



CENTER FOR THE STUDY OF THE AMERICAN CONSTITUTION

U.S. House of Representatives Receives and Tables Virginia's Application for a Second Constitutional Convention, 5 May 1789

Mr. [Theodorick] Bland presented to the house the application of the legislature of Virginia, dated 14th November 1788, for the immediate calling of a convention of deputies from the several states, with full power to take into their consideration the defects of the federal Constitution, that have been suggested by the state conventions, and report such amendments thereto, as they shall find best suited to promote our common interests, and secure to ourselves and our latest posterity the great and unalienable rights of mankind.

After this application was read,

Mr. Bland moved to refer it to a committee of the whole, on the state of the union—his motion was seconded by Mr. [Josiah] Parker.

Mr. [Elias] Boudinot. According to the terms of the constitution, the business cannot be taken up until a certain number of states have concurred in similar applications; certainly the house are disposed to pay a proper attention to the application of so respectable a state as Virginia, but if it is a business which we cannot interfere with in a constitutional manner, we had better let it go and remain on the files of the house until the proper number of applications come forward.

Mr. Bland. Thought there could be no impropriety in referring any subject to a committee, but surely this deserved the serious and solemn consideration of Congress, he hoped no gentleman would oppose the compliment of referring it to a committee of the whole: beside, it would be a guide to the deliberations of the committee on the subject of amendments, which would shortly come before the house.

Mr. [James] Madison. Said he had no doubt but the house were inclined to treat the present application with respect, but he doubted the propriety of committing it, because it would seem to imply that the house had a right to deliberate upon the subject—this he believed was not the case until two-thirds of the state legislatures concurred in such application, and then it is out of the power of Congress to decline complying, the words of the constitution are express and positive relative to the agency Congress may have in case of applications of this nature. The Congress, wherever two-thirds of both houses shall deem it necessary, shall propose amendments to this constitution; or, on the application of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments. From hence it must appear, that Congress have no deliberative power on this occasion. The most respectful and constitutional mode of performing our duty will be to let it be entered on the minutes, and remain upon the files of the house until similar applications come to hand from two-thirds of the states.

Mr. Boudinot. Hoped the gentlemen who desired the commitment of the application, would not suppose him wanting in respect to the state of Virginia, he entertained the most profound respect for her—but it was a principle of respect to order and propriety that he opposed the commitment upon; enough had been said to convince gentlemen that it was improper to commit—for what purpose can it be done? What can the committee report? The application is to call a new convention. Now in this case, there is nothing left for us to do, but to call one when two-thirds of

the state legislatures apply for that purpose—he hoped the gentleman would withdraw his motion for commitment.

Mr. Bland. The application now before the committee contains a number of reasons why it is necessary to call a convention, by the 5th article of the constitution, Congress are obliged to order this convention when two-thirds of the legislatures apply for it; but how can these reasons be properly weighed, unless it be done in committee? Therefore I hope the house will agree to refer it.

Mr. [Benjamin] Huntington. Thought it proper to let the application remain on the table, it can be called up with others when enough are presented to make two-thirds of the whole states. There would be an evident impropriety in committing, because it would argue a right in the house to deliberate and consequently a power to procrastinate the measure applied for.

Mr. [Thomas Tudor] Tucker. Thought it not right to disregard the application of any state, and inferred, that the house had a right to consider every application that was made; if two-thirds had not applied, the subject might be taken into consideration, but if two-thirds had applied it precluded deliberation on the part of the house. He hoped the present application would be properly noticed.

Mr. [Elbridge] Gerry. The gentleman from Virginia (Mr. Madison) told us yesterday, that he meant to move the consideration of amendments on the 4th Monday of this month; he did not make such motion then, and may be prevented by accident, or some other cause, from carrying his intention into execution when the time he mentioned shall arrive; I think the subject however is introduced to the house, and perhaps it may consist with order to let the present application lie on the table until the business is taken up generally.

Mr. [John] Page. Thought it the best way to enter the application at large upon the Journals, and do the same by all that came in, until sufficient were made to obtain their object. The original being deposited in the archives of Congress. He deemed this the proper mode of disposing of it, and what is in itself proper can never be construed into disrespect.

Mr. Bland. Acquiesced in this disposal of the application. Whereupon it was ordered to be entered at length on the Journals, and the original to be placed on the files of Congress.

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