

## George Mason in the Virginia Convention, 19 June 1788

Mr. Chairman.—I had some hopes that the candour and reason of the warmest friends of this Constitution would have led them to point out objections so important. They must occur, more or less, to the mind of every one. It is with great reluctance I speak of this department, as it lies out of my line. I should not tell my sentiments upon it, did I not conceive it to be so constructed as to destroy the dearest rights of the community. After having read the first section, Mr. *Mason* asked, what is there left to the State Courts? Will Gentlemen be pleased, candidly, fairly, and without sophistry, to shew us what remains? There is no limitation. It goes to every thing. The inferior Courts are to be as numerous as Congress may think proper. They are to be of whatever nature they please. Read the second section, and contemplate attentively the extent of the jurisdiction of these Courts; and consider if there be any limits to it. I am greatly mistaken if there be any limitation whatsoever, with respect to the nature or jurisdiction of these Courts. If there be any limits, they must be contained in one of the clauses of this section; and I believe, on a dispassionate discussion, it will be found that there is none of any check. All the laws of the United States are paramount to the laws and Constitution of any single State. “The Judicial power shall extend to all cases in law and equity, arising under this Constitution.” What objects will not this expression extend to? Such laws may be formed, as will go to every object of private property.—When we consider the nature of these Courts, we must conclude, that their effect and operation will be utterly to destroy the State Governments. For they will be the judges how far their laws will operate. They are to modify their own Courts, and you can make no State law to counteract them. The discrimination between their Judicial power and that of the States, exists therefore but in name.—To what disgraceful and dangerous length does the principle of this go? For if your State Judiciaries are not to be trusted with the administration of common justice, and decision of disputes respecting property between man and man, much less ought the State Governments to be trusted with the power of legislation. The principle itself goes to the destruction of the legislation of the States, whether or not it was intended. As to my own opinion, I most religiously and conscientiously believe, that it was intended, though I am not absolutely certain. But I think it will destroy the State Governments, whatever may have been the intention. There are many Gentlemen in the United States who think it right, that we should have one great national consolidated Government, and that it was better to bring it about slowly and imperceptibly, rather than all at once. This is no reflection on any man, for I mean none. To those who think that one national consolidated Government would be best for America, this extensive Judicial authority will be agreeable; but I hope there are many in this Convention of a different opinion, and who see their political happiness resting on their State Governments. I know, from my own knowledge, many worthy Gentlemen of the former opinion.

Cite as: The Documentary History of the Ratification of the Constitution Digital Edition, ed. John P. Kaminski, Gaspare J. Saladino, Richard Leffler, Charles H. Schoenleber and Margaret A. Hogan. Charlottesville: University of Virginia Press, 2009. Original source: Ratification by the States, Volume X: Virginia, No. 3

