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A Delegate Who Has Caught Cold *Virginia Independent Chronicle*, 18 June 1788

To the HONORABLE the CHAIRMAN of the COMMITTEE in CONVENTION at RICHMOND.

In resuming at this interessant period all that has been written and said on the new constitution, and removing what passion and particular interest has suggested, it is naturally to be concluded,

1st. That our actual confederation is defective from a want of energy, which excludes unanimity, regularity, and celerity in its interior and exterior regulations, and consequently cannot preserve, either our tranquility, or our liberty, and exposes us to the invasions, or to the contempt of foreign nations, which foresaw, with reason, our divisions and our next annihilation.

2d. That a new government is indispensable for remedying the defects of this, which if it be well organized, will encourage agriculture, and consequently raise the value of our lands, encrease our trade, and consequently augment our riches and our credit; re-establish the order and the exactness, and consequently, the confidence and reputation, and will people this continent with foreign emigrants, who to enjoy the advantages of our government, will bring in with them, arts, manufactures and industry.

3d. That the proposed constitution which has already been accepted by several states, has many of the qualities essential to our prosperity; but in remedying the weakness and defects of the old, it is not itself entirely free from them; those defects are of a very alarming nature, since they expose the sovereignty of the state and the liberty of the individual, and may reduce us to the debased situation of European republics.

4th. In any human performance imperfections are inevitable, and more essentially in the difficult task of forming a plan for to govern a people without endangering their liberties; and we must confess, my dear countrymen, that we planters who form the body of the people, though so essentially interested in this plan, we cannot be competent judges of its theory, when we find the learned and well skilled in this business differ so widely from one another; we must not set out in pursuit of ideal perfection, for we would find that we had been in search of an imaginary or an unattainable object; we can only in our capacity, judge of the effects and results of it by experience; but in making it, we should solely and essentially bend all our attention to the preservation of the inestimable right of having in our power at all times to new model our government according to circumstances, and to vary its course at certain periods; since it is really in this power that the sovereignty of the people consists.

Upon the above principles, which prove the necessity of the adoption of this plan, the impossibility in which we are, of discovering its imperfections, otherwise than by experience, and

in fine the dangers to which our rights and liberties will be exposed by its adoption; our situation is plainly a very critical one.

Amendments are proposed; but if we were to make any, the other states have certainly the same right, and we are not to suppose that these amendments would be totally devoid of all partial views towards local interests, which have been conciliated as much as possible, in the general convention, in the presence of all the parties concerned.

Those amendments should be prematured, contradictory, they should carry discussions and slowness dangerous in this circumstance, and even being unanimously agreed, they could not preserve us, from the imperceptible usurpations of power and of the unexpected defects, forgetfulness and mistakes, than the experience alone can demonstrate; those palliative should prove only, the weakness and defects of our government, who since the moment of its formation, is subject to particular amendments, and of a model who ought to be short and intelligible at every body, it should be a difficult and complicated work, subject to commentaries and interpretations in all senses; in fine, a true labyrinth whom the lawyers alone should know the way. But let me ask any one of these proposers of amendments, if he were to make what alterations and corrections he thought proper in this plan, whether it would then be free from all the defects and inconveniencies it is now reproached with, or if after such alterations, he could guarantee to the people of America, a government by which their liberty, and happiness, would be secured to them. Let them for a moment lay aside their vanity and consult only their honor and conscience, and then answer in the affirmative.—I will put the same question, in the name of the people, to those who recommend the adoption of this plan without amendment! can any of them under this plan guarantee to us our privileges and liberties—if either of these parties were alone to be answerable for the event they engaged for, they would hesitate without doubt, in entering into such a guarantee.

In that painful situation, and obliged to take a resolution, I put myself above all apprehensions of being accused of presumption in giving you my opinion; I deliver it with zeal and confidence, because it appears to conciliate the interests of these two opposite parties. I propose the adoption of the new constitution without amendment for a limited term, at the end of that period, let it be revised and corrected, and this without affecting the 5th art. of the constitution, which provides reforms whenever found necessary.

That mode appears such as would be agreed to by Congress, since it maintains the union for a term of 5, 8, or 10 years, and it would probably be approved of by the other states, since the minority in their convention required amendments and the majority wished for them, and all they accepted it in its present form, only from an apprehension of the mischiefs, which a disunion would necessarily occasion; they will be with pleasure a period fixed and convenient for correcting the faults it is now reproached with, as well as those which may hereafter be discovered.

This precaution for revision will awake our attention and oblige us to invigorate our government at that stated period; it not only enables us to operate the corrections wished now; but all the other foreseen and unexpected, before they be rooted and naturalized with our government; that enables us to enjoy directly the benefits of that new constitution, without apprehending the inconveniency of the actual particular and partial amendments; for to leave that reform undecided and for an unlimited time, as it is indicated by the 5th art. of the constitution, it may be delayed, or drawn back by the very powers granted by the people, or will take place only, when

abuses kept up by leaders, will be too much rooted and cause a revolution! besides a reform becoming indispensable by the defects and vices of the constitution, should not subject to more dangers, if it were suddenly to take place, than if it were to be generally expected and supposed to be nothing more, than a customary revision; such an institution would resemble that of the censors of Pennsylvania, who take place every seven years,¹ which distinguishes the constitution of this state and cannot be too much commended: and farther the time being fixed for that revision it would make our rulers more careful and circumspect, than an uncertain epoch.

If our present confederation which is visibly defective, has found so many defenders, and give such trouble for exchanging it against one certainly better, what difficulty and dangers shall we meet with, in amending the new, if a term for such reform is not pointed out.

If all the nations of Europe the more civilized, were in possession of such a regulation, they should not lament certainly under ridiculous and barbarous laws, institutions and customs, which are in contradiction with their actual morals and their learning.

1. Under the Pennsylvania constitution of 1776, the voters elected a Council of Censors every seven years. The Council, which was to sit for a year, could propose amendments to the constitution. The amendments had to be published six months before the election of a constitutional convention which could be called by a two-thirds majority vote of the Council.

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