

**Luther Martin: Genuine Information IV, Baltimore *Maryland Gazette*,
8 January 1788**

It was further said, that in a *federal* government over States *equally* free, sovereign and independent, *every State* ought to have an equal share in *making* the *federal laws* or *regulations*—*m* *deciding* upon them, and in *carrying them into execution*, *neither* of which was the case in *this* system, but the *reverse*, the States not having an *equal voice* in the *legislature*, nor in the *appointment* of the *executive*, the *judges*, and the *other officers of government*—It was insisted, that in the *whole* system there was but *one federal* feature—the appointment of the senators by the States in their sovereign capacity, that is by their legislatures, and the equality of suffrage in that branch; but it was said that *this feature* was only *federal* in *appearance*.

To prove *this*, and that the Senate *as constituted* could not be a *security* for the *protection* and *preservation* of the *State governments*, and that the *senators* could not be justly considered the *representatives* of the *States as States*, it was observed, that upon *just principles* of *representation*, the *representative* ought to *speak* the sentiments of his *constituents*, and ought to *vote* in the *same manner* that his *constituents* would do (as far as he can judge) provided his constituents were acting in *person*, and had the same knowledge and information with himself; and therefore that the *representative* ought to be *dependant* on his *constituents*, and *answerable* to them—that the connection between the *representative* and the *represented*, ought to be as *near* and as *close* as *possible*; according to these principles, Mr. Speaker, in this State it is provided by *its constitution*, that the representatives in Congress, shall be chosen *annually*, shall be *paid* by the *State*, and shall be subject to *recall* even within the year; so *cautiously* has our *constitution* guarded against an *abuse* of the trust reposed in our representatives in the federal government; whereas by the *third* and *sixth* sections of the *first* article of this new system, the senators are to be chosen for *six* years instead of being chosen *annually*; instead of being paid by *their States* who send them, *they* in conjunction with the other branch, are to *pay themselves* out of the treasury of the United States; and are not liable to be *recalled* during the period for which they are chosen—Thus, Sir, for *six* years the *senators* are rendered totally and absolutely *independent* of *their States*, of *whom* they ought to be the *representatives*, without *any bond* or *tie* between them—During *that time* they may join in measures *ruinous* and *destructive* to *their States*, even such as should *totally annihilate* their *State governments*, and their States *cannot recall* them, *nor exercise any controul* over them. Another consideration, Mr. Speaker, it was thought ought to have *great weight* to prove that the *smaller* States cannot *depend* on the *senate* for the *preservation* of *their rights*, either against *large* and *ambitious* States, or against an *ambitious, aspiring* President.—The senate, Sir, is so constituted, that they are not only to compose one branch of the legislature, but by the second section of the second article, they are to *compose a privy council for the President*; hence it will be necessary, that they should be, in a great measure, a *permanent* body, *constantly residing* at the seat of government. *Seventy* years is estimated for the life of a man; it can hardly be supposed, that a senator, especially from the States remote from the seat of empire, will accept of an appointment which must *estrange* him for *six* years from *his State*,

without giving up to a great degree his prospects in his *own State*. If he has a family, he will take his family with him to the place where the government shall be fixed, *that* will become his *home*, and there is every reason to expect that his *future* views and prospects will *centre* in the *favours* and *emoluments* either of the *general government*, or of the government of *that State* where the seat of empire is established:—In *either* case, he is *lost* to his *own State*. If he places his future prospects in the favours and emoluments of the *general government*, he will become the *dependant* and *creature* of the *President*, as the system *enables* a senator to be *appointed to offices*, and without the *nomination* of the *President*, *no appointment can take place*; as *such*, he will favour the wishes of the *President*, and concur in his measures, who, if he has no *ambitious views of his own* to gratify, may be *too favourable* to the *ambitious views* of the *large States*, who will have an *undue share* in his *original appointment*, and *on whom* he will be *more dependant* afterwards than on the States which are smaller. If the senator places his future prospects in that *State* where the seat of empire is fixed; from that time he will be in every question wherein its particular interest may be concerned the *representative* of *that State*, not of *his own*.

Cite as: The Documentary History of the Ratification of the Constitution Digital Edition, ed. John P. Kaminski, Gaspare J. Saladino, Richard Leffler, Charles H. Schoenleber and Margaret A. Hogan. Charlottesville: University of Virginia Press, 2009. Original source: Commentaries on the Constitution, Volume XV: Commentaries on the Constitution, No. 3