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James Madison Speeches in Congress, 27 September 1787¹

Can't accede to it [Lee's motion for amendments]. [It] is not respectful to the Convention. After what has been done, if Congress does not agree, [it] implies a disagreement. Congress from former acts do not object to a national government. If either [Lee's or Clark's] motion is adopted it implies disap[robation]. The question is, whether on the whole it is best to adopt it, and [we] ought to say so. The powers of [the] Convention [are] the same as of Congress. The reason of Convention [was] that they might not be interrupted; and that persons might be admitted [to the Convention] whether or not [they] be in Congress, and to prevent jealousies. If this House can't approve [the Constitution], it says the crisis is not yet arrived and implies a disapp[robation]. [In] a great many instances, Congress have recommended what they have no right [to recommend].

Did not say the Convention moved exactly in the line of their appointment. Congress did depart from the idea of [a] federal and recommend a national government in February 1781. Congress did [so] from the principle [of] salus populi. The western country, its sale and government, [is] an instance of exceeding powers, as Congress have in many instances exceeded their power. If it does not in this instance approve, it will imply disapproval. . . .

The business [of proposing amendments] is open to consideration. Should feel delicacy if he had not assented in Convention though he did not approve it. Gentlemen have said this is in the situation of a bill agreed to by one house. This principle will oppose amendments because the act if altered will not be the act of both. It must be altered in all stages. It may be, but it cannot succeed, nor any other alteration if all are to agree in this manner. [The] Confederation was proposed without alteration. No probability of Congress agreeing in alterations. Those who disagree, differ in their opinions. A bill of rights [is] unnecessary because the powers are enumerated and only extend to certain cases, and the people who are to agree to it are to establish this.

. . . The [Philadelphia] Convention was not appointed by Congress, but by the people from whom Congress derive their power. Congress only to concur. Admits Congress may alter, but if they do alter, it is not the act of Convention but of Congress; and excludes [the] Convention entirely and confines the House in the trammels of the Confederation. Not unusual to propose things in the lump. So the Confederation was presented. . . .

The proper question is whether any amendments shall be made, and that the House should decide. Suppose alterations sent to the states. The Arts. [Articles of Confederation] requires the delegates [in Congress] to report [alterations] to them [i.e., the state legislatures]. There will be two plans. Some will accept one and some another. That will create confusion and proves it was not the intent of the state. . . .

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1. These speeches are taken from the notes of Melancton Smith, a delegate from New York. They were not entered into the official journal of the proceedings of Congress.

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