The proposed constitutional amendment: Speech of Prof. George W. Greene of East Greenwich, in the Rhode Island House of Representatives, Feb. 7th, on the proposed amendment of the United States Constitution

George Washington Greene

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THE PROPOSED CONSTITUTIONAL AMENDMENT.

SPEECH

OF

PROF. GEORGE W. GREENE,

OF EAST GREENWICH,

IN THE

RHODE ISLAND HOUSE OF REPRESENTATIVES,

THURSDAY, FEBRUARY 7th,

On the Proposed Amendment of the United States Constitution.

PROVIDENCE:
PRESS OF THE DAILY JOURNAL.
1867.
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born and grew up under the English constitution. They were familiar with its workings and with the
history of its growth. They had traced it back to its origin in a remote antiquity, and seen the
great principle which it contained slowly working its way to the light, through obstacles which once
impeaded development, and through dangers which more than once menaced its existence.
They had observed how easily it had been made to support the most contradictory opinions,
and how often it had supplied a just substantiation for the most arbitrary measures; converting abuses
into rights, and contrasting or denying a present claim by virtue of a decision of some vested judge,
or an encroachment of some arbitrary monarch, in some obscure and distant period of English
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pen and paper, forgeries of old records to justify the growing tyranny. They had seen how readily an
obscure statute of Henry VII. had been revived against themselves at the
beginning of the contest which established their independence. They were resolved that such
uncertainty should hang, with its perpetual menace, over the government which they were founding.

Looking at the principles of political science by the
severe lessons of history, they embodied the results of their meditations and experience in a written
constitution.

They did it twice: first in the confederation, which failed utterly—laid almost entirely to
account to its nature, so vigorous in its vitality, so inactive in its growth, so unimpeachable in its
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SPEECH.

In the House of Representatives, Thursday, Feb. 7th, the proposed amendment of the U. S. Constitution being under consideration, Prof. Grundy said:

Mr. Speaker: On any ordinary occasion I should content myself with simply casting my vote for what I believed to be right. But an occasion like the present, which carries us beyond the bounds of common legislation, and brings us into the presence of great principles of constitutional law, demands, according to my interpretation of my duty as a representative, a distinct exhibition of the grounds of my belief. The act which we are asked to approve is to pass to the fundamental laws of the land and become a part of that constitution which we have sworn to sustain. I cannot see it pass into those laws, sir. I cannot join with you in giving it this solemn vote for what I believed to be right. The men who framed our constitution were born and grew up under the English constitution. They were familiar with its workings and with the history of its growth. They had traced it back to its origin in a rude antiquity, and seen the great principle which it contained slowly working its way to the light, through obstacles which often impeded development, and through dangers which more than once menaced its existence. They had observed how easily it had been made to support the most contradictory opinions, and how often it had supplied justification for the most arbitrary measures; converting abuses into rights, and converting or denying a present claim by virtue of a decision of some feudal judge, or an encroachment of some arbitrary monarch, in some obscure and distant period of English history. They had seen how in the reign of the first Charles, subtle lawyers had drawn, with pen and research, forgotten precedents from old records to justify the growing tyranny. They had seen how readily an obnoxious statute of Henry VII. had been revived against themselves at the beginning of the contest which established their independence. They were resolved that no such uncertainty should hang, with its perpetual menace, over the government which they were founding. And testing the principles of political science by the severe lessons of history, they embodied the results of their meditations and experience in a written constitution.

They did it twice: first in the confederation, which failed utterly—I had almost said ignominiously; but I would speak with tenderness of the confederation, sir, for it is to the shortcomings of the confederation that we owe the blessings of the confederacy, which is the second question that I must consider.

I believe that it is the best that could be obtained I could have wished, sir, that this amendment should not be called upon to say. But, sir, I can find but one name for an attempt to overthrow a government which diffused a greater amount of happiness over a greater extent of territory than any government of ancient or modern times, and that name is rebellion. I can find but one name for the men who, by misapplying the talents with which God has endued them, and the opportunities which the beneficent government has afforded them, by intriguing some of their misguided followers, and by compelling others, had raised up vast armies against the Constitution which they had sworn to uphold, and who have proposed by the tribunal of traitor, made equal provision for the inevitable future. It is by virtue of this wise foresight of our fathers that we are here to day, and that the punishment of traitors should go, by whose form of condemnation and reproach treason should be acknowledged, and not as it was in ancient times, and that name is rebellion. How far the punishment of traitors should go, by whose form of condemnation and reproach treason should be acknowledged, and not as it was in ancient times, and that name is rebellion.

I have but two questions, therefore, to ask of this amendment; whether it is necessary, and whether it is right. If I believe that it is necessary, I believe it is right. An institution fundamentally in conflict with the primary principles of our government, and tolerated only because our founders, knowing that a "Constitutional door for amnesties" was always open, believed that we should not be called upon to tolerate it long, brought us, by that divine law of atonement from which neither individuals nor nations can escape, to the brink of destruction. Civil marriages, and military genius gave us the victory. Our duty to ourselves and to our children demands that we should make this victory secure.

And it is to make that victory sure, sir, we must first of all, accept frankly and fully the consequences of the social revolution which it has produced. We have blown down the evil tree, we must tear up the roots which gave it life and strength. Those roots, sir, were the acceptance and legalization of distinctions founded in race and color. Congress, by the bill of civil rights, has removed those distinctions from our legislation. It is our privilege, by accepting this amendment, to take part in removing them practically from the constitution.

I could have wished, sir, that this amendment should not be called upon to say. But, sir, I can find but one name for an attempt to destroy the Union, and that name is rebellion. I know, sir, that a milder or more liberal term has lately been applied to this war. It is the war for the preservation of the Union, for the Union, and the Union is a government.

The second step, sir, in securing our victory, is to bear constantly in mind that this fearful war through which we have passed was a rebellion, and that the treason which leads to rebellion is the greatest of crimes. I know, sir, that a milder term has lately been applied to this war. It is the war for the preservation of the Union, for the Union, and the Union is a government.
ble of the constitution—is the recognition, I say, of the equal rights of all men as men. It was by virtue of these equal rights that we renounced the sovereignty of England. It was in the name of these rights that we formed for ourselves a government of our own. Every act of practical legislation which reaffirms them or gives them greater distinctness is in harmony with the constitution. Every act which calls them in question, or retards their development, is false to the constitution; and whatever is false to the constitution must sooner or later either destroy it or be destroyed by it. For it is in its power of development that the strength of our constitution lies. It is in its capacity of rising above the narrow bounds of technical interpretation, and drawing freshness and strength from frequent returns to its source, that we find the pledge of its perpetuity. The full growth of a great principle is the work of time. Year by year, as its truths become more manifest, it strikes its roots deeper into the earth, and sends forth its branches more broadly into the sky. Again, sir, I could have wished that this amendment had gone farther: that it had taken higher and firmer ground than the shifting sands of expediency; although I am well aware that unpractised theorists often use the mildest term that is applied to the maker of such a wish. But, sir, we need not go beyond our own history to see that the theory of to-day often becomes the practical principle of to-morrow. We need not carry that history beyond the story of our own compromises and the debates on Texas and Kansas—read them in the light of to-day and deny it who can—we need not, I say, go beyond these tide-worn landmarks to see that great truths cannot be suppressed, great principles cannot be defrauded of their natural developments. And it is because I find in this amendment the recognition of our great fundamental truth, because I look upon it as a natural, although an imperfect branch of the tree which our fathers planted, that I accept it with confidence and joy. It breaks no promise, it violates no compact, as an attempt to establish a monarchical government in a State, or to deprive a State without its consent of its equal representation in the Senate, would do; but simply defines and applies by special terms what has already been announced in general terms. In a word, sir, it is a logical sequence of the abolition of slavery, and therefore, I recognize it as development, I welcome it as progress.

I have approached this subject, sir, with reverence and awe. I have been taught to look upon the constitution as the legacy of a generation of wise and virtuous men. I have been taught to regard it as the product of a mature experience, the expression of ardent love of country, and the manifestation of firm faith in the dignity of human nature. It is with a profound sense of my responsibility that I lay my hand upon this venerable record. All around us the earth is shaken, and thrones are tottering to their foundations. All around us men are looking with doubt and dread to what the morrow may bring forth. To us it is given to look with confidence and hope. Our strength has been proved and has not been found wanting. Our love of country has been tested by sacrifice and sealed in blood. And now, sir, the Being who has smiled so beneficently hitherto, asks at our hands, in return for all that He has given us in the past, for all that He may yet hold in store for us in the future, equal justice and equal rights for those whom He made, like us, in His own image and endowed with His own immortality. Who that has faithfully studied that past, who that has looked hopefully to that future, can answer no