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200th Anniversary - Bill of Rights Montpelier, VA 12/16/91 [OA 8332][1]

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Final

(Duggan/Simon)
December 16, 1991
Draft Five
Rights

PRESIDENTIAL REMARKS: BILL OF RIGHTS BICENTENNIAL
 MONTPELIER
 ORANGE, VIRGINIA
 MONDAY, DECEMBER 16, 1991
 1:15 p.m.

Thank you, Senator Warner. I want to thank Robert Bass and Jack Walter of the National Trust for Historic Preservation for hosting this event. We are fortunate to have Secretary of the Interior Manuel Lujan, Senator Chuck Robb, Congressman George Allen and other Members of Congress with us today.

We gather in the pastoral beauty of Virginia's Piedmont to celebrate two hundred years since the Virginia General Assembly ratified the first ten amendments to the United States Constitution. This action brought into force our Bill of Rights.

It is fitting that we meet at the home of James Madison -- Framers of the Constitution and architect of the Bill of Rights. In Madison we honor a learned man with a scholar's appreciation for political philosophy. We remember also a practical politician whose skill and leadership helped persuade the free people of America to embrace the Constitution and the Bill of Rights as our basis for government.

I want to thank the National Trust for Historic Preservation and others who have worked to organize this commemoration. The Trust, which administers this beautiful estate, deserves the highest praise for its innovative plan to make Montpelier a living center for constitutional studies. I am pleased to

announce today that my Fiscal Year 1993 budget requests 1 million dollars in federal support for restoration of Montpelier.

I am honored to welcome some special guests -- legal scholars and statesmen from eastern and central European nations which have won new freedom. I want to take this occasion also to say that an exhibit on the Bill of Rights will be the centerpiece of the United States Pavilion at next year's Expo in Seville.

The ideas and action of the American founders were rooted deeply in human nature and experience. Though two hundred years have passed, the understandings on which our Constitution and Bill of Rights are based still make a reliable guide. Whether the issue is health care, protection of the environment, the proper roles of parents and the state in educating our young, or the rise of interest groups and their power in lawmaking and litigation, we can make sound decisions today if we heed the wise counsel imparted by our founders.

Two centuries ago, our new republic was free, dynamic, hopeful, and growing. Our founders were determined to preserve those qualities. But as Madison observed, men are not angels. The Framers of our Constitution confronted problems not unlike those that the central and eastern European constitution writers face today. The Framers had to grapple with ethnic and religious differences, regional interests, issues of where power should lie and of how to contain conflict. Madison saw such problems of "faction" as the greatest threat to our national survival.

The men who gathered to write the Constitution were businessmen, farmers, and lawyers, mostly in their 30s and 40s. They had a passion for learning. They mastered the state of the art in engineering and agricultural sciences. They steeped themselves in the wisdom of the Greek and Roman classics, in the faith and philosophy of the Judeo-Christian tradition. Neither cynical nor naive, they held a hopeful and pragmatic vision. Having seen human nature in the public square, they experienced both its frailty and its aspirations.

The Framers sought to strengthen civil society by encouraging public habits of freedom, justice, and cooperation. They worked to give us a charter that would serve, as Madison put it, "not only to guard the society against the oppression of its rulers, but to guard one part of the society against the injustice of the other part."

The Framers had the humble genius to recognize that man-made laws and government are not a panacea for human problems. They believed law and government, like good medicine, should seek first and foremost to do no harm. Taxation, public works, civil litigation and law enforcement activity are part of the framework of a just and civil society. They do give health to the social organization when provided in small, measured and necessary doses. But when taken needlessly or to excess, such medicine could sicken or kill a society.

The Constitution therefore became primarily a plan for uniting the nation while preventing concentration of power, and

preserving the inalienable rights and liberties of individuals. The Framers were so committed to this ideal that they decided after signing the Constitution to add a Bill of Rights, to impose clear and stark limits on the exercise of government power.

The federal system seeks to keep government close to the people, whenever practical in the states and not in the nation's capital. Within the national government we have our system of checks and balances, with powers shared among the executive, legislative and judicial branches. The judiciary's independence is vital to any country's governance by the rule of law.

The founders believed freedom was the key to economic as well as social well-being. They made the Constitution a powerful legal instrument for economic opportunity and growth. I do not believe our republic could have survived -- much less could it have prospered -- without the Commerce Clause preventing the states from setting up trade barriers against one another. Through the Takings Clause and the Due Process Clause, the Bill of Rights protects people's earnings and property.

The genius of the Bill of Rights is that it limits its attention to truly important things -- and to things over which a just and limited government can exercise some actual control. Two centuries ago, just as now, politics tempted some to take flight from moderation and realism. Edmund Burke complained at the time of those who "are so taken up with their theories about the rights of man that they have totally forgotten his nature."

The Framers, however, were practical men. They gave us not a declaration of rights but a bill of rights -- not a piece of propaganda but a set of legally enforceable constraints on government. Most important, they drafted a bill of rights that reflected the higher nature and aspirations of the American people -- a bill that grew out of the American character, not one grafted onto it for the sake of some abstract theory.

There's a lesson in this for today's writers of national constitutions and international treaties. Today one often hears the concept of "rights" attached to specific social services or material standards of living. The Framers, however, did not elevate acquisition of even the most vital goods and services to the status of rights. They trusted people to make the most of their liberty, and to respond to the challenge of assuming responsibility for themselves, their families, their communities -- and their government. They understood that paternalism is just sugar-coated tyranny.

Madison was his era's greatest champion of freedom of conscience. It is appropriate, therefore, that the very first article of the Bill of Rights guarantees Americans' freedom to worship, to assemble, to speak and to publish. Today, respect for the founders' ideals of freedom of conscience still drives us as we seek to restore the freedom of voluntary prayer in public schools. It still guides us in such efforts as protecting the rights of parents to choose schools and facilities for child care.

The Bill of Rights offers a highly developed system of protections for persons facing criminal charges. The Bill protects suspects from arbitrary search and seizure. The Bill respects the human dignity of criminals convicted of even the most heinous offenses by banning cruel and unusual punishment. The protections of personal rights, the safeguards against arbitrary actions of the military against private property, and the guarantee of the right to keep and bear arms have enhanced the public's respect for our law enforcement and military authorities. They protected our people from governmental abuses that were common in the 18th century and that persist in some countries today.

The final articles of the Bill of Rights assert that the central government should have no powers other than those explicitly given it by the Constitution. All other powers belong to the people -- or, where government is necessary, to states. It is this principle that leads us today to look first not to big government, but to the incentives and efficiency of free markets in addressing such problems as protecting the environment.

For all the pride we should take in our Constitution and Bill of Rights, this must not be an occasion simply for self-congratulation. Indeed, if Madison could speak to us today, I have a good idea what he would say. He would ask: Are American citizens and their leaders still living true to the Framers' legacy of limited government and ordered freedom? \\ Are Americans still fighting to expand the frontiers of liberty? \\

As we begin our third century under the protections of the Bill of Rights, I urge my fellow Americans to focus on four Madisonian legacies in need of renewal.

The first is limited government. In many quarters, various groups have tried to replace our founders' vision with a vision of pervasive government. I simply cannot believe the Framers envisioned that the central government would spend a quarter of the gross national product.

Second is protection of property rights. The Takings Clause in the Fifth Amendment is based on a liberating political insight: A person's property serves as a bulwark of individual liberty and that government must pay a fair price whenever it takes private property for public use. By protecting a worker's earnings and savings, a family's home, or a small businessman's stake from unfair confiscation or ruinous over-regulation, this principle seeks to protect the whole of society from gluttonous government.

Third is equal application of the laws. It was alien to Madison's ideals that legislators would exempt themselves from laws they impose on everyone else. He made this explicit in the famous Federalist Paper number 57. Laws that do not apply equally to everyone offend the fundamental American sense of justice and fairness -- and they threaten the public trust upon which free government depends.

Finally, we must renew our protection against the destructive forces of what Madison called factions -- not the

states or regions, but what we today call special interest groups. \ That is why I urge sweeping reform of our campaign finance laws. That is why I urge profound reform of Congress's cumbersome committee system and its vast and powerful staffs. Unreformed, these systems support selfish lobbying and pressure groups at the expense of true popular sovereignty. That is why I also seek comprehensive reform of our tort law system -- to rein in the excessive litigation that is draining our economy and straining our national civility. \ \

If we fail to heed Madison's warning against faction, we will reap a whirlwind of social conflict, litigiousness, and coercive government action. \ \ It's up to us to choose: \ Do we want to live in freedom and harmony -- or will we become slaves to factional feuds pitting women against men, race against race, and every sort of fevered single-issue activist against the common good? \ \

The Constitution and the Bill of Rights have endured two hundred years -- far longer than most nations' charters for government. They have enabled us -- ten generations of Americans -- to govern ourselves and keep ourselves free. Their greatness is that they harmonize our national law with American civic virtues -- hard work, commitment to family and community, postponement of gratification for the sake of larger and longer term good. They are not simply dry ink markings on old brittle parchment -- they are the spirit that animates the American nation. This spirit will keep America alive for new generations

only if each of us renews the habits of liberty and justice. The Republic that Madison gave us will live for years to come only if we keep our culture committed to the civic virtues he cherished.

Thank you for joining me on this historic occasion. May God bless you and the United States of America.

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THE WHITE HOUSE
WASHINGTON

December 11, 1991

MEMORANDUM FOR THE CHIEF OF STAFF

DEB ANDERSON	TONY MAURO
PAUL BATEMAN	TIM MCBRIDE
TONY BENEDI	FRED MCCLURE
PHILLIP BRADY	LAURA MELILLO
MICHAEL BUSCH	JANE MOORE
ANDREW CARD	ROGER PORTER
DAVID CARNEY	PATTY PRESOCK
LINDA CASEY	SUSAN PORTER ROSE
BILLY DALE	BRENT SCOWCROFT
DAVID DEMAREST	SICHAN SIV
BILL FARISH	DORRANCE SMITH
LAURIE FIRESTONE	TONY SNOW
MARLIN FITZWATER	KATHY SUPER
BOYDEN GRAY	PEGGY SWIFT
EDE HOLIDAY	RICHARD TREFRY
CONSTANCE HORNER	DAVID VALDEZ
TOM HUFFORD	ROSE ZAMARIA
RON KAUFMAN	USSS/PPD OPS
BOBBIE KILBERG	WHCA OPERATIONS
WILLIAM KRISTOL	MEDICAL UNIT
DIANE LIMO	AIRLIFT OPS

THROUGH: SIG ROGICH
ASSISTANT TO THE PRESIDENT FOR
PUBLIC EVENTS AND INITIATIVES

FROM: JAY PARMER 
SPECIAL ASSISTANT TO THE PRESIDENT
AND DIRECTOR OF PRESIDENTIAL ADVANCE

SUBJECT: TRIP OF THE PRESIDENT TO ORANGE, VIRGINIA
ON DECEMBER 16, 1991

For your use and planning purposes, the attached is a preliminary outline schedule for the Trip of the President to Orange, Virginia on December 16, 1991. Please keep in mind the following information has not been finally approved and is subject to change.

Attachments

PRELIMINARY OUTLINE SCHEDULE

Monday, December 16, 1991

GUEST AND STAFF INSTRUCTIONS:

10:10 am Vans depart West Basement en route Pentagon Landing Zone for Guest and Staff manifested on Nighthawk II, III and IV.

10:35 am Nighthawk III and IV depart Pentagon Landing Zone.

10:45 am Nighthawk II departs Pentagon Landing Zone.

10:45 am (E.S.T.) MARINE ONE departs White House en route Orange, Virginia.

(Flying Time: 45 Minutes)
(Time Change: None)

11:30 am MARINE ONE arrives Montpelier Landing Zone, Orange, Virginia.

11:40 am MOTORCADE departs Montpelier Landing Zone en route Montpelier.

(Drive Time: 5 Minutes)

11:45 am MOTORCADE arrives Montpelier.

* THREE BRANCHES OF GOVERNMENT PHOTO
(11:45 am - 11:50 am)
-Pool Coverage
-Brief Remarks

* RECEIVING LINE
(11:55 am - 12:10 pm)
-Closed Press

* 200th ANNIVERSARY OF THE BILL OF RIGHTS
LUNCHEON
(12:15 pm - 1:40 pm)
-Open Press
-Remarks
-Gift Presentation

1:45 pm MOTORCADE departs Montpelier en route Montpelier
Landing Zone.

(Drive Time: 5 Minutes)

1:50 pm MOTORCADE arrives Montpelier Landing Zone.

1:55 pm MARINE ONE departs Orange, Virginia en route White
(E.S.T.) House.

(Flying Time: 45 Minutes)
(Time Change: None)

2:40 pm MARINE ONE arrives White House.

ORANGE COUNTY CITIZENS

I want to thank Robert Bass ad Jack Walter of the National Trust for Historic Preservation for hosting this event. We are fortunate to have Secretary of the Interior Manuel Lujan, Se. John Warner, Sen. Chuck Robb, Congressman George Allen and other Members of Congress here with us today.

(Duggan/Simon)
December 12, 1991
Draft One
Orange

PRESIDENTIAL REMARKS: ORANGE COUNTY CITIZENS
MONTPELIER
ORANGE, VIRGINIA
MONDAY, DECEMBER 16, 1991
[time]

Robert Bass, Nat'l Trd. Pres.
Jack Walter

Allen

[Acknowledgments]

Lujan Thurmond Warner Robb Hank Brown
Viktor Kompletar, Branch Mt C

I am honored to be in Orange County and among its citizens. This is the community that nurtured the father of our Constitution, James Madison. Citizens of Orange County launched Madison's political career, sending him to the ^{Virginia} House of Delegates in ~~Richmond~~ when he was just 25 years old. In 1789 Orange County almost by itself provided the Madison's margin of victory in gaining a seat in the First Congress of the United States.

Here was the home where Madison developed and sustained his deep love of liberty -- of religious freedom, economic freedom, intellectual freedom. Here at Montpelier Madison immersed himself in the historical and philosophical study that shaped our Constitution. Here he ^{promised his constituents to enact a} drafted the Bill of Rights.

Two hundred years ago this week, the Virginia General Assembly ratified the Bill of Rights. With this action, three-fourths of the states had approved the Bill of Rights, thus making it a part of the Constitution.

Americans have celebrated all of 1991 as the bicentennial year of the Bill of Rights. Thanks to efforts by schools,

book by Robert Rutland p. 48-9

Chase's annual events

foundations, corporations, government bodies and active individuals we have marked the year with many outstanding educational programs, including a national tour exhibiting Virginia's own original copy of the Bill of Rights. Congress resolved that this year be proclaimed a "Year of Thanksgiving for the Blessings of Liberty." As a gesture of my esteem for James Madison and his home community, I am signing here at Montpelier the Presidential proclamation on this bicentennial celebration.

May God bless all of you, and may He always keep the American people free and dedicated to Madison's ideals of a just society.

#

Wash.
Post
12/12/91

John
Gardner

(Duggan/Simon)
December 9, 1991
Draft One
Rights

PRESIDENTIAL REMARKS: BILL OF RIGHTS BICENTENNIAL
MONTPELIER
ORANGE, VIRGINIA
MONDAY, DECEMBER 16, 1991
[time]

Governor Wilder, Senator Warner, Senator Robb, Congressman
Allen, [other acknowledgments]: *Sen Warner introduces*

*Chase's
annual
Events*
We gather in the pastoral beauty of Virginia's Piedmont to
celebrate two hundred years since the Virginia General Assembly
ratified the first ten amendments to the United States
Constitution. This action brought into force our Bill of Rights.

It is fitting that we meet at the home of James Madison.
His study and experience ^{here} shaped both the Constitution and the
Bill of Rights. Here at Montpelier, just prior to the
Constitutional Convention, he spent months of intense study of
world governments; ~~and in 1791, here is where he drafted the Bill
of Rights.~~ In Madison we honor not only a learned man with a
scholar's appreciation for political philosophy. We remember
also a practical politician whose skill and leadership helped
persuade the free people of America to embrace the Constitution
and the Bill of Rights as our basis for government.

I want to thank the National Trust for Historic
Preservation, the National Taxpayers Union, the Sabre Foundation,
and others who have worked to organize this commemoration. The
National Trust, which administers this beautiful estate, deserves

the highest praise for its innovative plan to make Montpelier a living center for constitutional studies. I am deeply honored to welcome some very special guests -- legal scholars and statesmen from European nations recently liberated from Soviet totalitarianism.

Two centuries ago, our new republic was free, dynamic, hopeful, open and growing. Our political founders were determined to preserve those qualities. But as Madison observed, men are not angels. The Framers of our Constitution confronted problems not unlike those that the central and eastern European constitution writers face today. The Framers had to grapple with ethnic and religious differences, regional interests, issues of where power lies and of how to contain conflict. Madison saw such problems of "faction" as the most dangerous threat to our national survival.

The men who gathered to write the Constitution were businessmen, farmers, planters and lawyers, mostly in their 30s and 40s. Neither cynics nor idealists, they held a hopeful but pragmatic vision. Having seen human nature in the public square, they experienced both its frailty and its aspirations.

The Framers sought to strengthen civil society by encouraging public habits of freedom, justice, and cooperation. They worked to give us a charter that would serve, as Madison put it, "not only to guard the society against the oppression of its rulers, but to guard one part of the society against the injustice of the other part."

see
file
Federalist
#51

Ch. 2
Biography
of the
Constitution
of the US
by Broadus
Mitchell
+ Louise P.
Mitchell

Federalist
Paper
#51

The Framers had the humble genius to recognize that man-made laws and government cannot -- and should not attempt to -- solve most human problems. They believed law and government, like good medicine, should seek first and foremost to do no harm. Taxation and public works, civil litigation and law enforcement activity give health to the social organism when provided in small, measured and necessary doses. But when taken needlessly or to excess, this medicine could sicken or kill a society.

The Constitution therefore became primarily a plan for preventing concentration of power. The federalist system seeks to keep government close to the people, whenever practicable in the states and not in the nation's capital. Within the national government we have our celebrated system of checks and balances, with powers scattered among the executive, legislative and judicial branches. The judiciary's independence is vital to our governance by the rule of law.

The founders believed freedom was the key to economic as well as social well-being. They made the Constitution a powerful legal instrument for economic opportunity and growth. I do not believe our republic could have survived -- much less could it have prospered -- without the Commerce Clause preventing the states from setting up trade barriers against one another. Through the Takings Clause and the Due Process Clause, the Bill of Rights protects private property and further promotes economic progress.

The genius of the Bill of Rights is that it limits its attention to truly important things -- and to things over which a just and limited government can exercise some actual control. Two centuries ago, just as now, extreme ideologues failed to appreciate the moderate realism of our Constitution and Bill of

Rights. Edmund Burke said: "This sort of people are so taken up with their theories about the rights of man that they have totally forgotten his nature." The Framers, however, were practical men. They gave us not a declaration of rights but a bill of rights -- not a piece of propaganda but an act of enforceable legislation.

There's a lesson in this for today's writers of national constitutions and of international treaties. In the discourse of our times, one often hears "rights" invoked in rhetoric that debases the authentic concept of rights. Politicians make impassioned pronouncements on a "right to health care," a "right to education," a "right to a clean environment," and so forth. The American Bill of Rights of course enumerates no such rights.

Madison himself was an early architect of American higher education. In the context of his times he was an ardent and quite sophisticated environmentalist. But he made no attempt to legislate a "right to education" or a "right to a clean environment." He and his fellow Framers recognized that a shopping list of goods and services available in the market -- no matter how valuable or how vital -- was not a subject of

From
Reflections
on the
Revolution
in
France
see file

fundamental human rights. The Framers knew government paternalism is sugar-coated tyranny.

Madison was his era's greatest champion of freedom of conscience. It is no surprise, therefore, that the very first article of the Bill of Rights guarantees Americans' freedom to worship, to assemble, to speak and to publish.

Amendments:
 4th The Bill of Rights offers a highly developed system of protections for persons facing criminal charges. The Bill protects suspects from arbitrary investigation. It guarantees hearings before grand juries before indictment and trials before petit juries in felony cases. The Bill shows regard for the human dignity of criminals convicted of even the most heinous offenses by banning cruel and inhuman punishment. These
 5th
 6th
 8th
 3rd protections of personal rights, the safeguards against arbitrary actions of the military against private property, and the
 2nd guarantee of the right to keep and bear arms have enhanced the public's respect for our law enforcement and military authorities.

10th The final articles of the Bill of Rights emphatically assert that the central government should have no powers other than those explicitly given it by the Constitution. All other powers belong to the people -- or where government is necessary, to state governments.

For all the pride we should take in our Constitution and Bill of Rights, this must not be an occasion simply for self-congratulation. Indeed, if Madison could speak to us today, I

have a good idea what he would say. He would ask: Are we better off than we were two hundred years ago? \ \ Are American citizens and their leaders still living true to the Framers' legacy of limited government and ordered freedom? \ \

As we begin our third century of living under the well-crafted protections of the Bill of Rights, I urge my fellow Americans to focus on three Madisonian legacies in need of renewal.

First is limited government. In many ways, I believe our founders' vision has given way to a new reality of pervasive government. It's hard to square the philosophy of Madison and Jefferson with a culture of coercive lawmakers and bureaucrats intent upon regulating everything from child care facilities to the price of corn in Iowa. I simply cannot believe the Framers intended their heirs to live under a regime whose central government taxed and spent more than a quarter of the gross national product. \ \

Second is equal application of the laws. It was alien to Madison's ideals that our legislators would exempt themselves from laws they impose on everyone else. In Federalist Paper number 57, Madison asserted that elected officials "can make no law which will not have in full operation on themselves and their friends, as well as on the great mass of society." He added ominously, "If this spirit shall ever be so far debased as to tolerate a law not obligatory on the legislature as well as on

see
Fed. P.
#57

the people, the people will be prepared to tolerate anything but liberty."

Recently I have called public attention to the fact that our Congress today exempts itself from a number of important laws it imposes on everyone else. These include Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act of 1990, the Equal Pay Act of 1963 and the Age Discrimination in Employment Act. This state of affairs mocks the memory of our founders. \ It is plainly unjust. \ And I have only just begun to make my voice heard on the need for redressing this injustice.

\\

Finally, we must renew our protection against the destructive forces of what Madison called factions -- what we today call special interest groups. \ That is why I urge profound reform of Congress's cumbersome committee system and its overgrown and overly powerful staffs. That is why I urge sweeping reform of our campaign finance laws. Unreformed, these systems support selfish lobbying and pressure groups and impede true popular sovereignty. \\

If we fail to heed Madison's warning against faction, we will reap a whirlwind of social conflict, litigiousness, and coercive government action. \\ It's up to us to choose: \ Do we want to live in freedom and harmony -- or will we become slaves to factional feuds pitting women against men, race against race, and every sort of fevered single-issue activist against the common good? \\

The Constitution and the Bill of Rights have endured two hundred years -- far longer than most nations' charters for government. They have enabled us -- ten generations of Americans -- to govern ourselves and keep ourselves free. They are not simply dry ink markings on old brittle parchment -- they are the civil spirit that animates the American nation. This spirit will keep America alive for new generations only if each one of us renews the habits of liberty and justice. The Republic that Madison gave us will live for long years to come only if we keep our culture committed to the civic virtues he so cherished.

#



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

NATURAL RESOURCES DIVISION
INTERIOR BRANCH
FAX COVER SHEET



FAX NUMBER: 395-6899
CONFIRMATION NO.- 395-4586

DATE: 12/12/91

TO: Joe Duggan
WH Speechwriter

FROM: Ron Cogswell/DAVE Gibbons
OMB/NRD

Number of pages being transmitted
(including cover sheet) 2

COMMENTS: _____

SUPPORT OF THE JAMES MADISON MONTPELIER RESTORATION PROJECT (VA)

- o I am pleased to announce that the FY 1993 Budget, to be sent to Congress in January, will include a \$1 million request for Federal support of the restoration of James Madison's Montpelier home.
- o The restoration will help ensure that the exquisite mansion and surrounding buildings and grounds will be preserved for this and future generations and be a fitting tribute to the man who was a principal architect of our Republic and the Bill of Rights.
- o The restoration is also a good deal for the U.S. taxpayer: every Federal dollar will be matched by non-Federal dollars. The Administration strongly supports these types of partnerships, which effectively leverage Federal funding and enable important projects like the Montpelier to proceed even in times of constrained Government funding.

ALTERNATIVE INSERT FROM JACK WALTER:

- o "... To make certain that our successors will find at Montpelier a place dedicated to promoting the Madisonian heritage of disciplined thought and informed action in the shaping of free institutions, my Budget Message in January will request the Congress to provide the support necessary for the preservation of Montpelier."

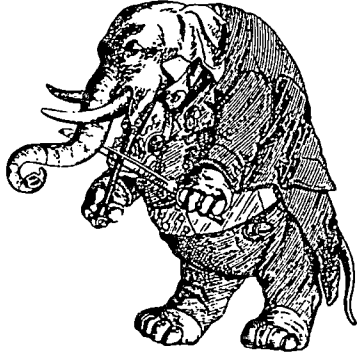
BUSH ADMINISTRATION SUPPORT FOR HISTORIC PRESERVATION (dollars in millions)

	FY 1989		FY 1990		FY 1991		FY 1992		FY 1993
	Req	Final	Req	Final	Req	Final	Req	Final	Request
Budget Authority	0	31	0	33	34	34	36	35	37
Outlays	14	28	14	31	33	33	42	41	36

The proposed FY 1993 request, including about \$7 million for the National Trust for Historic Preservation, is \$37 million more than the comparable FY 1989 request, and approximately 20 percent increase over FY 1989 appropriations.

BIRTHDAYS TODAY

- Morey Amsterdam**, actor, comedian, born at Chicago, IL, Dec 14, 1914.
Leonardo Boff, Brazilian Catholic theologian, born at Concor- dia, Brazil, Dec 14, 1938.
Bill Buckner, baseball player, born at Vallejo, CA, Dec 14, 1949.
Patty Duke, actress, born at New York, NY, Dec 14, 1946.
Don Hewitt, TV news producer, born at New York, NY, Dec 14, 1922.
Lee Remick, actress, born at Boston, MA, Dec 14, 1935.
Charlie Rich, singer, musician, born at Forrest City, AR, Dec 14, 1932.
Stan Smith, tennis player, born at Pasadena, CA, Dec 14, 1946.



DECEMBER 15 — SUNDAY

349th Day — Remaining, 16

ANIMALS' MESSIAH. Dec 15. Chicago, IL. A do-it-yourself Messiah sung to the animals in the society's shelter. It begins at noon and is free; a donation would be appreciated. Members of the Civic Orchestra perform and soloists also are included. A bake sale follows. Info from: Jane Stern, Dir of Admin Services, The Anti-Cruelty Society, 157 W Grand Ave, Chicago, IL 60610.

★ **BILL OF RIGHTS DAY.** Dec 15. Presidential Proclamation. Has been proclaimed each year since 1962, but was omitted in 1967 and 1968. (Issued in 1941 and 1946 at Congressional request and in 1947 without request.) Since 1968 has been included in Human Rights Day and Week Proclamation.

BILL OF RIGHTS: 200TH ANNIVERSARY. Dec 15. The first ten amendments to the US Constitution, known as the Bill of Rights, became effective following ratification by Virginia on Dec 15, 1791. The anniversary of ratification and of effect is observed as Bill of Rights Day.

CURACAO: KINGDOM DAY AND ANTILLEAN FLAG DAY. Dec 15. This day commemorates the Dec 15, 1954, Charter of Kingdom, signed in the Knight's Hall in The Hague, granting the Netherlands Antilles complete autonomy. Solemn meeting of the "Staten," the Parliament of the Netherlands Antilles. The Antillean Flag was hoisted for the first time on this day in 1959.

EIFFEL, ALEXANDRE GUSTAVE: BIRTH ANNIVER- SARY. Dec 15. Eiffel, the French engineer who designed the thousand-foot-high, million-dollar, open-lattice wrought iron Eiffel Tower, and who participated in designing the Statue of Liberty, was born at Dijon, France, on Dec 15, 1832. The Eiffel

**December
1991**

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

Tower, weighing more than 7,000 tons, was built for the Paris International Exposition of 1889. Eiffel died at Paris, France, on Dec 23, 1923.

HALCYON DAYS. Dec 15-29. Traditionally, the seven days before and the seven days after the winter solstice. To the ancients a time when fabled bird (called the halcyon) calmed the wind and waves—a time of calm and tranquility.

INTERNATIONAL LANGUAGE WEEK. Dec 15-21. To disseminate information about mankind's quest for an international language to solve the communication problem of human beings, and to supply information about the international language Esperanto. Esperanto was created in 1887 by Dr. L.L. Zamenhof as a solution to the world's language problem. Info from: Intl Society of Friendship and Good Will, Dr. Stanley Drake, Pres, Box 2637, Gastonia, NC 28053-2637.

MILITARY DICTATORSHIP ENDED IN CHILE: ANNI- VERSARY. Dec 15. In an election on Dec 15, 1989, Patricio Aylwin defeated General Augusto Pinochet's former finance minister, Hernan Buchi, bringing the military dictatorship of Pinochet to an end. Fourteen months previously, Pinochet suffered defeat in a national plebiscite on eight more years of his rule. This defeat prompted democratic elections and crippled the Pinochet regime. Pinochet came to power when he toppled Marxist president Salvador Allende in a 1973 coup. Patricio Aylwin avoided a two-candidate runoff by achieving 55.2 percent of the vote. His inauguration on Mar 11, 1990, marked the end of the last dictatorship in South America.

NCAA DIVISION I FOOTBALL CHAMPIONSHIP. Dec 15. Georgia Southern College, Statesboro, GA. National college football championship game in I-AA division. Several social events scheduled for visitors, team members, coaches and community. Sponsor: NCAA, 6201 College Blvd, Overland Park, KS 66211-2422.

PUERTO RICO: NAVIDADES. Dec 15-Jan 6, 1992. Traditional Christmas season begins mid-December and ends on Three Kings Day. Elaborate nativity scenes, carolers, special Christmas foods. Trees from Canada and US. Gifts on Christmas Day and on Three Kings Day.

REELFOOT EAGLE TOURS. Dec 15-Mar 15, 1992. Reelfoot Lake State Resort Park, Tiptonville, TN. A prime winter nesting area for the American bald eagle, Reelfoot Lake annually hosts 150 to 200 eagles. Info from: Tennessee Tourist Development, Box 23170, Nashville, TN 37202.

REENACTMENT OF THE BOSTON TEA PARTY. Dec 15. Congress Street Bridge, Boston, MA. Reenactment of "Boston's most notorious protest, the single most important event leading to the American Revolution." Annually, the Sunday closest to Dec 16. Info from: Boston Tea Party Ship, Tom Healey, Congress St Bridge, Boston, MA 02210.

SITTING BULL: DEATH ANNIVERSARY. Dec 15. (c. 1834-1890) Famous Sioux Indian leader, medicine man and warrior of the Hunkpapa Teton band. Known also by his native name, Tatanka-yatanka, Sitting Bull was born on the Grand River in what is now South Dakota. He first accompanied his father on the warpath at age 14 against the Crow and thereafter rapidly gained influence within his tribe. He became widely known in 1886 when he led a raid on Fort Buford. His steadfast refusal to go to a reservation led General Phillip Sheridan to initiate the campaign against him which led to the massacre of Lt Col George Custer's men at the Little Bighorn. Sitting Bull fled to Canada, remaining there until 1881. Although many of his tribe surrendered on their return, Sitting Bull remained hostile until his death in a skirmish with US soldiers along the Grand River on Dec 15, 1890.

SPACE MILESTONE: VEGA 1 (USSR). Dec 15. Craft launched Dec 15, 1984, to rendezvous with Halley's Comet in Mar 1986. Vega 2, launched Dec 21, 1984, was part of same mission which, in cooperation with the US, carried US-built "comet-dust" detection equipment.

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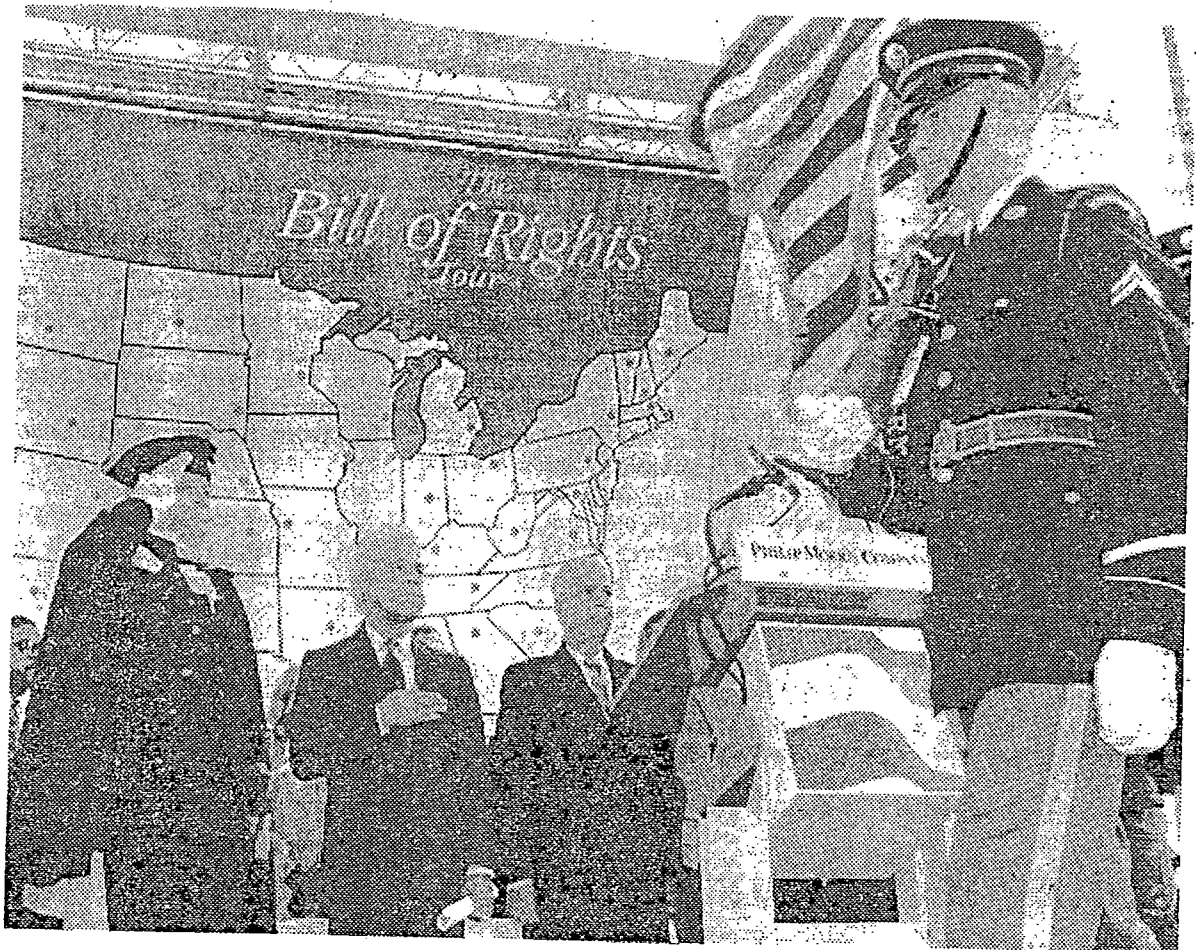
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655 FIFTEENTH STREET, NW, SUITE 1100
WASHINGTON, DC 20005

Telephone: 202.347.6633

Fax: 202.347.8713





ASSOCIATED PRESS

Gov. L. Douglas Wilder, flanked by Bill Sommerfield as George Washington and Mark Serrano, executive vice president of Philip Morris, U.S.A., helps celebrate the arrival of Virginia's copy of the Bill of Rights. The ceremony yesterday in Richmond marked the document's return from a 26,000-mile U.S. tour commemorating its 200th anniversary.

Photocopy-Preservation

gence Richard J. Kerr; nominee for Director of Central Intelligence Robert M. Gates; U.S. Trade Representative Carla Hills; Gen. Brent Scowcroft, Assistant to the President for National Security Affairs; Gen. Karl Stiner, Commander of the U.S. Special Operations Command. William J. Donovan was founder and Director of the Office of Strategic Services during World War II. Richard S. Welch, a CIA official, was killed in Athens, Greece, on December 23, 1975. A tape was not available for verification of the content of these remarks.

Remarks to Representatives of Public Administration Groups on Public Service

October 24, 1991

Thank you all very, very much for being here. I know it's nice to get off of work. [Laughter] But I'm talking about getting people this interested in public service to come together. I'm particularly pleased to see Tim Clark, who is president of the National Capital Area Chapter of the American Society for Public Administration; Ray Kline, over here, the president of the National Association of Public Administrators; and then my old friend Dave Maxwell, vice chairman of the Council for Excellence in Government, all interested in public service.

I am delighted to join you this morning. I come here, I hope, in a constructive vein to discuss two issues that we all care about deeply: public service and then, Tim touched on it, public faith in government.

Like many of you, I have devoted much of my adult life to public service. And I, too, cherish public service really as a special honor and a personal obligation. And I always have. Long ago, my dad served for years as the moderator of the town meeting, the Connecticut town meeting in our town of Greenwich. It convened once a month, and people came there and talked about whatever concerned them as they always do at town meetings. It could be rowdy or boring. The meetings always, though, gave people a special sense that their opinions made a difference and that

they shared something special with their neighbors and friends. Those meetings taught me just what we mean when we talk of a government of the people, by the people, and for the people.

The notion of public service has always motivated Americans to be Americans. More than 150 years ago, de Tocqueville noted with some astonishment that "When an American needs the assistance of his fellows, it is very rare for that to be refused, and I have often seen it given spontaneously and eagerly." He did not mistake us for saints. He understood that freedom demands such service to others.

It also demands that public servants lead by example. Americans will not tolerate hypocrisy. People in other countries wonder why we make such a fuss when our leaders violate our standards of behavior. The reason is simple: As Americans, we feel that we have a destiny to lead, to show the way by ideals, not just to ourselves but to the entire world.

Yet while our Government rests upon unchanging principle, it cannot rest upon past achievements. Government, like everything else, must evolve. Our long and sturdy tradition of tolerance enables us to test new ideas through public debate. When Congress considers issues, no one minds a tough and honest discussion. We expect it. By the same token, we want and expect our free press to look beneath events, take account of people's motives, and ask tough questions rather than numbly repeating partisan propaganda or baseless rumor. We demand integrity in public behavior and discourse, and when we don't get it, we react.

The recent hearings on Judge Thomas stirred a kind of anger. The American people saw some of the seamier sides of Washington life. They saw proceedings that degenerated into target practice against good men and women. Ronnie Perry of Brunswick, Georgia, wrote me a letter. I don't know him. Here's what it said: "It is my fear that good, honest, moral men and women in this country will no longer subject themselves to the ridicule that Judge Thomas had to face." Likewise, Anita Hill's backers might wonder how anyone might be expected to come forward in the future if public officials cannot maintain proper

confidentiality, such as the confidentiality promised to Professor Hill.

I want to digress, though, in fairness, to read from page 3 of the hearings on the Committee on the Judiciary, because Senator Biden, in my judgment, tried. Here's what he said at the very opening of these hearings: "Second, while I have less discretion than a judge in a trial to bar inappropriate or embarrassing questions, all of the witnesses should know that they have a right to ask that the committee go into closed session." He cites a rule here, rule 26.5, "to go into a closed session if a question requires an answer that is a clear invasion to the right to privacy.

"The committee will take very seriously the request of any witness to answer particularly embarrassing questions as they view whether or not it is embarrassing to answer those questions in private." So I salute the Chairman for those words that went unheeded as the process unfolded.

The bruising hearings showed what happens when political factions let agendas overwhelm personal decency. Some people have tried to drag public debate to a new low, searching openly for dirt, any dirt, without regard to people's rights to privacy, sometimes without concern for the facts. While crusading pressure groups talk about their favorite issues, they forget that human beings sit there beneath the glare of the spotlight, vulnerable to assault from all quarters. The piranha tactics of smearing the individual and ignoring the issue serve no public purpose. They aim to destroy lives and wreck reputations.

The dramatic hearings and the theatrics outside the hearing rooms captivated the attention of the American public, all right. Millions upon millions of Americans watched the hearings with a combination of curiosity, suspense, and, I submit to you all, disgust. The Nation was stunned and repulsed by the spectacle. The scenes from the Senate bore little resemblance to the tidy legislative process that we all studied in school and that we describe to our children, now, maybe to our grandchildren. X-rated statements, cross-examinations pushed aside the soaps and Saturday cartoons. And the process seemed unreal, more like a satire than like the Government in which all of

you, in which I, take so much pride; more like a burlesque show than a civics class.

The hearings also showed that politicians must contend with a host of different forces and influences. The public saw the congressional staffers everywhere; saw outside pressure groups exhorting and twisting, and the staffs ever-present, everywhere.

I worry that the hearings sent our people this kind of false message: "If you want to make a difference, don't enter public service. Join a special interest group. That way, whether it's the right or the left, join a special interest group, and that way you can fight as hard as you want or as dirty as you want without any responsibility for the results."

I served in Congress. I have great respect for Congress. I know the incredible pressure and difficulty of working there. But public faith in Congress is absolutely vital for our form of government. I think we can all work together to help strengthen its image and build greater public support.

Members of Congress criticize the executive branch all the time. That's fine, often constructively. And I offer these suggestions, then, in a spirit of constructive criticism.

First, given the outrageous nature of the leaks and the Senate's announced intention of going after them, the Senate must determine who leaked the information and turned what should have been a confidential investigation into what many people who wrote me described as "a circus" and "a travesty."

Here's a proposal that I support: The Senate should appoint immediately a special counsel to find out who leaked what and for what reasons. The public cares very much above this case, and in my view, they will for a long, long time. And the investigation ought to focus just on this case. And the special counsel should receive unfettered access to all relevant records and witnesses, and should have subpoena power to get the truth. The Senate ought to set a clear goal for finishing up the investigation. I suggest January 3d, when it returns for a new session. Frankly, the American people just will not understand it if the Senate fails to bring the leaker or leakers to justice.

2 civic habits, virtues

Second, we must promote more tolerant, ~~less viciously partisan~~ debate. I've heard complaints that the White House does not consult sufficiently with Congress in matters of these nominations. Frankly, I have tried to consult with Congress. And we welcome closer consultation. Let me just get that out on the table. I don't want to put any nominee through a public meat grinder. And I always welcome advice, especially in cases that might prove controversial.

Much of what I have to say today has been sharpened by discussion with Members of Congress. But let me make it clear: I will not give a group of Senators veto power over a nominee before the Senate has conducted hearings and held a confirmation vote. I will not surrender Presidential authority or powers any more than Congress will surrender its power.

In any event, no one ought to accept the charge of insufficient consultation as an excuse for this unforgivable ~~leak~~.

Third, the hearings focused attention on the problem of sexual harassment in the workplace. We have taken additional steps at the White House as recently as yesterday to address the problem. We will ensure that employees of the Executive Office of the President are aware of the problem and appreciate fully our strong commitment to building a workplace free of harassment. And on March 1st, our administration submitted a civil rights bill that contains specific provisions to strengthen penalties against sexual harassment and encourage compliance with the law. That was back in March 1st. Congress will act soon. I hope by passing my civil rights bill ~~and at the very~~ least, I hope Congress will pass the portions on which we have reached agreement.

But legislation alone ~~cannot solve~~ the problem of sexual harassment in the workplace. Sexual harassment is ugly ~~behavior~~. Together, we must eradicate ~~prejudice~~ not just through laws, but through ~~mutual respect~~ for other human beings. ~~And laws~~ can punish prejudice ~~but they cannot~~ alone anyway, promote ~~enlightenment~~. Only we can do that ~~by setting~~ our convictions.

The Thomas hearing ~~has raised~~ concerns about the confirmation ~~process~~ generally. And let me offer ~~several specific~~ recommendations for reforming ~~the process~~.

First, shorten the time-lapse between nominations and confirmation; shorten it to 6 weeks. It takes four times as long to secure a vote today; four times as long as it did just 30 years ago, during the Presidency of John Kennedy. It took the Senate an average of 63 days to confirm our appointments sent up in 1989; 65 days for the group nominated in 1990. We now have a large group of people waiting for the Senate to vote on their nominations, and they have been waiting an average of 80 days.

At the beginning of this week, more than 190 nominations remained pending before the Senate. A few examples: I nominated Bob Clarke, Robert Clarke, for appointment as Comptroller of the Currency on January 23d, more than 9 months ago; I nominated Larry Lindsey for a seat on the Federal Reserve Board on February 28th. In times of economic concern, we need the service of these people. And if Members of the Senate don't like my nominees, then they should vote against them. But they should not stall progress by resorting to the old, and in my view, obsolete technique of placing a hold on nominations. Once again, this isn't Republican or Democrat; it is institutional.

We in the White House certainly must do our part. We will redouble our efforts to ensure that nominees complete all their required paperwork promptly and will respond promptly to requests for further important information. I've asked our Office of the White House Counsel and Office of Government Ethics to see that our regulations and clearance procedures do not, however, discourage public service. I am committed to an ethical administration, but we must ensure that our rules have not become so detailed and so onerous as to scare good, honest people away from public service.

And second, we will work with committees in Congress to ensure the confidentiality of information. I have ordered that the FBI reports be carried directly to committee chairmen and any members designated by the chairmen. The members will read the reports immediately, in the presence of the agent, and then return them. No FBI reports will stay on Capitol Hill. And furthermore, members only will have access to

these reports. Staffs will not have access to these reports.

This preserves confidentiality. In my view, it protects nominees. It protects potential witnesses against the nominees. And it protects the Members of Congress.

Third, Congress should establish a mechanism for investigating congressional leaks thoroughly, professionally, promptly. And I've met this week with several leaders from the Senate from both parties, and they agree that we must prevent future leaks and establish a suitable mechanism for investigating them swiftly, bringing culprits to justice.

There is no excuse for leaks that wreck lives and needlessly destroy reputations. The law already prohibits such leaks from the executive branch. And again, we intend to enforce that law rigorously. I know it's not easy. I've been there. I saw it when I was Director of Central Intelligence when we dealt with national security. I've seen frustrating leaks in the White House that have nothing to do with character assassination or national security, that simply relate to policy matters. I know it's not a simple matter here. But we've got to do better, both the executive and the legislative branch.

And fourth, Congress ought to follow the same laws that it imposes on everyone else. More than a dozen laws apply to the executive branch, but not the Congress. Most of these laws apply to everyone in America except Members of Congress. Congress does not have to comply with the Equal Pay Act of 1963. It does not have to follow title VII of the Civil Rights Act of 1964, a title that prohibits sexual harassment and discrimination on the basis of race, color, sex, religion, and national origin. It doesn't have to obey the provisions of the Americans with Disabilities Act of 1990, the Age Discrimination in Employment Act.

I would wager that the American people do not know that Congress has exempted itself from the sexual harassment laws private employers and the executive branch must obey. And they have. We've heard choruses of criticism against the evils of sexual harassment. And we've received good suggestions about how to become more vigilant about this insidious crime. But these lessons should not be wasted on

the men and women who drafted the law. For you see, when Congress exempts itself from the very laws that it writes for others, it strikes at its own reputation and shatters public confidence in government.

These exemptions encourage special interest groups to press, then, for reckless regulations, knowing that Congress might adopt such laws if it won't feel the sting of these laws. This practice creates the appearance and reality of a privileged class of rulers who stand above the law. Our founders thought it proposterous to suggest that such behavior would ever take place in America.

We did a little research. Federalist Paper number 57 asserts that elected officials, and here's the exact language, "can make no law which will not have in full operation on themselves and their friends, as well as on the great mass of society." The writer of that paper also noted ominously, "If this spirit shall ever be so far debased as to tolerate a law not obligatory on the legislature as well as on the people, the people will be prepared to tolerate anything but liberty."

The people have begun to speak now. And today I call upon the Congress to take a simple step toward increasing public confidence. Submit to the laws it imposes on others, including strict enforcement provisions, not just Ethics Committee jurisdiction, and do so by the year's end.

There's a lot of just plain people up there on the Hill trying to make a living. And people who work for Congress ought to have the same rights and legal remedies as those who work for anyone else.

But Congress also must submit to the laws that is imposed on the executive branch. And this includes the Privacy Act, which prohibits inappropriate leaks by executive agencies, title VI of the Ethics in Government Act of 1978, the independent counsel law.

And all of us should demonstrate our commitment to clean and effective government. From the very start of my administration, I made it absolutely clear that I expect my appointees to follow strict standards of propriety so the American people would have full and increasing confidence in our ability and integrity.

I established a Commission on Federal Ethics Law Reform in January of 1989. I pushed for initiatives that resulted in the Ethics Reform Act of 1989. I signed an Executive order in April '89, setting forth the principles of ethical Government service. And I charged the Office of Government Ethics with issuing a single, comprehensive, and clear set of objective, reasonable, and enforceable standards. Those standards will be ready soon. They're out now for review.

In the executive departments and the White House we do strive to set and meet high standards of public service. I'll never be happy. We can always do better in the executive branch, in the departments, and in the White House. And I pledge to the American people that I'm not here to point fingers; I will continue to see that we do a better job of all of this in the executive branch of the Government. I'm going to keep on trying. But all I'm doing here is inviting the Congress to do the same. Sometimes we protest too much, and we reform too little. And so, now is the time to act.

And finally—going on too long here, but I'm wound up on this. [Laughter] I really feel strongly about this. Finally, we all must remember that our business is to do the public's business. That becomes increasingly different for a Congress that contains more than 300 committees and subcommittees and makes use of nearly 40,000 workers.

It becomes increasingly difficult for a Congress that answers to no one with respect to its budget, its staff, its perks, even the enforcement of its own rules.

The business of doing the people's business gets even more difficult when committees make broad and unfocused demands, for example, the Judiciary Committee asked Clarence Thomas to submit more than 32,000 pages of documentation prior to his hearings. I'd hate to give a quiz to the Senators to see how many people read the 32,000 documents that they asked for. [Laughter] A defense bill routinely runs a gamut of committees and subcommittees.

I support the bipartisan effort of Senators Boren and Domenici, Representatives Hamilton and Gradison to trim this overgrown thicket of committees and subcommittees. These four are out front for congressional reform, and I salute them. Senator Boren framed the matter when he said this, "No

one doubts that Congress is in trouble as an institution. In poll after poll, Americans describe Congress", these are his words, "as inefficient, unresponsive, wasteful, and compromised by the way it finances its campaigns." "It's time for Congress to take another look at itself," these four suggest. "It's time to go beyond piecemeal efforts and to enact comprehensive, bicameral reforms."

I support the efforts of the congressional reformers. A system originally designed to help Congress do the public's business has turned into a machine so complex and bewildering that the public doesn't understand it. Many Members of Congress do not fully understand it. Only specialists and lobbyists can pick their way through the labyrinth.

The American people want more. They want a Government that will foster economic growth and fight crime and drugs and work to improve schools and build better roads and answer the concerns of the people. And they want a Government that listens, not one that commands.

And in the end, taxpayers won't be impressed with reforms if Members of Congress pay greater heed to the beltway lobbyists and pressure groups than to constituents. If people feel powerless, they will find ways to recover their just powers.

Our founders handed down to us the finest system of Government in history, one in which the legislature and the executive do battle as part of our system of checks and balances. But we must remember who is servant and who is master. Noah Webster asked in 1802, "If all officers of Government are the servants of the people, how can it be expected that the masters should not, at times, take the Government out of the hands of the servants."

The reforms I've proposed today will help us do the people's business. They will rein in a Government that seems remote, seems distant and complex; they will bring it back to the people and give citizens the feeling of power that we felt at those town meetings some 60 years ago. We must remember, we come here to serve. A few simple reforms can go a long way toward building the public faith upon which our entire democracy depends.

Oct. 24 / Administration of George Bush, 1991

Thank you not only for your interest but for all you do in elevating public service. It's worthwhile. Don't give up your work. Thank you very, very much, indeed.

Note: The President spoke at 11:52 a.m. at the National Museum of American History. The following persons were not clearly identified: Clarence Thomas, Associate Justice of the Supreme Court; Anita Hill, a University of Oklahoma law professor who testified before the Senate Judiciary Committee during the Clarence Thomas confirmation hearing; Senators Joseph R. Biden and David L. Boren; and Representatives Lee H. Hamilton and Willis D. Gradison, Jr.

Message to the Senate Transmitting the Treaty on Mutual Assistance in Criminal Matters Between Panama and the United States

October 24, 1991

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty between the United States of America and the Republic of Panama on Mutual Assistance in Criminal Matters, with Annex and Appendices, signed at Panama on April 11, 1991. I transmit also, for the information of the Senate, the Report of the Department of State with respect to the Treaty.

The Treaty is one of a series of modern mutual legal assistance treaties being negotiated by the United States in order to counter criminal activities more effectively. The Treaty should be an effective tool to assist in the prosecution of a wide variety of modern criminals, including members of drug cartels, "white collar criminals," and terrorists. The Treaty is self-executing.

The Treaty provides for a broad range of cooperation in criminal matters. Mutual assistance available under the Treaty includes: (1) the taking of testimony or statements of witnesses; (2) the provision of documents, records, and evidence; (3) the execution of requests for searches and seizures; (4) the serving of documents; and (5) the

provision of assistance in locating, tracing, immobilizing, seizing and forfeiting proceeds of crime, and restitution to the victims of crime.

I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

George Bush

The White House,
October 24, 1991.

Proclamation 6364—National Breast Cancer Awareness Month, 1991

October 24, 1991

By the President of the United States of America

A Proclamation

Despite all we have learned about prevention, despite all of the advances that have been made in its diagnosis and treatment, breast cancer continues to kill thousands of American women each year. Stopping this tragic loss of life will require continued research as well as the sustained cooperation of scientists, health care professionals, educators, insurance providers, individual women, and other concerned Americans.

According to the American Cancer Society, women in the United States have never been at greater risk for breast cancer: an estimated one in nine women will develop the disease at some point in their lives. Fortunately, however, scientists across the country also note that much progress has been made in controlling breast cancer. Better and earlier treatment has helped more and more women who have contracted breast cancer to survive the disease.

Today we continue to rely on basic research to identify and develop improved means of preventing, diagnosing, and treating breast cancer. However, the knowledge yielded by basic research is only as helpful as our willingness and our ability to use it. If

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urging. A busybody pedant who came across it a generation later snipped it to pieces for curiosity seekers.⁶⁶

Although Madison's letter to the Orange County preacher furnished some proof that he had changed his tune regarding amendments, the Baptists were still not totally convinced. Madison heard that the Baptist ministers were convening in Louisa County soon, and he needed no agenda to guess at their purpose. Monroe reportedly was hurrying to reach the meeting and a friend advised Madison to imitate him. Aware of the important meeting but not willing to electioneer in the precincts of a Baptist ministerial gathering, Madison chose instead to write influential Thomas Mann Randolph in Louisa with an unequivocal pledge that, if elected, he would work in the first Congress so "that the clearest, and strongest provision [will] be made, for all those essential rights, which have been thought in danger, such as the rights of conscience, the freedom of the press, trials by jury, exemption from general warrants, &c." A copy of this letter was sent to Richmond and appeared in the *Virginia Independent Chronicle* on January 28, on the eve of the election.⁶⁷

For the second time in his life, Madison really wanted to be elected and was not willing to let matters go by a simple announcement that he was available. Without revealing his anxiety, Madison wrote Washington, "I have pursued my pretensions much farther than I had premeditated, having not only made a great use of epistolary means; but actually visited two Counties, Culpeper & Louisa, and publicly contradicted the erroneous reports propagated agst. me."⁶⁸ Madison avoided a head-on confrontation with Monroe at Culpeper Court House but learned that an Orange County Baptist alleged that the full report of debates at the Richmond convention had been suppressed to prevent the truth about Madison's animosity to amendments from being known. Friends denied the accusation and told Madison that, barring "insidious means taken in future," his pledge to work for amendments that spring had a powerful effect. An apocryphal story that Madison sought out Elder John Leland, an influential Baptist then living in Orange County, and made a personal pledge to work for a bill of rights is part of the local mythology; it is more likely that Madison sent Leland a message in unmistakable terms and let it go at that.

Weather in those days provided a well-worn excuse for the outcome of an election. On January 31, two days before the voting, a ten-inch snowfall blanketed much of Madison's district, to be followed by bitterly cold weather that made a trek to the polling places both uncomfortable and burdensome to any citizen who had to traverse the miserable dirt roads leading to the courthouses. On election day the thermometer fell to zero at Fredericksburg and over much of the district. Perhaps the story that Madison stood around Orange Court House until his nose was frost-bitten is true. Certainly it was cold enough; but the outcome had a warm-

ing effect. It was a testimonial to Madison's popularity and even more to the hardiness of his supporters. The final count showed that Monroe had carried four counties (one by a single vote) while Madison had a majority in the other four. The chief difference was that Madison won in his home county by a vote of 216 to 9 as Monroe was carrying his 189 to 115. The total vote was Madison 1,308, Monroe 972. Madison's return home, his letter writing, and the two personal appearances on courthouse steps had paid off. In spite of Patrick Henry, freezing weather, and everything but high water, James Madison was going to sit in the First Congress.

Raipur, Bhilai, and Jabalpur. In the private sector, there were cement works, paper mills, sugar mills, and textile mills (cotton, woollen, silk, and jute), besides flour, oil, and saw mills. There were also some general engineering industries.

There are more than 2,000 registered small-scale industrial units in the state. The handloom industry is flourishing, and various traditional crafts are practiced.

Transport and communications. In comparison with other Indian states, Madhya Pradesh is rather poorly served with transport and communications facilities. The main railroads that pass through the state were originally laid down to connect the ports of Madras, Bombay, and Calcutta with their hinterlands. Inadequate transport facilities have hindered the development of the state's rich resources.

There are both broad-gauge and narrow-gauge rail lines. The five main broad-gauge lines are Bombay-Delhi via Bhopal, Bombay-Howrah (Calcutta) via Jabalpur, Bombay-Howrah (Calcutta) via Raipur, Madras-Delhi, and Bombay-Delhi via Ratlam.

The state is connected with Delhi and Bombay by air via Bhopal and Indore.

In the early 1970s there were more than 23,000 miles of roads in the state, including about 1,600 miles of national highways. The latter connected Agra with Bombay, Allahabad with Nagpur, Jhansi with Lucknow, and Raipur with Vishakhapatnam. Many districts had fewer than ten miles of roads for every 100 square miles of territory. In the absence of a dense rail network, roads played an important part in the developing economy. The construction of bridges across the Narmada and other rivers has greatly helped the development of all-weather traffic routes.

Cultural life. There are a number of temples, fortresses, and cave works in Madhya Pradesh that have left fascinating evidence for historical studies, both on the early story of mankind in general and on local dynasties and kingdoms. One of the earliest monuments was the *stupa* (Buddhist mound forming a memorial shrine) at Bhārhut (c. 175 BC), near Satna, the remains of which are now in the Indian Museum at Calcutta. Another such monument is the *stupa* at Sanchi (six miles south of Vidisha), originally constructed by Aśoka, emperor of India from about 265 to 238 BC; additions to the *stupa* were made by the Śunga kings. The Bāgh caves near Mhow, with their wonderful paintings on Buddhist topics, merit a special mention; the Udayagiri caves (Brahmanical and Jain monasteries) near Vidisha exhibit art and architecture in the rock-cut tradition. Among the temples known the world over for their erotic art are those at Khajurāho in the Chhatarpur district in the north of the state; dating from AD 1000, they were built by the Candella kings. The temples at Gwalior and in its vicinity should also be mentioned. The palaces at Mandu (near Dhār) and the Gwalior Fort, perhaps the most impressive of the residences of the former princes of Madhya Pradesh, represent other notable architectural achievements.

Many of the tribal traditions in Madhya Pradesh are still vital and strong, though they have been exposed in varying degrees to outside cultural influences. A great deal of tribal mythology and folklore is also preserved. The *pardhān* (bards of the Gond) still sing of the legendary deeds of Lingo-pen, the mythical originator of the Gond tribe. The *Pandwāni* is the Gond equivalent of the *Mahābhārata* (one of the two great epics of India), while the *Lechmanjati* legend is the Gond equivalent of the *Ramayana*, the other great epic. Other epics are also popular. All tribes have myths and legends regarding their origin. There are songs for the ceremonies of birth and marriage, while various dance styles have songs to accompany them. Folktales, riddles, and proverbs are another feature of the cultural heritage.

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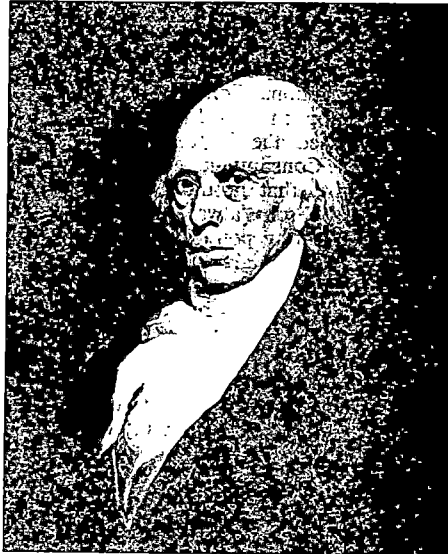
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(N.P.A.)

Madison, James

James Madison, fourth president of the United States, was one of the founding fathers of his country. He became known as the "father" of the Constitution because of his influence in planning and gaining ratification of the U.S. Constitution. He was secretary of state under Pres. Thomas Jefferson when Louisiana was purchased from France. The War of 1812 was fought during his presidency.

By courtesy of The New-York Historical Society



Madison, oil painting by A.B. Durand, 1833.

Madison was born March 16 (March 5, old style), 1751, at the home of his maternal grandmother, in what is now Port Conway, Virginia. The son and namesake of a leading Orange County landowner and squire, he lived for 85 years at Montpelier, in the shadow of the Blue Ridge Mountains. In 1769 he rode horseback to the College of New Jersey (Princeton University), selected for its hostility to episcopacy. He completed the four-year course in two years, finding time also to demonstrate against England and to lampoon members of a rival literary society in ribald verse. Overwork produced several years of epileptoid hysteria and premonitions of early death, which thwarted military training but did not prevent home study of public law, mixed with early advocacy of independence (1774) and furious denunciation of the imprisonment of nearby dissenters from the established Anglican Church. Madison never became a church member, but in maturity he expressed a preference for Unitarianism.

His health improved, and he was elected to Virginia's 1776 Revolutionary convention, where he drafted the state's guarantee of religious freedom. In the convention-turned-legislature he helped Thomas Jefferson disestablish the church but lost re-election by refusing to furnish the electors with free whisky. After two years on the governor's council, he was sent to the Continental Congress in March 1780. Five feet six inches tall, small boned, boyish in appearance, and weak of voice, he waited six months before taking the floor; but strong actions belied his mild manners. He rose quickly to leadership against the devotees of state sovereignty and enemies of Franco-U.S. collaboration in peace negotiations, contending also for the Mississippi as a western territorial boundary and the right to navigate that river through its Spanish-held delta. Defending Virginia's charter title to

Early life and political activities

the vast Northwest against states that had no claim to western territories and whose major motive was to validate barrel-of-rum purchases from Indian tribes, Madison defeated the land speculators by persuading Virginia to cede the western lands to Congress as a national heritage.

Following the ratification of the Articles of Confederation in 1781, Madison undertook to strengthen the Union by asserting implied power in Congress to enforce financial requisitions upon the states by military coercion. This move failing, he worked unceasingly for an amendment conferring power to raise revenue and wrote an eloquent address adjuring the states to avert national disintegration by ratifying the submitted article. The chevalier de la Luzerne, French minister to the United States, wrote that Madison was "regarded as the man of the soundest judgment in Congress."

Re-entering the Virginia legislature in 1784, he defeated Patrick Henry's bill to give financial support to "teachers of the Christian religion." To avoid the political effect of his extreme nationalism, he persuaded the states-rights advocate John Tyler to sponsor the calling of the Annapolis Convention of 1786, which, aided by Madison's influence, produced the Constitutional Convention of 1787.

There his Virginia Plan, put forward through Gov. Edmund Randolph, furnished the basic framework and guiding principles of the Constitution. Delegate William Pierce, of Georgia, wrote that in the management of every great question, Madison "always comes forward the best informed Man of any point in debate." Pierce called him "a Gentleman of great modesty—with a remarkable sweet temper. He is easy and unreserved among his acquaintances, and has a most agreeable style of conversation." Besides earning the title of father of the Constitution, Madison took day-by-day notes of debates, which furnish the only comprehensive history of the convention proceedings. To promote ratification he collaborated with Alexander Hamilton and John Jay in newspaper publication of *The Federalist Papers* (Madison wrote 29 out of 85), which became the standard commentary on the Constitution. His influence produced ratification by Virginia and led John Marshall to say that, if eloquence included "persuasion by convincing, Mr. Madison was the most eloquent man I ever heard."

Elected to the new House of Representatives, Madison sponsored the first ten amendments to the Constitution, placing emphasis, in debate, on freedom of religion, speech, and press. His leadership in the House, which caused Massachusetts congressman Fisher Ames to call him "our first man," came to an end when he split with Treasury Secretary Hamilton over methods of funding the war debts. Hamilton's aim was to strengthen the national government by cementing men of wealth to it; Madison sought to protect the interests of Revolutionary veterans. Hamilton's victory turned Madison into a strict constructionist of the congressional power to appropriate for the general welfare. He denied the existence of implied power to establish a national bank to aid the Treasury. Later, as president, he asked for and obtained a bank as "almost [a] necessity" for that purpose, but he contended that it was constitutional only because Hamilton's bank had gone without constitutional challenge. Unwillingness to admit error was a lifelong characteristic. The break over funding turned Congress into Madisonian and Hamiltonian factions, with Fisher Ames now calling Madison a "desperate party leader" who enforced a discipline "as severe as the Prussian" (Madisonians turned into Jeffersonians after Jefferson, having returned from France, became secretary of state).

In 1794 Madison married Dolley Payne Todd, a handsome, buxom, vivacious Quaker 16 years his junior, who rejected church discipline and loved social activities.

Madison left Congress in 1797, disgusted by John Jay's treaty with England, which frustrated his program of commercial retaliation against wartime oppression of U.S. maritime commerce. The Alien and Sedition Acts of 1798 inspired him to draft the Virginia Resolutions of that year, denouncing those statutes as violations of the First Amendment of the Constitution and affirming

the right and duty of the states "to interpose for arresting the progress of the evil." Carefully worded to mean less legally than they seemed to threaten, they forced him to spend his octogenarian years combatting South Carolina's interpretation of them as a sanction of state power to nullify federal law.

During eight years as Jefferson's secretary of state (1801-09), Madison used the words "The President has decided" so regularly that his own role can be discovered only in foreign archives. British diplomats dealing with Madison encountered "asperity of temper and fluency of expression." Senators John Adair and Nicholas Gilman agreed in 1806 that he "governed the President," an opinion held also by French minister Louis-Marie Turreau.

Although he was accused of weakness in dealing with France and England, Madison won the presidency in 1808 by publishing his vigorous diplomatic dispatches. Faced with a senatorial cabal on taking office, he made a senator's lacklustre brother secretary of state, Robert Smith, and wrote all important diplomatic letters for two years before removing him. Although he had fully supported Jefferson's wartime shipping embargo, Madison reversed his predecessor's policy two weeks after assuming the presidency by secretly notifying both Great Britain and France, then at war, that, in his opinion, if the country addressed should stop molesting U.S. commerce and the other belligerent continued to do so, "Congress will, at the next ensuing session, authorize acts of hostility . . . against the other." An agreement with England providing for repeal of its Orders in Council, which limited trade by neutral nations with France, collapsed because the British minister violated his instructions; he concealed the requirements that the United States continue its trade embargo against France, renounce wartime trade with Britain's enemies, and authorize England to capture any American vessel attempting to trade with France. Madison expelled the minister's successor for charging, falsely, that the President had been aware of the violation. Believing that England was bent on permanent suppression of American commerce, Madison proclaimed nonintercourse with England on November 2, 1810, and notified France on the same day that this would "necessarily lead to war" unless England stopped its molestations. One week earlier, unknown to Congress (in recess) or the public, he had taken armed possession of the Spanish province of West Florida, claimed as part of the Louisiana Purchase. He was re-elected in 1812, despite strong opposition.

With his actions buried in secrecy, Federalists and politicians pictured Madison as a timorous pacifist dragged into the War of 1812 (1812-15) by congressional war hawks. In fact, he sought peace but accepted war. As wartime commander in chief he was hampered by the refusal of Congress to heed pleas for naval and military development and made the initial error of entrusting army command to aging veterans of the Revolution. The small U.S. Navy sparkled, but on land defeat followed defeat. By 1814, however, Madison had lowered the average age of generals from 60 to 36 years; victories resulted, reversing British Cabinet policy and ending a war the principal cause of which had been removed by revocation of the Orders in Council the day before the conflict began. Contemporary public opinion in the United States, Canada, England, and continental Europe proclaimed the result a U.S. triumph. The Federalist Party was killed by its sedition in opposing the war, and the President was lifted to a pinnacle of popularity. Madison's greatest fault was delay in discharging incompetent subordinates, including Secretary of War John Armstrong, who had scoffed at the President's repeated warnings of a coming British attack on Washington and ignored presidential orders for its defense.

On leaving the presidency, Madison was eulogized at a Washington mass meeting for having won national power and glory "without infringing a political, civil, or religious right." Even in the face of sabotage of war operations by New England Federalists, he had lived up to the maxim he laid down in 1793 when he had said:

The
father
of the
Constitu-
tion

Madison
president

"If we advert to the nature of republican government we shall find that the censorial power is in the people over the government, and not in the government over the people."

Never leaving Virginia, for 19 years Madison managed his 5,000-acre (2,000-hectare) farm, cultivating it by methods regarded today as modern innovations; and, as president of the Albemarle Agricultural Society, he warned that human life might be wiped out by upsetting the balance of nature, including invisible organisms. He hated slavery, which held him in its economic chains, and worked to abolish it through government purchase of slaves and their resettlement in Liberia, financed by sale of public lands. When his personal valet ran away in 1792 and was recaptured—a situation that usually meant sale into the yellow-fever-infested West Indies—Madison set him free and hired him. Another slave managed one-third of the Montpelier farmlands during Madison's years in federal office. Madison participated in Jefferson's creation of the University of Virginia (1819) and later served as its rector. Excessive hospitality, chronic agricultural depression, the care of superannuated slaves, and the squandering of \$40,000 by and on a wayward stepson made him land-poor in old age. His last years were spent in bed, barely able to bend his rheumatic fingers, which nevertheless turned out an endless succession of letters and articles combatting nullification and secession—the theme of his final "Advice to My Country." Henry Clay called him, after Washington, "our greatest statesman." Madison died at Montpelier, on June 28, 1836.

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(I.Bt.)

Madras

The fourth largest city in India, Madras is the capital of Tamil Nadu. Located on India's eastern coast, it covers an area of about 50 square miles (130 square kilometres). Though it does not have the commercial and industrial opulence of Calcutta or the planned beauty of New Delhi, the city presents a characteristic blend of the traditional and the modern. With a population of 2,470,000, most of Madras is less congested than other Indian cities; hence, the tenor of life is more peaceful.

Madras is the shortened name of the fishing village Madraspatnam, where the British East India Company built a factory in the 17th century. The Tamil-speaking Indians refer to the city as Chennai, an abbreviation of the name Chennapatnam, which was applied to the Indian section of the original British town.

HISTORY

Indian origins. In their contemporary records the moneylenders of Madras referred to the pre-British villages as towns. Several of them, such as Mylapore, Tiruvottiyūr, and Triplicane, were small temple towns, the legends and history of which dated back to the 3rd or 4th century AD. The home-based industries and farming of the pre-British villagers were sufficiently productive to support several large temples, with their elaborate paraphernalia. In fact, it was local skill and industry that provided the basis for the development of British commerce at Madras.

The British town. In 1639, Francis Day, an English agent of the East India Company, obtained permission to erect a fort and trading post at Madraspatnam. The site granted to the company was a stretch of sandy waste north of the Cooum River, which was occupied by a fishing settlement. Beyond the coastal ridge of sand were other small villages surrounded by rice fields. The weaving of cotton fabrics was a local cottage industry in the region, and the English merchants invited the weavers and native merchants to settle down in the neighbourhood of the proposed fort. By 1652 the new factory of Ft. St. George was recognized as a presidency (an administrative unit governed by a president). Between 1668 and 1749 the company acquired administrative control within a radius of five miles of Ft. St. George. At about 1801, by which time the last of the local rulers had been shorn of his powers, the English had become masters of southern India, and Madras had become their administrative and commercial capital.

During the earlier phases of the history of Madras, the English merchants lived in the fort—known as White Town. As their numbers increased and trade grew in volume, the merchants spread out into garden houses in Nungambakkam, Adyār, and Kilpauk. The Indian part of Madras—Black Town (now George Town)—also enlarged rapidly, as did the surrounding villages. In the course of three centuries, the rice fields, orchards, and swamps between the villages vanished and became residential areas.

THE CONTEMPORARY CITY

The city site. Madras is situated on a low-lying, level strip of land on the Coromandel Coast of the Bay of Bengal. Its north-south length along the coast is about 11 miles, and its east-west width is about six miles. The highest part of the city is only 23 feet above sea level. For purposes of general administration, the city is one of the 14 districts of Tamil Nadu. Until 1946 the city's area was only 27 square miles; in order to alleviate congestion, however, urbanized villages to the south and west were incorporated in that year. Tiruvottiyūr and Ennore on the north, Avadi and Ambattur on the northwest, Kodambakkam on the west, and Nandanbakkam and Guindy on the southwest are fast-developing industrial suburbs. Ribbon development was in progress in the early 1970s, particularly along the Southern Railway line and

White
Town and
Black
Town

porary legislature denied the constructions of the council, and actually prevailed in the contest.

This censorial body, therefore, proves at the same time, by its researches, the existence of the disease, and by its example, the inefficacy of the remedy.

This conclusion cannot be invalidated by alleging that the State in which the experiment was made was at that crisis, and had been for a long time before, violently heated and distracted by the rage of party. Is it to be presumed that at any future septennial epoch the same State will be free from parties? Is it to be presumed that any other State, at the same or any other given period, will be exempt from them? Such an event ought to be neither presumed nor desired; because an extinction of parties necessarily implies either a universal alarm for the public safety, or an absolute extinction of liberty.

Were the precaution taken of excluding, from the assemblies elected by the people to revise the preceding administration of the government, all persons who should have been concerned with the government within the given period, the difficulties would not be obviated. The important task would probably devolve on men, who, with inferior capacities, would in other respects be little better qualified. Although they might not have been personally concerned in the administration, and therefore not immediately agents in the measures to be examined, they would probably have been involved in the parties connected with these measures and have been elected under their auspices.

PUBLIUS

No. 51: Madison

To WHAT expedient, then, shall we finally resort, for maintaining in practice the necessary partition of power among the several departments as laid down in the Constitution? The only answer that can be given is that as all these exterior provisions are found to be inadequate the defect must be supplied, by so contriving the interior structure of the government as that its several constituent parts may, by their mutual relations, be the means of keeping each other in their proper places. Without

presuming to undertake a full development of this important idea I will hazard a few general observations which may perhaps place it in a clearer light, and enable us to form a more correct judgment of the principles and structure of the government planned by the convention.

In order to lay a due foundation for that separate and distinct exercise of the different powers of government, which to a certain extent is admitted on all hands to be essential to the preservation of liberty, it is evident that each department should have a will of its own; and consequently should be so constituted that the members of each should have as little agency as possible in the appointment of the members of the others. Were this principle rigorously adhered to, it would require that all the appointments for the supreme executive, legislative, and judiciary magistracies should be drawn from the same fountain of authority, the people, through channels having no communication whatever with one another. Perhaps such a plan of constructing the several departments would be less difficult in practice than it may in contemplation appear. Some difficulties, however, and some additional expense would attend the execution of it. Some deviations, therefore, from the principle must be admitted. In the constitution of the judiciary department in particular, it might be inexpedient to insist rigorously on the principle: first, because peculiar qualifications being essential in the members, the primary consideration ought to be to select that mode of choice which best secures these qualifications; second, because the permanent tenure by which the appointments are held in that department must soon destroy all sense of dependence on the authority conferring them.

It is equally evident that the members of each department should be as little dependent as possible on those of the others for the emoluments annexed to their offices. Were the executive magistrate, or the judges, not independent of the legislature in this particular, their independence in every other would be merely nominal.

But the great security against a gradual concentration of the several powers in the same department consists in giving to those who administer each department the necessary constitutional means and personal motives to

resist encroachments of the others. The provision for defense must in this, as in all other cases, be made commensurate to the danger of attack. Ambition must be made to counteract ambition. The interest of the man must be connected with the constitutional rights of the place. It may be a reflection on human nature that such devices should be necessary to control the abuses of government. But what is government itself but the greatest of all reflections on human nature? If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself. A dependence on the people is, no doubt, the primary control on the government; but experience has taught mankind the necessity of auxiliary precautions.

This policy of supplying, by opposite and rival interests, the defect of better motives, might be traced through the whole system of human affairs, private as well as public. We see it particularly displayed in all the subordinate distributions of power, where the constant aim is to divide and arrange the several offices in such a manner as that each may be a check on the other—that the private interest of every individual may be a sentinel over the public rights. These inventions of prudence cannot be less requisite in the distribution of the supreme powers of the State.

But it is not possible to give to each department an equal power of self-defense. In republican government, the legislative authority necessarily predominates. The remedy for this inconveniency is to divide the legislature into different branches; and to render them, by different modes of election and different principles of action, as little connected with each other as the nature of their common functions and their common dependence on the society will admit. It may even be necessary to guard against dangerous encroachments by still further precautions. As the weight of the legislative authority requires that it should be thus divided, the weakness of the executive may require, on the other hand, that it should

be fortified. An absolute negative on the legislature appears, at first view, to be the natural defense with which the executive magistrate should be armed. But perhaps it would be neither altogether safe nor alone sufficient. On ordinary occasions it might not be exerted with the requisite firmness, and on extraordinary occasions it might be perfidiously abused. May not this defect of an absolute negative be supplied by some qualified connection between this weaker department and the weaker branch of the stronger department, by which the latter may be led to support the constitutional rights of the former, without being too much detached from the rights of its own department?

If the principles on which these observations are founded be just, as I persuade myself they are, and they be applied as a criterion to the several State constitutions, and to the federal Constitution, it will be found that if the latter does not perfectly correspond with them, the former are infinitely less able to bear such a test.

There are, moreover, two considerations particularly applicable to the federal system of America, which place that system in a very interesting point of view.

First. In a single republic, all the power surrendered by the people is submitted to the administration of a single government; and the usurpations are guarded against by a division of the government into distinct and separate departments. In the compound republic of America, the power surrendered by the people is first divided between two distinct governments, and then the portion allotted to each subdivided among distinct and separate departments. Hence a double security arises to the rights of the people. The different governments will control each other, at the same time that each will be controlled by itself.

Second. It is of great importance in a republic not only to guard the society against the oppression of its rulers, but to guard one part of the society against the injustice of the other part. Different interests necessarily exist in different classes of citizens. If a majority be united by a common interest, the rights of the minority will be insecure. There are but two methods of providing against this evil: the one by creating a will in the community independent of the majority—that is, of the society itself; the

comprehending in the society so many separate descriptions of citizens as will render an unjust combination of a majority of the whole very improbable, if not impracticable. The first method prevails in all governments possessing an hereditary or self-appointed authority. This, at best, is but a precarious security; because a power independent of the society may as well espouse the unjust views of the major as the rightful interests of the minor party, and may possibly be turned against both parties. The second method will be exemplified in the federal republic of the United States. Whilst all authority in it will be derived from and dependent on the society, the society itself will be broken into so many parts, interests and classes of citizens, that the rights of individuals, or of the minority, will be in little danger from interested combinations of the majority. In a free government the security for civil rights must be the same as that for religious rights. It consists in the one case in the multiplicity of interests, and in the other in the multiplicity of sects. The degree of security in both cases will depend on the number of interests and sects; and this may be presumed to depend on the extent of country and number of people comprehended under the same government. This view of the subject must particularly recommend a proper federal system to all the sincere and considerate friends of republican government, since it shows that in exact proportion as the territory of the Union may be formed into more circumscribed Confederacies, or States, oppressive combinations of a majority will be facilitated; the best security, under the republican forms, for the rights of every class of citizen, will be diminished; and consequently the stability and independence of some member of the government, the only other security, must be proportionally increased. Justice is the end of government. It is the end of civil society. It ever has been and ever will be pursued until it be obtained, or until liberty be lost in the pursuit. In a society under the forms of which the stronger faction can readily unite and oppress the weaker, anarchy may as truly be said to reign as in a state of nature, where the weaker individual is not secured against the violence of the stronger; and as, in the latter state, even the stronger individuals are prompted, by the uncertainty of their condition, to submit to a gov-

ernment which may protect the weak as well as themselves; so, in the former state, will the more powerful factions or parties be gradually induced, by a like motive, to wish for a government which will protect all parties, the weaker as well as the more powerful. It can be little doubted that if the State of Rhode Island was separated from the Confederacy and left to itself, the insecurity of rights under the popular form of government within such narrow limits would be displayed by such reiterated oppressions of factious majorities that some power altogether independent of the people would soon be called for by the voice of the very factions whose misrule had proved the necessity of it. In the extended republic of the United States, and among the great variety of interests, parties, and sects which it embraces, a coalition of a majority of the whole society could seldom take place on any other principles than those of justice and the general good; whilst there being thus less danger to a minor from the will of a major party, there must be less pretext, also, to provide for the security of the former, by introducing into the government a will not dependent on the latter, or, in other words, a will independent of the society itself. It is no less certain than it is important, notwithstanding the contrary opinions which have been entertained, that the larger the society, provided it lie within a practicable sphere, the more duly capable it will be of self-government. And happily for the *republican cause*, the practicable sphere may be carried to a very great extent by a judicious modification and mixture of the *federal principle*.

PUBLIUS

No. 52: Madison

FROM the more general inquiries pursued in the four last papers, I pass on to a more particular examination of the several parts of the government. I shall begin with the House of Representatives.

The first view to be taken of this part of the government relates to the qualifications of the electors and the elected. Those of the former are to be the same with those of the electors of the most numerous branch of the

f them against invasion, and on application of the legislature. or of the executive (when the legislature cannot be convened), against domestic violence.

Article Five

THE Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the Legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided that no amendment which may be made prior to the Year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the Ninth Section of the first Article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

Article Six

All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation. This Constitution and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding. The Senators and Representatives before mentioned, and the members of the several State Legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation, to support this Constitution; nor shall any religious test ever be required as a qualification to any office or public trust under the United States.

Article Seven

ratification of the Conventions of nine

States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

DONE in convention by the unanimous consent of the States present the seventeenth day of September in the year of our Lord one

thousand seven hundred and eighty-seven and of the independence of the United States of America the twelfth, in witness whereof we have hereunto subscribed our names.

G° WASHINGTON—Presid!
and deputy from Virginia

Attest
WILLIAM JACKSON Secretary

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AMENDMENTS

Article One

CONGRESS shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Article Two

A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

Article Three

No soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor in time of war but in a manner to be prescribed by law.

Article Four

THE right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Article Five

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process

of law; nor shall private property be taken for public use, without just compensation.

Article Six

IN all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

Article Seven

IN suits at common law, where the value of controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

Article Eight

EXCESSIVE bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Article Nine

THE enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

Article Ten

THE powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people.

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and the whole State might be competently represented by a single member taken from any part of it. On a comparison of the different States together, we find a great dissimilarity in their laws, and in many other circumstances connected with the objects of federal legislation, with all of which the federal representatives ought to have some acquaintance. Whilst a few representatives, therefore, from each State may bring with them a due knowledge of their own State, every representative will have much information to acquire concerning all the other States. The changes of time, as was formerly remarked, on the comparative situation of the different States, will have an assimilating effect. The effect of time on the internal affairs of the States, taken singly, will be just the contrary. At present some of the States are little more than a society of husbandmen. Few of them have made much progress in those branches of industry which give a variety and complexity to the affairs of a nation. These, however, will in all of them be the fruits of a more advanced population; and will require, on the part of each State, a fuller representation. The foresight of the convention has accordingly taken care that the progress of population may be accompanied with a proper increase of the representative branch of the government.

The experience of Great Britain, which presents to mankind so many political lessons, both of the monitory and exemplary kind, and which has been frequently consulted in the course of these inquiries, corroborates the result of the reflections which we have just made. The number of inhabitants in the two kingdoms of England and Scotland cannot be stated at less than eight millions. The representatives of these eight millions in the House of Commons amount to five hundred and fifty-eight. Of this number, one ninth are elected by three hundred and sixty-four persons, and one half by five thousand seven hundred and twenty-three persons.¹ It cannot be supposed that the half thus elected, and who do not even reside among the people at large, can add anything either to the security of the people against the government, or to the knowledge of their circumstances and interests in the legislative councils. On the contrary, it is notorious that they are more frequently the representatives and instruments of the executive magistrate than the guardians and advocates

¹ Burgh's *Political Disquisitions*.—PUBLIUS

of the popular rights. They might, therefore, with great propriety, be considered as something more than a mere deduction from the real representatives of the nation. We will, however, consider them in this light alone, and will not extend the deduction to a considerable number of others, who do not reside among their constituents, are very faintly connected with them, and have very little particular knowledge of their affairs. With all these concessions two hundred and seventy-nine persons only will be the depository of the safety, interest, and happiness of eight millions—that is to say, there will be one representative only to maintain the rights and explain the situation of *twenty-eight thousand six hundred and seventy* constituents, in an assembly exposed to the whole force of executive influence, and extending its authority to every other object of legislation within a nation whose affairs are in the highest degree diversified and complicated. Yet it is very certain, not only that a valuable portion of freedom has been preserved under all these circumstances, but that the defects in the British code are chargeable, in a very small proportion, on the ignorance of the legislature concerning the circumstances of the people. Allowing to this case the weight which is due to it, and comparing it with that of the House of Representatives as above explained, it seems to give the fullest assurance that a representative for every *thirty thousand inhabitants* will render the latter both a safe and competent guardian of the interests which will be confided to it.

PUBLIUS

Number 57

[HAMILTON OR MADISON]

THE *third* charge against the House of Representatives is, that it will be taken from that class of citizens which will have least sympathy with the mass of the people, and be most likely to aim at an ambitious sacrifice of the many to the aggrandisement of the few.

Of all the objections which have been framed against the federal Constitution, this is perhaps the most extraordinary. Whilst the objection itself is levelled against a pretended oligarchy, the principle of it strikes at the very root of republican government.

The aim of every political constitution; or ought to be, first to obtain for rulers men who possess most wisdom to discern, and most virtue to pursue, the common good of the so-

ciety; and in the next place, effectual precautions for keeping them virtuous, whilst they continue to hold office. The elective mode of establishing governments is the characteristic policy of the American government. The means relied on for preventing the abuse of power are numerous and various. The first is such a limitation of the powers as will maintain a proper check to the people.

Let me now ask what circumstances in the constitution of the House of Representatives that violates the principles of the federal government, or favours the interests of the few on the ruins of the many? Whether every circumstance is strictly conformable to the principles of justice and scrupulously impartial to the pretensions of every class of citizens?

Who are to be the electors of representatives? Not the rich and the powerful; not the learned, more than the ignorant; not the haughty heirs of distinguished names, more than the humble sons of unpropitious fortune. The electors are the great body of the people of every State. They are to be the same in every State of equal extent, and the right in every State of electing a corresponding branch of the legislature.

Who are to be the objects of representation? Every citizen whose merit entitles him to the esteem and confidence of his fellow-citizens. No qualification of wealth, of religious faith, or of civil profession, is to fetter the judgment or discretion of the people.

If we consider the situation of the people, whom the free suffrages of the people may confer the representative office, we find it involving every security devised or desired for their fiduciary interests.

In the first place, as they are distinguished by the preference of the people, we are to presume they will be somewhat distinguished by those qualities which entitle them to the confidence which promise a sincere and steady attachment to the nature of their engagement.

In the second place, they will be engaged in public service under circumstances not fail to produce a temper of mind least to their constituents. T

lar rights. They might, therefore, propriety, be considered as something more than a mere deduction from the representatives of the nation. We will consider them in this light alone, and extend the deduction to a consideration of others, who do not reside in the constituents, are very faintly connected with them, and have very little participation of their affairs. With all these two hundred and seventy-nine persons will be the depository of the safety, and happiness of eight millions—that there will be one representative only for every eight thousand six hundred and thirty-eight constituents, in an assembly exposed to the force of executive influence, and subject to the authority to every other object within a nation whose affairs are in the highest degree diversified and complicated. It is very certain, not only that a portion of freedom has been preserved in all these circumstances, but that the British code are chargeable, in a small proportion, on the ignorance and carelessness concerning the circumstances of the people. Allowing to this case the weight to be given to it, and comparing it with that of the House of Representatives as above expressed, seems to give the fullest assurance of the representative for every thirty thousand persons. It will render the latter both a safe and a prudent guardian of the interests which are committed to it.

PUBLISHED

Number 57

[MILTON OR MADISON]

charge against the House of Representatives, that it will be taken from that class which will have least sympathy with the people, and be most likely to require the sacrifice of the many to the interest of the few.

The objections which have been made against the federal Constitution, this is the most extraordinary. Whilst the Constitution itself is levelled against a pretended principle of it strikes at the very foundation of republican government.

of every political constitution is to be, first to obtain for rulers men of the most wisdom to discern, and most integrity, the common good of the so-

ciety; and in the next place, to take the most effectual precautions for keeping them virtuous whilst they continue to hold their public trust. The elective mode of obtaining rulers is the characteristic policy of republican government. The means relied on in this form of government for preventing their degeneracy are numerous and various. The most effectual one is such a limitation of the term of appointments as will maintain a proper responsibility to the people.

Let me now ask what circumstance there is in the constitution of the House of Representatives that violates the principles of republican government, or favours the elevation of the few on the ruins of the many? Let me ask whether every circumstance is not, on the contrary, strictly conformable to these principles, and scrupulously impartial to the rights and pretensions of every class and description of citizens?

Who are to be the electors of the federal representatives? Not the rich, more than the poor; not the learned, more than the ignorant; not the haughty heirs of distinguished names, more than the humble sons of obscurity and unpropitious fortune. The electors are to be the great body of the people of the United States. They are to be the same who exercise the right in every State of electing the corresponding branch of the legislature of the State.

Who are to be the objects of popular choice? Every citizen whose merit may recommend him to the esteem and confidence of his country. No qualification of wealth, of birth, of religious faith, or of civil profession is permitted to fetter the judgment or disappoint the inclination of the people.

If we consider the situation of the men on whom the free suffrages of their fellow-citizens may confer the representative trust, we shall find it involving every security which can be devised or desired for their fidelity to their constituents.

In the first place, as they will have been distinguished by the preference of their fellow-citizens, we are to presume that in general they will be somewhat distinguished also by those qualities which entitle them to it, and which promise a sincere and scrupulous regard to the nature of their engagements.

In the second place, they will enter into the public service under circumstances which cannot fail to produce a temporary affection at least to their constituents. There is in every

breast a sensibility to marks of honour, of favour, of esteem, and of confidence, which, apart from all considerations of interest, is some pledge for grateful and benevolent returns. Ingratitude is a common topic of declamation against human nature; and it must be confessed that instances of it are but too frequent and flagrant, both in public and in private life. But the universal and extreme indignation which it inspires is itself a proof of the energy and prevalence of the contrary sentiment.

In the third place, those ties which bind the representative to his constituents are strengthened by motives of a more selfish nature. His pride and vanity attach him to a form of government which favours his pretensions and give him a share in its honours and distinctions. Whatever hopes or projects might be entertained by a few aspiring characters, it must generally happen that a great proportion of the men deriving their advancement from their influence with the people, would have more to hope from a preservation of the favour, than from innovations in the government subversive of the authority of the people.

All these securities, however, would be found very insufficient without the restraint of frequent elections. Hence, in the fourth place, the House of Representatives is so constituted as to support in the members an habitual recollection to their dependence on the people. Before the sentiments impressed on their minds by the mode of their elevation can be effaced by the exercise of power, they will be compelled to anticipate the moment when their power is to cease, when their exercise of it is to be reviewed, and when they must descend to the level from which they were raised: there for ever to remain unless a faithful discharge of their trust shall have established their true title to a renewal of it.

I will add, as a fifth circumstance in the situation of the House of Representatives, restraining them from oppressive measures, that they can make no law which will not have its full operation on themselves and their friends, as well as on the great mass of the society. This has always been deemed one of the strongest bonds by which human policy can connect the rulers and the people together. It creates between them that communion of interests and sympathy of sentiments of which few governments have furnished examples; but without which every government degenerates into

tyranny. If it be asked what is to restrain the House of Representatives from making legal discriminations in favour of themselves and a particular class of the society? I answer: the genius of the whole system; the nature of just and constitutional laws; and above all, the vigilant, and manly spirit which actuates the people of America—a spirit which nourishes freedom, and in return is nourished by it.

If this spirit shall ever be so far debased as to tolerate a law not obligatory on the legislature, as well as on the people, the people will be prepared to tolerate anything but liberty.

Such will be the relation between the House of Representatives and their constituents. Duty, gratitude, interest, ambition itself, are the chords by which they will be bound to fidelity and sympathy with the great mass of the people. It is possible that these may all be insufficient to control the caprice and wickedness of man. But are they not all that government will admit, and that human prudence can devise? Are they not the genuine and the characteristic means by which republican government provides for the liberty and happiness of the people? Are they not the identical means on which every State government in the Union relies for the attainment of these important ends? What then are we to understand by the objection which this paper has combated? What are we to say to the men who profess the most flaming zeal for republican government, yet boldly impeach the fundamental principle of it; who pretend to be champions for the right and the capacity of the people to choose their own rulers, yet maintain that they will prefer those only who will immediately and infallibly betray the trust committed to them?

Were the objection to be read by one who had not seen the mode prescribed by the Constitution for the choice of representatives, he could suppose nothing less than that some unreasonable qualification of property was annexed to the right of suffrage; or that the right of eligibility was limited to persons of particular families or fortunes; or at least that the mode prescribed by the State constitutions was, in some respect or other, very grossly departed from. We have seen how far such a supposition would err, as to the two first points. Nor would it, in fact, be less erroneous as to the last. The only difference discoverable between the two cases is, that each representative of the United States will be elected by five or six thousand citizens; whilst in the indi-

vidual States, the election of a representative is left to about as many hundreds. Will it be pretended that this difference is sufficient to justify an attachment to the State governments, and an abhorrence to the federal government? If this be the point on which the objection turns, it deserves to be examined.

Is it supported by *reason*? This cannot be said, without maintaining that five or six thousand citizens are less capable of choosing a fit representative, or more liable to be corrupted by an unfit one, than five or six hundred. Reason, on the contrary, assures us, that as in so great a number a fit representative would be most likely to be found, so the choice would be less likely to be diverted from him by the intrigues of the ambitious or the bribes of the rich.

Is the *consequence* from this doctrine admissible? If we say that five or six hundred citizens are as many as can jointly exercise their right of suffrage, must we not deprive the people of the immediate choice of their public servants, in every instance where the administration of the government does not require as many of them as will amount to one for that number of citizens?

Is the doctrine warranted by *facts*? It was shown in the last paper that the real representation in the British House of Commons very little exceeds the proportion of one for every thirty thousand inhabitants. Besides a variety of powerful causes not existing here, and which favour in that country the pretensions of rank and wealth, no person is eligible as a representative of a county, unless he possess real estate of the clear value of six hundred pounds sterling per year; nor of a city or borough, unless he possess a like estate of half that annual value. To this qualification on the part of the county representatives is added another on the part of the county electors, which restrains the right of suffrage to persons having a freehold estate of the annual value of more than twenty pounds sterling, according to the present rate of money. Notwithstanding these unfavourable circumstances, and notwithstanding some very unequal laws in the British code, it cannot be said that the representatives of the nation have elevated the few on the ruins of the many.

But we need not resort to foreign experience on this subject. Our own is explicit and decisive. The districts in New Hampshire in which the senators are chosen immediately by the people are nearly as large as will be necessary

for her representatives in the Congress of Massachusetts are larger than will be necessary for that purpose; and those of New York will more so. In the last State the members of the Assembly for the cities and counties of New York and Albany are elected by as many voters as will be entitled to elect a representative in the Congress, calculating the number of sixty-five representative districts makes no difference that in these senators and counties a number of representatives are voted for by each elector at a single time. If the same electors at the same time, they cannot be incapable of choosing four or five representatives, they cannot be incapable of choosing one. Pennsylvania is an additional example. Some of her counties, which elect representatives, are almost as large as the districts will be by which her federal representatives will be elected. The city of Philadelphia is supposed to contain between fifty thousand souls. It will therefore form two districts for the choice of federal representatives. It forms, however, but one district, in which every elector votes for each of his representatives in the State legislature. It may appear to be still more direct for that purpose, the whole city actually electing a member for the executive council. This is the case in all the other counties of the State.

Are not these facts the most striking proofs of the fallacy which has been advanced against the branch of the federal government under consideration? Has it appeared that the senators of New Hampshire, Massachusetts, and New York, or the executive council of Pennsylvania, or the members of the Assembly in the two last States, have any peculiar disposition to sacrifice to the few, or are in any respect less attached to their places than the representatives of the State appointed in other States to small divisions of the people?

But there are cases of a stronger objection than any which I have yet quoted. Consider the mode of the legislature of Connecticut is elected. It is elected that each member of it is elected for the whole State. So is the governor of Massachusetts, and of this State the president of New Hampshire. It is left to man to decide whether the result of these experiments can be said to confirm a suspicion, that a diffusive mode of electing representatives of the people tends to create traitors and to undermine the pub-

States, the election of a representative to about as many hundreds. Will it be added that this difference is sufficient to an attachment to the State government and an abhorrence to the federal government? If this be the point on which the objection turns, it deserves to be examined. Is it supported by reason? This cannot be without maintaining that five or six thousand citizens are less capable of choosing a representative, or more liable to be corrupted by an unfit one, than five or six hundred. Reason, on the contrary, assures us, that so great a number a fit representative will be most likely to be found, so the choice will be less likely to be diverted from him by the intrigues of the ambitious or the bribes of the rich.

What is the consequence from this doctrine? Is it admissible? If we say that five or six hundred citizens are as many as can jointly exercise their right of suffrage, must we not deprive the people the immediate choice of their public servants in every instance where the administration of the government does not require that a majority of them as will amount to one for that number of citizens?

What is the doctrine warranted by facts? It was shown in the last paper that the real representation in the British House of Commons very much exceeds the proportion of one for every thousand inhabitants. Besides a variety of powerful causes not existing here, and which are not in that country the pretensions of rank and wealth, no person is eligible as a representative of a county, unless he possess real estate of the clear value of six hundred pounds per year; nor of a city or borough, unless he possess a like estate of half that annual value.

To this qualification on the part of the electors, a right of suffrage to persons having a freehold of the annual value of more than twenty pounds sterling, according to the present state of money. Notwithstanding these unequal circumstances, and notwithstanding the very unequal laws in the British House of Commons, it cannot be said that the representatives of the nation have elevated the few on the expense of the many.

Why do we need not resort to foreign experience on this subject. Our own is explicit and decisive. The districts in New Hampshire in which the representatives are chosen immediately by the people are nearly as large as will be necessary

Number 58

[HAMILTON OR MADISON]

THE REMAINING charge against the House of Representatives, which I am to examine, is grounded on a supposition that the number of members will not be augmented from time to time, as the progress of population may demand.

It has been admitted that this objection, if well supported, would have great weight. The following observations will show that, like most other objections against the Constitution, it can only proceed from a partial view of the subject, or from a jealousy which discolours and disfigures every object which is beheld.

1. Those who urge the objection seem not to have recollected that the federal Constitution will not suffer by a comparison with the State constitutions, in the security provided for a gradual augmentation of the number of representatives. The number which is to prevail in the first instance is declared to be temporary. Its duration is limited to the short term of three years. Within every successive term of ten years a census of inhabitants is to be repeated. The unequivocal objects of these regulations are, first, to readjust, from time to time, the apportionment of representatives to the number of inhabitants, under the single exception that each State shall have one representative at least; secondly, to augment the number of representatives at the same periods, under the sole limitation that the whole number shall not exceed one for every thirty thousand inhabitants. If we review the constitutions of the several States, we shall find that some of them contain no determinate regulations on this subject, that others correspond pretty much on this point with the federal Constitution, and that the most effectual security in any of them is resolvable into a mere directory provision.

2. As far as experience has taken place on this subject, a gradual increase of representatives under the State constitutions, has at least kept pace with that of the constituents, and it appears that the former have been as ready to concur in such measures as the latter have been to call for them.

3. There is a peculiarity in the federal Constitution which insures a watchful attention in a majority both of the people and of their representatives to a constitutional augmentation of the latter. The peculiarity lies in this,

for her representatives in the Congress. Those of Massachusetts are larger than will be necessary for that purpose; and those of New York still more so. In the last State the members of the Assembly for the cities and counties of New York and Albany are elected by very nearly as many voters as will be entitled to a representative in the Congress, calculating on the number of sixty-five representatives only. It makes no difference that in these senatorial districts and counties a number of representatives are voted for by each elector at the same time. If the same electors at the same time are capable of choosing four or five representatives, they cannot be incapable of choosing one. Pennsylvania is an additional example. Some of her counties, which elect her State representatives, are almost as large as her districts will be by which her federal representatives will be elected. The city of Philadelphia is supposed to contain between fifty and sixty thousand souls. It will therefore form nearly two districts for the choice of federal representatives. It forms, however, but one county, in which every elector votes for each of its representatives in the State legislature. And what may appear to be still more directly to our purpose, the whole city actually elects a single member for the executive council. This is the case in all the other counties of the State.

Are not these facts the most satisfactory proofs of the fallacy which has been employed against the branch of the federal government under consideration? Has it appeared on trial that the senators of New Hampshire, Massachusetts, and New York, or the executive council of Pennsylvania, or the members of the Assembly in the two last States, have betrayed any peculiar disposition to sacrifice the many to the few, or are in any respect less worthy of their places than the representatives and magistrates appointed in other States by very small divisions of the people?

But there are cases of a stronger complexion than any which I have yet quoted. One branch of the legislature of Connecticut is so constituted that each member of it is elected by the whole State. So is the governor of that State, of Massachusetts, and of this State, and the president of New Hampshire. I leave every man to decide whether the result of any one of these experiments can be said to countenance a suspicion, that a diffusive mode of choosing representatives of the people tends to elevate traitors and to undermine the public liberty.

PUBLIUS

Government

defense of his condemnation of President Polk for provoking the Mexican War."—*Congressional Record*, April 15, 1942, vol. 88, Appendix, p. A1493. Not found in *The Collected Works of Abraham Lincoln*, ed. Roy P. Basler (1953).

735 While the people retain their virtue, and vigilance, no administration, by any extreme of wickedness or folly, can very seriously injure the government, in the short space of four years.

President ABRAHAM LINCOLN, first inaugural address (final text), March 4, 1861.—*The Collected Works of Abraham Lincoln*, ed. Roy P. Basler, vol. 4, p. 270 (1953).

736 We must judge of a form of government by its general tendency, not by happy accidents.

THOMAS BABINGTON MACAULAY, speech on parliamentary reform, March 2, 1831.—*The Complete Writings of Lord Macaulay*, vol. 17, p. 13 (1900).

737 Yes, Gentlemen; if I am asked why we are free with servitude all around us, why our Habeas Corpus Act has not been suspended, why our press is still subject to no censor, why we still have the liberty of association, why our representative institutions still abide in all their strength, I answer, It is because in the year of revolutions we stood firmly by our government in its peril; and, if I am asked why we stood by our government in its peril, when men all around us were engaged in pulling governments down, I answer, It was because we knew that though our government was not a perfect government, it was a good government, that its faults admitted of peaceable and legal remedies, that it had never inflexibly opposed just demands, that we had obtained concessions of inestimable value, not by beating the drum, not by ringing the tocsin, not by tearing up the pavement, not by running to the gunsmiths' shops to search for arms, but by the mere force of reason and public opinion.

THOMAS BABINGTON MACAULAY, speech on his re-election to Parliament, November 2, 1852.—Macaulay, *Miscellanies*, vol. 2 (vol. 18 of *The Complete Writings of Lord Macaulay*), pp. 170-71 (1900).

738 The free system of government we have established is so congenial with reason, with common sense, and with a universal feeling, that it must produce approbation and a desire of imitation, as avenues may be found for truth to the knowledge of nations.

JAMES MADISON, letter to Pierre E. Duponceau, January 23, 1826.—James Madison papers, Library of Congress.

These words are inscribed in the Madison Memorial Hall, Library of Congress James Madison Memorial Building.

739 If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary.

JAMES MADISON, *The Federalist*, ed. Benjamin F. Wright, no. 51, p. 356 (1961).

740 Every country has the government it deserves.
(Toute nation a le gouvernement qu'elle merite.)

JOSEPH MARIE DE MAISTRE, letter to M. le chevalier de . . . , August 15, 1811.—*Lettres et Opuscules Inédits du Comte J. De Maistre*, 5th ed., book 1, p. 264 (1869).

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THE
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The Political
Seduction of the Law

Robert H. Bork

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be "God's law," cutting a great road through man's law. When they have done, when man's law has been thoroughly weakened and discredited, and when powerful forces have a different version of God's law or the higher morality, we may find that the actual rights of the Constitution and the democratic institutions that protect us may have all been flattened. *

The difference between our historically grounded constitutional freedoms and those the theorists, whether of the academy or of the bench, would replace them with is akin to the difference between the American and the French revolutions. The outcome for liberty was much less happy under the regime of the abstract "rights of man" than it has been under the American Constitution. What Burke said of the abstract theorists who produced the calamities of the French Revolution might equally be said of those, judges and professors alike, who would remake our constitution out of moral philosophy: "This sort of people are so taken up with their theories about the rights of man that they have totally forgotten his nature."⁷ Those who made and endorsed our Constitution knew man's nature, and it is to their ideas, rather than to the temptations of utopia, that we must ask that our judges adhere.

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18. Introduction to A. Bloom, *The Closing of the American Mind* 18 (1987).
19. A. Bickel, *The Morality of Consent* 137, 140 (1975).
20. *Id.*
21. Lacayo, *The Battle Begins*, TIME, July 13, 1987, at 10.

18. EFFECTS FOR THE FUTURE

1. *The Washington Post*, Nov. 13, 1987, at A11.
2. Bork, *Neutral Principles and Some First Amendment Problems*, 47 Ind. L.J. 1 (1971).
3. *Oil, Chemical & Atomic Workers Int'l Union v. American Cyanamid Co.*, 741 F.2d 444 (D.C. Cir. 1984).

CONCLUSION

1. J. H. (Cardinal) Newman, *The Development of Christian Doctrine* 7 (1968).
2. E. Burke, Speech on Moving His Resolutions for Conciliation With the Colonies (Mar. 22, 1775), reprinted in 1 *The Works of the Right Hon. Edmund Burke* 181, 200 (H. G. Bohn ed. 1841).
3. R. Neuhaus, *The Naked Public Square: Religion and Democracy in America* 255 (1984).
4. R. Bolt, *A Man For All Seasons* 65-66 (1962).
5. *Id.* at 66.
6. R. W. Chambers, *Thomas More* 268 (1962).
7. E. Burke, *Reflections on the Revolution in France* 74 (T. Mahoney ed. 1955).