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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.

S P E E C H

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.

S P E E C H .

In the House of Representatives, Thursday, Feb. 7th, the proposed amendment of the U. S. Constitution being under consideration, Prof. GREENE 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 exposition of the grounds of my belief. The act which we are asked to approve is to pass into 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 sanction of legislative acceptance, without telling you why, after mature and anxious deliberation, I believe it to be entitled to our unanimous support.

It has often been said, and generally with a suggestive accentuation of the word, that the government of the United States was an experiment in the science of government. But, sir, all government is an experiment in the adaptation of means to end, and at the origin of our government its most remarkable characteristic was the distinctness with which both means and end were marked out. We accepted a fundamental principle, and keeping it constantly in view, endeavored to apply its natural development to the wants of our actual situation. Happily for us, happily for our children, happily, indeed, for all mankind, that principle was so comprehensive in its nature, so vigorous in its vitality, that it would be impossible to conceive any future situation in which it would not meet all the wants of the highest civilization.

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 remote antiquity, and seen the great principle which it contained slowly working its way to the light, through obstacles which often impeded its 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 confirming or denying a present claim by virtue of a decision of some venal judge, or an encroachment of some arbitrary monarch, in some obscure and distant period of English history. They had read how in the reign of the first Charles, subtle lawyers had drawn, with patient research, forgotten precedents from old records to justify the growing tyranny. They had seen how readily an obsolete 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 short-comings of the confederation that we owe the blessings of the Union. A definite question had been asked it—can sovereign states form an efficient union and preserve their individual sovereignty? And the experiment fully and fairly tried in the confederation answered no. With this answer before

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them, as distinctly uttered as bankruptcy at home and impotence abroad could utter it, the sixty-one representatives of twelve states, with Washington at their head, met in solemn convention. Four months of anxious deliberation, of profound discussion, of mutual concessions, produced the constitution "I wish," wrote Washington to Patrick Henry, "that it had been more perfect, but I sincerely believe it is the best that could be obtained at this time." Well would it have been for us in the past, sir, well would it be for us in the future, if those darkest days of our history were kept more constantly in view; if those wise words of our common father were more frequently present to our minds. Twenty anxious months were still required for the acceptance and organization of the new government; and then, sir, with chart and compass to steer by, and with Washington at the helm, our ship of state sailed boldly forth into the turbulent ocean of national life.

And now, sir, when we consider the dangers which she has passed, and the dangers which still lie in her path, we instinctively ask ourselves—on what did wise men, on what did men of large experience and extensive observation, found their hopes of success? I borrow once more the words of Washington: "A constitutional door is left open for amendments hereafter." I will borrow the words of another great man, a man who sat by the side of Washington in Congress and in the convention, and whom we have all placed very near him in our hearts: "The first Congress," writes Benjamin Franklin, "will probably mend the principal faults, and future Congresses the rest." And thus, sir, by their firm faith in the eternal law of progress, by their calm reliance upon the destinies of humanity, these great men, while they made abundant provision for the imperious present, made equal provision for the inevitable future. It is by virtue of this wise foresight of our fathers that we are here to-day. Already a part of that which was inevitable future for them has become imperious present for us. The public mind has grown in strength. The public conscience has grown in comprehension. It becomes our duty to adapt the constitution to this growth.

I have but two questions, therefore, to ask of this amendment, sir; and first—is it necessary? I believe that it is. An institution fundamentally in conflict with the primary principles of our government, and tolerated only because our founders, knowing that a "Constitutional door for amendments" 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. Faith, self-sacrifice, civil wisdom and military genius gave us the victory. Our duty to ourselves and to our children demands that we should make that victory sure. And to make that victory sure, sir, we must first of all, accept frankly and fully all the consequences of the social revolution which it has produced. We have hewn 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 these 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 had gone further. I could have wished that instead of dissuading the violation of equal rights by an appeal to self interest, it had made it a crime by absolute prohibition. But that too, will come in God's good time, and meanwhile I cheerfully accept this as the best that can be obtained now.

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. I know that men who took a foremost part in the attempt to destroy the Union, have been allowed to claim a controlling voice in the reconstruction of it. 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 entrusted them, and the opportunities which this beneficent government has afforded them, by alluring some of their misguided followers, and by compelling others, had raised up vast armies against the Constitution which they had sworn to obey, and that name is traitors. How far the punishment of traitors should go, by what form of condemnation and reproach treason should be branded, in what terms of scorn and ignominy it should be held up in solemn warning to perpetual execration, I am not now called upon to say. But, sir, I must say that I cannot condemn the man who plots against the estate or the good name of his neighbor, as a criminal, and not condemn the man who plots against the good name and estate of a whole people, as a far greater criminal. I cannot call him who, without provocation, takes another's life, a murderer, and not call him who causes the unprovoked taking of thousands of lives, the chief of murderers. It is to such men that one section of this amendment applies, and history has no record of so mild a punishment for so heinous an offence. Of the necessity of this amendment, therefore, I can have no doubt.

Still less can I doubt that it is in harmony with the constitution, which is the second question that I have to ask it. By harmony with the constitution I mean not merely a verbal accordance with its external form, but an essential accordance with the spirit by which it lives. Now, sir, in our constitution this life-giving spirit is the recognition in the preamble—for the Declaration of Independence is logically and historically but the pream-

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 unpracticed theorist is often 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 monarchy 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?