrender of the rights and honour of the country. When the envoy arrived, and presented a memorial, stating all our claims, and urging satisfaction, but urging it in the usual forms of diplomatic civility, these forms were converted into a cause of accusation, a most violent outcry was raised against this civility, by the very gentlemen who now proclaim their unbounded, and even enthusiastic approbation of the conduct of the late minister to France, who, in his first address to the government of that republic, assured it solemnly and publicly, that this country was ready to submit, and to submit cheerfully, to any infractions of its treaties or violation of its rights, which France might think it for her own advantage to commit!* Whence this strange inconsistency, but from an eager desire of war against England, and a blind, fervile devotedness to France? And will gentlemen, after all this, deny that the whole scope of the measures, the whole drift of the system of their party, has been war against England and alliance with France?

The envoy, however, continued to negotiate, and at length concluded a treaty, whereby ancient differences were adjusted, and the foundation laid for amity in future. No sooner did this treaty arrive in the country than every artifice was used to inflame the public mind, and excite against it the popular prejudices. Nothing was omitted to defeat it in the Senate, and when ratified by that body it was attacked by every coffee-house politician of the party before it was published, by all their presses, and by the resolutions of all the clubs. When made public, the most unheard-of means

Note by Mr. Harper.

* See Mr. Monro's book, pages 10, and 34, 35, where this declaration is acknowledged and justified.

were used to overwhelm it with general odium, to raise an universal cry against it, and deter the President from giving it his sanction. In every town mobs were assembled, under the more respectable name of town meetings; those of a different opinion were silenced by clamour, intimidated by threats, or actually driven away by violence; and all opposition or discussion being thus prevented, these assemblages of ignorant and illiterate men were prevailed upon to vote by acclamation for resolutions which they were incapable of understanding, and could not even hear.

Thus the appearance of a formidable popular rising in various parts of the continent, was exhibited, and the phrenzy caught. It spread wider and wider, and, aided by various auxiliary passions, drew into its vortex great masses of the best and most well intentioned citizens. The country again seemed on the point of rushing down the precipice; but fortunately its guardian genius yet presided over its affairs. The President of the United States again placed himself in the breach, and received on his buckler all the strokes aimed at the happiness of this country. He spoke to the people; they heard the voice of their father, they listened and became calm. He ratified the treaty; and the people said—"it is done, and must it not be supported—he has done it, and is it not right?" They listened, and were appeased; they read, and were convinced; they discovered their first errors, acknowledged and renounced them.

But not so the party whose object was war against England at all events. They saw in this treaty the death of their hopes, the final frustration of all their projects; for this treaty took away all cause of quarrel between the two countries: and they resolved to make one grand effort for its destruction; which being accomplished, all the ancient

cient disputes would be reinstated, with new aggravation; and a rupture would be rendered so much the more certain, as there could be no faith in any new accommodation. To this object they bent their whole force; and this House was the place for the attack. When the treaty came before this House to be carried into effect, doctrines new to the constitution, and incompatible with its existence, were introduced in order to destroy it. The treaty-making power was attempted to be rendered subject to the control of this House; as the power of appointing foreign ministers is now attempted to be rendered subject. The treaty was attacked through the sides of the constitution; a war was fought by the overthrow of our government, and the violation of our plighted faith. But a firm resistance was given to these attempts. Enlightened discussions spread the truth before the eyes of the people. Warned by the errors into which they had before been drawn, and roused by the magnitude of the danger, they rose in their might, and the party was dismayed; they spoke, and it trembled; they put forth their hand and touched it, and it sunk to the earth.

Thus again, Mr. Chairman, were the projects of these gentlemen confounded. Thus again were they prevented from effecting their purpose, so much desired, of driving this country into a war with England, and the fraternal embraces of France.

The remaining history is known. The French, under pretexts so frivolous that not one gentleman on this floor has been found hardy enough to defend them, have quarrelled with us on account of this treaty; because by terminating our differences with England, it cuts off all hope of our being drawn into the war against her. In this quarrel, France, proceeding avowedly on the ground of our being a divided people, opposed to our own government,

vernment, and attached to her, repels all our amicable advances, meets them with new injuries, and declares, that before she will listen to us, we must tread back all our steps, reverse our whole system of policy, break our treaty with England, and admit her own construction of her treaty with us. In this critical and alarming situation of affairs, the same description of persons, the same individuals even, who have so perseveringly attempted to bring us into the war against England according to the views of France, who have so uniformly, and with so much zeal, supported all the pretensions of France, now come forward and make a direct attack on the Executive, the tendency of which is necessarily to divide it from this House, when there is the utmost need of union, and withdraw from it the confidence of the people, when that confidence is more than ever essential. What is this but a continuation of the same system? And can we be blamed for seeing in this attempt a new effort to throw this country into the arms of France, by rendering the government unable to resist her; by forcing it, from weakness, to submit to her mandates; to break, in obedience to them, its treaty with England, and substitute in its place, an alliance offensive and defensive with her?

If this be not the object of gentlemen; if it be not their intention thus to serve their country by reducing it to the situation of Holland, how are we to reconcile their present with their former conduct; their eagerness for hostile measures formerly, with their tame submissive spirit now; their zealous opposition to every thing like negotiation formerly, with their equally zealous opposition to every thing like resistance now? If this be not their system, then all that I can say about their present measures, contrasted with those pursued by them on a former occasion, about their former eagerness for alliance
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with one foreign nation, and war with another, contrasted with their present declamations against all sorts of foreign connections or intercourse, is to exclaim, in the eloquent language of the gentleman from Pennsylvania, that those measures form the last leaf of that book wherein are written the inconsistencies of party.

Whether this system of war and alliance, this system of fraternity with France, such as the Dutch now enjoy, and hostility, under her orders, against all her enemies; this system so steadily pursued, but so often defeated, shall at length begin to triumph, I consider as the question now to be decided. It is now to be decided, whether an important step shall be taken towards compelling our government, thro' debility, to submit implicitly to France, towards laying this country, bound hand and foot, at the feet of that haughty, domineering nation. To take this step, to commence the triumph of the fraternal system, I take to be the object, as I know it to be the tendency, of the inroad on the executive power attempted by this amendment. Hence it is that I oppose it with the warmest zeal and with all my might; and if my opposition shall contribute in the smallest degree to its defeat, I shall neither regret the time I have occupied, nor apologize for the trouble I have given to the committee.

F I N I S.

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