Commencement Address - Suffolk Law School June 1936
Winfield Scott Downs Editor-in-Chief American Historical Society

SOME HISTORICAL ASPECTS OF THE CONSTITUTION

(Acknowledgment of Introduction)

And before I enter upon the message that I bring to you I wish also to express my deep appreciation of the privilege of being with you at the celebration of the 30th anniversary of your school. I had been acquainted for some time with the pioneering work in adult education that was being done at Suffolk Law School, but it is only recently that I have become familiar with the extent of your program, the high standards that are rigidly followed, the feast of opportunities placed before your students, and, most important of all, the splendid record of service that stands in the school's name through the accomplishments of its alumni. Thirty years is not a long period in the history of education in Massachusetts, where the church came with the settlers, indeed impelling them to settlement, and where the school followed the church, but when these thirty years see an experiment develop into a vital educational force, daily increasing in vigor and usefulness, then three decades stand proudly by three centuries, and the benediction of lovers of truth and knowledge and educational opportunity falls upon them.

Nor am I to forget that I speak not to such a group as I am accustomed to address, youths in school, candidates for arts and science degrees, but to students who have qualified through special and intensive training for the legal profession. This is a re-commencement for many of you, for you have been active and successful in other fields of endeavor and have added, through utilization of hours frequently lost, to the mental tools with which you will attack the problems of tomorrow. Heartily do I congratulate you upon the attainment of your goal, and wish you every success. I stand in admiration of the thing you have done. However, I was brought up in Philadelphia, among Philadelphia lawyers, and if there is a certain amount of uneasiness in my manner; if I look apprehensively behind me from time to time and seem uncomfortable with so many lawyers about, it is because of that early experience and the

traditional reputation of the Philadelphia lawyer.

It is my understanding that your speakers of other years have been men of action in public and official life and the world of affairs. I come to you as a scribe only, as one who lives in a house by the side of the road and observes, the justification of our craft being our own tastes and the belief that for every Johnson there should be a Boswell, that there is a service to be rendered in setting down dispassionately the findings of historical research, in using the essence of the experience of the past as a guide to the present, and in preserving intact the spiritual heritage which descends to us from those who have gone before. That the historian is, in modern parlance, "on the spot", was admitted in the dawn of English letters by the Venerable Bede, who said: "The hard condition of the historian is that if he speaks the truth he provokes the anger of men; but if he commits falsehoods to writing he will be unacceptable to God, who will distinguish in his judgments between truth and adulation."

Yet we can exchange the hair shirt which the Venerable Bede felt was the inescapable garb of the historian for the view of a modern historian, John Clark Redpath, to whom the romantic, rather than the scientifically accurate, aspects of his calling appealed. Writing of history, he said: "All other branches of knowledge recede and sink to a lower plane. Poetry yields its palm, music its harp, and art its chisel, to the superior claims of that serious and exalted lore in which the deeds and hopes and sorrows of the human race are imbedded."

There is no topic more frequently on the lips of debaters of public affairs in these troubled days than the Constitution of the United States - its bearing upon extreme legislation and its defense against the encroachments of those who believe that the super-structure is of more importance than the foundation. A League is formed for its protection; the forum; the press; periodicals; the very air are full of it; prayers daily ascend that the wisdom and strength of the Supreme

Court may be equal to the demands made upon it in the determination of the application of the Constitution to legislation covering new and untried fields. The man in the street speaks of the Constitution with a new reverence; the reverence due the very Ark of the Covenant, and there is abroad a conviction, felt rather than expressed, that nationally we have our back to the wall, facing a changing world, and that the wall at our back is the Constitution. So it has seemed worthwhile to me, enjoying your hospitality and your kindly welcome, to make the major part of my message to you a recalling to your mind of the turmoil and travail by which we came into possession of this priceless document, the distillation of man's governmental wisdom gleaned throughout the ages, described by Gladstone thus: "As the British Constitution is the most subtle organism which has proceeded from progressive history, so the American Constitution is the most wonderful work ever struck off at a given time by the brain and purpose of man."

We are likely to feel that the crises of recent years have produced political and social cleavages that will never be healed or forgotten. I say to you that in comparison with the boiling hatreds, the mass emotion, the irreconcilable viewpoints of 1776 and two decades later, our situation today is as the howling screech of a tornado to the wailing of a babe. We have now a stern duty to perform in the defense of our national birthright, make no mistake, but history shows us that there is no cause for panic, and much reason for hopefulness. Let us see: The thirteen colonies functioned under the Articles of Confederation and the Continental Congresses from the close of the Revolution to the adoption of the Federal Constitution. The general causes of dissatisfaction with the Union under the Articles of Confederation are well known. Washington, when about to resign the command of the Continental Army in 1783, addressed a circular letter to the governors of the States, which may perhaps be best described as his first Farewell Address. He himself referred to it as his "legacy" to his country. Without dwelling overmuch upon the

defects of the existing government, he set forth four things which he declared to be "essential to the well-being, I may venture to say, to the existence of the United States, as an independent power." They were: first, an indissoluble union of the States under one federal head; second, a sacred regard to public justice; third, a proper peace establishment; and fourth, a pacific and friendly disposition among the people of the United States.

Washington warned his fellow countrymen in the most solemn manner against the dire consequences of continued failure to maintain the authority of the general government, to pay the debt incurred in the war, to provide for the common defense, and to put the general welfare above private and local interests. During the next six years, which John Fiske aptly termed "the critical period of American history," Washington returned again and again in his correspondence to the need for a more perfect Union. Writing to John Jay, in 1786, he declared: "I do not conceive we can exist long as a nation without having lodged somewhere a power, which will pervade the whole Union in as energetic a manner as the authority of the State governments extends over the special States." The evils which moved Washington to such profound discontent were universal - they were felt no less keenly in Massachusetts than in Virginia. Congress, the symbol of union, was flouted by the states as they pleased. Even the Peace Commissioners at Paris disobeyed Congress and acted as they deemed best in formulating peace terms. When peace was signed and the colonists turned back to the pursuits of earlier days, all the old commercial rivalries, all the former, bitter boundary disputes revived in full vigor, and new quarrels arose over the cession of newly acquired territory, over exports and import tariffs, over inter-colonial trade, over everything that could possibly be a source of disagreement. The very existence of the new nation was threatened. Then, as in every crisis in history, it was wisdom of the few which saved the nation and brought order out of chaos.

No government can function without money - it is essential there as

everywhere. Under the Articles, Congress had no taxing power, but was entirely dependent upon requisitions on the states. If a state did not feel like honoring the requisition, Congress had no way of enforcing its demands. When Congress sought to pay the war debt as it had agreed, albeit without distinct authority, to do - Georgia, Delaware and South Carolina paid no heed to the request for funds. The financial weakness of this "government by supplication," as Gouverneur Morris called it, was but one of its frailties. It had no common, federal money system. Each state issued money of varying standards as it saw fit and in any amount it chose. In New England the shilling was worth about one-fourth of a dollar, while in some of the southern states it was worth about one-tenth. Paper money was issued with practically no limit. Loans and contracts made in one state or another were likely to be invalidated at any minute by some capricious piece of legislation. Congress had no control of tariffs on exports and imports. Each state levied the amount it thought best or nothing at all. There was suspicion and fear in every one of the states that some other state might win advantage. England had refused to deal with American shipping, and when Massachusetts and two other New England States, angered at this discriminating legislation, closed their ports to British shipping, Connecticut, their close neighbor, threw hers wide open and placed a tax on all imports from a neighbor state. New York and Rhode Island behaved as selfishly and badly as the pettiest of human beings could do. In Rhode Island, with the shipping, the carrying and the fishing industries almost crushed, there was so little activity, or even apparent effort, that as one man says, "nothing was running except the bars." And what could this timorous, powerless body, Congress, do in the face of such conditions? It had no executive power, no courts, no money of its own, and no credit anywhere.

Naturally there was no more respect abroad than at home for this pseudo government. When Congress was unable to pay the war debt as it had agreed, England made it the excuse for holding the lucrative fur trading posts of the Northwest, part

of her cession to the United States, and Congress could do nothing about it. Europe scarcely took the trouble to veil its contempt. In Paris, Jefferson was told blandly that there was no use in France making agreements with the United States, for the States could not fulfill them.

Mohammedan pirates of the North African States levied blackmail on any of our ships that ventured to sail the Mediterranean. New Orleans' Spanish Governor announced to the frontiersmen along the Mississippi River that they might have free use of the river if they would renounce allegiance to the United States and recognize Spain as their government.

Physical suffering added its complications. War brought extreme poverty to certain sections of the States. The source of much former wealth, in the carrying trade with England and the West Indies and the great fishing industry, was practically gone. The usual ghouls of food speculators added their efforts to the general misery. Riots were common in the States. In New England threats of secession were heard and in some places a desire for return to monarchical government was whispered about. Everywhere ran the spirit of suspicion, of enmity, of commercial rivalry and hostility. Anarchy threatened. On only one thing could the states agree. Something had to be done. The "Something" was done and the embryo nation was saved.

Maryland had been the last of the colonies to sign the Articles of Confederation, refusing to do so until the six states which had unfixed western boundaries had agreed to cede their land lying between the Alleghenies and the Mississippi to the "United States of America." So this fragile, wobbly, unstable, poverty-struck, little union owned a vast amount of valuable land and in some way or other it had to be administered. The states could not take back the land they had ceded and if the "United States" had a "national domain," it had to have some money to run it. It was this situation, handled with skill by a few wise and far-sighted patriots, that made our real union, the union for which men fought and died, possible. Settlers were pouring in vast numbers into this wonderfully rich land, which lay between the mountains and the vast waters of the Mississippi. Spain controlled New Orleans, the

outlet of the great river, and did all in her power to annoy and harass these settlers in their use of its waters. They appealed to the "United States" for protection of their interests, but the Federal government had no money to finance protection, and no way to get any, This was one of the many complications. It had been proposed to permit Congress to levy and collect a tax on all imports into the country, but New York was making too much money herself in this way to give it up for the general good, and as the consent of all the states was requisite to amend the Articles, that plan fell through. It was Washington who conceived a way out of the difficulty. He saw that the Potomac River was the natural means of access to the western lands. He knew, however, that what affected the Potomac River, affected not only his own state, Virginia, but Maryland and Pennsylvania. He therefore proposed to the Virginia Legislature that a meeting of the three states be called to consult on trade relations and regulations. And as they met at Alexandria, someone proposed that all the states be invited to send delegates to a later meeting in hope that they could all reach some agreement in commercial matters. His suggestion was adopted.

But when the time arrived, only five of the States sent representatives to the meeting at Annapolis, November, 1785. Among them, however, was a young man not yet thirty, born and bred in the West Indies and therefore without the jealous, provincial view-point which colored the opinions of most of the citizens of the states. Alexander Hamilton, representing New York, suddenly rose and proposed that all the states be invited by Congress to send delegates to Philadelphia, eighteen months later (in May, 1787), for the purpose of making "provisions as should appear to them necessary to render the Constitution of the Federal Government adequate to the exigencies of the Union." None of the states was at all enthusiastic over the plan, but the fact that anarchy was steadily increasing and that the idol of them all, George Washington, agreed to come as delegate from Virginia, influenced them to promise to send representatives to Philadelphia.

And so the great Federal convention met in 1787. The delegates were

nervous and apprehensive, suspicious of each other and torn between hope and fear. They knew that by them the Union would either be cemented or dissolved. They sat - fifty-five men - from May until the middle of September behind closed doors. They discussed their animosities, their grievances, their enmities, gaining confidence in each other as they gained knowledge of each other.

When the second Monday of May, 1787, the date for which the convention was called, arrived, the only delegates to appear were those of Pennsylvania and Virginia. At the end of two weeks no others arrived except those from Delaware and New Jersey. Finally twelve States were represented, and it became one of the most memorable assemblies the world has ever known. Rhode Island did not elect delegates. John Bach McMaster gives an interesting account of Washington's arrival in Philadelphia: "At Chester he was met by the Speaker of the Assembly and by many of the first characters of the place and escorted to May's Ferry. There the city light-horse met his carriage and accompanied him into town. It was the evening of Sunday, the thirteenth, yet the most straitlaced forgot their devotions, poured out of their houses, and, as the little cavalcade moved down the streets of the city, every church bell sent forth a joyous din, and every voice sent up a shout of welcome to the American Fabius. His first act was a graceful tribute to genius and worth, for he went with all haste to pay his respects to Franklin, who then filled the chair of President of the Commonwealth of Pennsylvania. This over, Robert Morris carried him home to his house."

By a unamimous vote Washington was called to the chair. Major Jackson was made Secretary. The convention sat in secret because of the fear of the States in losing their sovereignty and of the citizens of their infringement of individual liberties. The journals were deposited in the cusody of the president, General Washington, as, if suffered to be made public, unjust use would be made of them by those opposed to the adoption of the Constitution.

Professor Charles Warren, in his book "Congress, the Constitution, and

the Supreme Court", has written: "It is well known that historians - American, English and foreign - have long agreed that no political assembly ever contained a larger proportion of members possessing high character, intellectual ability, political sagacity, and far-sighted statesmanship."

De jure the Philadelphia convention was revolutionary, and the Constitution was drafted as the first step in a coup d'etat. Patriots of the type of Patrick Henry declined election to the Philadelphia convention, and subsequently opposed the Constitution. It is more than doubtful that the Philadelphia convention could be held were Thomas Jefferson not abroad at the time. The convention was as revolutionary and as radical from a purely constitutional point of view with reference to the Articles of Confederation as would be a convention to overturn the present Constitution of the United States. Some of the delegates elected to the Philadelphia convention, including Lansing of New York, went home when the convention resolved itself into a body to draft a new constitution rather than to propose amendments to the Articles of Confederation, which was the function assigned by Congress. Twenty-two of sixty-one delegates elected did not sign the Constitution, including among these Elbridge Gerry of Massachusetts and Edmund Randolph of Virginia. The Philadelphia Convention was not a harmonious body. There were wide differences of feeling among the colonists and these were reflected by their representatives in Philadelphia. In the body of the Constitution there are evidences of the compromises which were necessary to harmonize these difficulties. As a matter of fact, throughout the meeting of the Constitutional Convention and almost up to its final adjournment the opinion prevailed in the body outside that agreement was substantially impossible. Letters from the statesmen of the period to their friends indicate almost despair. Most of the members of the convention were relatively young men and Newton D. Baker has suggested that the body might be regarded as our first "Brain Trust." But there was present a man more than 80 years old who sat sagely through the disputes and controversies of his younger associates and every now and then, with some captivating bit of humor, or, in very grave controversies, with a sentence of solemn prayer,

called them back to the business in hand. In the heat of one of these controversies, Franklin said, "Gentlemen, we were sent here to confer, not to contest with one another".

A viewpoint that now seems to us unique was introduced by the Massachusetts delegation, which proposed that the number of representatives from the new States, which would be formed in the western territories, should be so limited as never to exceed the number from the original thirteen. Gerry, who seemed most concerned at the danger from the expected growth of the West, feared that the westerners, if they acquired power, would "like all men" abuse it. "They will oppress commerce," he declared, "and drain our wealth into the Western country." When Sherman pointed out that the western settlers would be their own children and grandchildren, Gerry replied that "there was a rage for emigration from the Eastern States to the Western country and he did not wish those remaining behind to be at the mercy of emigrants. Besides foreigners are resorting to that country, and it is uncertain what turn things may take there." Gerry was supported by King, but his motion was rejected by the Convention, five States against four. The States south of the Potomac were solidly against the proposal, evidently expecting to gain more than they would lose by the expected emigration. And so the frontier was happily left to exert whatever influence in American politics its inhabitants might fairly claim.

Gorham, of Massachusetts, at best was not sanguine concerning the future of the Union. On one occasion he put the question (manifestly expecting a negative answer): "Can it be supposed that this vast country, including the Western territory, will 150 years hence remain one nation?" But his ready allusion to the prospect of disunion, if the commerce power were too much fettered by limitations and restraints, reveals the intensity of the feeling which these sectional controversies provoked. Let us turn to some of the debate in the convention to gain an idea of the trend of the thought of a few of the delegates. Fresh from the rough and tumble of our present day legislative halls, the language in many instances will sound stilted and formal,

although direct enough on occasion. Mr. Bedford, of Delaware is speaking, on Saturday, June 30, 1787: "That all the states at present are equally sovereign and independent, has been asserted from every quarter of this house. Our deliberations here are a confirmation of the position; and I may add to it, that each of them act from interested, and many from ambitious motives. Look at the votes which have been given on the floor of this house, and it will be found that their numbers, wealth and local views, have actuated their determinations; and that the larger states proceed as if our eyes were already perfectly blinded. Impartiality, with them, is already out of the question - the reported plan is their political creed, and they support it, right or wrong. Even the diminutive state of Georgia has an eye to her future wealth and greatness - South Carolina, puffed up with the possession of her wealth and negroes, and North Carolina, are all, from different views, united with the great states. And these latter, although it is said they can never, from interested views, form a coalition, we find closely united in one scheme of interest and ambition, notwithstanding they endeavor to amuse us with the purity of their principles and the rectitude of their intentions, in asserting that the general government must be drawn from an equal representation of the people. Pretences to support ambition are never wanting. Their cry is, where is the danger? And they insist that altho the powers of the general government will be increased, yet it will be for the good of the whole; and although the three great states form nearly a majority of the people of America, they never will hurt or injure the lesser states. _I do not, gentlemen, trust you._ If you possess the power, the abuse of it could not be checked; and what then would prevent you from exercising it to our destruction? You gravely allege that there is no danger of combination, and triumphantly ask, how could combinations be effected? "The larger states," you say, "all differ in productions and commerce; and experience shows that instead of combinations, they would be rivals, and counteract the views of one another." This, I repeat, is language calculated only to amuse us. Yes, sir, the larger states will be rivals,

but not against each other - they will be rivals against the rest of the states. But it is urged that such a government would suit the people, and that its principles are equitable and just. How often has this argument been refuted, when applied to a federal government. The small states never can agree to the Virginia plan; and why then is it still urged? But it is said that it is not expected that the state governments will approve the proposed system, and that this house must directly carry it to THE PEOPLE for their approbation! Is it come to this, then, that the sword must decide this controversy, and that the horrors of war must be added to the rest of our misfortunes? But what have the people already said?'We find the confederation defective - go, and give additional powers to the confederation - give to it the imposts, regulation of trade, power to collect the taxes, and the means to discharge our foreign and domestic debts." Can we not, then, as their delegates, agree upon these points? As their ambassadors, can we not clearly grant those powers? Why then, when we are met, must entire, distinct, and new grounds be taken, and a government, of which the people had no idea, be instituted? And are we to be told, if we won't agree to it, it is the last moment of our deliberations? I say, it is indeed the last moment, if we do agree to this assumption of power. The states will never again be entrapped into a measure like this. The people will say the small states would confederate, and grant further powers to congress; but you, the large states, would not. Then the fault will be yours, and all the nations of the earth will justify us. But what is to become of our public debts if we dissolve the union? Where is your plighted faith? Will you crush the smaller states, or must they be left unmolested? Sooner than be ruined, there are foreign powers who will take us by the hand. I say not this to threaten or intimidate, but that we should reflect seriously before we act. If we once leave this floor and solemnly renounce your new project, what will be the consequence? You will annihilate your federal government, and ruin must stare you in the face. Let us then do what is in our power - amend and enlarge the confederation, but not alter the federal system. The people

expect this, and no more. We all agree in the necessity of a more efficient government - and cannot this be done? Although my state is small, I know and respect its rights, as much, at least, as those who have the honor to represent any of the larger states."

To this Mr. King, of Massachusetts, made reply: "I am in sentiment with those who wish the preservation of state governments; but the general government may be so constituted as to effect it. Let the constitution we are about forming be considered as a commission under which the general government shall act, and as such it will be the guardian of the state rights. The rights of Scotland are secure from all danger and encroachments, although in the parliament she has a small representation. May not this be done in our general government? Since I am up, I am concerned for what fell from the gentleman from Delaware - 'Take a foreign power by the hand!' I am sorry he mentioned it, and I hope he is able to excuse it to himself on the score of passion. Whatever may be my distress, I never will court a foreign power to assist in relieving myself from it."

A letter from Elbridge Gerry to James Madison, dated Philadelphia, June 11, 1787, shows the anxiety that pressed upon the mind and heart of that gentleman as he sat in those grave councils: "The Convention is proceeding in their arduous undertaking with eleven states under an injunction of secrecy on their members - the object of this meeting is very important in my mind - unless a system of government is adopted by compact, Force I expect will plant the standard, for such an anarchy as now exists cannot last long. Gentlemen seem to be impressed with the necessity of establishing some efficient system, and I hope it will secure us against domestic as well as foreign invasions."

When Benjamin Franklin had almost given up hope of a successful termination of the efforts of the convention, he used the following language in addressing the delegates: "We have gone back to ancient history for models of government and examined the different forms of those republics, which, having been formed with the seeds of their own dissolution, now no longer exist, and we have viewed modern states all

round Europe, but find none of their constitutions suitable to our circumstances." He then suggested appealing to the Father of Light to illumine their understandings. He said: "I have lived a long time, and the longer I live the more convincing proofs I see of this truth, that God governs in the affairs of men. We have been assured in the sacred writings that except the Lord build the house they labor in vain that build it." The appeal and the high standard of Dr. Franklin prevailed. While the name of God does not appear in our federal Constitution, as it does in the Mayflower Compact, the Declaration of Independence, and the Articles of Confederation, the Spirit of Jehovah, of justice, mercy, liberty, and brotherly love, as expressed by the Master, are evident throughout the document.

Washington and Franklin watched with keenest anxiety the progress of events. They had been identified with every step of progress that the colonies had made in the last twenty years and they well knew that the action of this convention meant either the final crown of hopes or the fulfillment of all fears. Washington struck the key note of the Convention when, rising from his president's chair, he declared in a voice husky with suppressed emotion, "It is too probable that no plan we propose will be adopted. Perhaps another dreadful conflict is to be sustained. If, to please the people, we offer what we ourselves disapprove, how can we afterward defend our work? Let us raise a standard to which the wise and the honest can repair; the event is in the hand of God."

When the great document was at last drafted and was all prepared for signatures the aged Franklin produced a paper, which was read for him, as his voice was weak. It follows:

> "Sir, I agree to this Constitution, with all its faults, if they are such, because I think a general government necessary for us, and there is no form of government but what may be a blessing to the people, if well administered; and I believe, further, that this is likely to be well administered for a course of years, and can only end in despotism, as other forms have done before it, when the people shall become so corrupted as to need despotic government, being incapable of any other. I doubt, too, whether any other convention we can obtain, may be able to make a better Constitution. For when you assemble a number of men, to have the advantage of their joint wisdom, you inevitably assemble with those men all their prejudices, their passions, their errors of opinion, their local interests, and their selfish views. It therefore astonishes me, sir,

to find this system approaching so near to perfection as it does; and I think it will astonish our enemies, who are waiting with confidence to hear that our counsels are confounded, like those of the builders of Babel, and ended in separation, only to meet, hereafter, for the purpose of cutting one another's throats."

James Wilson, of whom the historian, Governor Samuel W. Pennypacker, of Pennsylvania, said "he was the most learned lawyer in the convention, and perhaps, more than any other member, effected the results reached," added his comment to that of Franklin when he said: "After a lapse of 6,000 years since the creation of the world, America now presents the first instance of a people assembled to weigh deliberately and to decide leisurely and peaceably, upon the form of government with which they will bind themselves and their posterity." To Franklin, who for thirty-three years had been trying to form some federal union of the thirteen colonies, it was the supreme moment of his eighty-one years. As the meeting broke up he said, pointing to the back of the chair in which Washington had sat and on which was carved a gilded half sun, "As I have been sitting here all these weeks, I have often wondered whether yonder sun was rising or setting. Now I know that it is a rising sun."

The process of ratification was not easy or unanimous except in the small states of Delaware and New Jersey, and by Georgia, none of them self-reliant from long experience with democracy. In Pennsylvania the order for a constitutional convention was rushed through an expiring legislature, lest the next one eelected by the people be opposed; the vote against the Constitution in Pennsylvania was one-third of the membership. Connecticut was complaisant, but Massachusetts was militant in opposition. The vote in Massachusetts was 187 to 168, the victory a triumph for the political ambitions of Adams and Hancock; had districts opposed to the Constitution sent delegates to vote no, instead of refusing to send delegates at all as a protest, the Massachusetts convention would have rejected the Constitution. Maryland, a small state, voted 63-11 for the Constitution. South Carolina fought the battle out, 140-73, as did New Hampshire, 57-46. The struggle in Virginia was worthy of a commonwealth that produced a Washington, Madison and Marshall supported the Constitution;

Patrick Henry and Randolph opposed it; Jefferson was anti-federalist, and abroad. The single vote cast by Governor Collins in Rhode Island to break a tie and order a convention had its parallel in Virginia, where the Governor, who had been hostile to the Constitution, was persuaded overnight by the pleadings of Washington to change his attitude and cast a favoring vote. Patrick Henry fought valiantly against ratification, and then, noble warrior that he was, was equally vigorous in sustaining the Constitution. In New York the opposition of Governor Clinton went down before the eloquence of Alexander Hamilton. There was a glorious opposition to the Constitution, and greater glory in the good feeling with which the contest ended. No state need feel shame for standing with the opposition, including as it did great Americans.

But this recital of things we have known and perhaps forgotten has served its purpose if it has reminded us of the fact that we gained this Constitution that is the bulwark of our liberties through suspicion, distrust, selfishness, struggle, threats of war, obstruction, delays, refusals to compromise, and finally, by the grace of God, through the conquering of diametrically opposite views in a final determination to stand or fall in the light of liberty and in the strength of union.

From the past we come again to our problems of the present. We have in our public service and available for it men and women of high vision, who realize that the American plan is capable of <u>indefinite</u> <u>expansion</u> to meet the situations of world dislocation in economics, in social concepts, in political experiments. We had an example of its operation in what was termed "a noble experiment" in our 18th Amendment, and its subsequent removal from the frame-work of the Constitution. Regardless of what you or I think, history will write whether the experiment or the people working it lacked in nobility - the point is that we have an instrument strong and everlastingly dependable that stands and must stand between us and undemocratic influences, between us and demagoguery, between us and dictatorship. All that we need do is to keep from despair because foes arise; all that is demanded of us is that we bring to its preservation the fidelity, breadth of viewpoint, and dauntless courage of those who gained

it for us.

The great room has in its center tablets of stone, on which are graven the rules (the law) by which men live together. Around the walls of that room history has hung great murals, which show why men came to cut those rules upon the stone tablets. Study the stones until weary, my friends, and then lift your eyes to the walls, to the murals of history that give their meaning, yea, their enduring strength, to the stones.