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## Charles Jarvis Speech: Massachusetts Convention 4 February 1788

The objections which gentlemen have made to the form of ratification which has been submitted by your Excellency, have arisen, either from a doubt of our having a right to propose alterations; or, from the supposed improbability that any amendments recommended by this assembly, will ever become a part of the federal system.—If we have no right, sir, to propose alterations, there remains nothing further to be attempted, but take the final question independent of the propositions for amendment—But, I hope the mere assertion of any one is not to operate as an argument in this assembly; and we are yet waiting for evidence to prove this very singular position which has been so often repeated—If we have a right, sir, to receive, or reject the Constitution, surely we have an equal authority to determine in what way this right shall be exercised—It is a maxim, I believe universally admitted, that in every instance, the manner in which every power is to be exerted, must be in its nature discretionary with that body to which this power is delegated—If this principle be just, sir, the ground which has been taken to oppose your Excellency's proposal by disputing the right of recommending alterations, must be necessarily relinquished:—But gentlemen say, that they find nothing about amendments in the commission under which they are acting, and they conceive it neither agreeable to the resolution of the legislature, nor to the sense of their constituents, that such a scheme should be adopted:—Let us inquire then, sir, under what authority we are acting; and to what tribunal we are amenable: Is it then, sir, from the late federal Convention, that we derive our authority? Is it from Congress, or is it even from the legislature itself—It is from neither, sir—we are convened in right of the people, as their immediate representatives, to execute the most important trust which it is possible to receive, and we are accountable in its execution, to God only, and our own consciences.—When gentlemen assert then, that we have no right to recommend alterations, they must have ideas strangely derogatory to the influence and authority of our constituents, whom we have the honour of representing:—But should it be thought there was even a part of the people who conceived we were thus restricted as to the forms of our proceedings, we are still to recollect that their aggregate sense, on this point, can only be determined by the voices of the majority in this Convention. The arguments of those gentlemen, who oppose any propositions of amendments, amount simply to this, sir, that the whole people of Massachusetts, assembled by their delegates, on the most solemn and interesting occasion, are not at liberty to resolve in what form this trust shall be executed.—When we reflect seriously and cool[l]y on this point, I think, sir we shall doubt no longer.

But with respect to the prospect of these amendments, which are the subject of discussion, being adopted by the first Congress, which shall be appointed under the new Constitution, I really think, sir, that it is not only far from being improbable, but is in the highest degree likely. I have thought long and often, on the subject of amendment, and I know no way in which they could be more likely to succeed.—If they were made conditional to our receiving the proposed Constitution, it has ever appeared to me, that a conditional amendment must operate as a total rejection. As so many other States have received the Constitution, as it is, how can it be made to appear, that they will not adhere to their own resolutions; and should they remain as warmly and pertinaciously attached to their opinion, as we might be decidedly in favour of our own sentiments, a long and painful interval might elapse before we should have the benefit of a federal Constitution. I have never yet heard an argument to remove this difficulty: Permit me to inquire of gentlemen what reason we have to suppose that the States which have already adopted the Constitution will suddenly consent to call a new Convention at the request of this State: Are we going to expose the Commonwealth to the disagreeable alternative of being forced into a compliance, or of remaining in opposition, provided nine others should agree to receive it. As highly as some persons talk of the force of this State, I believe we should be but a feeble power, unassisted by others, and detached from the general benefit of a national government. We are told, that under the blessing of Providence, we may do much—It is very true, sir, but it must be proved, that we shall be most likely to secure the approbation of Heaven by refusing the proposed system.

It has been insinuated, sir, that these amendments have been artfully introduced to lead to a decision which would not otherwise be had—Without stopping to remark on the total want of candour in which such an idea has arisen, let us inquire whether there is even the appearance of reason to support this insinuation. The propositions are annexed, it is true, to the ratification; but the assent is complete and absolute without them. It is not possible it can be otherwise understood by a single member in this Hon. body—Gentlemen, therefore, when they make such an unjust observation, do no honour to the sagacity of others. Supposing it possible that any single member can be deceived by such a shallow artifice, permit me to do justice to the purity of intention in which they have arisen, by observing, that I am satisfied nothing can be farther from your Excellency's intentions. The propositions are general and not local; they are not calculated for the peculiar interest of this State, but with indiscriminate justice comprehend the circumstances of the individual on the banks of the Savannah, as well as of the hardy and industrious husbandman on the margin of the Kennebeck: Why then they should not be adopted, I confess I cannot conceive. There is one of them in a particular manner which is very agreeable to me. When we talk of our wanting a bill of rights to the new Constitution, the first article proposed must remove every doubt on this head—as by positively securing what is not expressly delegated, it leaves nothing to the uncertainty of conjecture, or to the refinements of implication; but is an explicit reservation of every right and privilege which are nearest and most agreeable to the people. There has been scarcely an instance where the influence of Massachusetts has not been felt and acknowledged in the union—In such a case, her voice will be heard, sir; and I am fully in sentiment if these amendments are not engrafted on the Constitution, it will be our own fault—the remaining seven States will have our example before them, and there is a high probability that they, or at least some of them, will take our conduct as a precedent, and will perhaps

assume the same mode of procedure.<sup>1</sup> Should this be the fact, their influence will be united to our's. But your delegates will besides be subject to a perpetual instruction until its object is completed; and it will be always in the power of the people and legislature to renew those instructions. But if they should fail, we must then acquiesce in the decision of the majority, and this is the known condition on which all free governments depend.

Would gentlemen who are opposed to the Constitution wish to have no amendments? This does not agree with their reiterated objections to the proposed system: Or are they afraid, sir, that these propositions will secure a larger majority? On such an occasion, we cannot be too generally united. The Constitution is a great political experiment—The amendments have a tendency to remove many objections which have been made to it—and I hope, sir, when it is adopted, that they will be annexed to the ratification in the manner which your Excellency has proposed.

1. Of the remaining seven states, six followed the example of Massachusetts and ratified the Constitution with recommendatory amendments.

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