New York Ratifies the Constitution, 26 July 1788

The New York Convention, in which Antifederalists outnumbered Federalists by more than two to one, assembled on 17 June in Poughkeepsie, eighty-four miles north of New York City. By the time that the Convention delegates met, they knew that eight states had already adopted the Constitution. The Convention voted to debate the Constitution by paragraphs in the Committee of the Whole, with the proviso that amendments could be considered at any time. Federalists favored such a method of discussion because they wanted to delay the vote on ratifying the Constitution as long as possible in the hope the Convention would receive news that the requisite ninth state had ratified. Federalists, in fact, made plans for an express system by which such news could be relayed from the New Hampshire and Virginia conventions to the New York Convention. Through this system of expresses, the New York Convention learned on 24 June that New Hampshire had become the ninth state to ratify; a week later, on 2 July, it received news of Virginia's ratification.

The ratification of the Constitution by New Hampshire and Virginia virtually assured adoption by New York. The manner, however, in which New York would ratify still had to be thrashed out by the opposing delegates. Federalists united in supporting unconditional ratification, but were willing to accept recommendatory amendments in order to secure adoption. Antifederalists were less united. Since ten states had ratified, Antifederalists realized that outright rejection was not viable; nor did they want the Convention to adjourn to a later date, as did the Federalists, who preferred adjournment to conditional ratification. Instead, most Antifederalists favored some form of conditional ratification, although they were not even united on that course. One group supported conditional amendments, while a second favored ratification for a period of years on condition that certain amendments would be adopted. The most conciliatory Antifederalists had come to accept the idea of unconditional ratification with recommendatory amendments.

On 7 July the Committee of the Whole completed its paragraph-by-paragraph consideration of the Constitution. Antifederalist John Lansing, Jr., mayor of Albany and a former delegate to the Constitutional Convention who had left that body early, then read a bill of rights designed to be prefixed to the Constitution. For two days Antifederalists caucused in order to prepare and arrange their proposed amendments. On the 10th, Lansing submitted another plan, one calling for explanatory, conditional, and recommendatory amendments. The explanatory amendments consisted of a bill of rights and explanations of the unclear parts of the Constitution. On the 11th, Federalist John Jay, who believed that the Confederation Congress would never accept conditional ratification, moved that the Convention ratify the Constitution unconditionally with

certain explanations and recommendatory amendments. The Committee of the Whole debated Jay's motion for several days.

On 15 July Melancton Smith, the Antifederalist floor manager, moved to amend Jay's motion so that it would conform to Lansing's 10 July plan. Federalist John Sloss Hobart, seeking to blunt the efforts of Antifederalists, brought in a motion on the 16th for an adjournment so that the delegates could get instructions from their constituents. Hobart's motion was rejected on 17 July by a vote of 40 to 22. The same day Federalist James Duane, mayor of New York City, presented "a plan of ratification, with certain explanations, and with a list of amendments to be recommended," but this was defeated by a vote of 41 to 20. Smith and Zephaniah Platt, first judge of the Dutchess County court, then brought in another plan, under which New York would ratify the Constitution with the option to leave the Union if Congress did not call a constitutional convention in four years. Convinced that Congress would never accept ratification with previous amendments, Smith had abandoned that alternative which he believed would keep New York out of the Union, thereby hurting the chances for obtaining a bill of rights. The Committee of the Whole considered the Smith-Platt plan, debating it until 19 July when it was withdrawn for lack of Antifederalist support.

At this point on the 19th, Lansing requested that the Convention postpone consideration of all plans and consider his "draft of a conditional ratification, with a bill of rights prefixed, and amendments subjoining." Lansing's motion was adopted by a vote of 41 to 18 and for the next four days the Committee of the Whole debated the amendments separately. On the 23rd, the Committee of the Whole discussed Lansing's form of ratification which provided that New York ratify "*upon condition*" that certain amendments be adopted. Supported by Smith, Antifederalist Samuel Jones moved "that the words *upon condition* should be obliterated, and the words *in full confidence* should be substituted in their stead." Other Antifederalists agreed that conditional ratification was unacceptable and Jones's motion carried 31 to 29. The Committee of the Whole then considered the amendments until the 24th.

On the 24th Lansing moved that a resolution be adopted giving New York the right to secede from the Union if amendments were not adopted within a certain number of years. Alexander Hamilton, who had anticipated such a proposal, read a letter from Virginia congressman James Madison who, in answer to a question posed several days earlier by Hamilton, indicated that Congress would not consider a conditional ratification to be valid. Lansing's motion was defeated on the 25th by a vote of 31 to 28. The Committee of the Whole completed its consideration of the amendments and reported to the Convention that it had approved them. By a vote of 31 to 28 the Committee of the Whole adopted the final form of ratification, which did not provide for conditional ratification. The Committee of the Whole also resolved unanimously that a circular letter be sent to the other states "pressing in the most earnest manner, the necessity of a general Convention to take into their consideration the amendments to the Constitution, proposed by the several State Conventions." John Jay (chairman), John Lansing, and Melancton Smith were appointed a committee to draft the circular letter.

On 26 July the Convention accepted by a vote of 30 to 27 the report of the Committee of the Whole to ratify the Constitution with a declaration of rights and recommendatory amendments. As finally adopted, New York's ratification consists of a declaration of rights to which was subjoined the Form of Ratification. This was followed by recommendatory amendments. Ac-

cording to the Poughkeepsie *Country Journal*, 29 July, after the vote on ratification, Governor George Clinton, the Convention's president, "addressed the Convention very politely: the purport of which was, that until a convention was called to consider the amendments now recommended by this convention, the probability was, that the body of the people who are opposed to the constitution, would not be satisfied—he would however, as far as his power and influence would extend, endeavour to keep up peace and good order among them: To which the members and spectators were very attentive—and more than a common pleasantness appeared in their countenance."

Following Clinton's speech, the proposed circular letter was brought in by John Jay and unanimously approved. As president of the Convention, Clinton was requested to sign the circular letter and to transmit a copy to each of the state executives. The Convention also resolved that its proceedings be communicated to the New York legislature at its next session and that the legislature be "earnestly requested to co-operate with our sister States in measures for obtaining a general Convention to consider the amendments and alterations proposed by them and us, as proper to be made in the Constitution of the United States."

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