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James Innes Speech: Virginia Convention 25 June 1788

I have hitherto been silent on this great and interesting question. But my silence has not proceeded from a neutrality of sentiments, or a supineness of disposition. The session of the Court of *Oyer and Terminer*, at this time, has indispensably called my attention to the prosecutions for the Commonwealth. Had I taken an earlier part in the discussion, my observations would have been desultory and perhaps not satisfactory, being not apprised of all the arguments which had been used by Gentlemen. We are now brought to that great part of the system where it is necessary for me to take a decided part. This is one of the most important questions, that ever agitated the councils of America. When I see in this House divided in opinion, several of those brave officers whom I have seen so gallantly fighting and bleeding for their country, the question is doubly interesting to me. I thought it would be the last of human events, that I should be on a different side from them, on so awful an occasion. However painful and distressing to me, the recollection of this diversity of sentiments may be, I am consoled by this reflection—that difference in opinion has a happy consequence. It aids discussion, and is a friend to truth. We ought (and I hope we have the temper) to be regulated by candour and moderation, without which in a deliberative body, every thing with respect to the public good, evaporates into nothing. I came hither under a persuasion that the felicity of our country required that we should accede to this system; but I am free to declare, that I came in with a mind open to conviction, and a predetermination to recede from my opinion, if I should find it to be erroneous.—I have heard nothing hitherto that would warrant a change of one idea. The objections urged by the advocates of the opposition have been ably and in my conception, satisfactorily answered by the friends of the Constitution. I wish instead of reasoning from possible abuses, that the Government had been considered as an abstract position, drawn from the history of all nations, and such theoretic opinions as experience has demonstrated to be right. I have waited to hear this mode of reasoning, but in vain. Instead of this, Sir, horrors have been called up, chimeras suggested, and every terrific and melancholy idea adduced, to prevent, what I think indispensably necessary for our national honor, happiness and safety—I mean the adoption of the system under consideration.

How are we to decide this question? Shall we take the system by way of subsequent amendments, or propose amendments as the previous condition of our adoption? Let us consider this question coolly. In my humble opinion, it transcends the power of this Convention to take it with previous amendments.—If you take it so, I say, that you transcend and violate the commission of the people. For if it be taken with amendments, the opinions of the people at large ought

to be consulted on them. Have they an opportunity of considering previous amendments? They have seen the Constitution, and sent us hither to adopt or reject it. Have we more latitude on this subject? If you propose previous amendments as the condition of your adoption, they may radically change the paper on the table, and the people will be bound by what they know not. Subsequent amendments would not have that effect. They would not operate till the people had an opportunity of considering and altering them, if they thought proper. They could have it in their power to give contrary directions to their Members of Congress. But I observe with regret, that there is a general spirit of jealousy with respect to our Northern brethren. Had we this political jealousy in 1775? If we had, it would have damped our ardor and intrepidity; and prevented that unanimous resistance which enabled us to triumph over our enemies. It was not a *Virginian*, *Carolinian* or *Pennsylvanian*, but the glorious name of an *American* that extended from one end of the continent to the other, that was then beloved and confided in. Did we then expect, that in case of success, we should be armed against one another? I would have submitted to British tyranny rather than to Northern tyranny, had what we have been told, been true, that they had no part of that philanthropic spirit, which cherishes fraternal affection, unites friends, enables them to achieve the most gallant exploits, and renders them formidable to other nations. Gentlemen say that the States have not similar interests, that what will accommodate their interests will be incompatible with ours; and that the Northern oppression will fetter, and manacle the hands of the Southern people. Wherein does this dissimilarity consist? Does not our existence as a nation depend on our Union? Is it to be supposed that their principles will be so constuprated, and that they will be so blind to their own true interests, as to alienate the affections of the Southern States, and adopt measures which will produce discontents and terminate in a dissolution of an Union as necessary to their happiness as to ours? Will not brotherly affection rather be cultivated? Will not the great principles of reciprocal friendship, and mutual amity be constantly inculcated, so as to conciliate all parts of the Union? This will be inevitably necessary from the unity of their interests with ours. To suppose that they would act contrary to these principles, would be to suppose them to be not only destitute of honor and probity, but void of reason—not only bad, but mad men.

The Honorable Gentleman has warned us to guard against European politics. Shall we not be more able to set their machinations at defiance, by uniting our councils and strength, than by splitting into factions and divisions? Our divisions and consequent debility are the objects most ardently wished for by the nations of Europe. What cause induced Great-Britain and other European nations which had settlements in America, to keep their colonies in an infantine condition? What cause leads them to exclude our vessels from the West-Indies? The fear of our becoming important and powerful. Will they not be perpetually stimulated by this fear? Will they not incessantly endeavour to depress us by force or stratagems? Is there no danger to be apprehended from Spain, whose extensive and invaluable possessions are in our vicinity? Will that nation rejoice at an augmentation of our strength or wealth?

But we are told that we need not be afraid of Great Britain. —Will that great, that warlike, that vindictive nation, lose the desire of revenging her losses and disgraces? Will she passively overlook flagrant violations of the treaty? Will she lose the desire of retrieving those laurels which are buried in America? Should I transfuse into the breast of a Briton, that *amor patriæ* which so strongly predominates in my own, he would say, *While I have a guinea, I shall give it to recover lost America.*

But says another Gentleman, the maritime powers of Europe look with anxious and jealous eyes on you—While you are helpless, they will let you alone, but if you attempt to become respectable, they will crush you!—Is this the language or consolation of an American? Must we acquiesce to continue in this situation? We should by this way of reasoning sacrifice our own honor, and interests, to please those supercilious nations, and promote their interests; and with every means of acquiring a powerful fleet, would never have a ship of the line.—To promote their glory we should become wretched and contemptible. Our national glory, our honor, our interests forbid this disgraceful conduct. It may be said that the ancients who deserved and acquired glory, have lost their liberty. Call to mind the many nations of Indians and Cannibals that have lost it likewise. And who would not rather be a Roman, than one of those who hardly deserve to be enumerated among the human species?

This question is as important as the revolution which severed us from the British empire. It rests now to be determined whether America has in reality gained by that change which has been thought so glorious—and whether those hecatombs of American heroes, whose blood so freely shed at the shrine of liberty, fell in vain; or whether we shall establish such a Government as shall render America respectable and happy. I wish her not only to be internally possessed of political and civil liberty, but to be formidable, terrible, and dignified in war, and not depend on the ambitious Princes of Europe for tranquillity, security or safety. I ask if the most petty of those Princes, even the Dey of Algiers, were to make war upon us, if the other States of Europe should keep a neutrality, whether we should not be reduced to the greatest distress? Is it not in the power of any maritime power to seize our vessels, and destroy our commerce with impunity?

But we are told that the New-Englanders mean to take our trade from us, and make us hewers of wood and carriers of water; and the next moment that they will emancipate our slaves! But how inconsistent is this? They tell you that the admission of the importation of slaves for twenty years, shews that their policy is to keep us weak, and yet the next moment they tell you, that they intend to set them free! If it be their object to corrupt and enervate us, will they emancipate our slaves? Thus they complain and argue against it on contradictory principles.—The Constitution is to turn the world *topsy turvy* to make it answer their various purposes.

Can it be said that liberty of conscience is in danger? I observed on the side of the Constitution, those who have been champions for religious liberty, an attack on which I would as soon resist as one on civil liberty. Do they employ consistent arguments to shew that it is in danger? They inform you that Turks, Jews, Infidels, Christians, and all other sects may be President, and command the fleet and army, there being no test to be required. And yet the tyrannical and inquisitorial Congress, will ask me as a private citizen what is my opinion on religion, and punish me if it does not conform to theirs! I cannot think the Gentleman could be serious when he made these repugnant and incompatible objections.¹

With respect to previous amendments what will be the consequence? Virginia first discovered the defects of the existing confederacy. When the Legislature was sitting, a few years ago, they sent an invitation to the other States to make amendments to it. After some preparatory steps, the late Federal Convention was called. To this were sent select Deputies from all the States except Rhode-Island. After five months spent in tedious and painful investigation, they with great difficulty devised the paper on the table, and it has been adopted by every State which has considered and discussed it.—Virginia is about dictating again to the other States. Eight States have exercised

their sovereignty in ratifying it. Yet with a great deal of humility we ask them to rescind, and make such alterations as the *ancient dominion* shall think proper. States are but an aggregate of individuals. Would not an individual spurn at such a requisition? They will say, *It has been laid before you, and if you do not like it, consider the consequences. We are as free, sister Virginia, and as independent, as you are; we do not like to be dictated to by you.* But say Gentlemen, we can afterwards come into the Union—We may come in at another time,—that is, if they do not accede to our dictatorial mandate. They are not of such a yielding, pliant stuff, as to revoke a decision founded on their most solemn deliberations, to gratify our capricious wishes.

After hearing the arguments on this subject, and finding such a variety of contradictory objections, I am the more averse to solicit another Convention, from which I should expect great discord, and no good effect at all. Not doubting the sincerity of Gentlemen's protestations, I say the mode pointed out in the Constitution is much better. For, according to their mode, the Union would never be complete, till the thirteen States had acceded to it, and eight States must rescind and revoke what they have done. By the paper before you, if two-thirds of the States think amendments necessary, Congress are obliged to call a Convention to propose amendments, which are to be submitted to the Legislatures, or Conventions in three-fourths of the States, the acquiescence of which, will render them binding. Now is there not a greater probability of obtaining the one than the other? Will not nine States more probably agree to any amendments than thirteen? The doctrine of chances is in favor of it.

Unless we in vain look for a perfect Constitution, we ought to take it. In vain you will seek from India to the Pole, for a perfect Constitution. Though it may have certain defects, yet I doubt whether any system more perfect, can be obtained at this time. Let us no longer pursue chimerical and ridiculous systems. Let us try it—Experience is the best test. It will bear equally on all the States from New-Hampshire to Georgia; and as it will operate equally on all, they will all call for amendments; and whatever the spirit of America calls for, must doubtless take place immediately.

I consider Congress as ourselves, as our fellow-citizens, and no more different from us than our Delegates in the State Legislature. I consider them as having all a fellow-feeling for us, and that they will never forget that this Government is that of the people. Under this impression, I conclude that they will never dare to go beyond the bounds prescribed in the Constitution; and that as they are eligible and removeable by ourselves, there is sufficient responsibility—For where the power of election frequently reverts to the people, and that reversion is unimpeded, there can be no danger.—Upon the whole this is the question—Shall it be adopted or rejected? With respect to previous amendments they are equal to rejection. They are abhorrent to my mind.—I consider them as the greatest of evils—I think myself bound to vote against every measure which I conceive to be a total rejection, than which nothing in my conception, can be more imprudent, destructive and calamitous.

1. Article VI, clause 3, which states that “no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States,” was read on 23 June, the day on which the Convention completed its clause-by-clause consideration of the Constitution. Unfortunately, stenographer David Robertson was not present that day so that the recorded debates are not as full as usual. Therefore, it is uncertain to whom Innes refers.

CITE AS: John P. Kaminski et al., eds., *The Documentary History of the Ratification of the Constitution*, Vol. X: Virginia [3] (Madison, Wis.: Wisconsin Historical Society Press, 1993), 1519–24.