The Virginia Convention
Wednesday 4 June 1788

Governor *Randolph*—Mr. Chairman.—Had the most enlightened Statesman whom America has yet seen, foretold but a year ago, the crisis which has now called us together, he would have been confronted by the universal testimony of history: for never was it yet known, that in so short a space, by the peaceable working of events, without a war, or even the menace of the smallest force, a nation has been brought to agitate a question, an error in the issue of which, may blast their happiness. It is therefore to be feared, left to this trying exigency, the best wisdom should be unequal, and here, (if it were allowable to lament any ordinance of nature) might it be deplored, that in proportion to the magnitude of a subject, is the mind intemperate. Religion, the dearest of all interests, has too often sought proselytes by fire, rather than by reason; and politics, the next in rank, are too often nourished by passion, at the expence of the understanding.—Pardon me, however, for expecting one exception to this tendency of mankind—From the dignity of this Convention, a mutual toleration, and [932] a persuasion that no man has a right to impose his opinion on others. Pardon me too, Sir, if I am particularly sanguine in my expectations from the chair—It well knows what is

order, how to command obedience, and that political opinions may be as honest on one side as on the other. Before I press into the body of the argument, I must take the liberty of mentioning the part I have already borne in this great question: But let me not here be misunderstood. I come not to apologize to any individual within these walls, to the Convention as a body, or even to my fellow citizens at large—Having obeyed the impulse of duty, having satisfied my conscience, and I trust, my God, I shall appeal to no other tribunal; nor do I come a candidate for popularity: My manner of life, has never yet betrayed such a desire. The highest honors and emoluments of this Commonwealth, are a poor compensation for the surrender of personal independence. The history of England, from the revolution, and that of Virginia, for more than twenty years past, shew the vanity of a hope, that general favor should ever follow the man, who without partiality or prejudice, praises or disapproves the opinions of friends or of foes: Nay, I might enlarge the field, and declare from the great volume of human nature itself, that to be moderate in politics, forbids an ascent to the summit of political fame. But I come hither regardless of allurements; to continue as I have begun, to repeat my earnest endeavours for a firm energetic government, to enforce my objections to the Constitution, and to concur in any practical scheme of amendments; but I never will assent to any scheme that will operate a dissolution of the Union, or any measure which may lead to

it. This conduct may possibly be upbraided as injurious to my own views; if it be so, it is at least, the natural offspring of my judgment. I refused to sign, and if the same were to return, again would I refuse. Wholly to adopt or wholly to reject, as proposed by the Convention, seemed too hard an alternative to the citizens of America, whose servants we were, and whose pretensions amply to discuss the means of their happiness, were undeniable. Even if adopted under the terror of impending anarchy, the government must have been without that safest bulwark, the hearts of the people—and if rejected because the chance for amendments was cut off, the Union would have been irredeemably lost. This seems to have been verified by the event in Massachusetts;16 but our Assembly have removed these inconveniences, by propounding the Constitution to our full and free enquiry. When I withheld my subscription, I had not even a glimpse of the genius of America, relative to the principles of the new Constitution. Who, arguing from the preceding history of Virginia, could have divined that she was prepared for the important change? In [933]former times indeed, she transcended every Colony in professions and practices of loyalty; but she opened a perilous war, under a democracy almost as pure as representation would admit: She supported it under a Constitution which subjects all rule, authority and power, to the Legislature: Every attempt to alter it had been baffled: The increase of

Congressional power, had always excited an alarm. I therefore would not bind myself to uphold the new Constitution, before I had tried it by the true touchstone; especially too, when I foresaw, that even the members of the General Convention, might be instructed by the comments of those who were without doors. But I had moreover objections to the Constitution, the most material of which, too lengthy in the detail, I have as yet but barely stated to the public,[17] but shall explain when we arrive at the proper point<s>. Amendments were consequently my wish; these were the grounds of my repugnance to subscribe, and were perfectly reconcileable with my unalterable resolution, to be regulated by the spirit of America, if after our best efforts for amendments they could not be removed. I freely indulge those who may think this declaration too candid, in believing, that I hereby depart from the concealment belonging to the character of a Statesman. Their censure would be more reasonable, were it not for an unquestionable fact, that the spirit of America depends upon a combination of circumstances, which no individual can controul, and arises not from the prospect of advantages which may be gained by the arts of negotiation, but from deeper and more honest causes.

As with me the only question has ever been, between previous, and subsequent amendments, so will I express my apprehensions, that the postponement of this Convention, to so late a day, has extinguished the probability of the former

without inevitable ruin to the Union, and the Union is the anchor of our political salvation; and I will assent to the lopping of this limb (meaning his arm) before I assent to the dissolution of the Union.—I shall now follow[18] the Honorable Gentleman (Mr. *Henry*) in his enquiry. Before the meeting of the Federal Convention, says the Honorable Gentleman, we rested in peace; a miracle it was, that we were so: Miraculous must it appear to those who consider the distresses of the war, and the no less afflicting calamities, which we suffered in the succeeding peace;—be so good as to recollect how we fared under the confederation. I am ready to pour forth sentiments of the fullest gratitude to those Gentlemen who framed that system. I believe they had the most enlightened heads in this western hemisphere:—Notwithstanding their intelligence, and earnest solicitude, for the good of their country, this system has proved totally inadequate to the purpose, for which it was devised: But, Sir, this was [934] no disgrace to them; the subject of confederations was then new, and the necessity of speedily forming some government for the States, to defend them against the pressing dangers, prevented, perhaps, those able Statesmen from making that system as perfect as more leisure and deliberation might have enabled them to do: I cannot otherwise conceive how they could have formed a system, that provided no means of enforcing the powers which were nominally given it. Was it not a political farce, to pretend to vest powers, without accompanying them with the means of putting them in execution? This want of energy was not a greater solecism than the blending together, and vesting in one body, all the branches of Government. The utter inefficacy of this system was discovered the moment the danger was over, by the introduction of peace: The

accumulated public misfortunes that resulted from its inefficacy, rendered an alteration necessary; this necessity was obvious to all America: Attempts have accordingly been made for this purpose. I have been a witness to this business from its earliest beginning. I was honored with a seat in the small Convention held at Annapolis. The members of that Convention thought unanimously, that the controul of commerce should be given to Congress, and recommended to their States to extend the improvement to the whole system. The members of the General Convention were particularly deputed to meliorate the confederation. On a thorough contemplation of the subject, they found it impossible to amend that system: What was to be done? The dangers of America, which will be shewn at another time by a particular enumeration, suggested the expedient of forming a new plan: The confederation has done a great deal for us, we all allow, but it was the danger of a powerful enemy, and the spirit of America, Sir, and not any energy in that system that carried us through that perilous war: For what were its best arms? The greatest exertions were made, when the danger was most imminent. This system was not signed till March, 1781, Maryland having not acceded to it before; yet the military atchievements and other exertions of America, previous to that period, were as brilliant, effectual, and successful, as they could have been under the most energetic Government. This clearly shews, that our perilous situation was the cement of our Union—How different the scene when this peril vanished, and peace was restored! The demands of Congress were treated with neglect. One State complained that another had not paid its quotas as well as itself. Public credit gone—for I believe were it not for the private credit of individuals we should have been ruined

long before that time. Commerce languishing—produce falling in value, and justice trampled under foot. We became contemptible in the eyes of foreign nations; they [935]discarded us as little wanton bees who had played for liberty, but who had not sufficient solidity or wisdom to secure it on a permanent basis, and were therefore unworthy of their regard. It was found that Congress could not even enforce the observance of treaties. That treaty under which we enjoy our present tranquillity was disregarded. Making no difference between the justice of paying debts due to people here, and that of paying those due to people on the other side of the Atlantic. I wished to see the treaty complied with, by the payment of the British debts, but have not been able to know why it has been neglected. What was the reply to the demands and requisitions of Congress? You are too contemptible, we will despise and disregard you. I shall endeavor to satisfy the Gentleman's [Patrick Henry] political curiosity. Did not our compliance with any demand of Congress depend on our own free will?—If we refused, I know of no coercive force to compel a compliance:—After meeting in Convention, the deputies from the States communicated their information to one another: On a review of our critical situation, and of the impossibility of introducing any degree of improvement into the old system; what ought they to have done? Would it not have been treason to return without proposing some scheme to relieve their distressed country? The Honorable Gentleman asks, why we should adopt a system, that shall annihilate and destroy our treaties with France, and other nations? I think, the misfortune is, that these treaties are violated already, under the Honorable Gentleman's favorite system. I conceive that our engagements with foreign nations are not

at all affected by this system, for the sixth article expressly provides, that "all debts contracted, and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation." Does this system then, cancel debts due to or from the continent? Is it not a well known maxim that no change of situation can alter an obligation once rightly entered into? He also objects because nine States are sufficient to put the Government in motion: What number of States ought we to have said? Ought we to have required, the concurrence of all the thirteen? Rhode-Island, in rebellion against integrity; Rhode-Island plundering all the world by her paper money, and notorious for her uniform opposition to every federal duty, would then have it in her power to defeat the Union; and may we not judge with absolute certainty from her past conduct, that she would do so? Therefore, to have required the ratification of all the thirteen States would have been tantamount to returning without having done any thing. What other number would have been proper? Twelve? The same spirit that has actuated me in the whole progress of the business, would [936]have prevented me from leaving it in the power of any one State to dissolve the Union: For would it not be lamentable, that nothing could be done for the defection of one State? A majority of the whole would have been too few. Nine States therefore seem to be a most proper number. The Gentleman then proceeds, and inquires, why we assumed the language of "We, the People." I ask why not? The Government is for the people; and the misfortune was, that the people had no agency in the Government before. The Congress had <no> power to make peace and war, under the old Confederation. Granting passports, by

the law of nations, is annexed to this power; yet Congress was reduced to the humiliating condition of being obliged to send deputies to Virginia to solicit a passport. Notwithstanding the exclusive power of war, given to Congress, the second article of the Confederation was interpreted to forbid that body to grant a passport for tobacco; which during the war, and in pursuance of engagements made at little York, was to have been sent into New-York.[19] What harm is there in consulting the people, on the construction of a Government by which they are to be bound? Is it unfair? Is it unjust? If the Government is to be binding on the people, are not the people the proper persons to examine its merits or defects? I take this to be one of the least and most trivial objections that will be made to the Constitution—it carries the answer with itself. In the whole of this business, I have acted in the strictest obedience to the dictates of my conscience, in discharging what I conceive to be my duty to my country. I refused my signature, and if the same reasons operated on my mind, I would still refuse; but as I think that those eight States which have adopted the Constitution will not recede, I am a friend to the Union.

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