[Continued from first page.]

There was then some discussion on an amendment proposed by Mr. Jewett, of Vermont, *that two electors be chosen by the State Legislatures*, as these two would represent the independent sovereignty of the State, while the other electors would represent population in proportion to numbers, or, in other words, the popular principle. (*Ibid.*, page 329.)

Mr. Gaston, of North Carolina, was inclined to favor the latter proposition, but would support the original resolution. After referring to the fact that the Legislatures of New York, Pennsylvania, North Carolina, Massachusetts and Virginia had each sanctioned and recommended the adoption of the *Pickens amendment*, he argued that it affects the power of the States only by narrowing their discretion as to the mode of appointing electors. It does not deprive them of any beneficial power, "or of any power available to them by way of securing an equilibrium against Federal authority. The fact is, it only takes away from them a matter of detail and regulation, onerous in itself, furnishing the materials for factious intrigue and manœuver, and productive of no advantage to the States. * * * If the proposed amendment should communicate some additional power to the smaller States, it would be but to restore the ratio fixed by the original compact." (*Ibid.*, page 333-36.)

Mr. Benjamin Huger, of South Carolina, argued that both the *federal* and *popular* principles are preserved intact by the *Pickens* amendment. [*Ibid.*, page 342.]

It involved immediate agency of the people in choosing the President, and yet left the power of the States unimpaired. Each State would have two additional electors for the two Senators. Continuing, he said:

> One great and important object would be obtained. All danger from geographical divisions and jealousies on the approach of an election would be done away. Not only all the different interests of each State but all the various and complicated interests scattered throughout the vast extent of the whole United States would have a full and efficient voice in the election of the Executive. The East, the West, the North, and the South would each have its proportionate influence in the election; and no one or two geographical portions or divisions of the Union, by combination, intrigue, or otherwise, would be enabled to overwhelm the others. The Chief Magistrate would consequently be, as was intended, emphatically the choice of the whole people and of all the different interests throughout the Union, elected by the people in conformity to the ratio established upon the Federal and popular principles ingrafted on the Constitution.—Annals, Fourteenth Congress, second session, pages 345, 346.

The *Pickens* amendment was adopted in Committee of the Whole December 20, 1816—yeas 87, nays 51. Reported to the House and laid on the table. (*Ibid.*, pages 355, 356.)

On the 21st of January, 1817, Mr. Pickens submitted resolutions of the South Carolina Legislature urging the adoption of his amendment. (*Ibid.*, page 694.)

Mahlon Dickerson, Senator from New Jersey, in obedience to instructions from the Legislature of that State, submitted a proposed amendment, December 23, 1817, similar to the *Pickens* amendment, except that *two electors* should be appointed by each State in such a manner as the Legislature might direct. (Annals, Fifteenth Congress, first session, pages 65-136.)

Referred to committee of five. (*Ibid.*, page 67.

Called up February 11, and elaborately discussed by Senator Dickerson, who said:

> I will venture to predict that whenever the dissolution of our present form of Government shall take place, it will be in consequence of a failure to come at a just expression of the public will in the choice of a President.—Ibid., page 179.

He argued that it is "an inadmissible construction of section 1 of article 2 of the Constitution that the Legislatures of the States *shall direct how they themselves* shall appoint electors;" that if such practice is "an infringement of the Constitution, of which it will hardly be denied there is well-founded doubt, then it is highly expedient that the constitutional remedy of amendment be applied."

He insisted that it had been the aim in some of the large States "to secure the dominant party an undue influence by suppressing the voice of the minority. This system of defeating every purpose of a fair election has become an art and a science, and is known by the technical term of *gerrymandering*." (*Ibid.*, page 181.)

Mr. Dickerson then reverted to the action of the Legislature of Pennsylvania in 1801, and that of New Jersey in 1808, to show how uncertain the existing system in its operation and how liable to abuse.

Continuing, he said:

> The probable result of the votes of all the districts, where numerous, would be as fair an expression of the public will as can be possibly obtained unless we resort to a general vote of the people at large.—Ibid., page 184.
>
> Perhaps the larger States will feel a reluctance to adopt a measure which will in some degree curtail their power of forming combinations with each other, and thus controlling their sister States; but the very disposition thus to combine and control is a dangerous and tyrannical principle, and if attempted would lead to counter combinations on the part of the middle size and smaller States. * * * Their combinations and their collisions are about equally to be dreaded. * * * There is great simplicity in the plan of single districts; they are but little subject to confusion and mistakes, and as they are to be modeled but once in ten years, there will be but little difficulty in their arrangement. * * * The present amendment, if adopted, introduces no new principle into the Constitution. * * * It does not abridge the just rights of any State, but adds to the security of all. * * * It will suppress those extensive and dangerous intrigues which agitate the Union at the approach of every presidential election.—Annals, Fifteenth Congress, first session, page 185.

Nathaniel Macon, of North Carolina, March 9, 1818, argued in support of the Dickerson resolution. (*Ibid.*, page 187.)

The amendment was read a third time and negatived—yeas 20, nays 13; two thirds not voting therefor. (*Ibid.*, page 242.)

Its passage recommended by the Legislature of North Carolina. (*Ibid.*, page 114.)

Senator Dickerson at the next session (instructions having been received from New York and New Hamshire favoring its passage) again introduced his amendment, December 2, 1818. (Annals, Fifteenth Congress, second session, page 33.)

Connecticut recommends its passage. (*Ibid.*, page 42.)

Mr. Dickerson, January 13, 1819, again advocated his amendment in a speech of great length, in which he said:

> This plan of dividing the States into districts is no new experiment; it is no innovation whatever upon the Constitution; it is only calculated to render permanent and uniform a regulation which has prevailed in nearly all the States, and which ought to have prevailed in all and would have prevailed in all but for the disorganizing spirit of party. Whatever mode may be adopted, it is universally allowed that it ought to be uniform throughout the United States.—Ibid., page 129.

The district plan insures "that the President shall be elected by a majority and never by a minority of the people," and "will place insuperable barriers to the intrigues of ambitious individuals, who will hereafter agitate the Union at the approach of every presidential election. In the process of electing a President there ought to be more uniformity, more precision, and more certainty than in the election of any other officer; and yet, strange as it may appear, *there is less*." (Annals, Fifteenth Congress, second session, page 142.)

He argued that the variable, vague, and uncertain mode now in practice is more subject to abuse than that which obtains in choosing the meanest officer in the community, and continued:

> And as to any effectual control of the Executive, (in case he be ambitious,) that must depend, as it heretofore has done, rather upon the virtues of the individual exercising the office than upon any positive regulations contained in the Constitution. The broad road to monarchy is left open—encumbered, indeed, with obstructions, but such as will yield to the pressure of ambition.—Ibid., page 146.
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> Great as the danger is that some ambitious individual may gain the presidential chair against the will of a large majority of the people, the subject presents itself in another point of view not less interesting. I mean the operation of our system to enable an ambitious President to perpetuate his power and to transmit it to his posterity.—Ibid., page 147.
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> Let us suppose that at some future period we shall have a President of 40 years of age, of great talents, unbounded ambition, and an insatiable thirst of power. The period of eight years would elapse at about the period of life when ambition takes the firmest hold of the human mind. He would easily persuade himself that the public interests would suffer by his retiring from office. The great facility of securing a re-election under our system would be a temptation not to be resisted; and the *host of choice spirits* by whom he would be surrounded would certainly succeed in persuading him to bear the weight of government for another period and another and another to the end of his life. Suppose this President to have a son of talents and ambition like his own and of suitable age to become his successor. The transmission of power from father to son would excite no unusual apprehension. His election would be a mere matter of form, and our Government would quietly sink into an hereditary monarchy; after which a Tiberius, Caligula, or Claudius might reign unscathed in America. These are not mere illusions, mere phantoms of the brain.

He then pictured the dangers which might have resulted it the House, in 1801, had chosen Burr instead of Jefferson. "He would eagerly have seized upon the reins of government." With his great military talent, with the Treasury and Army at his back, "and his talents for intrigue, which have never been overrated and rarely equaled in any country, would he not have been able to secure a re-election, and another, and another, to the end of his life?" * * * "And would he have dared to relinquish a power which he had held by force and fraud in spite of the will of a great majority of the people?" [*Ibid.*, pages 347, 348.]

Mr. Dickerson then took a prophetic view of the future. Said he:

> Sir, the time may come when our country will be filled with an army of pensioners, always the friends of arbitrary power. The time will come when we shall have a numerous host of officers, civil and military, in every department of the Government spread over our immense territory, looking up to the President as the source of power and emoluments. The time will come when luxury and extravagance will banish from our country every species of republican virtue; and the time will come, I fear, when this Senate will be no more than the shadow of what it was intended to be by those who framed our Constitution; when it will be no check upon the Executive; when it shall be as insignificant as the boasted Senate of Rome in the time of Tiberius. The whole patronage of Government will centre in the President, and that patronage, under our present system of choosing electors will become a machine of irresistible power. The management of this power will become a matter of science. He will be deemed the greatest politician and the ablest minister who can, with a given portion patronage, produce the greatest effect. The force of this power will be applied to effect the purposes of ambition, with as much economy and skill as water is applied to the wheel, or that of steam to the engine. It would be difficult to devise a plan better calculated to accelerate the approach of those deplorable events, or to promote the views of an ambitious President, than the present system of choosing electors.—Annals, Fifteenth Congress, second session, page 149.

James Barbour, of Virginia, opposed the amendment on the ground, as he expressed it, of "the gross inequality of its effects against the large and in favor of the smaller States," and its tendency to nationalism, "by abridging the power of the States." [Ibid., page 151.]

Vote on engrossment and third reading—yeas 28, nays 11. [*Ibid.*, page 159.]

February 4, 1819, the proposed amendment passed the Senate by the necessary two-thirds—yeas 28, nays 10. [*Ibid.*, page 207.]

Reported to the House February 5. [*Ibid.*, page 1038.]

Laid on the table, February 26, by a vote of 79 yeas, 73 nays. [*Ibid.*, page 1420.]

Senator Dickerson submitted his amendment again at the next session, December 14, 1819. [Annals, Sixteenth Congress, first session, page 22.]

Referred to committee of five. [*Ibid.*, page 24.]

Reported back without amendment. [*Ibid.*, page 40.]

Vote on engrossment and third reading—yeas 27, nays 13. [*Ibid.*, page 233.]

Passed by the necessary two-thirds majority January 27, 1820—yeas 29, nays 13. [*Ibid.*, page 278.]

Reported to the House January 28. [*Ibid.*, page 991.]

Agreed to in Committee of the Whole, reported to the House, and ordered to lie on the table, March 28. [*Ibid.*, page 1691.]

James S. Smith, of North Carolina, moved that the House proceed to consider the resolution and argued at length in support of it. He insisted that under the district plan "the States would not be deprived of any just power. The federative principle is still preserved. By this plan you will bring the election near to the people, and, consequently, you will make them place more value on the elective franchise, which is all important in a republican form of government."

Mr. Smith's motion was rejected. [*Ibid.*, page 1912.]

Mr. Dickerson again submitted his proposed amendment at the next session, November 22, 1820. [Annals, Sixteenth Congress, second session, page 22.]

Referred to committee of five. [*Ibid.*, page 23.]

Mr. Smith, of North Carolina, in the House, November 20, 1820, submitted an amendment exactly in the words of the Dickerson resolution. Referred to the Committee of the Whole. [*Ibid.*, page 444.]

The vote in Committee of the Whole, December 5, 1820, on the engrossment and third reading was—yeas 103, nays 59. [*Ibid.*, page 504.]

January 25, 1821, the resolution being before the House on its final passage, Ezra C. Gross, of New York, spoke at length in its favor. He argued that the permanent interests of the Union demanded the adoption of the proposed amendment:

> Other gentlemen thought they foresaw great evils. All their arguments [against the resolution] were directed to the same point and were of three kinds: those drawn from the sacred character of the instrument and the danger of rash amendments; those addressed to the pride and jealousy of States; and, lastly, those which result from an inquiry into the present practices of different States in choosing electors.—(*Ibid.*, page 960.)

Noticing the objection that the proposed amendment would change the relative power of the large and small States, Mr. Gross remarked that he came from a great State, and continued:

> What advantage will this kind of greatness be to her should jealousies be excited and discord prevail? It is a proposition that will not be controverted on this floor that the greatness of every State depends on the preservation and harmony of the Union. Why should we, under the pretense of preserving *State rights*, seek an unnatural advantage, the exercise of which can only serve to cherish faction, foment discord within, excite jealousy without, and jeopardize the best interests of the country? It is enough that the Constitution guarantees to us the advantage of the superiority of numbers by giving us a proportionate superiority of votes. It is a miserable ambition that seeks the temporary disfranchisement of a great minority of our fellow-citizens for the purpose of showing our power to a smaller member of the Confederacy.
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> * * * * * * *
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> Uniformity and permanency in the mode of appointing electors is more consequence than the mode itself.—*Ibid.*, page 962.

Touching executive influence on elections he said:

> In my opinion the amendment proposed will, instead of increasing the influence of the Executive, curtail it in a salutary manner. * * * It is not at the polls that this kind of influence is most to be dreaded. A whole community is not to be bribed.

In conclusion he said:

> I feel bound to support the amendment as well on the broad principles of justice as to secure the constitutional independence of the States and the preservation of the Union.—*Ibid.*, pages 963, 964.

The vote on the passage of the resolution was—yeas 92, nays 54; two-thirds not voting in the affirmative. [*Ibid.*, page 967.]

Senator Dickerson renewed his proposition at the next session, December 19, 1821. [Annals, Seventeenth Congress, first session, page 33.]

Referred to a committee of five, [Dickerson, Lloyd, Benton, Brown of Ohio, and Holmes of Maine.] January 24, 1822. [*Ibid.*, page 155.]

Ordered to third reading—yeas 27, nays 12. [*Ibid.*, page 281.]

Passed the Senate, March 11, 1822, by a decisive vote—yeas 29, nays 11. [*Ibid.*, page 283.]

Reported to the House on the same day. [*Ibid.*, page 1249.]

House declined to consider. [*Ibid.*, page 1250.]

Thomas H. Benton, Senator from Missouri, on the 11th of December, 1823, proposed the following:

> That, for the purpose of electing a President and Vice President of the United States, each State shall be divided by the Legislature thereof into a number of districts, equal to the whole number of Senators and Representatives to which each State may be entitled in the Congress; each district shall be composed of contiguous territory, and shall contain, as nearly as may be, an equal number of persons entitled to the Constitution to be represented, and on such days as Congress shall determine, which days shall be the same throughout the United States, the citizens of each State who may be qualified to vote for a Representative in Congress shall meet at such place within their respective districts as the Legislature of each State shall appoint; and each, in his proper person, shall vote for President and Vice President, one of whom at least shall not be an inhabitant of the same State with himself; and separate, originate lists shall be kept of all the voters, and of all the votes given for each person as President, and for each as Vice President.
>
> All the votes so given in each district shall be collected forthwith, in such manner as the Legislature of the State may direct, at some convenient place within the district; and the votes given for each candidate shall be added together, and the person having the greatest number of votes for President and the one having the greatest number of votes for Vice President shall be certified as duly preferred in said district, and shall be entitled to one vote each for the respective offices for which they are candidates; but if two or more persons shall have an equal number of votes in each district election for the same office, then the returning officers shall decide between them and certify accordingly.
>
> Triplicate certificates of the whole number of votes given for each candidate shall be made out and transmitted, in such manner as Congress may direct, to the seat of Government of the United States, addressed to the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted. The person having the greatest number of votes for President, shall be President, if such number be equal to a majority of the whole number of electoral votes within the United States; and if no person have such majority, then the President shall be chosen by the House of Representatives from the three having the greatest number of votes for President, in the manner now prescribed by the Constitution.

To person having the greatest number of votes for Vice President shall be the Vice President, if such number be equal to a majority of the whole number of electoral districts; and if no person have such majority, then the Vice President shall be chosen by the Senate from the two persons having the greatest number of votes for that office, in the manner now prescribed by the Constitution.—*Annals*, Eighteenth Congress, first session, page 32.

Senator Dickerson, of New Jersey, on the 16th of December, 1823, renewed his amendment with the added provisions:

First. That when there is no choice by the electors *the two Houses by joint ballot* shall elect; a majority of members present being necessary to a choice on the first ballot, and a plurality after the first.

Second. That no person having been twice elected President shall again be eligible. [Annals, Eighteenth Congress, first session, page 43.]

All resolutions proposing amendments to the Constitution were referred to a select committee of five—[Benton, Hayne, Dickerson, Holmes of Maine, Kelley.] [*Ibid.*, page 41.]

In the Senate, December 29, 1823, Martin Van Buren, of New York, offered an amendment providing for election by districts, equal in number to Senators and Representatives to which a State is entitled, to be formed by the State Legislatures. Citizens qualified to vote for members of the lower house of the State Legislature to choose one elector in each district; electors when met to fill vacancies; Congress to fix time of choosing electors and day for giving their votes, which shall be the same throughout the United States; State Legislatures to have *exclusive* authority to form districts, "to direct the election to be held, to prescribe the manner thereof, except as to time of holding the same and the qualifications of the voters and the place of meeting of the electors. If no person have a majority of electors chosen, the President, by proclamation, shall reconvene the electors, who shall ballot again for President, and if no choice is made the House of Representatives shall elect as now provided by the Constitution." [*Ibid.*, page 73.]

Mr. Benton, January 8, 1823, reported from the select committee an amendment similar to the Dickerson resolution of the previous session, except that the number of districts should be equal to the number of Senators and Representatives; that in case of no choice by electors, the two Houses of Congress, jointly, by ballot, shall elect from the three highest on the list; a *majority* of members present necessary to a choice *on first ballot*, and a *plurality* only afterward; the Senate to choose Vice President when no choice is made by electors; that no person shall be again eligible after having been twice elected President. [*Ibid.*, page 101.]

On the 15th of January, Mr. Benton offered his amendment as a substitute for the above. Agreed to. [*Ibid.*, page 106.]

The resolution relating to the ineligibility of the President after his second term, having been separated from the other, was debated at length by Mr. Dickerson and others, and *passed*—yeas 36, nays 3. [*Ibid.*, page 169.]

February 3, 1823, the order of the day being the Benton resolution as a substitute for that reported by the select committee, Mr. Benton supported his amendment in a lengthy argument. He said that experience was the only infallible test of good or bad institutions; that time had shown the defects in our electoral system; and that the framers of the Constitution, "despising the arrogance of an overweening confidence in their own work," had "provided a remedy by providing the means of amendment." [*Ibid.*, page 167.]

After showing how, under the present system, electors had been chosen by districts, by legislative ballots, and by general ticket, he argued that "such deviations imply a great fault in the Constitution itself."

> The evil of a want of uniformity in the choice of electors is not limited to its disfiguring effect upon the face of our government, but goes to endanger the rights of the people by permitting sudden alterations on the eve of an election, and to annihilate the right of the small States by enabling the larger ones to combine and to throw all their votes into the scale of a popular candidate. These obvious evils make it certain that any uniform rule would be preferable to the present state of things. But in fixing a rule it is the duty of statesmen to select that which is calculated to give to every portion of the Union its due share in the choice of a Chief Magistrate, and to every individual a fair opportunity of voting according to his will. This would be effected by adopting the *district system*. It would divide every State into districts equal to the whole number of votes to be given, and the people of each district would be governed *by the one majority*, and not by a majority existing in some remote part of the State. This would be agreeable to the rights of individuals; for, in entering into society and submitting to be bound by the decision of the majority, each individual retained the right of being governed by a majority of the voters, and not by majorities brought from remote sections to overwhelm him with their accumulated numbers.
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> It would be agreeable to the interests of all parts of the State, for each State may have different interests in different parts. One part may be agricultural, another manufacturing, another commercial; and it would be unjust that the strongest should govern or that two should combine and sacrifice a third.
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> The district system would be agreeable to the intention of our present Constitution, which, in giving each elector a separate vote instead of giving each State a consolidated vote, composed of all its electoral suffrages, clearly intended that each mass of persons entitled to one elector should have the right of giving one vote according to their own sense of their own interests.
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> The general ticket system, now existing in ten States, was the offspring of policy and not of any disposition to give fair play to the will of the people. It was adopted by the leading men of those States to enable them to consolidate the vote of the State. It would be easy to prove this by referring to facts of historical notoriety. It contributes to give power and consequence to leaders who manage the elections, but it is a departure from the intention of the Constitution, violates the rights of minorities, and is attended with many other evils. The intention of the Constitution is violated, because it was the intention of that instrument to give to *each mass of persons* entitled to one elector the power of giving that electoral vote to any candidate they preferred. The rights of minorities are violated, because a majority of one will carry the vote of the whole State.
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> In New York 36 electors are chosen; 19 is a majority, and the candidate receiving this majority is fairly entitled to 19 votes; but he counts in reality 36, because the minority of 17 are added to the majority. These 17 votes belong to 17 masses of people, of 40,000 souls each, in all 680,000 people, whose votes are mined upon, taken away, and presented to whom the majority please.—*Ibid.*, pages 169, 170.

Continuing, Mr. Benton said:

> I would be unwilling to use a harsh epithet, but I consider this case as amounting to an impressment of civil rights, more dangerous to our liberties than the impressment of our bodies by British ships of war.
>
> A further mischief of the general ticket system is, insegregating the States, drawing them up against one another, like hostile ships in battle. Out of this system has sprung the anti-social words of modern invention—"effective votes," "operative votes,"—as if the States were contending with Turks or Russians. This alienates the States from each other, and fills them with hostile feelings; and the President elected must become the President of the States which chose him, and look with coldness and resentment upon those which opposed him.—*Ibid.*, page 170.

After quoting from the Constitution the words "each *State* shall appoint, in such manner as the Legislature thereof may direct, a number of electors," &c., Mr. Benton argued that "State" and "Legislature" are not synonymous terms. The word "State" embraces *people, territory*, and *sovereignty*. "When the *State* is to do a thing the people are to do it. A legislative body is not competent to act, because it is not the State, but a department of it." Otherwise "there would be no *State* when the Legislature was not in session." * * * "The question now to be decided turns upon the *appointing power of the State* and *the dictatorial power of the Legislature*." He argued further that the word "appoint" in the clause above quoted is synonymous with "elect," and insisted that the Constitution empowered the Legislature to direct how or in what manner—as to the mode of conducting the election, taking the votes, certifying returns, &c.—*the people should* elect. A legislative body may direct the people how to go through the forms of an election; but a legislative body cannot *direct itself*. The word *direct* "implies an address to a third party and not to one's self." [*Ibid.*, page 172.]

Mr. Madison says: "The people choose the electors." The Federalist says the same thing in twenty places. It describes the electors as "men chosen by the people" for the special purpose of choosing the President. It describes them as "a small number of persons selected by their fellow-citizens from the general mass. It says the Constitution has "referred the election of the President, in the first instance, to the immediate act of the American people, to be exerted in the choice of persons for the temporary and sole purpose of making the appointment." "All of which shows," said Mr. Benton, "that legislative bodies were not intended to choose electors, much less to create themselves into electoral colleges."—*Ibid.*, pages 172, 173.

Mr. Benton then discussed the necessity of discontinuing the use of an intermediate body of electors:

> Every reason which induced the convention to institute electors has failed. They are no longer of any use, and may be dangerous to the liberties of the people. They are not useful because they have no power over their own vote, and because the people can vote for President as easily as they can vote for an elector. * * The elector may betray the liberties of the people by selling his vote. The operation is easy, because he votes by ballot; detection is impossible, because he does not sign his vote; the restraint is nothing but his own conscience, for there is no legal punishment for his breach of trust. * * If an elector should defraud 40,000 people out of their vote, there is no remedy but to abuse him in the newspapers. * * * * * * *
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> "Electors are nothing but agents in a case which requires no agent; and no prudent man would or ought to employ an agent to take care of his money, his property, or his liberty when he is equally capable to take care of them himself."

He argued further that this system "gives a false direction to the gratitude of the President elected. He feels himself indebted to the electors, and not to the people who gave their votes to the electors."—Ibid., pages 173-175.

This joint resolution in proposing a direct vote of the people, Mr. Benton contended, embraced no new project:

> It was presented and discussed in the Federal Convention of 1787, was twice put to the vote and supported by the States of Pennsylvania and Delaware. * * * I feel myself treading upon safe ground when I can say to the American people, "I am endeavoring to carry into effect the plan of Benjamin Franklin and the eminent statesmen whose names have just been read." [Jared Ingersoll, Gouverneur Morris, James Wilson, Robert Morris, and others.]—Ibid., page 181.

He then argued that while the electoral colleges may be corrupted, the people at large cannot be. The corrupting influences of patronage with all its temptations, "would become insignificant when scattered and dispersed among the millions of people which fill the Republic." [*Ibid.*, page 184.]

Mr. Benton closed his argument by insisting that the umpirage of the House of Representatives ought to be continued in cases where there is no choice by districts. He held that this was necessary to preserve both the federative and representative principles.

> But the House have no power to elect a President. They have no elective faculty, no power of choice; they are limited to the humble occupation of one set of three, each of whom may be obnoxious to them. They are nothing but arbitrators, referred to as mutual friends to settle a question of mutual interest.—Ibid., page 192.

After a long discussion, covering all the proposed amendments, the whole subject was indefinitely postponed, March 22, 1824—yeas 30, nays 13. [*Ibid.*, page 417.]

December 5, 1823, a select committed of seven was raised in the House to inquire into the expediency of recommending an amendment providing for a uniform mode of electing President and Vice President; and, also, that the election shall, in no event, devolve on the House of Representatives. [*Ibid.*, page 801.]

December 22, the committee, thro' George McDuffie, of South Carolina, submitted an elaborate report in favor of the *district system*, accompanied with a proposed amendment to that effect. [*Ibid.*, pages 850 to 866.]

The McDuffie amendment proposed to divide the States into districts equal to the number of Representatives in Congress, each district to elect one elector, the electors when met to choose two additional electors. In case the electors make no choice, the Senate and House, by joint ballot, shall elect, the members voting individually and not by States.

Edward Livingston, of Louisiana, in the House, January 24, 1824, proposed an amendment providing for the choice of electors by districts. In case no choice be made, the electors shall be reconvened by the President, and shall choose from the two having the highest number of votes. [*Ibid.*, page 1179.]

On the 19th of January, 1826, Mr. Benton made an elaborate report from the select committee of nine accompanied by a proposed amendment.

The select committee had carefully considered *all the plans* proposed at previous sessions of Congress, and the joint resolution accompanying their report was the one which seemed best calculated to insure uniformity, certainty, and safety in the choice of a Chief Magistrate.

The committee in their report insist that the intention of the Constitution has wholly failed in two leading features, namely: "*The institution of electors, and the ultimate election by States in the House of Representatives*;" and they propose:

First. That a uniform mode of election by districts shall be established.

Second. That the institution of electors shall be abolished, and the President and Vice President hereafter elected by a direct vote of the people.

Third. That a second election, to be conducted in the same manner as the first, shall take place between the persons having the two highest numbers, for the same office, when no one has received a majority of the whole number of votes given.

For Mr. Benton's report in full see Senate Report No. 22, first session, Nineteenth Congress.

Debated by Benton, Johnson of Kentucky, Macon, and Branch *for*, and by Dickerson and Van Buren against; the negative arguments being directed mainly against a second election by the people. [Congressional Debates, volume 2, part 1, pages 692-696.]

Mr. McDuffie, of South Carolina, in the House, December 9, 1825, moved that a select committee be appointed, with instructions to prepare and report an amendment providing for a uniform election *by districts*, and to prevent the election from devolving on the House. [*Ibid.*, page 797.]

Called up and debated February 15, 1826.

Mr. McDuffie argued that "the Constitution, by declaring that 'each State shall appoint electors in such manner as the Legislature may direct,' puts an unequivocal negative upon the idea of fixedness and permanence, which essentially enter into the notion of constitutional regulation." [*Ibid.*, page 1367.]

He then combated the idea that the *district* system would tend to destroy *the sovereignty of the States*, or produce what is termed *consolidation*.

> What do gentlemen mean by *consolidation*? That consolidation which is really dangerous to liberty, and which would destroy the federative character of our Government, is the concentration of power in the Government here. In this sense of the term I deprecate consolidation as much as any man, and the tendency of my proposition is to produce a result precisely the reverse of this. Instead of concentrating power in the hands of the Government here, it diffuses the most important of all powers among the great body of the people, and fixes it there irremovably.
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Andrew Johnson, of Tennessee, in the House, on the 21st of February, 1851, proposed the *Benton amendment* so modified that when the election has been held by the people *a second time*, two or more persons having received "the greatest and an equal number of votes, the person having *the greatest number of votes* in the greatest number of States, shall be President." The same rule as to Vice President, except that when a second election of President is not necessary and there has been no choice of Vice President the Senate shall choose a Vice President from the two highest on the list. [Globe, first session, Thirty-first Congress, page 627.]

Mr. Johnson again brought in his resolution February 2, 1852. Referred to the Committee on the Judiciary. [Globe, first session, Thirty-second Congress, page 443.]

January 18, 1854, the House appointed a select committee of nine, to join such committee as the Senate may appoint, "to whom shall be referred such resolutions proposing to amend the Constitution in the mode of electing the President and Vice President of the United States, with instructions to take that matter and *the subject generally* into consideration, and to report upon the same in such manner as to them may seem most expedient. [Globe, first session, Thirty-third Congress, page 202.]

January 30, the Senate appointed a committee of five to meet the above House committee. [*Ibid.*, page 275.]

In the Senate, December 13, 1860, Andrew Johnson again submitted his proposed amendment. [Globe, second session, Thirty-sixth Congress, page 82.]

December 18, Mr. Johnson called up his joint resolution and supported it in a speech of some length. He argued that the troubles then impending would have been averted if the presidential election of 1860 had been held in the manner provided in his amendment. [*Ibid.*, page 117.] A long debate followed, participated in by Benjamin, Baker, Hale, and others; but the discussion was shifted to a general view of the question of secession, and power of the General Government to coerce the States. (*Ibid.*, pages 139-238.)

Rufus P. Spalding, of Ohio, in the House, February 1, 1869, introduced a joint resolution proposing an election by districts, "the time, place, and manner of holding the same to be prescribed by Congress." Referred to Committee on Revision of Laws. [Globe, Fortieth Congress, third session, page 768.

Mr. Sumner, of Massachusetts, offered an amendment in the Senate, May 30, 1872, providing for the election of President by the *direct vote of the people in all the States and Territories*. Election to be held on the 1st Monday in April. A majority of the total vote necessary to a choice at first election. If the two Houses of Congress, in joint convention on third Monday in May, find that no candidate have such a majority, *a second election* shall be held, when a plurality shall elect. Second election to take place on second Tuesday in October following.

In case of death or removal of President, the head of an Executive Department, senior in years, shall be the President. If Congress be in session at death or removal of President, the two Houses in joint session shall choose a President *viva voce*, each Senator and Representative having one vote; a quorum to consist of a majority of each House, and a majority present being necessary to a choice. If Congress be not in session, the acting President shall call extra session to elect President. The office of Vice President to be abolished, and Senate to choose its own presiding officer. Presidency to be limited to a single term of four years. [Globe, Forty second Congress, second session, page 4036.]

For Mr. Sumner's joint resolution in full, see Bills and Resolutions, Senate United States, 1872-'73, part 8, Senate resolution No. 7, second session, Forty-second Congress.

Again brought forward by Mr. Sumner at next session, January 16, 1873.—[Globe, third session, Forty-second Congress, page 638.]

John Lynch, of Maine, proposed amendment in the House January 6, 1873, for election by direct vote of the people, a majority of whole vote cast and which would destroy the federative character of our Government, is the concentration of power in the Government here. In this sense of the term I deprecate consolidation as much as any man, and the tendency of my proposition is to produce a result precisely the reverse of this. Instead of concentrating power in the hands of the Government here, it diffuses the most important of all powers among the great body of the people, and fixes it there irremovably.

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