

Edmund Randolph in the Virginia Ratification Convention, 10 June 1788

The Constitution provides, that “the Senators and Representatives before mentioned, and the members of the several State Legislatures, and all Executive and Judicial officers, both of the United States and of the several States, shall be bound by oath, or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.” It has been said, that if the exclusion of the religious test were an exception from the general power of Congress, the power over religion would remain. I inform those who are of this opinion, that no power is given expressly to Congress over religion. The Senators and Representatives, members of the State Legislatures, and Executive and Judicial officers, are bound by oath, or affirmation, to support this Constitution. This only binds them to support it in the exercise of the powers constitutionally given it. The exclusion of religious tests is an exception from this general provision, with respect to oaths, or affirmations. Although officers, &c. are to swear that they will support this Constitution, yet they are not bound to support one mode of worship, or to adhere to one particular sect. It puts all sects on the same footing. A man of abilities and character, of any sect whatever, may be admitted to any office or public trust under the United States. I am a friend to a variety of sects, because they keep one another in order. How many different sects are we composed of throughout the United States? How many different sects will be in Congress? We cannot enumerate the sects that may be in Congress.—And there are so many now in the United States, that they will prevent the establishment of any one sect in prejudice to the rest, and will forever oppose all attempts to infringe religious liberty. If such an attempt be made, will not the alarm be sounded throughout America? If Congress be as wicked as we are foretold they will, they would not run the risk of exciting the resentment of all, or most of the religious sects in America. The Judiciary is drawn up in terror—Here I have an objection of a different nature.—I object to the appellate jurisdiction as the greatest evil in it. But I look at the Union—the object which guides me.—When I look at the Union, objects of less consideration vanish, and I hope that the inconvenience will be redressed, and that Congress will prohibit the appeal with respect to matters of fact. When it respects only matters of law, no danger can possibly arise from it. Can Congress have any interest in continuing appeals of matters of fact? If Pennsylvania has an interest in continuing it, will not Georgia, North-Carolina, South-Carolina, Virginia, New-York, and the Eastern States, have an interest in discontinuing it? What advantage will its continuance be to Maryland, New-Jersey, or Delaware? Is there not an unanimity against it in Congress almost? Kentucky will be equally opposed to it. Thus, Sir, all these will probably be opposed to one State. If Congress wish to aggrandise themselves by oppressing the people, the Judiciary must first be corrupted—No man says any thing against them—They are more independent than in England.

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