Inaugural address

of

Charles Paine

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Inaugural Address

Fellow Citizens of the Senate and of the House of Representatives:

The people of this state have reposed in our hands for the ensuing year the powers of legislation and government; and the first and most gratifying duty we have to perform in their name, and as their representatives, is to acknowledge the continued favors of Providence. The earth has yielded its annual increase, health, happiness and prosperity smile upon our land, we still enjoy the blessings of a free government, and peace is as yet within our borders. So far as regards the present condition of our state, at no period have we been called upon for a more unfeigned expression of gratitude to the Giver of all good.

The legislative provisions which you will be called upon to make for the people of this state, will be, like their wants, few and simple. The wisdom of your predecessors will furnish you with the safest guide, and it has probably left few alterations to be devised in our domestic policy. Still it is your duty diligently to consider any improvement which may be suggested, and to leave nothing undone, which may promote the general welfare.

Education is a subject which cannot fail to command your earnest attention. It is true that no community can boast of more widely and universally diffused instruction than ours, and it might therefore appear useless to urge this topic upon your consideration. But we must continually bear in mind that it is not the result of accident that the people of this state, with so few exceptions, can all read and write, and have enjoyed the benefit of at least a good English education. They owe their happy and enviable condition, in this respect, entirely to the unceasing solicitude and wise legislation of our forefathers. While our state was yet almost a wilderness, those who themselves most felt the want of education, were most careful that their children should not grow up in ignorance, and the efforts they made to establish and support common schools and seminaries for the higher branches of learning, must forever command our gratitude and admiration. Common schools have always been within the immediate reach of every child in the state, and it has been the honorable ambition of every parent to deny his children no necessary opportunity for attending them. Nor has this been the limit of their ambition. Many a generous father, while following the plough himself, has sent his children from home, that they might, by having better means of education, qualify themselves for more extensive usefulness.

It is true that all this could not be accomplished by legislation alone. But wise and wholesome laws have laid the foundation of this, as they have of all other useful social institutions.

If legislation presents the means and points to the benefits of education, there is no reason to apprehend that they will not be gladly accepted. The example and encouragement, which it is in our power to afford, are all that is necessary not only to support and preserve our present system, but greatly to extend and improve it. If our fathers have bestowed on us a better education than they had the means of enjoying, shall we fall behind them in benevolent efforts? Let us rather emulate their example, and make our endeavors surpass our abilities as they did.

While, then, I would recommend to you that scrutiny and vigilance respecting our common school system, which are so constantly necessary, and a pecuniary provision as liberal as they have annually received, – I would commend to your favorable regard, our higher seminaries of learning. These are the nurseries of our professional men, and they consequently exert as great an influence on society as our common schools. If it is important that our farmers and mechanics should be well qualified for usefulness and respectability in their callings, it is equally essential that our clergymen, our statesmen, our physicians and our school masters should be so in theirs.

It is hard, too that the poor as well as the rich should not be able to reach and drink at the higher fountains of knowledge, and to no object can the bounty of the legislature be more properly directed, than to placing the higher branches of learning within the reach of those who have not themselves the means of obtaining them without some assistance.

I would not wish to be understood in these remarks, as intending to recommend any undue profusion in the expenditure of public money. On the contrary, I should be the last to advise or consent to such a course of legislation. It is my duty to direct your attention to measures of public interest, but you are the proper judges of the fitness, expediency, and practicability of those measures. Economy, not less than intellectual cultivation, is essential to a well regulated community; and it would ill become us, while endeavoring to improve our fellow men by education to corrupt them by an example of extravagance.

Nothing in my opinion will more conduce to the advancement of the wealth and prosperity of our people, than a geological survey of the state. The time has arrived when our interests seem imperatively to require that such a survey should no longer be postponed. The earth has been sufficiently cleared of its forests to admit of the necessary examination, and the expense attending it, will be trifling, compared with the benefits to be expected from it. Similar surveys have already been made in many of the states, which have opened new and highly productive sources of wealth. Very encouraging indications have already been discovered of the existence of valuable ores and minerals in different parts of the state. Agriculture will derive great advantages from the light which science cannot fail to throw upon the native character and varieties of our soil. Should useful ores be discovered, it will open a new field for industry, and by increasing the number of consumers of agricultural products, add a new impulse to the enterprise of the farmer. Should you agree with me as to the expediency of providing for such an undertaking, I would suggest that it should embrace an examination into the botany of the state. The success of the enterprise must of course depend, in a great measure, upon the qualifications of those who may be selected to carry it into execution.

Under the census of 1840 a new apportionment of the members of the House of Representatives of the Congress of the United States must necessarily be made. It will therefore become your duty, either to direct the election, by general ticket, at the annual freemen's meeting in 1842, of as many members as may, under such apportionment, be assigned to Vermont, or to postpone the election to a day beyond the next session of the legislature, thereby giving to that body the opportunity to make the necessary provisions on the subject.

Communications have been received by the Executive, from the constituted authorities of Her Majesty's Province of Canada, relating to the recent outrage upon our northern frontier, in the forcible seizure, and abduction beyond the limits thereof, of a citizen of this State. I shall take an early opportunity, by special message, to lay these documents before you.

Congress, during the last session, among other measures for the benefit and relief of the country, provided for the distribution of the proceeds of the public lands among the states. Vermont will be annually entitled, under this law, to a large sum of money, and it will be necessary that you should make provision for its receipt and safe disposal. How it shall be ultimately applied, so as to afford the greatest benefit to our constituents, will be a matter of grave deliberation after it shall have been received.

Vermont has not followed the example of many of her sister states in embarking in expensive works of internal improvements. Recent events have abundantly proved the wisdom and prudence of this course. – Vast benefits to the community are doubtless to be derived from such undertakings. They are perverted, very clearly, when they end in a prostration of public credit. When there is any uncertainty as to the adequacy of income to be derived from them, they should be engaged in with the greatest caution. Still their advantages should never be lost sight of. They are especially important to a country situated like ours, remote from market, and where the nature of our produce does not admit of expensive transportation. In proportion, too, as other parts of the country enjoy greater facilities of communication with the markets on the seaboard, is the value of our lands and of their produce diminished. It is not to be feared that the vigilant sagacity of our people will overlook considerations like these; and at no distant period we may expect that public attention will be actively directed towards a subject of so much interest. – When the enterprise of other states shall have brought, as they soon will bring, their railroads to our borders, the means, I am satisfied, will not be wanting, of continuing them through our own state. Foreign and domestic capital, and individual enterprise, will unite to accomplish the object, and the state, by husbanding its resources with reference to such an event, may undoubtedly hasten its arrival.

There are other subjects of legislation, which are not less interesting and important to the inhabitants of this state, but over which you can have no immediate control. I refer to those powers which have been delegated to

the government of the Union, for national purposes, and to be exercised for the general benefit. But although thus delegated, they ought not to be lost sight of by the legislatures of the states. On the contrary, so vastly important is their exercise to our prosperity, that it is our imperative duty to satisfy ourselves that they are not permitted to lie dormant in the hands of those to whom they are delegated, and that they are exercised in such a manner as will promote the public welfare. This duty is the more incumbent on us, because it is also our right, if it should appear that the powers of the general government have been insufficiently or unwisely granted, to apply a remedy by uniting with the other states in an amendment of the federal constitution.

The exercise of none of these powers is of such vital importance to the agricultural interest of this state, as that which enables Congress to afford protection to domestic industry, by imposing duties on the importations of foreign products.

An entire prostration and stagnation of business, arising principally from the absence of any effective protection to domestic industry, while the states remained separate, led, more immediately than any other cause, to their union. To remedy the evil, steps were taken, at the earliest period after the adoption of the Federal Constitution, to establish a discriminative system of revenue from duties on imports; and the country, under its operation, emerged, with unexampled rapidity, from embarrassment to wealth, power and national greatness. For more than thirty years, the constitutional power of Congress to impose duties for the purpose of protection, remained unquestioned. Every successive congress exercised the power without the suggestion of a doubt as to its constitutionality; and if the constitution itself had not been, as it is, perfectly clear on the subject, yet time, usage, constant legislation, and universal acquiescence, have fully established its possession by the general government. After all this, however, after a generation had passed away, and when the pursuits and business of the country had been build up, upon the basis of protection, it suited sectional and party purposes to object to it on the ground that it was unconstitutional; and, strange and unjust as it may seem, a long established system of laws, designed to encourage and protect domestic industry, has been, for the present at least, abandoned – not because the people of the country so willed it, but because a single southern state, denying the constitutionality of such legislation, threatened violently to resist the execution of these laws. And this has been termed a compromise; – a compromise which yields all that is demanded to violence and a breach of faith, and quietly consents to the ruin of a vast portion of the country for the exclusive benefit of a comparatively small section.

It is needless to say much of the causes which have thus led to a discontinuance of protection to domestic industry. A remedy for such an evil can be found only in the intelligence and spirit of that portion of our countrymen, to whose existence such protection will be found to be almost indispensable. I am not aware that you, as legislators of this state, can directly participate in applying a remedy; but you can at least urge upon our delegation in Congress your deep and abiding conviction of the strong necessity of shielding, by an adequate tariff, the domestic industry of the country against competition with the pauper labor and solid capitalists of Europe.

If the constitution of the United States does not already authorize Congress to afford such necessary protection to domestic industry, language would fail to accomplish the object, and any amendment of the constitution would be fruitless. The states have surrendered to the General Government all power over the subject. When they gave to Congress exclusively the power to lay duties, they deprived themselves forever of all power to protect domestic industry. They surrendered this power to Congress, to the extent to which they possessed it themselves, and for the same purposes, for which they themselves might have used it, not only for the purpose of revenue, but of protecting the industry of the citizens against ruinous foreign competition. If Congress do not possess this power, then the states themselves possess it; – for the states have retained all power which they have not granted to the government of the Union. But nothing would be more absurd than a construction of the Constitution which would thus distribute the power of laying duties, giving it to Congress for purposes of revenue, and to the states for the purpose of protection.

It would be superfluous to attempt to show that a protective tariff is essential to the prosperity of this portion of the Union. The value of our agricultural products, and especially of wool, depends entirely upon the success of our manufactories, and every farmer in Vermont is deeply interested in saving them from the ruin which, it is feared, is impending over them. We cannot raise wool for exportation, and if we abandon wool-growing, what are we to do with any other kind of produce which we may raise in its place? Wool will not be received in

foreign countries which have supplies of their own, and who in our own country will consume it, when manufactories shall have been destroyed, and manufacturers, who have been its consumers, are compelled to cultivate the soil as their only mode of subsistence? What would our farms or our produce be worth, if those now engaged at the loom should come back to the plough? We could hardly give away the contents of our overburdened granaries. Manufactures are yet in their infancy, and although during the short period of their existence, they have acquired strength with unexampled rapidity, they cannot be supposed to be stronger than those in older countries, where they have been much longer established, and where labor is cheapest. Yet in all countries, protection has always been found to be necessary to their existence; and no government on earth has ever been so blind to its own interests and those of its citizens, as to permit free trade with other countries, in articles of its own manufacture. There are two very sufficient and obvious reasons for this. One is, that a free or reciprocal trade among different nations never has been, and probably never can be, established. The other is, that to allow one country, whenever it might choose, to inundate another with its surplus manufactures, reduced in value at home by excessive production or bankruptcies, would be to ruin those engaged in the same business in the importing country. Steadiness is the safety and fluctuation the destruction of trade.

England, with a modesty peculiar to herself, proclaims and advocates the doctrines of free trade, for the benefit of other nations, while for her own benefit she practices upon a directly opposite system. In thus advocating free trade she is seconded by the Southern planter. But neither from the one nor the other can we consent to receive instruction. They have their interests, and we have ours. We have also the capacity to understand, and, I trust, the resolution to maintain our rights.

The attention of the people of the whole Union has been directed, by events which have occurred within the last few years, to certain amendments which are deemed essential in the Federal Constitution. The undue stimulus to ambition which is thought to be supplied by the prospect of the Presidential office being enjoyed by its occupant for a second term of four years, has created great alarm for the balance of the powers of the General Government. Experience has certainly proved, that if there is any danger of that balance being destroyed, it arises from the constant efforts of the Executive department to extend its patronage and power. That such efforts have frequently been made, to enable the President to secure a re-election, can hardly be doubted; and it is to be feared that they will continue to be too often made, so long as human nature remains unchanged.

A general complaint, arising from the same well grounded apprehension, exists as to the President's power of removal from office. The constitution directly gives him no such power, but he has been allowed to take it by implication. It is difficult to imagine how it should ever have been derived from that provision in the constitution which authorizes him to nominate "and by and with the advice and consent of the Senate, to appoint" all officers.

The President and Senate are jointly made the appointing power, and, in the absence of all other provisions on the subject, one would have supposed they must also be jointly the removing power. But the President claims to exercise it alone, and more frequently exercises it without any cause, except for the political opinions of those removed, than from an impartial regard to the faithful performance of the public service, which forms the sole argument in favor of its existence. For if the Constitution designed to give such a power to the President, it must have been for the purpose of enabling him to make removals required by the public good. But it has been perverted to a totally different purpose; that of enabling him to reward his supporters, strengthen his influence, and secure his own re-election.

Another similar subject, to which I would invite your particular attention, is the power of the President to veto bills which have been passed by both Houses of Congress. This is the only monarchical feature of our form of government, and it is difficult to understand how it should ever have been engrafted upon republican institutions. It was probably taken without much reflection as to its consequences, from the British constitution, which vests a similar power in the king; but only to protect his own prerogative from encroachment. Even for this purpose, however, it has not been exercised by him for more than two centuries. The early settlers of Vermont were too jealous of liberty to allow such a power any place in our constitution.

To form a just notion of the magnitude of the veto power, as it may be exercised by the President, we must keep constantly in view, that to prevent the passage of wholesome and necessary laws, is as bad as to pass those

which are mischievous. The power to make all laws, might be as properly entrusted to the President, as the power to prevent all laws. The history of all legislation proves that a majority of two thirds can seldom be obtained on disputed questions; and to allow the President to resist the enactment of such laws as he pleases, unless passed by so large a majority, is, in effect, to repose in one man almost the entire power of legislation. But the President not only claims the right to exercise the veto power whenever he pleases, but to exercise it as he understands the constitution, without any regard to the decisions of the Supreme Court, or to the precedents established by his predecessors. He appears to be uncontrolled in its exercise, either by law or precedent, and to have nothing to consult but his own conscience, and nothing to regard but his own character for consistency.

If he is right, we may bid farewell to all stability in our institutions. Every four years the laws of the country may be changed, and its business embarrassed and destroyed by the constitutional scruples of a new President. The tariff, – the bank, – the distribution of the revenue from the public lands, – internal improvement, – all the great measures for the welfare of the country, will be constitutional or unconstitutional, just as the President may happen to be selected from one part of the Union or the other.

I submit to your consideration whether it is not expedient to propose an amendment of the constitution, which shall render the President ineligible to a re-election, and which shall modify his powers of removal from office, and of preventing the passage of laws by Congress.

For myself, I confess that I cannot doubt that, if such amendment should be adopted by the requisite number of states, it would greatly contribute to perpetuate our free government.

I have thus expressed my views on these important subjects, freely and frankly. They are, however, opinions on matters of opinion, on which we are all at liberty to differ. The discussions of a deliberative assembly are likely to lead to more just conclusions than the reflections of an individual, unaided by the reasonings of others; and I shall rather yield to your judgment, than wish you to be governed by mine.

Grateful for the manifestation of your confidence and regard, which has summoned me from the business of private life to a station so conspicuous as that to which I have just been called, I commend all your deliberations to that Omniscient Power, whose purpose we have fondly hoped it might be, to build up institutions in this country, which would be favorable to human liberty and the improvement of mankind.

CHARLES PAINE

Montpelier, October 18, 1941.