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Nathan Dane to Melancton Smith New York, 3 July 1788

In my last letter I briefly gave my opinion on the questions you Stated to me,—now being more at leisure & Sensible that the peculiar Situation of our Government at this time is a matter of common concern and highly interesting to us all; and that we have the Same object in view, the peaceable establishment of a general Government on genuine federal and republican principles, I shall in this be more particular, and submit to your consideration several observations with that candor and frankness with which we have always communicated our sentiments to each other relative to the important subject in question—

The Constitution of the United States is now established by the people of ten States, and a day of course must soon be fixed, when all proceedings under the Confederation shall cease—The line of conduct which shall now be pursued by the three States which have not as yet ratified is become particularly and deeply interesting to them and to the whole Confederacy—As things are now circumstanced will it not be clearly for their interest and happiness, as well as for the interest and happiness of all the union to adopt the Constitution proposing such amendments as they may think essential—the Situation of the States is now critical—as the Constitution is already established there can be no previous amendments; and a State which has not ratified, and wishes to be in the union, appears to have but this alternative before her;—either to accede with recommending certain alterations, or to make them a condition of her Accession; and the probable consequence of either Step must be considered—I take it for granted that New York and the other two States wish to form a part of an American Confederacy—the readiness with which they Joined in the revolution, and acceded to the articles of Confederation; their open and general professions, and their past exertions to the support of the union Justify the idea opinion—In all our late political discussions, a Separation of the States, or Separate Confederacies, have Scarcely, to my knowledge, been Seriously mentioned—Admitting that Rhode Island, New York, and North Carolina all withhold their assent to the Constitution, and propose similar amendments, their situation is such, far removed from each other, and surrounded by ratifying States, that they never can think of confederating among themselves—Each one of them must be considered as Standing alone—but we have no reason to suppose that any one of those States has a wish to Stand alone, in Case she can Confederate on principles agreeable to her—If I understand the politics of these three States, they are strongly attached to governments founded in freedom and compact, and possess a Just aversion to those which are the result of force and violance—they will, therefore, be the last States which will adopt measures tending to foment

parties, and give passion an ascendancy over reason, or to hazard Steps that may, in the end, lead to a civil war, and consequently to the Government of the prevailing party established by the longest Sword—It is not to be pretended that the ratifying States will have any Just cause to make war upon any non ratifying State, merely because she does not accede to a national compact, where she has a right to act according to her discretion—nor ought we to presume that hostilities will be commenced by any party without some plausible or Just provocation—But the ratifying and non ratifying States will immediately have opposite Interests, which, in the nature of things, they will pursue—the longer they shall remain Separate the more their affections and friendship for each other will decrease—and counteracting laws and a disposition for coercive measures will take place—the affairs of the Country will have a propensity to hostilities, extremities and a thousand accidents may give rise to hostilities—The question in the ratifying States being Settled, it is probable the parties in them will gradually unite—In the States where the question shall remain unsettled, and the contest continue between the parties in them, as it undoubtedly will, in what manner they shall Join the union, they will grow more hostile to each other; and from what appears to be their present temper and situation, and if we reason from experience and from the character of men we must conclude, it is at least highly probable, that they will have recourse to arms, or to contentions extremely injurious to their common Interest, at no very distant period And what must be the issue of force, or of such contentions between the parties in any State is not difficult to foresee—If the other States should not interfere, those parties must decide their contest by themselves—If the party called federal shall prevail, they bring the State into the union unconditionally, or establish a State Government of their own, probably, on their own principles—If the other party shall prevail they will keep the State out of the union, unless the federal Constitution, which can hardly be presumed, shall in the mean time be made agreeable to them, and they will of necessity add a degree of severity to their laws and measures very incompatible with those principles of freedom they now contend for—this presents a disagreeable Scene in either event—But should the other States interfere, or a civil war by any accident become general between the advocates and opposers of the Constitution, throughout the United States, which is the probable consequence of any hostile beginnings, what must be the issue? our people tho enlightened are high Spirited—one party, when both are nearly ruined, may prevail, not in accommodating and fixing a government in freedom and compact, but in force and violence,—and may we not expect a more severe high toned partial system established to secure the victorious party, at least a system more despotic than the old one we lay aside, or the one we are adopting—Were there any great number of men heart[i]ly attached to the Confederation, their success might establish it—but this in its present form seems to have but few or no advocates—Were there any great number of men attached to it with certain defined alterations in it, their success might establish it when so altered—but we have not agreed in those alterations—and if we may Judge from experience, and what appears to be the public opinion, it is more difficult to mould the Confederation to the wishes of the people than the Constitution—the Community in fact consists of two parties, the advocates, who are for establishing the Constitution in its present form, and the opposers, who generally if I understand them consider it as a tolerable basis, but as an imperfect and unguarded system unless amended—Were the advocates well attached to the system their success might establish it but this is not the Case—we know that many of them and those too, who would have the most influence, from their abilities, address,

and activity, in producing a Government, never will agree to a system so favourable to liberty and republicanism even as the one proposed, if by any means they can get one more favourable to themselves, and unfavourable to the body of the people—If the other party those who wish to have the system but amended, succeed, and they were agreed in the amendments their success might establish the plan so amended—but no set of amendments have been agreed upon, and different ones have been proposed by different Conventions—You will, therefore, I am confident, agree with me that the friends of liberty and of Governments founded in compact cannot reasonably expect any good consequences from force and violence—the very means are hostile to the end proposed—Our object is to improve the plan proposed: to Strengthen and secure its democratic features; to add checks and guards to it; to secure equal liberty by proper Stipulations to prevent any undue exercise of power, and to establish beyond the power of faction to alter, a genuine federal republic to effect this great and desirable object the peace of the Country must be preserved, candor cherished, information extended and the doors of accommodation constantly kept open—the votes of the people will I think avail them much more in establishing a government favourable to them—than any violent or forceable proceedings—It is to be considered that five States have adopted the Constitution without proposing any amendments—we have seen the amendments proposed in the Conventions of four States—and certain it is there appears to be too little in reality proposed to be gained by the amendments to Justify parties in those States carrying matters to extremities—Nor will any one two, or three States ever expect the others to meet them in amendments, but on the principles of accommodation—whatever amendments any State may propose, I am persuaded you are too well acquainted with men, not to be sensible that passion opinion, and self will must have a constant influence in their conduct relative to them, that when terms are rigidly insisted on by one party, they are generally opposed by terms rigidly insisted on by the other It cannot be proper for any State positively to say to the others, that unless they precisely agree to the alterations she proposes she will not accede to the Union—this would be rather dictating—a State may take a question upon the Constitution simply as it stands and express its sense of it in its present form—she may then annex recommended amendments and adopt it with them, or make them the Condition of her accession to the Union, I flatter myself, after a State has expressed her Sense upon the simple proposition you will prefer the mode of adopting with recommendatory amendments annexed—the new system must soon go into operation and some of the most important laws be made in the first Congress, and essential amendments be recommended by it—the State that adopts this mode comes into the Union armed with the declared Sentiments of her people, and will immediately have a voice in the federal Councils—she there will avail herself of all her influence, and of the advantages of accommodating principles in bringing the other States to accord with her Sentiments—whereas if she adopts conditionally She will not have a voice in those Councils during the most interesting period—party Spirit will, probably, reign in her bosom, and ill will constantly gain ground between her and the other States—and it is in my mind almost an absolute certainty that she must forever remain out of the Union, or relinquish some of her conditions—It cannot be presumed that any two of the three States will precisely agree in the same Alterations, and should they do it, it is not probable that all the States will agree exactly to them—there are many and able advocates for valuable amendments, and a good system of laws in every State and may they not prevail should all the States meet in the first Congress but should some of them Stand out, and

those in which those amendments and laws have the most friends—the federal republicans or men who wish to cement the union of the States on republican principles will be divided, and have but a part of their Strength in Congress where they ought to have the whole—When measures of any sort become necessary in a Community, it is generally wise to take a part in them, and to bring them as near to our opinions as we can in the first instance, and I have ever thought since a federal Convention was agreed on that Rhode Island and certain individuals who were appointed to that Convention, missed it exceedingly in not attending it—they might clearly, had they attended, have engrafted many of the principles and checks they now contend for, into the System—and have given it those features and securities which as it now appears, would meet the approbation of the people in General—they saw a Constitution of some kind was to be made, and before it had taken a fixed direction was the time for exertions—You as well as others know it to be a fact that some parts of the Constitution most complained of, were obtained with much address and after repeated trials, and which never could have been carried had the States and members, I refer to, attended the federal Convention—for any State now to stand out and oppose appears to me to be but a repetition of the same error—I might add many more observations but I think I need not dwell longer on these points—Even when a few states had adopted without any alterations, the ground was materially changed; and now it is totally shifted—tho I retain my opinion respecting the feeble features, the extensive powers, and defective parts of the System, yet circumstanced as we are, I confess, I feel no impropriety in urging the three States to accede—men in all the States who wish to establish a free, equal, and efficient government, to the exclusion of anarchy, corruption, faction, and oppression ought in my opinion to unite in their exertions in making the best of the Constitution now established, to preserve inviolate the liberties of America, and to promote the happiness of the people by Just and equal laws and an equitable administration; to add constitutional security to those liberties on every proper occasion are still the objects of all good men—this now appears to be the way to disappoint those men who discover a disposition to make a bad use of a Constitution in many parts not well guarded, and to use its powers to corrupt and selfish purposes—a good Constitution is capable of affording much security to the rights of the people, and ought to be aimed at with unremitted attention—But ought we to expect any Constitution under which the people may, with Safety, relax in any considerable degree in their attention to public measures?—can they be secure under any Constitution unless attentive themselves, and unless some of their able leaders are their real friends and their faithful guardians

Tho I think our people have examined the system in question with candor and freedom and discovered a strong attachment to liberty—Yet I would by no means so far rely upon their exertions and vigilance as to lose sight of those Constitutional securities which may be obtained by time and experience—while we view the conduct of rulers with candor, we ought to watch their movements with an Eagle's eye, and guard and secure the temple of freedom with unceasing attention—

To conclude ought we not now to give additional weight to the plea in favor of the Constitution drawn from the peculiarity of our situation, and which when less urgent and pressing appears again and again to have saved the system? and tho the system may be abused by bad men, ought we not to recollect that the road to lasting fame in this Country has generally been Justice, and Integrity, prudence and moderation, political information and industry & that there

is more than an equal chance that this will continue to be the case? attempts to palm upon our people vice for virtue, the mere shew of talents for real abilities, and the arts and puffs of party for a well earned reputation have generally failed—and what is wanting but to excite the attention of this intelligent people to render such attempts always unsuccessful? all these and many other considerations ought to have their Just weight in deciding the great question before us—

CITE AS: John P. Kaminski et al., eds., *The Documentary History of the Ratification of the Constitution*, Vol. XVIII: Commentaries on the Constitution, Public and Private [6] (Madison, Wis.: Wisconsin Historical Society Press, 1995), 214–20.