

A  
LETTER

TO THE

*ELECTORS*

OF

PRESIDENT AND VICE-PRESIDENT

OF THE

United States.

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*BY A CITIZEN OF NEW-YORK.*

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*[Edward Livingston]*  
Accompanied with an extract of the secret debates of the Federal Convention, held in Philadelphia, in the year 1787, taken by Chief Justice Yates.

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# LETTER, &c.

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*New-York, November 23, 1808.*

GENTLEMEN,

TRUTH, as well as innocence, frequently must borrow the veil of mystery ; and facts of the highest importance in the present circumstances will be presented to you by an unknown hand.

In the name of our country, of our dear bought liberty, of our federative system of government, read the following sketch before you determine by your votes who shall be our next President, and then follow the dictates of an independent conscience.

Providence, favorable to this happy land, to the cause of man, and to his rational rights hath within a few days thrown into the hands of the writer an incontestible historical document which unriddles the plots and the machinations which have from the beginning of our federal constitution threatened its existence. The origin of the parties which have agitated our states is there unravelled, the leading characters unmasked, and

their secret views exposed. The notes made by the late Chief Justice Yates, of the debates of the federal convention in 1787, to which he was sent by the state of New-York, do yet exist ; and a faithful copy of that valuable manuscript made by Mr. Lansing, also a delegate to the convention, and now Chancellor of our state, will soon be offered to the people, as the best commentary on their constitutional laws. An extract of that inestimable chronicle is now laid before you, gentlemen, and you will find in perusing it, that three distinct forms of government were proposed to the convention. One on the principles of unity and consolidation, to the total exclusion of state governments, presented by the delegates from Virginia, and advocated by Mr. MADISON. The other fœderative, protecting the local sovereignty of the states, offered by New-Jersey. The third, monarchical, on the principles of the British government, recommended by Mr. Hamilton. A combination of these three forms hath produced our general government ; neither of them were exclusively adopted, but some of the parties under whose influence they have been introduced have never ceased, since by management and intrigue, to regain the ground which the wisdom of the convention had made them lose. The partizans of the Virginia plan have been remarkably assiduous to accomplish that ob-

ject, and that state, not content with having been gratified, with only one exception since the beginning of our federal government, in the ambition of supplying the union with a chief and a crowd of executive officers, hath unrelentingly employed the immense weight of its numerous variegated population and of its proportionate representation in the national councils, to favor its own views of supremacy, and to set aside by congressional manœuvres the clauses of our federation. We have seen lately the legislature of that state attempting to influence Congress, that Congress might influence the nation to place once more one of their citizens in the Presidential chair, in the room of another of their citizens who was withdrawing from that post. But, gentlemen, what will be your astonishment when you find by the notes of Judge Yates that the citizen thus presented to the people by a devoted caucus of members of Congress to become our chief magistrate and the regulator of our federation, is Mr. Madison, the very man who attempted in their behalf, with a persevering obstinacy in the federal convention, to prostrate our state governments, which are the pillars of our federation, to substitute for our excellent federative union a consolidated government, and by an inequality of suffrages founded on the numerous population of the large states, to concentrate all the power

and influence in their hands, and doom the minor states to dependance and subjection?

When we compare these undeniable facts with the late unprincipled attack made by the caucus at Washington on all the precautions taken by the framers of the constitution to prevent any adventitious body from influencing the Presidential election, judiciously reserved to the states themselves, we are struck with wonder and the most afflicting thoughts perplex our minds.

But what can be done at this late hour when all the arts of an ambitious party have been used to secure the suffrages of the people? Nothing but an appeal to your republican principles and your faithfulness to the states who have invested you with the most valuable prerogative of their sovereignty. Take for your guide our state rights and the constitutions which guarantee them, and obliged to make a choice between Mr. Clinton and Mr. Madison, give your votes to the one who hath never deviated and who is now what he always hath been, an energetic supporter of the American federation, but an enemy to consolidation and monarchy. To follow the unerring path of the constitution can never lead astray, to disappoint the designing violaters of the law can never be wrong. Let us see then what the constitution prescribes.

1. It forbids the members of congress to be-

come electors of President, because they are to be the judges of his election and to make a choice by states if there be none made by the electors, and because reason dictates that the President must be independent for his continuance in office on all but the people themselves.

2. It refers to the several members of the union in their political capacity the appointment of the supreme executive, and it determines that the electors chosen according to their direction shall vote in their respective state a short time after their appointment, and on a particular day; because it was essential by that scattered and isolated situation of the electors, and their simultaneous vote to prevent as much as possible foreign and local intrigue at the seat of the general government, and in the corrupting atmosphere of the diplomatic corps, and to frustrate machinations which might be prejudicial to the most honest, and the most independent choice.

Party spirit, gentlemen, hath put aside those rules and expects with confidence, from your flexibility to its liberticidal mandates the most immoral victory. But your country will be more powerful in your hearts than a greedy and bewildered party and you will listen to its call.

These motives, gentlemen, are sufficient to justify the republican dissent of the friends of Governor Clinton, but other reasons not less co-

gent seem to indicate the propriety of entrusting at this eminent period to Mr. George Clinton as President & to Mr. James Monroe as V. President, the management of our national concerns. The history of all governments teach us that when Ministers have embarked in measures which time and experience, have proved to be pernicious, they are removed by their sovereign, though their zeal is valued and their talents appreciated. Why should the republics be deprived of that advantage which hath saved so many monarchies from destruction ? The negotiations of Mr. Madison with the Belligerents have proved hitherto ineffectual. He is committed to the course of measures which have been pursued, he is pledged to certain propositions which have been already rejected. An accommodation with him is more than doubtful, and is it probable that his elevation from the office of foreign affairs to the Presidential chair will ameliorate our situation and enable us to avoid foreign war or domestic ruin ? In the mean time while public distress increases and discontent pervades all the parts of our union, impending woes awake the natural feelings of self preservation, and attenuate those of public virtue ; the delegated powers under the garb of which the greatest sufferings and privations are inflicted upon the people, begin to be legally investigated in several states ; the fed-

erative ties may soon be loosened by the uncontrollable hand of despair ; great calamities menace our political existence, and we could avoid them all by taking for our pilots able rulers, who would become influential conciliators at home, and respected negociators abroad.

Being satisfied, gentlemen, that you will set more value on the lasting esteem of posterity than on the light applauses of transient parties, I sincerely hope that these representations will coincide with your intentions ; but if I am mistaken in that flattering expectation, I shall receive from my own heart the only reward to which I aspire, a gratifying sentiment of having followed the impulse of honour, gratitude, and an unshakable attachment to the welfare of our country.

A CITIZEN OF NEW-YORK.

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EXTRACT of the notes made by the late Chief Justice Yates, one of the representatives of the state of New-York, in the Convention of the United States in 1787, copied from the original manuscript of the said Chief Justice by the Chancellor of the said state, John Lansing, jun. and certified by him to be a true copy of the said notes :

“ The representatives from the different states having met on the 25th of May, 1787, at the State House in Philadelphia, General Washing-

ton having been unanimously placed in the chair, and Major Jackson, by the vote of all the states, except Pennsylvania, appointed Secretary. The Convention proceeded to read the powers given by the different states to their delegates, among which were particularly noticed the power of Delaware, which restrained its delegates from assenting to an abolition of the 5th article of the Confederation, by which it is declared *that each State shall have one vote.*

“ The 28th, his excellency governor Randolph, a member from Virginia, got up, and in a long and elaborate speech shewed the defects existing in the federal government then in existence, as totally inadequate to the peace, safety, and security of the Confederacy, and the absolute necessity of a more energetic government.

“ He closed these remarks with a set of resolutions, 15 in number, which he proposed to the Convention for their adoption, and as leading principles whereon to form a new government. He candidly confessed they were not calculated for a federal government. He meant a strong consolidated union, in which the idea of states should be nearly annihilated.

“ Mr. C. Pinckney, a member from South Carolina, added, that he had reduced his ideas of a new government to a system, which he read,

and confessed that it was grounded on the same principle as those resolutions.

“ The 2d of June 1787, Mr. Randolph displayed the views of the plan of Virginia, with respect to the executive branch of the union.— He proposed the establishment of a directory of three ; dividing the states in three divisions, and taking an executive from each, chosen by the people, and invested with extensive power.— That idea was rejected by almost all the other delegates, and the principle of a single executive adopted.

“ Mr. Madison, from Virginia, endeavoured to support the plan of that state in all its branches, and after a speech pronounced by Mr. Reed, to prove that the state governments must sooner or later be at an end, and that, therefore, it was the duty of the Convention to make the new national government as perfect as possible ; he gave it as his opinion, that when the convention agreed to the first resolve of having a national government it was then intended to *operate to the exclusion of federal government*, and that the more extensive the basis was made the greater would be the probability of duration, happiness, and good order.

“ Mr. James Wilson, from Pennsylvania, proposed the annihilation of the state government, and he represented that the freedom of the peo-

ple, and their local and internal good police, depended on their existence in full vigor, and that it was not possible that a general government, as despotic even as that of the Roman Emperors, could be adequate to the government of North America.

“Mr. King, from Massachusetts, in the course of these debates did not show himself averse to the state governments ; but on the contrary in opposition to Mr. Madison, who wanted the new constitution to be accepted by the people at large, he observed, that as the people in every state had tacitly agreed to a federal government, the legislature in every state had a right to confirm any alteration or amendment in it, and he supposed that the most eligible mode of approving the constitution would be a convention in every state.

“The 8th of June, Mr. C. Pinckney having moved that the National Legislature should have the power of negating all the laws passed by the state legislatures, which they may deem improper, he was warmly supported by Mr. Madison, who insisted that the unlimited power in the general government of negating the laws passed by the state governments was absolutely necessary—that it was the only attractive principle which would retain the centrifugal force, and that without it planets will fly from their orbits.

“ Mr. Gerry observed ironically, that he was not willing to take such a leap in the dark, and recommended to designate the power of the National Legislature, to which the negative ought to apply. Mr. Madison insisted that nothing but the proposed system could restore the peace and harmony of the country. Mr. Pinckney’s motion was lost, seven states against it, and Virginia, Pennsylvania, and Massachusetts for it.

“ The 9th of June, the convention being engaged in the discussion of the right of suffrage by the number of inhabitants and not by states, Mr. Wilson having moved that the mode of representation of each of the states, ought to be from the number of its free inhabitants, and of every other description three fifths to one free inhabitant. Mr. Madison agreed to fix accordingly the standard of representation.

“ On the question to fill up the blank of the duration of the first branch of the National Legislature, Mr. Madison was for three years, though Mr. Gerry was afraid that the people would be alarmed at that clause favouring of despotism.

“ On the motion to fill up the blank of the duration of the second branch of the National Legislature, Mr. Madison was for 7 years, and declared that considering this branch *as a check on democracy*, it could not be too strong.

“ A plan opposed to the Virginia plan supported by Mr. Madison, having been presented by Mr. Patterson, the purpose of which was merely to amend the old confederacy, Mr. Madison attempted to have it rejected in toto ; but Mr. Hamilton prevented it, and said that he was not in sentiment with either plan, that he supposed both might again be considered as federal plans, and being both fairly in committee be contrasted so as to make a comparative estimate of the two.

“ The 16th of June, Messrs. Lansing and Patterson exposed all the inconveniences of the Virginia plan, and its dangerous tendency, after which Mr. Wilson stated as follows the two plans :

**VIRGINIA.**

Proposes two branches in the legislature.

The legislative power derived from the people.

A directory first, and by amendment a single executive.

The legislature to legislate on all national concerns.

The legislature to have the power of negating all the state laws.

**JERSEY.**

A single legislative body.

The legislative power derived from the state.

No provision for the executive.

The legislature to legislate only on limited objects.

The executive to have the power to compel obedience.

“ Mr. Hamilton’s ideas were materially dissimilar to those two plans, and in an eloquent speech stigmatized them both. He did not approve the total abolition of the state governments, but he wanted to reduce them to simple corporations with very limited powers. He did not think that

a federal government could suit this country; but still he pretended that he was at a loss to know what could be substituted for it; a republican form of government could not be perfect. But he would hold it, however, unwise to change it, though he considered the British form of government as the best model that the world ever produced. He wished that the Convention could go to the utmost length of republican principles, and thought that they would not deviate from it if they made the chief magistrate of the republic elective for life, and gave him the power of negating all laws, of making war and peace with the advice of the senate, and the sole direction of all military operations, &c. &c. He proposed also to appoint in each state an officer, to have a negative on all state laws. He confessed that his plan and that from Virginia were very remote from the ideas of the people, and he admitted explicitly, that the Jersey plan was nearest to their expectations. He described the Virginia plan as being nothing but democracy checked by democracy, or *pork still with a little change of the sauce*.

“ Mr. Madison did not relish at all the criticism of Mr. Hamilton, and in a lengthy speech vindicated the Virginia system, and attempted to demonstrate its superiority over the Jersey plan.

“ On a motion of Mr. King the Jersey plan was rejected as inadmissible, 7 states against it and 4 for it, including New-York.

“ The committee then rose and reported against the Virginia plan.

“ Mr. Wilson, on the first clause, represented, that it was not a desirable object to annihilate the state governments.

“ Mr. Hamilton corrected what he had said against those governments; but intimated that they ought to be reduced to a smaller scale.

“ Mr. King observed, that none of the states could properly be called sovereign, being deprived of several sovereign rights, such as making peace and war; and that in reality the consolidation had already taken place by the articles of confederation.

“ To compromise matters between the Virginia and the Jersey plan, Dr. Johnson proposed, that the state government should be preserved with some modification; and that the states, in their legislative capacity, should have the right to appoint the second branch of the national legislature, in order to unite them with the general government.

“ Messrs. Ellsworth and Johnson spoke in favor of that modification, and observed that the state legislature were more competent to make a judicious choice than the people at large for the

second branch, where wisdom and firmness were wanted.

“ Mr. Madison opposed that idea, and for his part, he persisted to apprehend the greatest danger from the state governments ; and he declared that he was always inclined for a general government emanating from the people at large, and independent of any local authority. Finding, however, that the majority was against him, he proposed a postponement ; but it was negatived, and the clause proposed by Dr. Johnson adopted.

“ Mr. Madison on the sub-question relative to the organization of the Senate, and the rotation in that branch, said, we are acting in the same manner as the confederation ; and by the vote already taken, the temper of the state legislatures will transfuse into the senate.

The 26th of June, on the question of the continuance of the senators in office, the same Mr. Madison gave it as his opinion, that the longer the senators remain in office, the better it will be for the stability and permanency of the government. Several members thought differently on that question, and proved that the longer the senators resided at the seat of government, the more they would become naturalised to its climate and habits, that they might even settle there, and forget their own state and its interests.

“ The 26th, on a motion to strike out the clause declaring that the senators of the union should be ineligible to any state office, Mr. Madison opposed it, and obser-

ved that Congress had heretofore depended on state interest, and that the convention was now pursuing the same plan. He was contradicted by Messrs. Pinckney and Butler, who observed, that the state and general governments must act together ; that the Senate, or second branch, was the aristocratic part of our governments, and that they must be controuled by the states ; the motion for striking out was carried.

“ The following motion was made by Mr. Lansing, of New-York ; that the representation of the second branch be according to the articles of confederation, (that is to say, on federal principles of equality.) A debate took place, in which Mr. Madison, supporting the Virginia plan, declared that the representation must not be on federal principle, but relative to the number of inhabitants. He was answered by several members, but particularly by Dr. Johnson, who observed, that the idea of destroying the state governments having been overruled, the convention was to frame a government, not for the people of America, but for the political societies called states, which compose the union, and that they must therefore have a voice in the second branch, if it was meant to preserve their existence, the people composing already the first branch.

“ Mr. Madison rose up against Dr. Johnson in defence of the Virginia plan, and supported the following dogmas ; “ That there is a gradation of power in all societies, from the lowest corporation to the highest sovereign ; that the states never possessed the right of sovereignty ; that they were only corporations having the power of making bye-laws ; that they ought to be still more under the controul of the general government, at

least as much as they were under the King and British government.

“ Mr. Hamilton, without adopting the ideas of Mr. Madison, spoke against the motion of Mr. Lansing, which was lost, 4 states for, and 6 against it.

“ Judge Ellsworth then moved, as an amendment to the plan of Virginia, that in the second branch each state should have an equal vote; equality of votes being the principle on which all confederacies are formed.

“ Mr. Madison refused to compromise, and exclaimed, that the greatest danger for the general government, would arise from the opposition of the northern interest of the continent to the southern interest; alluding to certain expressions of several members leaning towards a division of the union, if Mr. Madison's plan was not modified.

“ Dr. Franklin recommended a compromise on that subject, and made, in his usual way, the following comparison: “ when a joiner wants to fit two boards, he takes off with his plane the uneven parts from each side, and thus they fit: let us do the same, said he, and as an expedient he proposed that the senate be elected by the states equally.” But Mr. Madison considering that by his plan the senate was to be the great engine by which all the state laws could be reversed and annulled, would consent to no arrangement that would deprive the large states of having in both branches a weight proportioned to their population.

“ Mr. King recommended moderation, and was in sentiment with those who wished the preservation of the state government. The general government, in his opinion, could be constructed so as to effect that ob-

ject. The new constitution must be considered as a commission under which the general government is to act, and as such be the guardian of the state rights. Five states voted for the amendment, and five against it, and one state was divided, and the amendment proposed by Mr. Ellsworth was lost.

“ The 2d of July, Gen. Pinckney moved for a select committee to take into consideration both branches of the Legislature. Divers opinions were presented, among which Gouverneur Morris suggested the propriety of rendering the Senate an absolute aristocracy, representing large property combined with distinguished talents.

“ Mr. Madison opposed the appointment of a committee—he thought it would delay the business, and if appointed from each state, would contain the whole strength of state prejudices. A committee, notwithstanding, was appointed from each state.

“ The 3d of July the committee met, and agreed on the following report, on condition that both propositions should be generally adopted.

1st. That in the first branch of the legislature, each of the states be allowed one member for every forty thousand inhabitants of the description reported in the 7th resolution of the committee of the whole house; that each state not containing that number shall be allowed one member; that all bills for raising or apportioning money and for fixing salaries of the officers of government of the United States, shall originate in the first branch, and shall not be altered or amended

by the second branch ; and, that no money shall be drawn from the public treasury but in pursuance of appropriation to be originated by the first branch.

“ 2dly. That in the second branch of the legislature of the states, each state should have an equal vote.”

“ Mr. Madison said he restrained himself from animadverting on the report from the respect alone which he bore to the members of the committee.”

Here end the Notes of Mr. Yates. He left at that period with Mr. Lansing the Convention. They had both uniformly opposed the Virginia system, and despairing of rendering any real service to their country, and to the state which had sent them, they left the Convention, and returned no more.

Those two honorable members officially and publicly informed the Governor of the state of New-York of their motives for acting as they did, and by their energy, combined with the efforts of Mr. Clinton, and several other influential supporters of federative principles, they subsequently succeeded in obtaining those valuable amendments to the constitution which are become the palladium of our liberty, the safeguard of our state rights, and the foundation of true republican principles, so different from the corrupt and accommodating maxim of many modern patriots and republicans by name, who for the vile consideration of promotion and favor, would condescend to consolidate our federation into a republic,

one and indivisible, and abandon to the unbounded ambition of the oligarch of a single state, a supremacy not less alarming than the usurpation of power in the hands of a single man.