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LETTER OF THE HON. WILLIAM C. RIVES OF VIRGINIA.

Castle Hill, Feb. 15, 1840.

My dear Sir,

You enquire of me what are my views on the subject of the pending Presidential election, and what course I think ought to be pursued in it by those of us in general of the Republican party who have been opposed to the leading measures of the present administration.

While my name was recently before the Legislature, by the act of my friends, as a candidate for re election to the Senate of the U. States I declined, in answer to various communications from members of that body, to give any pledge of support to either of the Presidential candidates, as to the condition of my election. I did so because, while it is clear that, under the Constitution, a Senator of the United States can, in no possible contingency, be called on, as such, to give any vote or perform other act in the election of President, I believe that the practice of requiring of those who might be brought forward for the office of Senator, pledges to support this or that man for the Presidency, however it may be otherwise viewed by many honorable & patriotic men, is a practice fatally calculated to destroy the incependence of the Legislative Department, & to prostrate it at the feet of the Executive power, whose inordinate growth, overshadowing influence already threaten the very existence of our free institutions. In regard to all those questions of public policy and legislation which were likely to come before the Senate of the U. S for its appropriate & legitimate action, my opinions were fully known, or if they were not so, I was ever ready to declare and explain them to the best of my ability, in answer to any inquiries which might be addressed to me. I had, moreover, been very recently in the public service, and my acts in the discharge of the trust confided to me, which were neither few nor equivocal nor unattended with circumstances of peculiar trial, were before the country, affording as it seemed to me the most authentic interpretation of my principles, as well as the surest guarantee of my future course.

For these various reasons, I felt that I ought not to give any pledge of support to any of the Presidential candidates, as the condition of my election to the Senate of the United States, and accordingly declined to do so while my name was recently before the Legislature, in connection with the election for that office. These motives of reserve have now ceased. My name is no longer before the Legislature for that or any other office; and as in time past, it has never been by any act or solicitation of mine, so, whether it shall at any time hereafter be, will depend on the free will of others, not mine. And; in the event, even, of my name being again presented to the Legislature by the partiality and generous confidence with which my friends and fellow citizens have been heretofore pleased to distinguish me, the Presidential election will have been determined, and we shall all of necessity, have taken our equal and responsible parts in it, before the Legislature, according to their recent decision on the subject will proceed to the election of Senator of the U. States. Under those circumstances, I can no longer feel the slightest delicacy, as a private citizen, in expressing to you, freely and without reserve, my opinions on the interesting question you propound to me.

Your inquiry naturally divides itself into two branches. The first is, can we support the re-election of the present Chief Magistrate—those of us I mean, who have been in earnest in our opposition to the leading measures and prevailing policy of his administration? And this question would seem properly and plainly to resolve itself into another. Has he abandoned or withdrawn any of those measures, to which we have been, and are still thus opposed? So far from it, we have seen that in his recent Message to Congress, he has again brought forward and urged, with increased determination of purpose, his now cherished Sub-Treasury scheme, which, at the time of his election, all his political friends believed to be fraught, and which we still believe to be fraught, with the direct evils to the country. He has not only again earnestly recommended this scheme, but he has urged its adoption in the most obnoxious and objectionable of all the forms it has ever assumed. I refer, of course, to what has been commonly called the specie clause, or requisition of the public dues in gold and silver alone.—This rigorous feature of the scheme had been pretermitted by the President, in his more recent exposition of it, and was believed to be finally abandoned by him: but is now brought forward in bold relief, it is understood as the *sine qua non* of the new political alliance, which has been announced to the country. And the President even tells us that he "believes no period will be more auspicious" for the introduction of this hard money policy in the operations of the government, 'than the present'—when we know that in two thirds or three fourths of the States specie is at an average premium of ten per cent. above the common currency! Most "auspicious," indeed for the interests of those who are the recipients and beneficiaries of the public contributions, but surely not for the interests of the people, who are the payers immediate or ultimate, of all these contributions.

In compliance with this recommendation of the President, we have just seen the Sub-Treasury bill, with the obnoxious specie clause, hurried through one branch of the National Legislature, by a minority vote, in the absence of many members, when, if that body (the Senate) had been full, and its members had voted in conformity to the opinions and wishes, either expressed or understood, of their respective States, the measure would have been defeated. And yet, in the face of such facts as these, appeals are still made in the name of a blind and abject party allegiance, to many who are truly opposed to this scheme from a thorough conviction of its most dangerous and fatal tendencies, to support the re-election of the President, by whose influence and anti-republican controuney it is to be imposed and permanently fastened upon the country. A poor attempt is now made to give plausibility and effect to this appeal, by representing the Sub-treasury Scheme as a mere question of expediency, on which men may agree to differ without any compromise of principle, on either side; and this attempt is made, too by those who have themselves but recently denounced the scheme in the strongest terms, as dangerous to the public liberty, by giving the President the immediate control of the public money, putting into his hands, "a fund of corruption" and alarmingly increasing the power and influence of his office, 'already too great for a republic." Surely, when considerations such as these are involved, the question is one of vital and fundamental importance. In this aspect —as a measure alike hostile to the public liberty, and warring upon the prosperity of the country, directly and indirectly, in all its most essential interests. —the Sub treasury project has ever been viewed by those Conservative Republicans, who have given evidence of the sincerity of their faith by fearlessly and unflinchingly meeting the denunciations which its profession has drawn down upon them. Entertaining such opinions, can they, as honest men, and as freemen so far surrender their minds and their wills to the slavish discipline of party, as to support the re-election of a President, whose policy they believed to be fraught with consequences so calamitous to their country? I humbly think not.

Another disingenuous device for entrapping conservative votes, is founded on the assumption that they differed with the President on but a single question.—Even were this so, it would be cause enough for the withdrawal of their support, where the question is one of so grave and fundamental a character as the Conservatives honestly believe the Sub-treasury scheme to be. But the assumption is wholly untrue. The Conservative Republicans have differed and still differ with the President on other points of the highest importance. They have seen, through the whole course of his administration and in the conduct of his friends, a systematic design to build up the practical supremacy of the Executive power, at the expense of the Legislative department, and of the people themselves. They have seen this design pursued, not only by the persevering efforts which have been made to secure to the President and his agents the custody and control of the public moneys, through the medium of the Sub treasury scheme, but also by the new and alarming doctrine, which was broached in his annual message at the commencement of the late session of Congress in December, 1838, that in the management of the public revenue, he should be left at liberty' to employ Banks or not, without legal regulation and at his mere discretion, as depositaries and fiscal agents of the government,—thus subjecting all the moneyed Institutions of the country to his influence and control' In the steady pursuit of the same great aim they have seen a system of party discipline introduced and organized under the auspices of the present Chief Magistrate, the fundamental canon of which is that every member of the party which brought him into power, must surrender his individual opinions and convictions on public measures, however profoundly entertained, to the dictum of the President, and support whatever he shall recommend, under pain of excommunication & political death for disobediance. By these means, combined with the powerful persuasives of his official patronage, the President is virtually invested with supreme power. The debasing principle has been openly avowed, as well as practically enforced that the first duty of the public functionary is to the President who appoints, and not to the country which employs him, and that so long as he renders, good political service to his chief, no infidelity to his public trust, not even the grossest peculation, shall be suffered to deprive him of his office.

While unfaithful agents and public defaulters have thus earned impunity and reward, others who have been distinguished by the honest able, and exemplary discharge of their official duties, have been arbitrarily removed from official, for no other reason than that they could not conform the private and involuntary operations of their minds to the standard of Executive faith, or that they believed it unbecoming the proprieties of their situation, as public officers, to take a part in those electioneering exertions, which have come to be considered the surest passport to favor and security. And to cap the climax of these bold pretensions of Executive power, we have seen a report solemnly put forth and triumphantly carried through, by the President's friends in the Senate, proclaiming in the face of day, and in contempt of the most revered oracles of Anglo-American liberty the daring heresy that it is both the right and the duty of Executive officeholders to intermeddle with the freedom of elections, thus sacrificing the vital principle of popular sovereignty itself at the shrine of this new idol of Presidential supremacy.

While in these measures and proceedings, we have seen the President and his friends pressing with unvarying aim, as the primary object, it would seem, of their efforts, the dangerous aggrandizement of his power,—in his plans of national policy we have been constantly met with suggestion and recommendations aiming at the subversions of established institutions, and utterly destructive of the repose and settled order of business in the affairs of the country, and appealing to the jealousies and worst passions of society in their support. The special object to which his schemes of innovation have been mainly directed, is unfortunately the most delicate of all the interest of society, and that which requires to be touched with the wisest and most cautious hand—the system of its currency forming the common measure by which the labor and property of every individual in the community is estimated or exchanged. Instead of pursuing a salutary and practical reform of any abuses whatever they may be, (an object in which all good men and patriots would heartily unite with him,) he has brought forward crude and anti social theories and has propagated them with all the influence of his high office which go to the entire destruction of that system of credit, which is coeval with the settlement of our country, is so peculiarly adapted to its circumstances, and which, whatever irregularities may have sometimes attended it (as in deed what good, in the ordinance of nature or the institutions of man, is not liable to occasional abuse,) every candid and well informed mind must admit that the unparalleled development of American prosperity and civilization has been mainly owing. The President's theories and recommendations, if they mean any thing, go to the entire destruction of this long established system, now indissolubly connected with all the interests of society, and to the establishment, in its stead, of an exclusive hard money currency, or something practically tantamount to it, operating a sudden and total revolution in the value of labour, property and contracts, and involving the farmer the mechanic, the tradesman, the merchant and in short every class of men (with the exception of creditors and public officers enjoying fixed salaries from the government) in one common ruin. As an essential part of this policy, the President has proclaimed a crusade against institutions, deriving their existence from, and responsible to the States alone, and in his new born zeal has so far forgot his former opinions, as to recommend to Congress the enaction of a special bankrupt law, applying to these institutions exclusively, and intended to put an end to their existence by an act of the Federal authority—a measure which but a few years before, he had denounced in the strongest terms, as an odious and unconstitutional invasion of the rights of the States' (*See his Speech in the Senate of the United States, on a proposition of Mr. Branch, of N. C. on the 6th of Feb.* 1827. *3d. vol. Register Con. Deb. p.* 286.)

Upon all these subjects, the Conservatives have differed, and still differ with the President as well as upon his Sub-treasury scheme. These differences have been manifested by them on various occasions, and in a variety of forms speeches, votes and discussions of popular assemblies, in regard to myself, I have omitted no proper occasion, in both written and oral addresses to my fellow-citizens, to proclaim them: and yet I have seen with infinite surprise, that some persons recently, to cover their own change of position, have alleged that it had been heretofore understood that I differed with the administration on but a *single question*, that of the Sub-treasury! This allegation, too, is made in the face of the notorious fact that I have been denounced by the administration press from one extremity of the country to the other, for daring in the conscientious discharge of my public duty, to oppose and expose divers other acts and measures of the President and his party—his illicit and dangerous renewal of the connection with the Bank of the United States—his alarming and anti-republican doctrine broached in his message to Congress with regard to the discretionary employment of banks in general, as fiscal agents of the Government, at his sole will and pleasure, without any rule or limitation of law,—and finally, he daring attack made by his friends in the portentious doctrines of Mr. Wall's report, on the vital principle of representative Government—the freedom of elections.—On this last occasion, I characterized the general policy of the administration by what seemed to me to be its leading features, & declared my conviction that on all the great questions of respect for the rights of the States,—limitation of Executive patronage—economy in the public expense—the independence of the legislative department—acquiescence in the decisions of the majority—and a sacred regard to the right of election—(the memorable land marks of republicanism laid down by Mr. Jefferson)—it had widely departed from every principle held and acknowledged by the republicans. It is, moreover, well known, that at the last session of Congress, I opposed, to the best of my ability, another favorite measure of the administration, commonly called the Graduation Bill, for virtually giving way to certain favored States that 'common fund' of the public lands derived in great part from the munificence of Virginia, and in the benefit of which she expressly reserved her equal right to participate. How idle then, the suggestion recently invented that either myself, or the Conservatives in general whose opinions and destiny I is alike my pride to share, have differed from the administration on but a single question.

Let us now inquire whether the President has changed his policy or practice on any of these highly important questions, on which we have differed with him. Some of his noisy partizans have claimed for him great credit for the lavish professions of economy he makes in his late message to Congress. But what has been the practice, which we are much more interested in knowing than the empty precepts of his administration? According to his own statement, the public expenditure during the year 1837, the sum of thirty-three millions of dollars; during the year 1838, he says this amount 'was somewhat reduced;' and for the year 1839, he thinks that the public expenditure 'will not in all probability have exceeded twenty six millions of dollars!' But this sum of twenty-six millions of dollars happens to be just the double of the public expenditure under the administration of John Q Adams, which most of us thought so enormous and unjustifiable as to merit the displeasure and rebuke of the people. What however, are we to think of the President's promise of 'continued reduction' of the public expense, when we find on the very same page of his message, the most earnest recommendation by him to the favorable consideration of Congress, of a plan of the Secretary of War for re-creating a militia army of two hundred thousand men, one half to form a 'reserve,' the term of service to be eight years; the troops to be armed, equipped and paid by the United States, 'according to a rate of compensation to be fixed by law,' but in other respects to be under the 'regulation' of the War Department? The annual cost of such a force, according to any conception I can form of the Secretary's plan, under the outlines he has given of it, could not fail to add many millions to the public burthens I now speak only of the question of expense; but in other aspects, this most extraordinary project, emphatically endorsed as it is by the President, for, in his message to Congress, he says, I cannot recommend it too strongly to your consideration,' deserves the most serious reflection of every friend of the public liberty.

Is not militia force, as the Secretary chooses to call, or the one half of it, at least which is to be 'in active service'—recruited for eight years'—stationed' wherever the Secretary of War shall direct—'armed and paid' by the United States—to all intents and purposes, a standing army, and denominated a militia force, only to avoid the instinctive jealousies which the name of a standing army calls up in the mind of every freeman. Can such a force be called militia in the sense of the Virginia Bill of rights which declares that 'a well regulated militia, composed of the body of the people trained to arms, is the proper, natural, and safe defence of a free state,' or in the sense of the Constitution of the United States which authorizes Congress to provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions. Is there at this moment, insurrection, invasion, resistance to the laws of the Union, which would justify calling forth the militia into 'actual service,' or if there were, would it justify embodying them as 'recruits' for eight years term of service? No such constitutional exigency exist or is alleged: and I can view the Secretary's plan in no other light than as a proposition for raising a large standing army, without encountering the well founded republican jealousies which its name excites; or otherwise, as a most ingenious device for extending the influence of the Federal Executive, by setting apart from the mass of the people, two hundred thousand voting, not fighting men, receiving pay from the United States as militia 'in actual service,' and looking up to the President as 'their Commander in Chief,' as the Constitution, in the case, provides and directs.—I know of but one precedent for so profound a contrivance; and that was in the days of the 'English Commonwealth, so called, when that wily statesman Oliver Cromwell, devided the kingdom into 'twelve military jurisdictions,' just as the Secretary now proposes to divide the United States into 'eight military districts,' and under cover of organizing the militia, caused them to be 'enlisted' or recruited, under proper officers, & 'regular pay to be distributed among them;' which the historian says the Lord Protector found to be a most effectual 'resource for repressing his political enemies, but which all reasonable men considered as 'throwing aside the mask of liberty,' and 'parcelling out the people into so many subdivisions of slavery.' I have no disposition to question the originality of the Secretary, by insinuating that he may have derived the hint of his plan from so celebrated an authority.

But to return to the interesting question of the financial condition and prospects of the country—we have just had a most impressive admonition of the precarious and uncertain character of Executive professions and assurances on this subject. You doubtless recollect that in his message at the commencement of the Session of Congress the President exhibited a highly flattering picture of the condition of the Treasury and of the very successful manner in which its operations had been conducted. He told the Representatives of the people; 'there is every reason to believe, if Congress shall keep the appropriations within the estimates furnished by the Executive, that the outstanding Treasury notes will be redeemed, and the public expenses be defrayed,' by the existing and current means of the Treasury, 'without imposing upon the people any additional burthen either of loans or increased taxes,' and then proceeded to descant on the 'great evils of a public debt in time of peace.' This message was delivered on the twenty fourth of December 1839.—But

Nescia mens hominum fati sortisque futurae,
Et servare modum, rebus sublata secundis,—

On the 4th of February following in less than six weeks after these flattering assurances and before any appropriation had been made by Congress except for their own pay another message is sent communicating an apprehended '*deficiency*' in the revenue, and urgently calling on Congress to 'make early provision of certain & adequate additional means to guard the public credit and to meet promptly and faithfully any deficiencies in the revenue, from whatever cause they may arise'—or, in other words by another issue of Treasury notes or a loan in some other form to incur 'that very creation of a public debt,' with the denunciation of which he had embellished his discourse at the opening of the session of Congress.

Let us look a little farther into the President's late annual message to Congress to see if it furnishes to the Conservatives any ground to expect a change either of policy or doctrine on any of the questions on which they have differed with him. Does he renounce any of those dangerous and anti-republican claims of *executive power* which we have seen have been heretofore advanced by him and his friends? So far from it, he has, in the ominous declaration he makes in his message 'that the Executive forms a component part of the legislative power,' put forth a new and by far the boldest and most unconstitutional pretension in behalf of Executive power that ever was avowed or countenanced by any statesman in this country. Where can the President find any thing to give color to so dangerous a dogma? The very first line of the Constitution of the United States decisively repudiates it by expressly declaring that 'all legislative powers herein granted shall be vested in the Congress of the United States which shall consist of a Senate & House of Representatives.' Will the President endeavor to find some sanction to this bold pretension in that provision of the Constitution which directs that when a bill has passed the two Houses of Congress, it shall be presented to the President for his signature; and if he refuse to sign it he may return it with his objections to the House in which it originated?'—But this very same provision expressly declares that though he has refused to sign it yet the bill 'shall become a law,' without his signature, if two thirds of both houses overrule his objections. The same provision also declares that if the bill be not returned by the President within ten days after it shall have been presented to him the same shall be a law in like manner as if he had signed it.' This very provision of the Constitution then shewing that a bill may 'become a law' without the concurrence of the President gives not the slightest support to the sweeping claim now brought forward by him that the 'Executive forms a component part of the legislative power, while that claim as already remarked is most emphatically repudiated and condemned by the first line of the constitution, which declares that '*all legislative* powers herein granted' are vested in the two Houses of Congress.

If this extraordinary declaration of the President were a mere barren theory, revolting as it is to the understanding it might be permitted to pass without the expression of any other sentiment than that of special wonder that a statesman who had passed through a succession of public trusts to the very highest known to the constitution, should so strangely have mistaken both the text and the *spirit* of the 'great charter' by which he holds his office and which, in limiting and defining the powers and duties of public functionaries intended to give the highest practical security to the public liberties. But it is no empty speculation on the part of the President. It shows the overweening anxiety with which he is intent in the assertion of executive prerogative and the enlargement of his own powers, and how prone he is to confound the abuses of Executive influence over the Legislative Department in the practical administration of the government (which he himself by his system of party discipline has so largely contributed to introduce) with the sacred text of the constitution itself. This new Executive reading of the consultition was doubtless intended and has been so interpreted by the President's own party, to claim a wide latitude in use and application of the veto power, for if the 'Executive be a component part of the legislative power,' he would be justified in withholding his approval of any act of legislation on the same principle which would justify the non concurrence of any other component part of the Legislature—of the Senate or House of Representatives, for example in respectively deciding on bills sent from one House to the other. And as a mere difference of opinion as to the expediency of the measure proposed has ever been held to justify one House in rejecting a bill passed by the other so a like difference of opinion under this new reading of the constitution would justify the President as a component part of the legislative power,' in applying the qualified negative or veto, which the Constitution gives him for special and extraordinary occasions to any act of legislation passed by the two Houses of the expediency of which he may not entertain the same views that they do.

To show how utterly inconsistent this new view of the application of the Presidential veto is with the old republican doctrines, I need only refer you to Mr. Jefferson's official opinion presented to Gen. Washington on the constitutionality of the Bank charter in 1791, in which he says the veto was intended by the constitution as a shield to protect the constitutional rights of the States, and of the co-ordinate departments of the government from the invasions of the Legislature and even in such cases it ought not to be interposed unless the question should appear to the mind of the President to be 'clear' one and free from all reasonable doubt. If however under the novel theory broached by the present Chief Magistrate this high and delicate power from being 'the extreme medicine, is to become the daily food of the Constitution,' and may be legitimately used to arrest an ordinary act of legislation upon a mere difference of opinion as to its expediency it is plain that it works at once a fundamental revolution in our Republican system imparting to the Executive power an irresistible energy and enabling the President in practice habitually to set at naught the doctrines of the legislative departments; for with the great influence his station confers he can rarely if ever fail to command the support of one third of one or the other of the two Houses of Congress which would be sufficient to sustain his negative and thus put it in his power by a single dat to control all the rest of both bodies of the legislature.

In relation to the dangerous schemes of radical innovation heretofore recommended and encouraged by the President on the subject of the currency, and so deeply affecting those daily interests of life, which "come nome to the business and bosoms of men," the late message, instead of disclosing any salutary modification of his former opinions, reproduces these opinions in a more naked, unequivocal and alarming form than they have ever, heretofore, been presented. It is evident; whatever may have been said by his partizans to the contrary, that he aims at a total overthrow and destruction of the existing monetary system of the country, and not merely at a safe and prudent reform of the errors and abuses which may here attended it. After speaking of certain gross irregularities in the course of business lately pursued by the Pennsylvania Bank of the United States and one or two other banks (irregularities for which the system in general, cannot, with justice, be held answerable, for they consisted in an acknowledged abandonment of the fundamental principles and designs of banking, and 'a deviation,' as the President himself says, 'from the former course of business in this country,') he proceeds to exhibit a highly wrought picture of the evils and calamities which ensued, and then pronounced his decision &c.

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