

## *Lesson Twelve:* *The Process of Ratification: A Study of Four States*

### **BACKGROUND INFORMATION FOR INSTRUCTOR**

The first five states that ratified the Constitution followed the procedure specified by the Constitutional Convention, the Confederation Congress, and advocated by Federalists. In fact, three of those five states ratified unanimously (Delaware, New Jersey, and Georgia). Federalists held dominant majorities in the other two states (Pennsylvania and Connecticut). Only in the Pennsylvania Convention did Antifederalists seek amendments to the Constitution. On 12 December 1787 Antifederalists proposed a bill of rights that they wanted the people to consider when the Pennsylvania Convention recessed. Federalists, however, rejected the amendments and refused to allow them or the minority's reason for dissent to appear on the Convention's journal. Pennsylvania Antifederalists thereupon published the amendments embodied in their lengthy dissent in newspapers, broadsides, and pamphlets that circulated widely throughout the country.

#### **Ratification in Massachusetts**

The Massachusetts ratifying convention met in early January 1788. Being the second largest state in the Union in population and the dominant New England state, a rejection of the Constitution by Massachusetts would probably mean the death of the Constitution. With over 350 delegates, no one could accurately predict what the Convention would do. After three weeks of debate, it became clear that a majority of delegates would vote against ratification. Federalist leaders realized that the process of ratification had to be altered somewhat if they hoped to ratify the Constitution.

Federalist leaders approached Governor John Hancock, their erstwhile political opponent, with a proposition. Governor Hancock had been elected to the Massachusetts Convention and had been elected president of the Convention by his fellow delegates even though he never attended the Convention sessions. Not publicly taking a stand on the Constitution, Hancock was unable to attend the Convention because of an attack of the gout, a malady that often flared up at convenient political opportunities. Federalist leaders offered not to run a candidate against Hancock in the spring gubernatorial election and they vowed to support him as vice president of the United States if the Constitution was adopted. They also suggested to Hancock that George Washington might not be eligible to be the first president if Virginia did not ratify the Constitution. In exchange for their support, Federalists wanted Hancock to submit nine recommendatory amendments to the Constitution. The Massachusetts Convention would ratify unconditionally while the state's future U.S. Senators and Representatives would support the amendments in the first federal Congress. Hancock agreed to the deal and the Massachusetts Convention ratified the Constitution by a slim majority of nineteen votes. Six of the remaining seven states used this procedure in adopting the Constitution. Without recommendatory amendments, it is unlikely that the Constitution would have been adopted by the required nine states. This slight variance from the process of ratification devised by the Constitutional Convention was absolutely critical.

#### **Ratification in Rhode Island**

While Massachusetts tweaked the process of ratification, Rhode Island totally rejected it and substituted its own process. Throughout its colonial history, Rhode Island had often been a maverick both socially and politically. This uniqueness surfaced again during the Confederation

years. The state alone defeated the Impost of 1781—a proposed amendment to the Articles of Confederation that would have allowed the Confederation Congress to levy a tariff providing Congress with an independent source of revenue. In 1787 Rhode Island was the only state that refused to appoint delegates to the Constitutional Convention. The Rhode Island legislature then became the only state to reject the calling of a state ratifying convention. Leaders of the Country Party saw the Constitution as a danger to its radical financial policy in which a huge amount of paper money was emitted in 1786. Declared legal tender, creditors were forced to accept the depreciated currency in payment for debt. More importantly, the Country Party used the depreciated currency to pay the state's wartime debt that had by this time gravitated into the hands of speculators. Through an ingenious method of quarterly payments, speculators were forced to accept the depreciated currency for their state securities or see these securities forfeited. The Constitution's prohibition of state paper money endangered this fiscal scheme.

Rather than calling a state convention, the legislature dominated by the Country Party called a statewide referendum to consider the Constitution. Federalists condemned the referendum as undemocratic because the Constitution would not have a fair hearing in town meetings where local leaders would intimidate people who voted publicly. Alternatively, conventions would allow a forum in which the Constitution could be thoroughly debated by wise delegates who would then vote intelligently for or against the Constitution.

Freemen met in Rhode Island's thirty towns on 24 March 1788 and overwhelmingly rejected the Constitution 2,714 to 238. Only two of the state's thirty towns (Bristol and Little Compton) voted for ratification while many Federalists, particularly in Newport and Providence, boycotted the referendum. Over the next two years, the legislature repeatedly rejected calling a state convention to consider the Constitution. Federalists nationwide used Rhode Island's obstructionism as an argument in favor of the convention method of ratifying the Constitution. Not until January 1790 did Rhode Island call a convention to meet on 1 March when, after six days it adjourned to re-assemble in Newport on 24 May 1790. Five days later the Convention ratified the Constitution and Rhode Island rejoined the Union.

### **Ratification in New York**

New York provided another variant in the process of ratifying the Constitution. Assumed by many to be an Antifederalist state, it was uncertain whether New York would call a convention. Richard Sill, an Albany lawyer, wrote that "Our Legislature have formed a house at Poughkeepsie, and the first of their attention will be the calling a Convention—This however will meet a warm opposition & 'tis doubted by the best friends to the New Government whether we shall have a Convention called by a Legislative Act, the opposition are determined to make their first stand here." After a month in session, the state Assembly began its consideration of the call of a state convention. After heated debates, the Assembly rejected a preamble that would have implied that (1) the new Constitution would hurt New York's constitution and government and that (2) the proposed convention could amend the new Constitution. A convention was called to assemble in Poughkeepsie on 17 June 1788. For the first time, the state's property requirement for suffrage was suspended and all adult males could vote for convention delegates.

Two-thirds of the delegates elected to the New York Convention were Antifederalists. They agreed to consider the Constitution by sections without a final vote taken until the entire Constitution had been considered. When news arrived in Poughkeepsie on 24 June 1788 that New Hampshire had become the ninth state to ratify the Constitution, thus allowing the Constitution to be implemented among the ratifying states, it had little impact on most Antifederalists. They felt that a new government without Virginia and New York would not be viable. But when news arrived a

week later on 2 July that Virginia had ratified, New York Antifederalist leaders realized that they had to alter their position. Rejection of the Constitution or adjournment of the Convention was no longer a valid option.

Antifederalist leaders in the New York Convention developed an intricate Form of Ratification. At first they thought about ratifying for a limited number of years. If a second constitutional convention was not held within two years, the state's ratification would lapse. Alexander Hamilton, one of the Federalist leaders in the New York Convention, wrote to James Madison, then serving as a Virginia delegate to Congress in New York City, asking whether such a limited-term ratification was acceptable to Congress. Madison wrote back telling Hamilton that such a ratification was unacceptable. Seemingly no one in Congress authorized Madison to respond accordingly. In any event, New York Convention Antifederalists dropped the option for a limited-term ratification when Hamilton delivered Madison's opinion.

The preamble to New York's Form of Ratification stated "That all power is originally vested in and consequently derived from the people" and "That the powers of government may be reassumed by the people, whensoever it shall become necessary to their happiness." The Form then contained a long list of rights that should be protected followed by another lengthy list of structural changes to the government created by the Constitution. In the closing statement, the Form indicated that the Convention believed that four provisions of the Constitution should not be implemented before a second constitutional convention was called to consider amendments to the Constitution: (1) the state militia could not be sent out of state for more than six weeks without the approval of the state legislature, (2) Congress' power to regulate elections of federal representatives and senators was limited, (3) no excise taxes would be imposed on New York goods (except ardent spirits), and (4) no direct taxes would be levied before requisitions would be assessed so that the state legislatures could then determine how taxes would be collected. Finally, a circular letter was written calling upon the state legislatures to pass resolutions requesting the first federal Congress to call a constitutional convention to consider amendments to the Constitution. Many Federalists both in New York and in other states were relieved that New York had ratified the Constitution. Others, like James Madison, felt that the price for New York's ratification was too steep. On 24 August 1788 Madison wrote George Washington "that the circumstances involved in the ratification of New York will prove more injurious than a rejection would have done."

## KEY IDEAS IN PRIMARY SOURCE DOCUMENTS

### **Pennsylvania Form of Ratification, 12 December 1787**

Reference to Popular Sovereignty, Reference to the Revolution

### **Massachusetts Form of Ratification, 6-7 February 1788**

Amendments to Constitution Would Calm Fears of the People, Several Proposed Amendments to Powers Assigned in the Constitution, Several Suggestions Regarding Rights, Recommendation that First Federal Congress Work to Alter the Constitution

### **Rhode Island Act Calling a Referendum on the Constitution, 1 March 1788**

Reference to Constitutional Convention, Calling a Statewide Referendum, Suggestions for Procedures in Town Meetings, Reporting Votes to State Assembly

### **New York Form of Ratification, 26 July 1788**

Social Contract Language, Reference to Popular Sovereignty, List of Proposed Rights, List of Proposed Structural Amendments, Call on First Federal Congress to Secure Amendments through a Constitutional Convention

## PRIMARY SOURCE DOCUMENTS

### **The Pennsylvania Form of Ratification, 12 December 1787**

In the Name of the PEOPLE of Pennsylvania.

BE IT KNOWN UNTO ALL MEN,—That We, the Delegates of the PEOPLE of the Commonwealth of Pennsylvania, in General Convention assembled, have assented to and ratified, and by these Presents DO, in the Name and by the Authority of the same PEOPLE, and for ourselves, assent to and ratify the foregoing Constitution for the UNITED STATES of AMERICA.

DONE in Convention, the Twelfth Day of December, in the Year one thousand seven hundred and eighty-seven, and of the Independence of the United States of America the Twelfth. In witness whereof, we have hereunto subscribed our Names.

### **Massachusetts Form of Ratification, 6-7 February 1788**

The Convention having impartially discussed, & fully considered The Constitution for the United States of America, reported to Congress by the Convention of Delegates from the United States of America, & submitted to us by a resolution of the General Court of the said Commonwealth, passed the twenty fifth day of October last past, & acknowledging with grateful hearts the goodness of the Supreme Ruler of the Universe in affording the People of the United States in the course of his providence an opportunity deliberately & peaceably without fraud or surprize of entering into an explicit & solemn Compact with each other by assenting to & ratifying a New Constitution in order to form a more perfect Union, establish Justice, insure Domestic tranquillity, provide for the common defence, promote the general welfare & secure the blessings of Liberty to themselves & their posterity; Do in the name & in behalf of the People of the Commonwealth of Massachusetts assent to & ratify the said Constitution for the United States of America. And as it is the opinion of this Convention that certain amendments & alterations in the said Constitution would remove the fears & quiet the apprehensions of many of the good people of

this Commonwealth & more effectually guard against an undue administration of the Federal Government, The Convention do therefore recommend that the following alterations & provisions be introduced into the said Constitution.

*First*, That it be explicitly declared that all Powers not expressly delegated by the aforesaid Constitution are reserved to the several States to be by them exercised.

*Secondly*, That there shall be one representative to every thirty thousand persons according to the Census mentioned in the Constitution until the whole number of the Representatives amounts to Two hundred.

*Thirdly*, That Congress do not exercise the powers vested in them by the fourth Section of the first article, but in cases when a State shall neglect or refuse to make the regulations therein mentioned or shall make regulations subversive of the rights of the People to a free & equal representation in Congress agreeably to the Constitution.

*Fourthly*, That Congress do not lay direct Taxes but when the Monies arising from the Impost & Excise are insufficient for the Publick exigencies nor then until Congress shall have first made a requisition upon the States to assess levy & pay their respective proportions of such Requisition agreeably to the Census fixed in the said Constitution, in such way & manner as the Legislature of the States shall think best, & in such case if any State shall neglect or refuse to pay its proportion pursuant to such requisition then Congress may assess & levy such State's proportion together with interest thereon at the rate of Six percent per annum from the time of payment prescribed in such requisition.

*Fifthly*, That Congress erect no Company of Merchants with exclusive advantages of Commerce.

*Sixthly*, That no person shall be tried for any Crime by which he may incur an infamous punishment or loss of life until he be first indicted by a Grand Jury, except in such cases as may arise in the Government & regulation of the Land & Naval forces.

*Seventhly*, The Supreme Judicial Federal Court shall have no jurisdiction of Causes between Citizens of different States unless the matter in dispute whether it concerns the realty or personalty be of the value of Three thousand dollars at the least nor shall the Federal Judicial Powers extend to any actions between Citizens of different States where the matter in dispute whether it concerns the Realty or Personalty is not of the value of Fifteen hundred dollars at the least.

*Eighthly*, In civil actions between Citizens of different States every issue of fact arising in Actions at common law shall be tried by a Jury if the parties or either of them request it.

*Ninthly*, Congress shall at no time consent that any Person holding an office of trust or profit under the United States shall accept of a title of Nobility or any other title or office from any King, Prince or Foreign State.

And the Convention do in the name & in behalf of the People of this Commonwealth enjoin it upon their Representatives in Congress at all times until the alterations & provisions aforesaid have been considered agreeably to the Fifth article of the said Constitution to exert all their influence & use all reasonable & legal methods to obtain a ratification of the said alterations & provisions in such manner as is provided in the said Article.

And that the United States in Congress Assembled may have due notice of the Assent & Ratification of the said Constitution by this Convention it is, Resolved, that the Assent & Ratification aforesaid be engrossed on Parchment together with the recommendation & injunction aforesaid & with this resolution & that His Excellency John Hancock Esqr. President & the Honble. William Cushing Esqr. Vice President, of this Convention transmit the same, counter-signed by the Secretary of the Convention under their hands & seals to the United States in Congress Assembled.

George Richards Minot, Secretary

John Hancock President  
Wm. Cushing Vice President

Pursuant to the Resolution aforesaid WE the President & Vice President above named Do hereby transmit to the United States in Congress Assembled, the same Resolution with the above Assent and Ratification of the Constitution aforesaid for the United States, And the recommendation & injunction above specified.

## **Rhode Island Act Calling a Referendum on the Constitution, 1 March 1788**

*An ACT submitting to the Consideration of the Freemen of this State, the Report of the Convention of Delegates for a Constitution for the United States, as agreed on in Philadelphia, the 17th of September, A. D. 1787.*

WHEREAS the Honorable the Continental Congress did heretofore recommend to the Legislatures of the respective States, to appoint Delegates to meet in Convention, at Philadelphia, in May, A. D. 1787, to make such Alterations and Amendments in the present Confederation of the United States as would tend to promote the Happiness, good Government and Welfare of the Federal Union: And whereas the said Delegates, on the 17th Day of September, 1787, did agree upon, and report to the Congress of the United States, a Form of a Constitution for the United States of America: And whereas the said United States in Congress assembled did, by a Resolution passed the 28th Day of September, A. D. 1787, transmit said Report to the Legislature of this State, to be submitted to the Consideration of the People thereof: And whereas this Legislative Body, in General Assembly convened, conceiving themselves Representatives of the great Body of People at large, and that they cannot make any Innovations in a Constitution which has been agreed upon, and the Compact settled between the Governors and Governed, without the express Consent of the Freemen at large, by their own Voices individually taken in Town-Meetings assembled: Wherefore, for the Purpose aforesaid, and for submitting the said Constitution for the United States to the Consideration of the Freemen of this State:

*BE it Enacted by this General Assembly, and by the Authority thereof it is hereby Enacted,* That the Fourth Monday in March inst. be, and the same is hereby appointed, the Day for all the Freemen and Freeholders within this State, to convene in their respective Towns, in Town-Meetings assembled, and to deliberate upon, and determine each Individual (who hath a Right by Law to vote for the Choice of General Officers) by himself by Poll, whether the said Constitution for the United States shall be adopted or negatived.

*AND be it further Enacted by the Authority aforesaid,* That the Town-Clerks in the respective Towns shall forthwith issue their Warrants, for the convening of the Freemen and Freeholders to meet, on said Fourth Monday of March inst. at such Place where the Town-Meetings are usually holden: And the same shall be directed to the Town-Serjeants and Constables of the respective Towns, who shall cause Notifications to be set up in the most public Places of Resort within such Towns; and also shall repair to the usual Place of Abode of the Freemen and Freeholders in such Town, and give them Notice of the Meeting aforesaid, for the Purpose aforesaid. The said Town-Serjeants and Constables to have particular Districts pointed out to them, to warn the Freemen and Freeholders, so as not to interfere with each other's District, that all the Freemen and Freeholders may, if possible, have Notice and attend accordingly. And upon the Convention of said Freemen, they shall appoint a Moderator, who shall regulate such Meeting; and the Voices of the Freemen and

Freeholders shall be taken by Yeas and Nays, and the Town-Clerk of each Town shall register the Name of each and every Freeman and Freeholder, with the Yea or Nay, as he shall respectively give his Voice aloud, in open Town-Meeting, and shall keep the Original in his Office, and shall make out a true and fair certified Copy of the Register aforesaid, with the Yeas and Nays of each and every Person thereon, and carefully seal the same up, and direct it to the General Assembly, to be holden by Adjournment, at East-Greenwich, in the County of Kent, on the last Monday of March inst. and deliver the same to One of the Representatives of such Town, or other careful Person, who will take Charge of the same, to be delivered to the said General Assembly, then and there to be opened, that the Sentiments of the People may be known respecting the same. . . .

### **Rhode Island Assembly Committee on the Referendum, 3 April 1788**

We the Subscribers, being appointed a Committee to examine the Votes given by the Freemen of this State, agreeably to an Act of the General-Assembly passed at last Session, upon the Question whether the new proposed Constitution for the United States, be adopted by this State or not, beg Leave to Report, that we have examined the Yeas and Nays and find the Number of Yeas to be Two Hundred and Thirty-seven and the Number of Nays Two Thousand Seven Hundred and Eight, so that there is a Majority of Two Thousand Four Hundred and Seventy-one Nays. . . .

Which being duly considered, It is Voted and Resolved, That the said Report be, and the same is hereby accepted, And that his Honor the Deputy Governor (Daniel Owen), Jonathan J. Hazard, Thomas Joslin, and Rowse J. Helme, be appointed a Committee to draft a Letter to the President of Congress, inclosing the aforesaid Returns.

### **New York Form of Ratification, 26 July 1788**

WE the Delegates of the People of the State of New York, duly elected and Met in Convention, having maturely considered the Constitution for the United States of America . . . and having also seriously and deliberately considered the present situation of the United States, Do declare and make known.

That all Power is originally vested in and consequently derived from the People, and that Government is instituted by them for their common Interest Protection and Security.

That the enjoyment of Life, Liberty and the pursuit of Happiness are essential rights which every Government ought to respect and preserve.

That the Powers of Government may be reassumed by the People, whensoever it shall become necessary to their Happiness; that every Power, Jurisdiction and right, which is not by the said Constitution clearly delegated to the Congress of the United States, or the departments of the Government thereof, remains to the People of the several States, or to their respective State Governments to whom they may have granted the same; And that those Clauses in the said Constitution, which declare, that Congress shall not have or exercise certain Powers, do not imply that Congress is entitled to any Powers not given by the said Constitution; but such Clauses are to be construed either as exceptions to certain specified Powers, or as inserted merely for greater Caution.

### **Declaration of Rights**

That the People have an equal, natural and unalienable right, freely and peaceably to Exercise their Religion according to the dictates of Conscience, and that no Religious Sect or Society ought to be favoured or established by Law in preference of others.

That the People have a right to keep and bear Arms; that a well regulated Militia, including the body of the People *capable of bearing Arms*, is the proper, natural and safe defence of a free State;

That the Militia should not be subject to Martial Law, except in time of War, Rebellion or Insurrection.

That standing Armies in time of Peace are dangerous to Liberty . . . and that at all times, the Military should be under strict Subordination to the civil Power.

That in time of Peace no Soldier ought to be quartered in any House without the consent of the Owner. . . .

That no Person ought to be taken imprisoned . . . be exiled or deprived of his Privileges Franchises, Life, Liberty or Property, but by due process of Law.

That no Person ought to be put twice in Jeopardy of Life or Limb for one and the same Offence, nor . . . be punished more than once for the same Offence.

That every Person restrained of his Liberty is entitled to an enquiry into the lawfulness of such restraint . . . and that such enquiry and removal ought not to be denied or delayed, except when on account of Public Danger the Congress shall suspend the privilege of the Writ of Habeas Corpus.

That excessive Bail ought not to be required; nor excessive Fines imposed; nor Cruel or unusual Punishments inflicted.

That . . . a Presentment or Indictment by a Grand Jury ought to be observed as a necessary preliminary to the trial of all Crimes cognizable by the Judiciary of the United States, and such Trial should be speedy, public, and by an impartial Jury of the County where the Crime was committed; and that no person can be found Guilty without the unanimous consent of such Jury. . . . And that in all Criminal Prosecutions, the Accused ought to be informed of the cause and nature of his Accusation, to be confronted with his accusers and the Witnesses against him, to have the means of producing his Witnesses, and the assistance of Council for his defence, and should not be compelled to give Evidence against himself.

That the trial by Jury . . . is one of the greatest securities to the rights of a free People, and ought to remain inviolate.

That every Freeman has a right to be secure from all unreasonable searches and seizures of his person his papers or his property, and therefore, that all Warrants to search suspected places or seize any Freeman his papers or property, without information upon Oath or Affirmation of sufficient cause, are grievous and oppressive; and that all general Warrants . . . are dangerous and ought not to be granted.

That the People have a right peaceably to assemble together to consult for their common good, or to instruct their Representatives; and that every person has a right to Petition or apply to the Legislature for redress of Grievances.

That the Freedom of the Press ought not to be violated or restrained. . . .

That the Judicial Power of the United States in cases in which a State may be a party, does not extend to criminal Prosecutions, or to authorize any Suit by any Person against a State.

That the Judicial Power of the United States as to Controversies between Citizens of the same State claiming Lands under Grants of different States is not to be construed to extend to any other Controversies between them. . . .

That the Jurisdiction of the Supreme Court of the United States, or of any other Court to be instituted by the Congress, is not in any case to be increased enlarged or extended by any Fiction Collusion or mere suggestion;—And

That no Treaty is to be construed so to operate as to alter the Constitution of any State.



## Recommendatory Amendments

AND the Convention do in the Name and Behalf of the People of the State of New York enjoin it upon their Representatives in the Congress, to Exert all their Influence, and use all reasonable means to Obtain a Ratification of the following Amendments to the said Constitution. . . . That there shall be one Representative for every thirty thousand Inhabitants, according to the enumeration or Census mentioned in the Constitution, until the whole number of Representatives amounts to two hundred; after which that number shall be continued or encreased but not diminished, as Congress shall direct. . . .

That the Congress do not impose any Excise on any Article (except Ardent Spirits) of the Growth production or Manufacture of the United States. . . .

That Congress do not lay direct Taxes but when the Monies arising from the Impost and Excise shall be insufficient for the Public Exigencies . . . and in such Case, if any State shall neglect or refuse to pay its proportion . . . Congress may assess and levy such States proportion. . . .

That the Congress shall not make or alter any Regulation in any State respecting the times places and manner of holding Elections for Senators or Representatives, unless the Legislature of such State shall neglect or refuse to make Laws or Regulations for the purpose. . . .

That no Persons except natural born Citizens, or such as were Citizens on or before the fourth day of July one thousand seven hundred and seventy six, or such as held Commissions under the United States during the War, and have at any time since the fourth day of July one thousand seven hundred and seventy six become Citizens of one or other of the United States, and who shall be Freeholders, shall be eligible to the Places of President, Vice President, or Members of either House of the Congress of the United States.

That the Congress do not grant Monopolies. . . . no standing Army or regular Troops shall be raised or kept up in time of peace . . . no Money be borrowed on the Credit of the United States . . . declare War without the concurrence of two-thirds of the Senators and Representatives. . . .

That the Privilege of the *Habeas Corpus* shall not by any Law be suspended for a longer term than six Months. . . .

That the Compensation for the Senators and Representatives be ascertained by standing Laws; and that no alteration of the existing rate of Compensation shall . . . until after a subsequent Election shall have been had.

That the Journals of the Congress shall be published at least once a year . . . and that both Houses of Congress shall always keep their Doors open during their Sessions, unless the Business may in their Opinion require Secrecy. . . .

That no Capitation Tax shall ever be laid by the Congress.

That no Person be eligible as a Senator for more than six years in any term of twelve years; and that the Legislatures of the respective States may recal their Senators. . . .

That the Authority given to the Executives of the States to fill the vacancies of Senators be abolished, and that such vacancies be filled by the respective Legislatures.

That no Person shall be eligible to the Office of President of the United States a third time.

That the Executive shall not grant Pardons for Treason, unless with the Consent of the Congress. . . .

That the President or person exercising his Powers for the time being, shall not command an Army in the Field in person, without the previous desire of the Congress. . . .

That the Congress shall not constitute ordain or establish any Tribunals or Inferior Courts, with any other than Appellate Jurisdiction . . . and in all other Cases . . . the Causes shall be heard tried, and determined in some one of the State Courts, with the right of appeal to the Supreme Court of the United States. . . .

That no Judge of the Supreme Court of the United States shall hold any other Office under the United States. . . .

That the Judicial Power of the United States shall extend to no Controversies respecting Land . . . or to Claims of Lands between Individuals, or between States and Individuals under the Grants of different States.

That the Militia of any State shall not be compelled to serve without the limits of the State for a longer term than six weeks. . . .

That the Senators and Representatives and all Executive and Judicial officers of the United States shall be bound by Oath or Affirmation not to infringe or violate the Constitutions or Rights of the respective States.

DONE in Convention at Poughkeepsie in the County of Dutchess in the State of New York the twenty sixth day of July in the year of our Lord One thousand seven hundred and Eighty eight.

# THE LESSON PLAN—A Comparison of Four Approaches to Ratification

## OBJECTIVES OF THE LESSON

- \* Students will consider the types of alteration and amendments Massachusetts and New York proposed in their forms of ratification.
- \* Students will evaluate if it was reasonable for Rhode Island holding a statewide referendum on the Constitution.
- \* Students will evaluate the various approaches as to how the Constitution was ratified.

## THE LESSON

1. Have the entire class read the Pennsylvania Form of Ratification. As they read the document, they need to consider if Pennsylvania's method is reasonable and if other states should follow this example.

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### The Pennsylvania Form of Ratification, 12 December 1787

In the Name of the PEOPLE of Pennsylvania.

BE IT KNOWN UNTO ALL MEN,—That We, the Delegates of the PEOPLE of the Commonwealth of Pennsylvania, in General Convention assembled, have assented to and ratified, and by these Presents DO, in the Name and by the Authority of the same PEOPLE, and for ourselves, assent to and ratify the foregoing Constitution for the UNITED STATES of AMERICA.

DONE in Convention, the Twelfth Day of December, in the Year one thousand seven hundred and eighty-seven, and of the Independence of the United States of America the Twelfth. In witness whereof, we have hereunto subscribed our Names.

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2. After the class has read the Pennsylvania Form of Ratification, you may want to lead a short discussion by asking the following questions:
  - \* Is this an acceptable method of ratification?
  - \* Should other states be influenced or bound by the process used in Pennsylvania?
3. Divide the class into three groups. One group should be assigned to read the Massachusetts Form of Ratification. One group should be assigned to read the Rhode Island Referendum documents. One group should be assigned to read the New York Form of Ratification. Explain to the groups that they will consider the way in which a specific state went about ratifying the Constitution. Indicate that there were differences among these states.
5. You can display these documents or have handouts for the groups as they consider these four forms of ratification.
6. Using the guiding questions below, have students in their groups read and discuss their thoughts about their assigned document.

### Considerations for Group Reading the Massachusetts Form of Ratification

- \* Observations on the proposed changes to the Constitution.
- \* Observations on proposal to have the First Federal Congress amend the Constitution.

### **Considerations for Group Reading the Rhode Island Referendum Documents**

- \* Observations on the rationale used in the Rhode Island Call for a Referendum.
- \* Was Rhode Island justified in rejecting a Convention and opting for a referendum?
- \* Would you consider the Rhode Island process a legitimate process? Why or why not?

### **Considerations for the Group Reading the New York Form of Ratification**

- \* Observations on the proposed changes to the Constitution.
- \* Observations on proposal to have First Federal Congress amend the Constitution.

7. After each group has completed reading and discussing their assigned document, have the groups report their findings to the class.
8. Conclude the lesson by leading a discussion using the following questions.
  - \* What conclusions can you make about the ratification process?
  - \* Would you conclude there was a “right way” and a “wrong way” to ratify the Constitution?
  - \* To what extent should states have followed the recommendation of the Constitutional Convention? (See lesson #11 for the Constitutional Convention Resolution of 17 September 1787).
  - \* In your opinion, would the ratification process be similar or different today if we were to propose a new constitution?