**Debates over Ratification of the Constitution**

In Convention, Richmond, Thursday, June 12, 1788

Patrick Henry Elaborates on his main objections:

**Mr. HENRY. Mr. Chairman, once more I find it necessary to trespass on your patience. An honorable gentleman, several days ago, observed, that the great object of this government was justice. We were told before, that the greater consideration was union. However, the consideration of justice seems to have been what influenced his mind when he made strictures on the proceedings of the Virginia Assembly. I thought the reasons of that transaction had been sufficiently explained.**

**It is exceedingly painful to me to be objecting; but I must make a few observations. I shall not again review the catalogue of dangers which the honorable gentleman entertained us with. They appear to me absolutely imaginary. They have, in my conception, been proved to be such.**

**But sure I am that the dangers of this system are real, when those who have no similar interests with the people of this country are to legislate for us when our dearest interests are left in the power of those whose advantage it may be to infringe them. How will the quotas of troops be furnished? Hated as requisitions are, your federal officers cannot collect troops, like dollars, and carry them in their pockets. You must make those abominable requisitions for them, and the scale will be in proportion to the number of your blacks, as well as your whites, unless they violate the constitutional rule of apportionment. This is not calculated to rouse the fears of the people. It is founded in truth. How oppressive and dangerous must this be to the Southern States, who alone have slaves! This will render their proportion infinitely greater than that of the Northern States. It has been openly avowed that this shall be the rule. I will appeal to the judgments of the committee, whether there be danger. The honorable gentleman said that there was no precedent for this American revolution. We have precedents in abundance. They have been drawn from Great Britain. Tyranny has arisen there in the same manner in which it was introduced among the Dutch. The tyranny of Philadelphia may be like the tyranny of George III. I believe this similitude will be incontestably proved before we conclude.**

**The honorable gentleman has endeavored to explain the opinion of Mr. Jefferson, our common friend, into an advice to adopt this new government. What are his sentiments? He wishes nine states to adopt, and that four states may be found somewhere to reject it. Now, sir, I say, if we pursue his advice, what are we to do? To prefer form to substance? For, give me leave to ask, what is the substantial part of his counsel? It is, sir, that four states should reject. They tell us that, from the most authentic accounts, New Hampshire will adopt it. When I denied this, gentlemen said they were absolutely certain of it. Where, then, will four states be found to reject, if we adopt it? If we do, the counsel of this enlightened and worthy countryman of ours will be thrown away; and for what? He wishes to secure amendments and a bill of rights, if I am not mistaken. I speak from the best information, and if wrong, I beg to be put right. His amendments go to that despised thing, called a bill of rights, and all the rights which are dear to human nature trial by jury, the liberty of religion and the press, &c. Do not gentlemen see that, if we adopt, under the idea of following Mr. Jefferson’s opinion, we amuse ourselves with the shadow, while the substance is given away? If Virginia be for adoption, what states will be left, of sufficient respectability and importance to secure amendments by their rejection? As to North Carolina, it is a poor, despised place. Its dissent will not have influence to introduce any amendments. Where is the American spirit of liberty? Where will you find attachment to the rights of mankind, when Massachusetts, the great northern state, Pennsylvania, the great middle state, and Virginia, the great southern state, shall have adopted this government? Where will you find magnanimity enough to reject it? Should the remaining states have this magnanimity, they will not have sufficient weight to have the government altered. This state has weight and importance. Her example will have powerful influence her rejection will procure amendments. Shall we, by our adoption, hazard the loss of amendments? Shall we forsake that importance and respectability which our station in America commands, in hopes that relief will come from an obscure part of the Union? I hope my countrymen will spurn at the idea.**

**The necessity of amendments is universally admitted. It is a word which is reechoed from every part of the continent. A majority of those who hear me think amendments are necessary. Policy tells us they are necessary. Reason, self-preservation, and every idea of propriety, powerfully urge us to secure the dearest rights of human nature. Shall we, in direct violation of these principles, rest this security upon the uncertainty of its being obtained by a few States, more weak and less respectable than ourselves, and whose virtue and magnanimity may be overborne by the example of so many adopting states? Poor Rhode Island, and North Carolina, and even New York, surrounded with federal walls on every side, may not be magnanimous enough to reject; and if they do reject it, they will have but little influence to obtain amendments. I ask, if amendments be necessary, from whence can they be so properly proposed as from this state? The example of Virginia is a powerful thing, particularly with respect to North Carolina, whose supplies must come through Virginia. Every possible opportunity of procuring amendments is gone, our power and political salvation are gone, if we ratify unconditionally. The important right of making treaties is upon the most dangerous foundation. The President, and a few senators, possess it in the most unlimited manner, without any real responsibility, if, from sinister views, they should think proper to abuse it; for they may keep all their measures in the most profound secrecy, as long as they please. Were we not told that war was the case wherein secrecy was the most necessary? But, by the paper on your table, their secrecy is not limited to this case only. It is as unlimited and unbounded as their powers. Under the abominable veil of political secrecy and contrivance, your most valuable rights may be sacrificed by a most corrupt faction, without having the satisfaction of knowing who injured you. They are bound by honor and conscience to act with integrity, but they are under no constitutional restraint. The navigation of the Mississippi, which is of so much importance to the happiness of the people of this country, may be lost by the operation of that paper. There are seven states now decidedly opposed to this navigation. If it be of the highest consequence to know who they are who shall have voted its relinquishment, the federal veil of secrecy will prevent that discovery. We may labor under the magnitude of our miseries without knowing or being able to punish those who produced them. I did not wish that transactions relative to treaties should, when unfinished, be exposed; but it should be known, after they were concluded, who had advised them to be made, in order to secure some degree of certainty that the public interest shall be consulted in their formation.**

**We are told that all powers not given are reserved. I am sorry to bring forth hackneyed observations. But, sir, important truths lose nothing of their validity or weight, by frequency of repetition. The English history is frequently recurred to by gentlemen. Let us advert to the conduct of the people of that country. The people of England lived without a declaration of rights till the war in the time of Charles I. That king made usurpations upon the rights of the people. Those rights were, in a great measure, before that time undefined. Power and privilege then depended on implication and logical discussion. Though the declaration of rights was obtained from that king, his usurpations cost him his life. The limits between the liberty of the people, and the prerogative of the king, were still not clearly defined.**

**The rights of the people continued to be violated till the Stuart family was banished, in the year 1688. The people of England magnanimously defended their rights, banished the tyrant, and prescribed to William, Prince of Orange, by the bill of rights, on what terms he should reign; and this bill of rights put an end to all construction and implication. Before this, sir, the situation of the public liberty of England was dreadful. For upwards of a century, the nation was involved in every kind of calamity, till the bill of rights put an end to all, by defining the rights of the people, and limiting the king’s prerogative. Give me leave to add (if I can add anything to so splendid an example) the conduct of the American people. They, sir, thought a bill of rights necessary. It is alleged that several states, in the formation of their government, omitted a bill of rights. To this I answer, that they had the substance of a bill of rights contained in their constitutions, which is the same thing. I believe that Connecticut has preserved it, by her Constitution, her royal charter, which clearly defines and secures the great rights of mankind secures to us the great, important rights of humanity; and I care not in what form it is done.**

**Of what advantage is it to the American Congress to take away this great and general security? I ask, Of what advantage is it to the public, or to Congress, to drag an unhappy debtor, not for the sake of justice, but to gratify the malice of the plaintiff, with his witnesses, to the federal court, from a great distance? What was the principle that actuated the Convention in proposing to put such dangerous powers in the hands of any one? Why the trial by jury taken away? All the learned arguments that have been used on this occasion do not prove that it is secured. Even the advocates for the plan do not all concur in the certainty of its security. Wherefore is religious liberty not secured? One honorable gentleman, who favors adoption, said that he had had his fears on the subject. If I can well recollect, he informed us that he was perfectly satisfied, by the powers of reasoning, (with which he is so happily endowed,) that those fears were not well grounded. There is many a religious man who knows nothing of argumentative reasoning; there are many of our most worthy citizens who cannot go through all the labyrinths of syllogistic, argumentative deductions, when they think that the rights of conscience are invaded. This sacred right ought not to depend on constructive, logical reasoning.**

**When we see men of such talents and learning compelled to use their utmost abilities to convince themselves that there is no danger, is it not sufficient to make us tremble? Is it not sufficient to fill the minds of the ignorant part of men with fear? If gentlemen believe that the apprehensions of men will be quieted, they are mistaken, since our best informed men are in doubt with respect to the security of our rights. Those who are not so well informed will spurn at the government. When our common citizens, who are not possessed with such extensive knowledge and abilities, are called upon to change their bill of rights (which, in plain, unequivocal terms, secures their most valuable rights and privileges) for construction and implication, will they implicitly acquiesce? Our declaration of rights tells us that “all men are by nature free and independent,” &c. [Here Mr. Henry read the declaration of rights.] Will they exchange these rights for logical reasons? If you had a thousand acres of land dependent on this, would you be satisfied with logical construction? Would you depend upon a title of so disputable a nature? The present opinions of individuals will be buried in entire oblivion when those rights will be thought of. That sacred and lovely thing, religion, ought not to rest on the ingenuity of logical deduction. Holy religion, sir, will be prostituted to the lowest purposes of human policy. What has been more productive of mischief among mankind than religious disputes? Then here, sir, is a foundation for such disputes, when it requires learning and logical deduction to perceive that religious liberty is secure.**

**The honorable member told us that he had doubts with respect to the judiciary department. I hope those doubts will be explained. He told us that his object was union. I admit that the reality of union, and not the name, is the object which most merits the attention of every friend to his country. He told you that you should hear many great, sounding words on our side of the question. We have heard the word union from him. I have heard no word so often pronounced in this house as he did this. I admit that the American Union is dear to every man. I admit that every man, who has three grains of information, must know and think that union is the best of all things. But, as I said before, we must not mistake the end for the means. If he can show that the rights of the Union are secure, we will consent. It has been sufficiently demonstrated that they are not secured. It sounds mighty prettily to gentlemen, to curse paper money and honestly pay debts. But apply to the situation of America, and you will find there are thousands and thousands of contracts, whereof equity forbids an exact literal performance. Pass that government, and you will be bound hand and foot. There was an immense quantity of depreciated Continental paper money in circulation at the conclusion of the war. This money is in the hands of individuals to this day. The holders of this money may call for the nominal value, if this government be adopted. This state may be compelled to pay her proportion of that currency, pound for pound. Pass this government, and you will be carried to the federal court, (if I understand that paper right,) and you will be compelled to pay shilling for shilling. I doubt on the subject: at least, as a public man, I ought to have doubts. A state may be sued in the federal court, by the paper on your table. It appears to me, then, that the holder of the paper money may require shilling for shilling. If there be any latent remedy to prevent this, I hope it will be discovered.**

**The precedent, with respect to the union between England and Scotland, does not hold. The union of Scotland speaks in plain and direct terms. Their privileges were particularly secured. It was expressly provided that they should retain their own particular laws. Their nobles have a right to choose representatives to the number of sixteen. I might thus go on and specify particulars: but it will suffice to observe, generally, that their rights and privileges were expressly and unequivocally reserved. The power of direct taxation was not given up by the Scotch people. There is no trait in that union which will maintain their arguments. In order to do this, they ought to have proved that Scotland united without securing their rights, and afterwards got that security by subsequent amendments. Did the people of Scotland do this? No, sir: like a sensible people, they trusted nothing to hazard. If they have but forty-five members, and those be often corrupted, these defects will be greater here. The number will be smaller, and they will be consequently the more easily corrupted. Another honorable gentleman advises us to give this power, in order to exclude the necessity of going to war. He wishes to establish national credit, I presume, and imagines that, if a nation has public faith, and shows a disposition to comply with her engagements, she is safe among ten thousand dangers. If the honorable gentleman can prove that this paper is calculated to give us public faith, I will be satisfied. But if you be in constant preparation for war, on such airy and imaginary grounds as the mere possibility of danger, your government must be military, which will be inconsistent with the enjoyment of liberty.**

**But, sir, we must become formidable, and have a strong government, to protect us from the British nation. Will the paper on the table prevent the attacks of the British navy, or enable us to raise a fleet equal to the British fleet? The British have the strongest fleet in Europe, and can strike any where. It is the utmost folly to conceive that the paper can have such an operation. It will be no less so to attempt to raise a powerful fleet. With respect to requisitions, I beseech gentlemen to consider the importance of the subject. We, who are for amendments, propose (as has been frequently mentioned) that a requisition shall be made for two hundred thousand pounds, for instance, instead of direct taxation, and that, if it be not complied with, then it shall be raised by direct taxes. We do not wish to have strength, to refuse to pay them, but to possess the power of raising the taxes in the most easy mode for the people. But, says he, you may delay us by this mode. Let us see if there be not sufficient to counterbalance this evil. The oppression arising from taxation is not from the amount, but from the mode: a thorough acquaintance with the condition of the people is necessary to a just distribution of taxes. The whole wisdom of the science of government, with respect to taxation, consists in selecting that mode of collection which will best accommodate the convenience of the people. When you come to tax a great country, you will find that ten men are too few to settle the manner of collection. One capital advantage, which will result from the proposed alternative, is thisthat there will be necessary communications between your ten members in Congress and your hundred and seventy representatives here. If it goes through the hands of the latter, they will know how much the citizens can pay, and, by looking at the paper on your table, they will know how much they ought to pay. No man is possessed of sufficient information to know how much we can or ought to pay.**

**We might also remonstrate, if, by mistake or design, they should call for a greater stun than our proportion. After a remonstrance, and a free investigation between our representatives here and those in Congress, the error would be removed.**

Another valuable thing which it will produce is, that the people will pay the taxes cheerfully. It is supposed that this would occasion a waste of time, and be an injury to public credit. This would only happen if requisitions should not be complied with. In this case the delay would be compensated by the payment of interest, which, with the addition of the credit of the state to that of the general government, would in a great measure obviate this objection. But if it had all the force which it is supposed to have, it would not be adequate to the evils of direct taxation. But there is every probability that requisitions would be then complied with. Would it not, then, be our interest as well as duty to comply? After non-compliance, there would be a general acquiescence in the exercise of this power. We are fond of giving power, at least power which is constitutional. Here is an option to pay according to your own mode or otherwise. If you give probability fair play, you must conclude that they would be complied with, Would the Assembly of Virginia, by refusal, destroy the country, and plunge the people in misery and distress? If you give your reasoning faculty fair play, you cannot but know that payment must be made, when the consequence of a refusal would be an accumulation of inconveniences to the people. Then they say that, if requisitions be not complied with, in case of a war, the destruction of the country may be the consequence: that therefore we ought to give the power of taxation to the government, to enable it to protect us. Would not this be another reason for complying with requisitions, to prevent the country from being destroyed? You tell us that, unless requisitions be complied with, your commerce is gone. The prevention of this, also, will be an additional reason to comply.

He tells us that responsibility is secured by direct taxation. Responsibility, instead of being increased, will be lost forever by it. In our state government, our representatives may be severally instructed by their constituents. There are no persons to counteract their operations. They can have no excuse for deviating from our instructions. In the general government, other men have power over the business. When oppressions may take place, our representatives may tell us,We contended for your interest: but we could not carry our point, because the representatives from Massachusetts, New Hampshire, Connecticut, &c., were against us. Thus, sir, you may see there is no real responsibility. He further said that there was such a contrariety of interests as to hinder a consolidation. I will only make one remark. There is a variety of interests. Some of the states owe a great deal on account of paper money: others very little: some of the Northern States have collected and barrelled up paper money. Virginia has sent thither her cash long ago. There is little or none of the Continental paper money retained in this state. Is it not their business to appreciate this money? Yes, and it will be your business to prevent it. But there will be a majority against you, and you will be obliged to pay your share of this money, in its nominal value. It has been said, by several gentlemen, that the freeness of elections would be promoted by throwing the country into large districts. I contend, sir, that it will have a contrary effect. It will destroy that connection that ought to subsist between the electors and the elected. If your elections be by districts, instead of counties, the people will not be acquainted with the candidates. They must, therefore, be directed in the elections by those who know them. So that, instead of a confidential connection between the electors and the elected, they will be absolutely unacquainted with each other. A common man must ask a man of influence how he is to proceed, and for whom he must vote. The elected, therefore, will be careless of the interest of the electors. It will be a common job to extort the suffrages of the common people for the most influential characters. I he same men may be repeatedly elected by these means. This, sir, instead of promoting the freedom of election, leads us to an aristocracy. Consider the mode of elections in England. Behold the progress of an election in an English shire. A man of an enormous fortune will spend thirty or forty thousand pounds to get himself elected. This is frequently the case. Will the honorable gentleman say that a poor man, as enlightened as any man in the island, has an equal chance with a rich man, to be elected? He will stand no chance, though he may have the finest understanding of any man in the shire. It will be so here. Where is the chance that a poor man can come forward with the rich? The honorable gentleman will find that, instead of supporting democratical principles, it goes absolutely to destroy them.

The state governments, says he, will possess greater advantages than the general government, and will consequently prevail. His opinion and mine are diametrically opposite. Bring forth the federal allurements, and compare them with the poor, contemptible things that the state legislatures can bring forth. On the part of the state legislatures, there are justices of the peace and militia officers: and even these justices and officers are bound by oath in favor of the Constitution. A constable is the only man who is not obliged to swear paramount allegiance to this beloved Congress. On the other hand, there are rich, fat, federal emoluments. Your rich, snug, fine, fat, federal officersthe number of collectors of taxes and exciseswill outnumber any thing from the states. Who can cope with the excisemen and taxmen? There are none in this country who can cope with this class of men alone. But, sir, is this the only danger? Would to Heaven that it were! If we are to ask which will last the longest, the state or the general government, you must take an army and a navy into the account. Lay these things together, and add to the enumeration the superior abilities of those who manage the general government.

Can, then, the state governments look it in the face? You dare not look it in the face now, when it is but in embryo. The influence of this government will be such, that you never can get amendments: for if you propose alterations, you will affront them. Let the honorable gentleman consider all these things, and say, whether the state governments will last as long as the federal government. With respect to excises, I can never endure them. They have been productive of the most intolerable oppressions every where. Make a probable calculation of the expense attending the legislative, executive, and judiciary. You will find that there must be an immense increase of taxes. We are the same mass of people we were before: in the same circumstances: the same pockets are to pay. The expenses are to be increased. What will enable us to bear this augmentation of taxes? The me re form of government will not do it. A plain understanding cannot conceive how the taxes can be diminished, when our expenses are augmented, and the means of paying them not increased.

With respect to our tax laws, we have purchased a little knowledge by sad experience upon the subject. Reiterated experiments have taught us what can alleviate the distresses, and suit the convenience, of the people. But we are now to throw away that system by which we have acquired this knowledge, and send ten men to legislate for us.

The honorable gentleman was pleased to say that the representation of the people was the vital principle of this government. I will readily agree that it ought to be so. But I contend that this principle is only nominally, and not substantially, to be found there. We contended with the British about representation. They offered us such a representation as Congress now does. They called it a virtual representation. If you look at that paper, you will find it so there. Is there but a virtual representation in the upper house? The states are represented, as states, by two senators each. This is virtual, not actual. They encounter you with Rhode Island and Delaware. This is not an actual representation. What does the term representation signify? It means that a certain districta certain association of menshould be represented in the government, for certain ends. These ends ought not to be impeded or obstructed in any manner. Here, sir, this populous state has not an adequate share of legislative influence. The two petty states of Rhode Island and Delaware, which, together, are infinitely inferior to this state in extent and population, have double her weight, and can counteract her interest. I say that the representation in the Senate, as applicable to states, is not actual. Representation is not, therefore, the vital principle of this government. So far it is wrong.

Rulers are the servants and agents of the people: the people are their masters. Does the new Constitution acknowledge this principle? Trial by jury is the best appendage of freedom. Does it secure this? Does it secure the other great rights of mankind? Our own Constitution preserves these principles. The honorable gentleman contributed to form that Constitution. The applauses so justly due to it should, in my opinion, go to the condemnation of that paper.

With respect to the failures and errors of our government, they might have happened in any government. I do not justify what merits censure, but I shall not degrade my country. As to deviations from justice, I hope they will be attributed to the errors of the head, and not to those of the heart.

The honorable gentleman did our judiciary honor in saying that they had firmness to counteract the legislature in some cases. Yes, sir, our judges opposed the acts of the legislature. We have this landmark to guide us. They had fortitude to declare that they were the judiciary, and would oppose unconstitutional acts. Are you sure that your federal judiciary will act thus? Is that judiciary as well constructed, and as independent of the other branches, as our state judiciary? Where are your landmarks in this government? I will be bold to say you cannot find any in it. I take it as the highest encomium on this country, that the acts of the legislature, if unconstitutional, are liable to be opposed by the judiciary.

Then the honorable gentleman said that the two judiciaries and legislatures would go in a parallel line, and never interfere: that, as long as each was confined to its proper objects, there would be no danger of interference: that, like two parallel lines, as long as they continued in their parallel direction, they never Would meet. With submission to the honorable gentleman’s opinion, I assert that there is danger of interference, because no line is drawn between the powers of the two governments, in many instances: and, where there is a line, there is no check to prevent the one from encroaching upon the powers of the other.

I therefore contend that they must interfere, and that this interference must subvert the state government, as being less powerful. Unless your government have checks, it must inevitably terminate in the destruction of your privileges. I will be bold to say that the British government has real checks. I was attacked by gentlemen, as if I had said that I loved the British government better than our own. I never said so. I said that, if I were obliged to relinquish a republican government, I would choose the British monarchy. I never gave the preference to the British or any other government, when compared to that which the honorable gentleman assisted to form. I was constrained to say what I said. When two disagreeable objects present, themselves to the mind, we choose that which has the least deformity.