AMERICAN CONSTITUTIONALISM

VOLUME I: STRUCTURES OF GOVERNMENT

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Supplementary Material

Chapter 7: The Republican Era – Federalism/Representation of State Interests

*George F. Hoar****,* “Direct Election of Senators” (1893)[[1]](#footnote-1)**

George Hoar, Republican from Massachusetts, was a leading member of the Senate from the end of Reconstruction until his death in 1904, and had been the chair of the Senate Judiciary Committee before the Democrats gained a majority of the Senate in the elections of 1892. When a proposed constitutional amendment first passed the House of Representatives in 1893, Hoar rose to oppose it when it reached the Senate, providing one of the most developed arguments against direct election. Hoar particularly emphasized the value of indirect elections for federalism and moderation. Others, such as former Republican senator George Edmunds of Vermont, emphasized the value of having senators who represented the diverse interests of the state legislature, rather than the median voter of a popular election.

. . .

I, do not, of course, claim that the people cannot now amend, or that they cannot now improve, our Constitution. That Constitution itself would be a failure if the experience of a hundred years under its operation found the people unfitted to improve it. The lives of our fathers would have been of little worth if, under the Constitution they framed, there had not grown up and flourished a people who were also fit to deal with the great and fundamental constitutional principles of the state. . . . But they must bring to them the same wisdom and courage and virtue. They must dare to tell the people plain truths. They must possess the wisdom of deliberate action, and arise to the austere virtue of self-restraint.

Mr. President, wherever there can be found an expression of admiration for the American Constitution in the works of any great writer or thinker at home or abroad it will be found that the admiration is based upon that part of its mechanism which secures the deliberate and indirect action of the popular will instead of its immediate, rapid, inconsiderate, and direct action. The parts of it which are everywhere the most praised and by which its framers sought especially to commend it to the confidence of the people were the constitution of the Senate and the constitution of the Supreme Court.

. . .

I am not afraid to say to the American people that it is dangerous to trust any great power of government to their direct or inconsiderate control. I am not afraid to tell them not only that their sober second thought is better than their hasty action, but that a government which is exposed to the hasty action of a people is the worst and not the best government on earth. No matter how excellent may be the individual, the direct, immediate, hasty action of any mass of individuals on earth is the pathway to ruin and not to safety. . . .

. . .

It is a poor, cheap flattery of the people, this notion that suffrage is to be deified and that the results of suffrage are to be degraded; that the people have all wisdom and all honesty, but that their trusted agents are to be bought or cajoled. Will it not be the same people who choose the senators and who choose the legislatures? Is there any evil influence which will operate upon the legislature which will not operate with like effect upon the convention?

. . .

The state legislatures are the bodies of men most interested of all others to preserve state jurisdiction—more than the governors, who may be expected to aspire to national employments. It is well that the members of one branch of the legislature should look to them for their re-election, and it is a great security for the rights of the states. The state legislatures will be made of men whose duty will be the administration of the state authority of their several state interests and the framing of laws for the government of the state which they represent. The popular conventions, gathered for the political purpose of nominating senators, may be quite otherwise composed or guided. Here, in the state legislature, is to be found the great security against the encroachment upon the rights of the states.

. . .

The Senator from Oregon . . . goes on to announce, as to the foundations of his argument, the principle that no system can be properly termed free or popular which deprives the individual voter of his right to cast his vote directly for the man of his choice for any office. . . . And the logic of his position compels him to avow this doctrine. So that, if the people go with him, this amendment must be followed by others, under which the United States judiciary and the president and the vice-president are to be chosen by the action of direct popular majority. This may be sound policy; but when it is established, the Constitution of the United States is gone.

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1. Excerpt taken from Congressional Record, 53rd Cong., special sess., vol. 25 (April 3, 6, and 7, 1893): 101. [↑](#footnote-ref-1)