

Populist #15

On the Nature of the Senate, continued

The guiding principle in the creation of our Constitution was that *any power not expressly authorized to the government was strictly forbidden*.

The ninth and tenth amendments, taken together, state clearly that the Constitution is not meant to be a complete list of the rights of the People; but does afford a complete list of all powers expressly entrusted to the federal government. Today the federal government itself subjectively decides what the meaning of the Constitution is. It holds a monopoly over the interpretation of the very document that was created to keep it in check. Just as Thomas Jefferson once warned, it has, in actuality, become the sole judge of the limits and extents of its own powers. The fact to be stated is that the Constitution has failed in its original purpose. The States and the People, in practice, are rendered defenseless, and now retain only those rights and powers which the federal government decides to allow them.

In every free government, the people must give their approval to the laws by which they are governed. This is truly the difference between a free government and a despotic one. The former are governed by the will of the whole, and the latter ruled by the will of just one or a few. If the people are to give their sanction to the laws by themselves, or through people chosen and appointed by them, the method of the choice, as well as the number of representatives they choose, must be done in such a way so that the representatives possess, and are highly qualified to make clearly known, the exact opinions of the People. For, if they do not know, or are not properly qualified to state the opinions and desires of the people, the people do not truly govern, and the sovereignty is thus left in the hands of a few.

It is failures and deficiencies such as these that have led me to this examination of our government's structure, and the publishing of my findings in these papers. In my last few editions, I have begun the daunting task of analyzing closely, the inherent defects in the structure of the federal legislature. It is this branch, which in every free government is to be the strongest branch, which can never receive too much attention in our study.

As discussed previously, the Senate, the aristocratic body in our government, is constructed on the most disparate foundations. From this examination of the organization of the federal government, it appears to me to be self-evident that it is nearly devoid of all responsibility or accountability to the People, and far from being a proper half of the legislative branch; it is, in practice, an almost permanent aristocracy.

The United States Senate, as examined in previous papers, has a unique combination of legislative, executive, and judicial powers, which in my opinion, not only clash with each other, but leaves open too great a possibility of collusion with the other branches to destroy our liberties.

As a brief review, the Senate is the following:

1. One branch of the national legislature. In this respect, it possesses equal powers in all matters with the House of Representatives; as I regard the right of the House to originate budgetary bills to be insignificant, since the Senate is needed to concur.
2. A part or branch of the executive. In this respect, their assent is required for the appointment of ambassadors, the judiciary, and many other public servants, and for the approval of treaties.
3. Part of the judicial. In this respect, they form the court of impeachments. In theory and in reality, the right of impeachment in the House has held little importance or effect; due to party

alliances, and other outside motivations, the House does not often expect to convict the transgressor, and has seldom exercised this right.

Such various, extensive, and important powers, resting in one small body of people, is inconsistent with all standing maxims of freedom. In order for the People to safely entrust their rulers with power, their representatives must be chosen by them, their power must be adequately limited, they must closely resemble the wants of the People if they were assembled as a whole, and the People should be well-acquainted with their abilities to govern with discernment and justice. The Senate is lacking so greatly in all these matters that it is dangerous to our freedom and liberty.

We are often told that "we can vote for whomever we please", and because of this, we will most often elect good people to government. But, in examining the structure of our legislature, and more specifically, the Senate, is it truly possible for the People to elect capable and suitable representatives when the number comprising it is so small?

Having the ability to vote for whomever we please is a statement made without proper attention to the reality and facts of our situation. To explain what I mean by this, it is necessary to consider three groups of people which are most commonly candidates for the House and Senate:

1. People who make of the natural aristocracy which was defined in a previous paper.
2. Popular icons.
3. The vast, respectable part of our society, who are thoughtful, perceptive, and just; but because they are not in the public eye, they are most often disregarded.

As our experience has so plainly shown us, when the people of a district or state are called upon to choose federal representatives, they most often give a major portion, if not a large majority, of their votes to some very famous or popular person. Our experience has also taught us that the representation in the House, and even more so in the Senate, is so small compared to the great population of this nation, that normally very few, if any, of the third group are ever elected. A person that is well-known among a few thousand people is most often completely unknown among much larger numbers; and therefore, it has been found to be almost entirely impracticable for those people of the third group to achieve enough popularity and votes to be entrusted with the public office. Because of this, the federal government has not been a true representation of the People, but rather, it has been more so that of an aristocracy, or a group of popular demagogues.

The small numbers in Congress is not the only danger we experience. Since we draw our elected officials in Congress from the same groups of people, its bicameral structure itself, upon an enlightened examination, becomes pure illusion. It is deceptive to tell a people that they are electors, and can choose whomever they want, if they cannot, in the reality of the system, choose people from amongst themselves, and genuinely similar to themselves; truly representing their interests. Thus, the real object here is to enlarge the representation in Congress enough so that a proportional number of the third group will be elected to office instead of almost entirely the first two. An appropriate restructuring and enlargement of Congress has the potential of rendering one branch, the Senate, obsolete. A further examination and complete details of this structure will be best examined in a future paper.

The mere existence of an elected branch is in no way an assurance of free government. In ancient Rome, the people were despondent, even though they had three branches; consuls, tribunes, and *senators*. Their miserable state was mostly brought upon them because of an improper and feeble representation. What was the consequence of this paltry representation? The people of Rome almost always elected for their representatives, people who were well-

known for their military commands, riches, or other professional popularity; and this did little to defend them against the machinations of the nobles.

A short summary of the concept that I have attempted to present here has been that when the legislative branch of government is too small, the People have no true defense or assurance of liberty, and they have everything to fear from those who wish to consolidate power. If they expect, or even hope to find honest and open political friends in the rich and powerful, they are fools. On the other hand, create an appropriate democratic branch, held to a high-level of responsibility to the People, and the power of the aristocrats in government, as well as the executive, will be limited. The People will then have very little to fear, and their liberties will always be secure.

I will continue this examination of the defects of our federal system in my next paper, on November 17, 2005. In parting, I am also reminded of the words of Demosthenes, often considered the greatest orator of ancient Greece:

"That there is one common bulwark with which people of prudence are naturally provided, the guard and security of all people, particularly of Free states, against the assaults of tyrants. What is this? Distrust."

In the spirit of liberty and prosperity,

Franklin