

An American Citizen, On the Federal Government I, II, Philadelphia *Independent Gazetteer*, 26–29 September 1787

An American Citizen I

It appears we have not admitted that he can do no wrong, but have rather presupposed he may and will sometimes do wrong, by providing for *his impeachment, his trial, and his peaceable and complete removal*.

In England the king has a power to create members of the upper house, who are judges in the highest court, as well as legislators. Our President not only cannot make members of the upper house, but their creation, like his own, is by *the people* through their representatives, and a member of assembly may and will be as certainly dismissed at the end of his year for electing a weak or wicked Senator, as for any other blunder or misconduct.

The king of England has legislative power, while our President can only use it when the other servants of the people are divided. But in all great cases affecting the national interests or safety, his modified and restrained power must give way to the sense of two-thirds of the legislature. In fact it amounts to no more, than a serious duty imposed upon him to request both houses to reconsider any matter on which he entertains doubts or feels apprehensions; and here the people have a strong hold upon him *from his sole and personal responsibility*. . . .

An American Citizen II

They [the Senate] possess *a much smaller share of the judicial power* than the upper house in Britain, for they are not, as there, the highest court in civil affairs. Impeachments *alone* are the cases cognizable before them, and in what other place could matters of that nature be so properly and safely determined? The judges of the federal courts will owe their appointments to the President and Senate, therefore may not feel so perfectly free *from favor, affection and influence* as the upper house, who receive their power from the people, through their state representatives, and are immediately responsible to those assemblies, and finally to the nation at large. Thus we see when a daring or dangerous offender is brought to the bar of public justice, the people *who alone can impeach him by their immediate representatives* will cause him to be tried, *not by the judges appointed in the heat of the occasion*, but by two-thirds of a *select body, chosen a long time before, for various purposes by the collected wisdom of their state legislatures*. From a pretense or affection of extraordinary purity and excellence of character *their word of honor* is the sanction under which these high courts in other countries have given their sentence. But with us, like the other judges of the Union, like the rest of the people *of which they are never to forget they are a part*, it is required that they be on oath.

No ambitious, undeserving or unexperienced youth can acquire a seat in this house by means of the most enormous wealth or most powerful connections, *till thirty years*

have ripened his abilities and fully discovered his merits to his country—a more rational ground of preference surely than mere property.

The Senate, though more independent of the people as to *the free exercise of their judgment and abilities* than the House of Representatives, by the longer term of their office, must be older and more experienced men, and the public treasures, *the sinews of the state*, cannot be called forth by their original motion. They may *restrain the profusion or errors* of the House of Representatives, *but they cannot take the necessary measures to raise a national revenue*.

The people, through the Electors, *prescribe* them such a President as shall be *best qualified to control them*.

They can only, by conviction on impeachment, *remove and incapacitate a dangerous officer*, but the punishment of him as a criminal *remains within the province of the courts of law to be conducted under all the ordinary forms and precautions*, which exceedingly diminishes the importance of their judicial powers. They are *detached*, as much as possible, from *local* prejudices in favor of their respective states by having *a separate and independent vote*, for the sensible and conscientious use of which, every member will find *his person, honor and character* seriously bound. He cannot shelter himself, *under a vote in behalf of his state*, among his immediate colleagues. As there are only *two*, he cannot be voluntarily or involuntarily governed *by the majority of the deputation*. He will be obliged, by wholesome provisions, *to attend his public duty*, and thus in great national questions *must give a vote* of the honesty of which he will find it necessary to convince his constituents. . . .

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