Debates in the US House of Representatives, Monday, 8 June 1789

James Madison [Virginia]

This day Mr. Speaker, is the day assigned for taking into consideration the subject of amendments to the constitution. As I considered myself bound in honor and in duty to do what I have done on this subject, I shall proceed to bring the amendments before you as soon as possible, and advocate them until they shall be finally adopted or rejected by a constitutional majority of this house. With a view of drawing your attention to this important object, I shall move, that this house do now resolve itself into a committee of the whole, on the state of the union, by which an opportunity will be given, to bring forward some propositions which I have strong hopes, will meet the unanimous approbation of this house, after the fullest discussion and most serious regard. I therefore move you, that the house now go into a committee on this business.

William Loughton Smith [South Carolina]

Was not inclined to interrupt the measures which the public were so anxiously expecting, by going into a committee of the whole at this time. He observed there were two modes of introducing this business to the house: One by appointing a select committee to take into consideration the several amendments proposed by the state conventions; this he thought the most likely way to shorten the business. The other was, that the gentleman should lay his propositions on the table, for the consideration of the members; that they should be printed, and taken up for discussion at a future day. Either of these modes would enable the house to enter upon the business better prepared than could be the case by a sudden transition from other important concerns to which their minds were strongly bent. He therefore hoped the honorable gentleman would consent to bring the subject forward in one of those ways, in preference to going into a committee of the whole. For, said he, it must appear extremely impolitic to go into the consideration of amending the government, before it is organized, before it has begun to operate; certainly upon reflection it must appear to be premature. I wish, therefore, gentlemen will consent to the delay: for the business which lies in an unfinished state—I mean particularly the collection bill—is necessary to be passed; else all we have hitherto done is of no effect. If we go into the discussion of this subject, it will take us three weeks or a month; and during all this time every other business must be suspended, because we cannot proceed with either accuracy or dispatch when the mind is perpetually shifted from one subject to another.

James Jackson [Georgia]

I am of opinion we ought not to be in a hurry with respect to altering the constitution. For my part I have no idea of speculating in this serious manner on theory; if I agree to alterations in the mode of administering this government, I shall like to stand on the sure ground of experience, and not be treading air. What experience have we had of the good or bad qualities of this constitution? Can any gentleman affirm to me one proposition that is a certain and absolute amendment? I deny that he can. Our constitution, sir, is like a vessel just launched, and lying at the wharf, she is untried, you can hardly discover any one of her properties; it is not known how she will answer her helm, or

lay her course; whether she will bear in safety the precious freight to be deposited in her hold. But, in this state, will the prudent merchant attempt alterations? Will he employ two thousand workmen to tear off the planking and take asunder the frame? He certainly will not. Let us gentlemen, fit out our vessel, set up her masts, and expand her sails, and be guided by the experiment in our alterations. If she sails upon an uneven keel, let us right her by adding weight where it is wanting. In this way, we may remedy her defects to the satisfaction of all concerned; but if we proceed now to make alterations, we may deface a beauty, or deform a well proportioned piece of workmanship; in short, Mr. Speaker, I am not for amendments at this time, but if gentlemen should think it a subject deserving of attention, they will surely not neglect the more important business, which is now unfinished before them. Without we pass the collection bill, we can get no revenue, and without revenue the wheels of government cannot move. I am against taking up the subject at present, and shall therefore be totally against the amendments, if the government is not organized, that I may see whether it is grievous or not.

When the propriety of making amendments shall be obvious from experience, I trust there will be virtue enough in my country to make them. Much has been said by the opponents to this constitution, respecting the insecurity of jury trials, that great bulwark of personal safety; all their objections may be done away, by proper regulations on this point, and I do not fear but such regulations will take place. The bill is now before the senate, and a proper attention is shewn to this business. Indeed I cannot conceive how it could be opposed; I think an almost omnipotent emperor would not be hardy enough to set himself against it. Then why should we fear a power which cannot be improperly exercised.

We have proceeded to make some regulations under the constitution, but have met with no inaccuracy unless it may be said, that the clause respecting "vessels bound to or from one state be obliged to enter, clear, or pay duties in another," is somewhat obscure, yet there is not sufficient, I trust, in any gentleman's opinion to induce an amendment. But let me ask what will be the consequence of taking up this subject? are we going to finish it in an hour? I believe not; it will take us more than a day, a week, a month—it will take a year to complete it! and will it be doing our duty to our country to neglect or delay putting the government in motion, when every thing depends upon its being speedily done?

Let the constitution have a fair trial, let it be examined by experience, discover by that test what its errors are, and then talk of amending; but to attempt it now is doing it at risk, which is certainly imprudent. I have the honor of coming from a state that ratified the constitution by the unanimous vote of a numerous convention: the people of Georgia have manifested their attachment to it, by adopting a state constitution framed upon the same plan as this. But although they are thus satisfied, I shall not be against such amendments as will gratify the inhabitants of other states, provided they are judged of by experience and [308]not theory. For this reason I wish the consideration of the subject postponed until the first of March, 1790.

Benjamin Goodhue [Massachusetts]

I believe it would be perfectly right in the gentleman who spoke last, to move a postponement to the time he has mentioned; because he is opposed to the consideration of amendments altogether. But I believe it will be proper to attend to the subject earlier; because it is the wish of many of our constituents that something should be added to the constitution to secure in a stronger manner their liberties from the inroads of power. Yet I think the present time premature; inasmuch as we have other business before us, which is incomplete, but essential to the public interest; when that is finished, I shall concur in taking up the subject of amendments.

Aedanus Burke [South Carolina]

Thought amendments to the constitution necessary, but this was not the proper time to bring them forward; he wished the government completely organized before they entered upon this ground: The law for collecting the revenue was immediately necessary, the treasury department must be established; till these, and other important subjects were determined, he was against taking this up. He said it might interrupt the harmony of the house, which was necessary to be preserved to dispatch the great objects of legislation. He hoped it would be postponed for the present, and pledged himself to bring it forward again, if nobody else would.

James Madison [Virginia]

The gentleman from Georgia (Mr. Jackson) is certainly right in his opposition to my motion for going into a committee of the whole, because he is unfriendly to the object I have in contemplation; but I cannot see that the gentlemen, who wish for amendments being proposed at the present session, stand on good ground when they object to the house going into committee on this business.

When I first hinted to the house my intention of calling their deliberations to this object, I mentioned the pressure of other important subjects, and submitted the propriety of postponing this till the more urgent business was dispatched; but finding that business not dispatched, when the order of the day for considering amendments arrived, I thought it a good reason for a farther delay, I moved the postponement accordingly. I am sorry the same reason still exists in some degree; but operates with less force when it is considered, that it is not now proposed to enter into a full and minute discussion of every part of the subject, but merely to bring it before the house, that our constituents may see we pay a proper attention to a subject they have much at heart; and if it does not give that full gratification which is to be wished, they will discover that it proceeds from the urgency of business of a very important nature. But if we continue to postpone from time to time, and refuse to let the subject come into view, it may occasion suspicions, which, though not well founded, may tend to inflame or prejudice the public mind, against our decisions: they may think we are not sincere in our desire to incorporate such amendments in the constitution as will secure those rights, which they consider as not sufficiently guarded. The applications for amendments come from a very respectable number of our constituents, and it is certainly proper for congress to consider the subject, in order to quiet that anxiety which prevails in the public mind: Indeed I think it would have been of advantage to the government, if it had been practicable to have made some propositions for amendments the first business we entered upon; it would stifle the voice of complaint, and make friends of many who doubted its merits. Our future measures would then have been more universally agreeable and better supported; but the justifiable anxiety to put the government in operation prevented that; it therefore remains for us to take it up as soon as possible. I wish then to commence the consideration at the present moment; I hold it to be my duty to unfold my ideas, and explain myself to the house in some form or other without delay. I only wish to introduce the great work, and as I said before I do not expect it will be decided immediately; but if some step is taken in the business it will give reason to believe that we may come at a final result. This will inspire a reasonable hope in the advocates for amendments, that full justice will be done to the important subject; and I have reason to believe their expectation will not be defeated. I hope the house will not decline my motion for going into a committee.

Roger Sherman [Connecticut]

I am willing that this matter should be brought before the house at a proper time. I suppose a number of gentlemen think it their duty to bring it forward; so that there is no apprehension it will be passed over in silence: Other gentlemen may be disposed to let the subject rest until the more

important objects of government are attended to; and I should conclude from the nature of the case, that the people expect the latter of us in preference of altering the constitution; because they have ratified that instrument, in order that the government may begin to operate. If this was not their wish, they might as well have rejected the constitution, as North-Carolina has done, until the amendments took place. The state I have the honor to come from, adopted this system by a very great majority, because they wished for the government; but they desired no amendments. I suppose this was the case in other states; it will therefore be imprudent to neglect much more important concerns for this. The executive part of the government wants organization; the business of the revenue is incomplete, to say nothing of the judiciary business. Now, will gentlemen give up these points to go into a discussion of amendments when no advantage can arise from them? for my part, I question if any alteration which can be now proposed would be an amendment in the true sense of the word; but nevertheless I am willing to let the subject be introduced; if the gentleman only desires to go into committee for the purpose of receiving his propositions, I shall consent; but I have strong objections to being interrupted in completing the more important business; because I am well satisfied it will alarm the fears of twenty of our constituents where it will please one.

Alexander White [Virginia]

I hope the house will not spend much time on this subject till the more pressing business is dispatched, but, at the same time, I hope we shall not dismiss it altogether; because I think a majority of the people, who have ratified the constitution, did it under an expectation that congress would, at some convenient time, examine its texture, and point out where it was defective, in order that it might be judiciously amended. Whether, while we are without experience, amendments can be digested in such a manner as to give satisfaction to a constitutional majority of this house [i.e., a two-thirds vote], I will not pretend to say, but I hope the subject may be considered with all convenient speed, I think it would tend to tranquilize the public mind; therefore I shall vote in favor of going into a committee of the whole, and after receiving the subject shall be content to refer it to a special committee to arrange and report. I fear if we refuse to take up the subject it will irritate many of our constituents, which I do not wish to do: If we cannot, after mature consideration, gratify their wishes, the cause of complaint will be lessened if not removed; but a doubt on this head will not be a good reason why we should refuse to enquire. I do not say this as it affects my immediate constituents, because I believe a majority of the district which elected me do not require alterations; but I know there are people in other parts who will not be satisfied unless some amendments are proposed.

William Loughton Smith [South Carolina]

Thought the gentleman who brought forward the subject had done his duty: He had supported his motion with ability and candor, and if he did not succeed he was not to blame. On considering what had been urged for going into a committee, he was induced to join the gentleman; but it would be merely to receive his propositions, after which he would move something to this effect:—That however desirous this house may be to go into the consideration of amendments to the constitution, in order to establish the liberties of the people of America on the securest foundation; yet the important and pressing business of the government, prevents their entering upon that subject at present.

John Page [Virginia]

My colleague tells you, he is ready to submit to the committee of the whole, his ideas on this subject; if no objection had been made to his motion, the whole business might have been finished before this. He has done me the honor of shewing me certain propositions which he has drawn up,

they are very important, and I sincerely wish the house may receive them. After they are published, I think the people will wait with patience till we are at leisure to resume them: but it must be very disagreeable to them to have it postponed from time to time, in the manner it has been, for six weeks past, they will be tired out by a fruitless expectation. Putting myself into the place of those who favor amendments, I should suspect Congress did not mean seriously to enter upon the subject; that it was vain to expect redress from them; I should begin to turn my attention to the alternative contained in the fifth article, and think of joining the legislatures of those states which have applied for calling a new convention. How dangerous such an expedient would be, I need not mention, but I venture to affirm, that unless you take early notice of this subject, you will not have power to deliberate. The people will clamor for a new convention, they will not trust the house any longer; those therefore, who dread the assembling of a convention, will do well to acquiesce in the present motion, and lay the foundation of a most important work. I do not think we need consume more than half an hour in the committee of the whole; this is not so much time but we may conveniently spare it, considering the nature of the business. I do not wish to divert the attention of congress from the organization of the government, nor do I think it need be done, if we comply with the present motion.

John Vining [Delaware]

I hope the house will not go into a committee of the whole. It strikes me that the great amendment which the government wants, is expedition in the dispatch of business. The wheels of the national machine cannot turn, until the impost and collection bill are perfected; these are the desiderata, which the public mind is anxiously expecting. It is well known, that all we have hitherto done, is tantamount to nothing, if we leave the business in its present state—true—but say gentlemen, let us go into committee, it will take up but a short time, yet may it not take a considerable proportion of our time? May it not be procrastinated into days, weeks, nay months itself? It is not the most facile subject that can come before the legislature of the union. Gentlemen's opinions do not run in a parallel on this topic; it may take up more time to unite or concenter them, than is now imagined; and what object is to be attained by going into a committee? If information is what we seek after, cannot that be obtained by the gentleman's laying his propositions on the table; they can be read, or they can be printed. But I have two other reasons for opposing this motion; the first is, the uncertainty with which we must decide on questions of amendment, founded merely on speculative theory; the second is a previous question—how far it is proper to take the subject of amendments into consideration, without the consent of two-thirds of both houses. I will submit it to gentlemen, whether the words of the constitution, "the congress whenever two-thirds of both houses shall deem necessary, shall propose amendments," do not bear my construction, that it is as requisite for two-thirds, to sanction the expediency of going into the measure at present, as it will be to determine the necessity of amending at all. I take it, that the fifth article admits of this construction, and think that two-thirds of the senate and house of representatives must concur in the expediency, as to the time and manner of amendments, before we can proceed to the consideration of the amendments themselves; for my part, I do not see the expediency of proposing amendments. I think, sir, the most likely way to quiet the perturbation of the public mind, will be to pass salutary laws; to give permanency and stability to constitutional regulations, founded on principles of equity, and adjusted by wisdom. Altho' hitherto we have done nothing to tranquilize that agitation which the adoption of the constitution threw some people into, yet, the storm has abated, and a calm succeeds. The people are not afraid of leaving the question of amendments, to the discussion of their representatives; but is this the juncture, for discussing it? What have congress done toward completing the business of their appointment? They have passed a law regulating certain oaths; they have passed the impost bill; but are not vessels daily arriving, and the revenue

slipping thro' our fingers? is it better than madness in us to neglect the completion of the revenue system? Is the system of jurisprudence unnecessary? and here let me ask gentlemen, how they propose to amend that part of the constitution which embraces the judicial branch of government, when they do not know the regulations proposed by the senate, who are forming a bill on this subject.

If the honorable mover of the question before the house, does not think he discharges his duty without bringing his propositions before the house, let him take the mode I have mentioned, by which there will be little loss of time. He knows as well as any gentleman, the importance of completing the business on your table, and that it is best to finish one subject before the introduction of another; he will not, therefore, persist in a motion which tends to distract our minds, and incapacitates us from making a proper decision on any subject. Suppose every gentleman who desired alterations to be made in the constitution, was to submit his propositions also to a committee of the whole, what would be the consequence? We should have strings of them contradictory to each other, and necessarily engaged in a discussion that would consume too much of our precious time.

Though the state I represent had the honor of taking the lead in the adoption of this constitution, and did it by an unanimous vote; and although I have the strongest predilection for the present form of government; yet I am open to information, and willing to be convinced of its imperfections; if this is done, I shall chearfully assist in correcting them. But I cannot think this a proper time to enter upon the subject; because more important business is suspended; and for want of experience we are as likely to do injury by our prescriptions as good. I wish to see every proposition which comes from that worthy gentleman on the science of government; but I think it can be presented better by staying where we are than by going into committee, and therefore shall vote against his motion. . . .

CITE AS: John P. Kaminski et al., eds., *The Documentary History of the Ratification of the Constitution*, Ratification of the Bill of Rights, Volume XXXVII: Origins, (Madison, Wis.: Wisconsin Historical Society Press, 2020), 305–13.