Virginia Calls a Second Constitutional Convention 30 October–20 November 1788

On 27 June 1788, two days after it ratified the Constitution, the Virginia Convention recommended that the first federal Congress consider forty constitutional amendments—twenty in the form of a declaration of rights and twenty designed to change the structure of government created by the Constitution. Speaking for the people, the Convention enjoined the state's future senators and representatives to seek the adoption of these amendments in one of the two methods provided by Article V of the Constitution—the proposal of amendments to the states by a vote of two-thirds of both houses of Congress. This method was advocated by Federalists, most of whom did not want amendments, especially amendments altering the structure of government.

Antifederalists, who had wanted to ratify the Constitution with conditional amendments, refused to trust the state's recommended amendments exclusively to Congress, which might delay acting on amendments or not act at all. Consequently, they decided to use the second procedure in Article V for proposing amendments, that is, having the state legislatures apply to Congress to call a constitutional convention, which in turn would propose amendments to the states. Once two-thirds of the state legislatures requested such a convention, Congress was required to summon it.

On 20 October the Virginia legislature convened in Richmond and Governor Edmund Randolph turned over to that body the New York Convention's Circular Letter of 26 July, which called upon the states to join New York in requesting that Congress summon a second constitutional convention "at a Period not far remote." This measure was supported by Randolph, who had long advocated such a convention, and it was even considered by some of "the staunchest friends to ye new Constitution," one of whom saw "prima facie . . . no impropriety in it." Many Federalists in the legislature, however, strongly opposed a second convention.

On 29 October Patrick Henry, the most powerful member of the House of Delegates, declared that he would "oppose every measure" for putting the Constitution into motion unless the legislature called for a second convention. To the Committee of the Whole, Henry submitted several resolutions, one of which requested that the legislature apply to Congress for a second convention. Henry charged that "the most precious rights of the people if not cancelled are rendered insecure" by the Constitution. Such language, one Federalist asserted, was "a direct and indecent censure on all those who have befriended the new constitution holding them forth as the betrayers of the dearest rights of the people." Henry's resolutions did not

surprise Federalists who had been concerned that Virginia and New York would lead "an effort for early amendments."

According to Federalist delegate Richard Bland Lee, Federalists hoped to modify Henry's resolution "so as to divest it of it's inflammatory dress—or to postpone it's operation to such a distant period as to give the poeple of America a fair experiment of the government." This stratagem, however, would be difficult to achieve because Henry, the most effective orator in the House, "is old in parliamentory science and is supported by the prejudice and apprehensions of many members of the assembly." Moreover, Federalists in the House were "all young & inexperienced," forming "but a feeble band against him."

In line with the state Convention's 27 June resolutions, Federalists on 30 October proposed counter-resolutions, calling on Congress to propose a bill of rights and other amendments and stating that until these amendments were ratified, Congress should conform "their Ordinances to the true spirit of the said Bill of Rights and articles of amendment." The House defeated this Federalist substitute 85 to 39, approved Henry's resolutions by a voice vote, and appointed a committee of thirteen Anti-federalists—ten of whom as delegates in the state Convention had voted against ratification—to draft the application to Congress and letters to New York and the other states asking them to join Virginia in applying for a second convention. Federalist delegate George Lee Turberville announced that "The triumph of Antifœderalism is compleat."

The committee of thirteen reported on 11 November. Three days later, Federalists submitted a substitute application and substitute letters drafted by Francis Corbin, John Page, and Edward Carrington that conformed to the resolutions of the state Convention, "insisting that the people in that Convention had pointed out the mode in which amendments should be sought, and that the Assembly ought not to divert the course of their pursuit." The House defeated these substitutes. Whereupon, the House approved the committee of thirteen's application to Congress and its two letters. A jubilant but wary Patrick Henry wrote: "The universal cry is for amendments, & the federals are obliged to join in it; but whether to amuse, or conceal other Views seems dubious."

The Senate considered the application and the two letters in the Committee of the Whole on 18 November and the next day the Senate adopted them with minor changes. The House of Delegates agreed to the Senate's alterations on 20 November. George Lee Turberville hoped that the resolutions would "be received as the Child of temporaryly triumphant faction—& Ultimately that they will rather be ridiculous & [i.e., than] Dangerous." Edward Carrington felt that "the palpable untruths contained in the [Anti-federalist] drafts ought to fix the condemnation of the people upon them."

On 25 November the House of Delegates ordered that the application to Congress be engrossed and sent by the governor "to the new Congress, as soon as they shall assemble," and that the letters to New York Governor George Clinton and the other state executives be prepared, signed, and transmitted "without delay." The Senate concurred on the 27th. On 2 December newly elected Governor Beverley Randolph, agreeable to an order of the Executive Council, forwarded printed copies of the letters by post, enclosing printed copies of the application to Congress. Randolph asked Clinton and the other state executives to lay this information before their legislatures "as early as possible." On 15 February 1789, Randolph transmitted the application to Congress to the state's newly elected federal representatives, who presented it to the

U.S. House of Representatives on 5 May. The next day, the House received New York's call for a second convention. Both applications were entered on the Journal and ordered to be filed.

Most of the state executives received Randolph's letter in December 1788. Governor Clinton, who had expressed "apprehensions that measures may be taken to retard the delivery of it so as to defeat its utility," sent the letter and its enclosures to the New York legislature on 26 December, "with the greater pleasure from the persuasion that it will give you satisfaction to find a State, so respectable for wisdom and patriotism, concurring in sentiment with our Convention, respecting the necessity of amendments to the new system of General Government, and the means of obtaining them."

Federalists decried the appeal for a second convention. James Madison complained that "The measures pursued at Richmond are as impolitic as they are otherwise exceptionable—if alterations of a reasonable sort are really in view, they are much more attainable from Congress than from attempts to bring about another Convention—It is already decided that the latter mode is a hopeless pursuit." An anonymous newspaper correspondent (traveling from South Carolina back home to Rhode Island) suggested, in a widely reprinted extract of a letter, that the entire state of Virginia outside of Richmond was "all Federal, and firmly attached to the Constitution." The debate in the House of Delegates, however, had been filled with "virulent Invective . . . and a great Quantity of whining Cant, addressed to the Passions of the weaker Members, holding forth that they must enter into certain Resolves to quiet the Minds of the good People of Virginia." He asserted that Virginians were "at ease and quiet"; it was the Antifederalists in the House who "were using their utmost Endeavours to disturb and disquiet the Minds of the People, by asserting, without advancing one Reason or Argument, that their dearest and most valuable Rights were in danger."

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