New York Legislature Recommends the Calling of a Second Constitutional Convention 4 February–5 May 1789

Background

In the summer of 1788 the idea of calling a second general convention to obtain amendments to the Constitution was not new. In the waning days of the Constitutional Convention of 1787, the notion was advocated by Elbridge Gerry of Massachusetts and George Mason and Edmund Randolph of Virginia—the three delegates who refused to sign the Constitution, in large part, because it lacked a bill of rights. On 27 September 1787, Richard Henry Lee, a delegate to the Confederation Congress, proposed amendments during the debate on how to transmit the Constitution to the states for their ratification. Congress refused to debate the substance of the amendments and rejected Lee's proposal. Lee's amendments were not even entered on the journal. On 16 October Lee wrote Randolph advocating the calling of another general convention to propose amendments. Lee's letter was printed in the Petersburg *Virginia Gazette* on 6 December and was reprinted widely in newspapers, a pamphlet anthology, and the Philadelphia *American Museum*, attracting considerable public and private commentary. In New York, it appeared in two newspapers—in the *New York Journal*, 22, 24 December, and in part in the *Albany Gazette*, 10 January 1788.

On 10 October 1787 Governor Edmund Randolph wrote a letter to the Virginia legislature explaining why he had not signed the Constitution and why, in the Constitutional Convention, he had supported another general convention. He declared in his letter that no alternative was "less exceptionable" than such a convention as a way to obtain amendments. Randolph's letter first appeared as a pamphlet late in December 1787, and on 2 January 1788 it was reprinted in the *Virginia Independent Chronicle*. It was widely reprinted in newspapers, a pamphlet anthology, and the Philadelphia *American Museum*, and it received both criticism and praise. In New York, it was reprinted in five newspapers—*Daily Advertiser*, 8 January; *New York Journal*, 9, 11 January; *Albany Gazette*, 17 January; *Hudson Weekly Gazette*, 24, 31 January; and *Country Journal*, 29 January, 5, 12, 19 February.

In December 1787 the Virginia House of Delegates debated a bill to pay state Convention delegates, which included a provision to pay delegates to a second general convention if the state Convention proposed amendments and appointed delegates to a second convention to consider the amendments. This explicit provision was stricken before the bill passed and was replaced by

a general provision to pay any expenses needed to communicate with the other states or their conventions. On 19 February 1788 Antifederalist Arthur Lee wrote Richard Henry Lee that George Mason believed that the Virginia Convention, scheduled to meet in June, "will recommend another general Convention."

Little attention was paid in New York to the idea of a second general convention until the publication of Governor Edmund Randolph's letter to the Virginia legislature. "Americanus" VII (Federalist John Stevens, Jr.) did not think another convention was needed, and, if called, it would be ineffective. A harmonious convention was thought to be unlikely because the objections to the Constitution were so "multifarious and contradictory." The convention would be no more able to avoid "ambiguities" than the Constitutional Convention had been. . . .

As the elections for New York Convention delegates on 29 April approached, the issue of a second general convention became more prominent. On 10 April the Albany Anti-federal Committee published a broadside circular outlining a long list of objections to the Constitution. A paragraph near the end of the circular stated "The 5th article of the *Constitution* points out a mode to obtain amendments, *after it is adopted*, which is to call a Convention for the purpose—and we conceive that a Convention may be called to amend the Constitution, *before* it is adopted with so many material and radical defects." About a week and a half later the Albany Federal Committee published an address which pointed out that the Constitution provided for amendments after ratification. It dismissed the idea of a second convention before ratification and rejected the notion of previous amendments. In the last number of *The Federalist*, Alexander Hamilton advanced a similar argument.

In a pamphlet published on 15 April, "A Citizen of New-York" (John Jay) vigorously argued against a rejection of the Constitution in the hope that a second convention could adopt a better one. The compromising and accommodating spirit of the Constitutional Convention of 1787 could not be replicated by another convention. America had become "divided into parties" and "pernicious heats and animosities have been kindled." Both parties would choose as delegates the "most staunch and active partizans" who will not be willing to compromise and conciliate. "To expect that discord and animosity should produce the fruits of confidence and agreement, is to expect 'grapes from thorns, and figs from thistles'." *The Federalist* called Jay's arguments "unanswerable." Almost immediately, "A Plebeian" (Melancton Smith?) answered "A Citizen of New-York," stating that accommodation was still possible. The Constitution had been fully discussed so that solutions were available. There would be no surprises in a second convention as there were in the first, which had created a national government in secret. "A Plebeian" believed that both sides in a convention called before the implementation of the Constitution would agree to amendments to "quiet the fears of the opposers, and effect a great degree of union on the subject."

The New York Convention

On 24 June 1788 the New York Convention received news that New Hampshire had become the ninth state to ratify the Constitution. The Constitution could now go into effect in the ratifying states. On 2 July news arrived that Virginia had ratified unconditionally and had recommended forty amendments. In time, some Antifederalist leaders became convinced that a conditional ratification—one demanding amendments before ratification and another insisting on the right

to withdraw after a certain number of years—would be rejected by the Confederation Congress, thereby placing New York outside the Union. Consequently, they agreed to an unconditional ratification, coupled with a call for a second convention to consider amendments. Despite the risks that a second convention would entail, Federalists, who were a distinct minority and had the support of some Antifederalists in order to obtain ratification, agreed to Antifederalist demands for a recommendation that a second convention be called to consider amendments after the Convention ratified the Constitution. The final form of ratification stated that the Convention was ratifying "In full Confidence nevertheless that until a Convention shall be called and convened for proposing Amendments to the said Constitution," several powers of Congress related to the militia, the regulation of elections, and excises and direct taxes would be restricted. A circular letter, adopted unanimously by the Convention, was even more explicit in recommending to the states the need to call a general convention to propose amendments.

The Circular Letter

The circular letter presented the case for a second general convention. Written primarily by John Jay, with the assistance of John Lansing, Jr., and Alexander Hamilton, the circular letter, addressed to the executives of the states, noted that the New York Convention and those of some other states had "anxiously desired" that the Constitution be amended. The government created by the Constitution was "very imperfect." Amendments were necessary to allay the fears and discontents of many Americans. The letter recommended that a general convention be called to amend the Constitution "to meet at a period not far remote." State legislatures were exhorted and requested to apply to the new Congress under the Constitution to call such a convention to consider the amendments proposed by the various state ratifying conventions.

The Convention asked its president (George Clinton) to sign the circular letter and send it to the executives of all the states. Clinton was also asked to transmit the Convention's proceedings to the New York legislature at its next session and to request the legislature "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."

Commentaries on the Circular Letter

New York Antifederalists were divided on the circular letter. Zephaniah Platt, who had voted to ratify the Constitution, hoped that a general convention would be called as soon as possible, while "the Spirit of Liberty is yet alive," to consider New York's amendments and those of the other states. Abraham B. Bancker, one of the New York Convention's secretaries, expected the new government would find it necessary "to Submit the several Amendments to the Consideration of another General Convention." The New York Convention, he noted, had "called upon the Sister States" for that purpose, and he hoped its request would "meet with the wished for Success."

Melancton Smith, who had a large part in fashioning the compromise on ratification, wrote on 1 January 1789 that Federalists' "fair promises and pretensions . . . are mere illusions—They intend to urge the execution of the plan in its present form." Congressman Abraham Yates, Jr., a fierce opponent of the Constitution and a supporter of conditional ratification, was also dubious

about getting amendments from a general convention. It will be "an uphill Affair." Yates elaborated upon his ideas in an article he published under the pseudonym "Sidney" in the *New York Journal*, 4 December 1788.

James Madison and George Washington were much disturbed by the appearance of the circular letter. Madison wrote to Washington that the letter "has a most pestilent tendency." An early convention had to "be parried," or the new system of government "may be at last successfully undermined by its enemies." Washington also believed that the circular letter would "be attended with pernicious consequences." Like Washington, Madison was also surprised that the letter was adopted unanimously, and he concluded that the manner of New York's ratification "will prove more injurious than a rejection would have done." Madison expressed his concern to Thomas Jefferson that another general convention "would terminate in discord, or in alterations of the federal system which would throw back *essential* powers into the State Legislatures. The delay of a few years will assuage the jealousies" and reveal the faults in the system that called for amendments.

Some out-of-state newspapers severely criticized the circular letter and New York's amendments. On 6 and 13 August widely circulated items in the *Pennsylvania Gazette* charged that the New York amendments "would annihilate the Constitution," bring back anarchy to America, and "introduce poverty, misery, bloodshed, and slavery into every state in the Union." The authors of the amendments were compared to "the lawless Indians" who did not "understand a system of government fit for a civilized nation." The circular letter was described as "impertinent" and it merited "the severest treatment from all the friends of good government." The *Pennsylvania Gazette* asked that the Constitution be given a fair trial and, if found faulty, it could be amended.

Beginning in September Federalist fears about a general convention began to subside. John Jay, the principal author of the New York circular letter, believed that if a general convention were obtained "immediately . . . its friends will be satisfied, and if convened three years hence, little danger, perhaps some good, will attend it." Jay believed that a majority of Antifederalists would be satisfied with a delay. If a delay were obtained, a general convention was not to be feared, especially if people were impressed by the operation of the new government. By the end of September, George Washington was less fearful about the calling of a general convention since "all honest men, who are friends to the new Constitution" wanted to give it a chance and those who were "slily" trying to subvert the Constitution had been found out. Nor was Alexander Hamilton concerned about the calling of a general convention. On 9 November Hamilton answered a letter he had received from Theodore Sedgwick in which Sedgwick reported that some Federalists in the Massachusetts General Court supported the circular letter. Hamilton stated that "The rage for amendments is in my *opinion* rather to be parried by address than encountered with open force. . . . The *mode* in which amendments may best be made and twenty other matters may serve as pretexts for avoiding the evil and securing the good." And in late November, the once fearful James Madison noted that it was "already decided" that the attempt to have another general convention was "a hopeless pursuit."

The Response to the Circular Letter by the States

Federalists' initial fears were understandable. Even though eleven states had ratified the Constitution, the opposition to it in some states had been formidable and tenacious. Antifeder-

alists managed, despite Federalist dominance of the newspapers, to disseminate their arguments in favor of amending the Constitution, especially on the need for a bill of rights. The writings of such Antifederalists as "Centinel," "Cato," "Brutus," and "Federal Farmer" were widely circulated in newspapers, broadsides, and pamphlets. Antifederalists also expressed their views in town and county meetings, in legislatures, and in petitions. Occasionally feelings ran so high that violence broke out, especially during celebrations and the elections of Convention delegates. There were significant instances of violence in Delaware, New York, North Carolina, and particularly Pennsylvania. After Pennsylvania ratified the Constitution, Antifederalists in the western part of the state even launched a petition campaign in an effort to overturn the state's ratification. More than 6,000 western Pennsylvanians signed these petitions.

Strong opposition to the Constitution also manifested itself in the conventions of seven of the eleven ratifying states. As part of their ratifications, Massachusetts, South Carolina, New Hampshire, Virginia, and New York recommended amendments. The Pennsylvania and Maryland conventions refused to recommend amendments, but the minorities of both conventions published their amendments. In August 1788 the North Carolina Convention (Hillsborough) refused to ratify the Constitution until amendments were submitted to Congress and to a general convention. The Convention itself recommended over forty amendments.

The concerns of Federalists about New York's circular letter proved to be unfounded. Only in Virginia, some of whose leaders had been interested in convening another general convention, did the legislature react favorably to the circular letter. On 20 November 1788, the Virginia legislature, led by the House of Delegates that was dominated by Patrick Henry, adopted a resolution requesting that the new Congress under the Constitution call a general convention to propose amendments to the Constitution. On 2 December Governor Beverley Randolph transmitted this resolution and letters from the legislature to New York Governor George Clinton and the executives of the other states, asking that they unite with Virginia in the calling of a general convention. The New York legislature, finally acting on 7 February 1789, passed a similar resolution.

The other states spent little time considering the circular letter.

- Pennsylvania. In early October 1788 the Federalist-dominated General Assembly, by a vote of 38 to 24, defeated an Antifederalist motion to recommend the circular letter to the next General Assembly.
- Connecticut. In October 1788, Governor Samuel Huntington laid the circular letter before the House of Representatives, but no one in the House, not even Antifederalist leader James Wadsworth, asked that the letter be considered. Nor did anyone comment on its contents.
- Massachusetts. On 31 October 1788 Governor John Hancock submitted the circular letter and New York's proposed amendments to the state legislature along with the amendments proposed by Virginia and North Carolina, and the next day they were referred to a committee of both houses. No further action was taken in this session. At the next session Hancock submitted the Virginia legislature's call for a general convention and reminded the Massachusetts legislature that he had submitted the New York circular letter at the last session. In response, on 17 February 1789 the legislature resolved that Hancock inform the governors of New York and Virginia that a general convention would be expensive and dangerous.

- Rhode Island. Reacting to the circular letter, the General Assembly, dominated by Antifederalists, overwhelmingly adopted on 1 November 1788 a resolution calling upon the state's thirty towns to consider if delegates should be appointed to a general convention and to instruct their representatives to the legislature on what to do if such delegates were appointed. Such advisory referenda were common in Rhode Island. Nine towns voted for a convention, while five were opposed.
- North Carolina. The state legislature—in its November–December 1788 session that convened about three months after the state Convention had failed to ratify the Constitution—adopted a resolution providing for the appointment of five delegates to a general convention. The legislature then appointed five Antifederalists to be delegates.
- Maryland. In December 1788 the House of Delegates, acting on both the circular letter and Virginia's call for a convention, drafted a resolution recommending that the new Congress under the Constitution adopt a way of procuring amendments to the Constitution according to Article V of the Constitution. The resolution was considered but no final vote was taken on it before the legislature adjourned.
- Delaware. In February 1789 the House of Assembly, also acting upon both the circular letter and Virginia's call for a convention that it had received in January, read and accepted a report stating that those documents "contain matters by no means proper for the present consideration of the Legislature" and "that the same should be postponed."
- New Hampshire. In February 1789 Antifederalist Joshua Atherton reported to John Lamb that the only action taken on the circular letter by the Assembly was to appoint a committee to consider it.
- South Carolina. In January 1790 the state legislature, which had just ratified the amendments proposed by the first federal Congress, resolved that it would be "inexpedient" to hold a second constitutional convention as requested by the New York Convention in July 1788.

The New York Application to Congress to Call a General Convention

On 13 October 1788 Governor George Clinton issued a proclamation instructing the legislature to meet in Albany on 8 December, a month earlier than usual. This session would, among other things, consider the proposal for a second general convention and make provisions for the election of U.S. Representatives, Senators, and Presidential Electors under the new Constitution. The Assembly was controlled by Antifederalists and the Senate by Federalists.

In preparation for the meeting of the state legislature, a small group of Antifederalist leaders met in New York City between 30 October and 13 November "to form themselves into a Society, for the purpose of procuring a general Convention, agreeable to the circular Letter." On 30 October a committee of three—consisting of Melancton Smith, John Lamb, and James M. Hughes—was appointed to draft letters to Antifederalists in New York's several counties and to Antifederalists in other states. (Only Smith had been a New York Convention delegate.) The committee reported drafts on 4 November which insisted on the need for amendments to the Constitution to protect political and civil liberties against a government with excessive and dangerous powers. A general convention, stated the committee, had been promised by Federalists and without such a promise the Constitution would not have been ratified unconditionally. Since the committee believed

that Federalists could not be trusted to keep their promises, it was imperative that Antifederalists cooperate and unite in obtaining amendments through a general convention, "the only mode that is now left." On 13 November the Society again met but could not obtain a quorum and adjourned.

Soon after the Society adjourned, a few essays appeared in New York City newspapers supporting the call of a general convention and the election of congressmen who would support amendments. "A Federalist who is for Amendments" reminded his readers that New York Convention delegates had been unanimous in their belief that some amendments were proper and that they favored the calling of another general convention to obtain them. Many Americans supported amendments, including some Federalists. "I hope," the writer concluded, "none of those who made such professions will be guilty of such duplicity of conduct as to oppose the calling a convention to propose amendments."

On 27 November "A Federal Republican" published the first of two essays in the Antifederalist *New York Journal* in which he described the Constitution as "imperfect, capable of great improvements" and called for the election of congressmen who would support amendments. He promised, in future writings, to "point out the duplicity of conduct and disregard to the public good of some, who now oppose any alterations in it, though previous to its adoption they declared themselves in favor of amendments." A week later "Sidney" (Antifederalist Abraham Yates, Jr.) recommended that the state legislature "inhibit" New York's elected federal officials from taking an oath to support the new government until amendments were adopted. On 11 December "A Federal Republican" was distressed because Federalists had dropped their support of a general convention in favor of giving the new government a trial before making alterations. He called upon his readers to elect congressmen who advocated amendments and who would "firmly pursue the plan recommended by the convention of this state."

On 11 December Governor George Clinton laid before the New York legislature the proceedings of the New York Convention (including the circular letter) and the 13 September ordinance of the Confederation Congress for putting the Constitution into operation. He called "particular attention to the amendments" that the Convention had proposed, and he noted that the Constitution had been ratified on the belief that "a General Convention" would revise the Constitution. The circular letter, declared Clinton, recommended "a speedy revisal" of the Constitution in order to obtain "the approbation and support of a numerous body of our Constituents, and to allay the apprehensions and discontents which the exceptionable articles of it had occasioned." Clinton then quoted the circular letter "that no Government, however constructed, can operate well, unless it possesses the confidence and good will of the great body of the people."

The Antifederalist-controlled Assembly immediately appointed a committee of three to prepare an answer to the governor. On 18 December Samuel Jones, the committee's chairman, reported a draft that the committee of the whole considered. On 22 December the unamended draft was accepted and ordered to be engrossed. Later that day, the committee of the whole agreed to a resolution that a committee be appointed to draft an application to Congress, "requesting them as early as possible, to call a Convention for proposing amendments to the Constitution of the United States." Thereupon, the Assembly resolved that a committee of five, consisting of Samuel Jones (chairman), Richard Harison, Brockholst Livingston, Jonathan N. Havens, and John Bay, prepare a draft of the application. Federalist Harison and Antifederalists

Jones and Havens had voted to ratify the Constitution, while Antifederalist Bay had voted against. Livingston had not been a member of the New York Convention.

On 23 December the engrossed address to the governor was read in the Assembly, and it was ordered that "the whole House" present the address to the governor, which was done on the 24th. In the address, the Assembly agreed with the governor and circular letter's sentiment (which it paraphrased) "that no government can operate well unless it possesses the confidence and good will of the People," and it was impressed with "the unanimous sense of the Convention, expressed in their circular letter." Therefore, the Assembly would do what it could to obtain "a speedy revision" of the Constitution "by a new Convention. And we are convinced, that such a revision only, can allay the apprehensions excited by those parts of that system which are considered as exceptionable."

The Federalist-controlled Senate considered the governor's message separately from the Assembly. On 11 December, it committed the governor's speech and the accompanying papers to a committee of the whole. On 24 December, Abraham Yates, Jr., from the committee of the whole reported a draft of an answer to the governor. The two paragraphs relating to the proceedings of the New York Convention read:

"We receive with pleasure your Excellency's communications, of the proceedings of the State Convention, and consider their ratification of the Fœderal Constitution, as a happy means of cementing the Union, and of relieving the United States from the many evils they experienced, from the weakness and defects of their former confederation.

"Convinced Sir, of the truth of the observation, 'That no government, however, constructed, can operate well, unless it possesses the confidence and good will of the great body of the People,' we cannot but contemplate the adoption of the present system, by so large a majority of the States, with the utmost satisfaction, as it affords a happy presage, that it will experience that 'Confidence and good will' but since it is susceptible of salutary improvement, and as it is our inclination as well as duty, to pursue every constitutional measure, to ensure to the government, the greatest possible degree of such 'confidence and good will' and as respect for the late Convention, is an additional motive, we shall without hesitation, recommend a submission of the system, to a general Convention."

Yates then moved to expunge the report and replace it with a new version. His substitute expressed "perfect concurrence" with the "sentiments" of the circular letter and Clinton's speech respecting amendments. The defects of the Constitution, stated Yates, had to be corrected and apprehensions "so justly and generally occasioned" by the "exceptionable parts" of the Constitution had to be allayed. Yates also wanted to bring about "an early revision of the system" as recommended by the New York Convention and as "anxiously desired by our constituents." Lastly, he deleted any reference to "the weakness and defects" of the Confederation government. The Senate rejected Yates's substitute.

Thomas Tredwell, who had voted against ratification of the Constitution in the state Convention, moved to expunge the above two paragraphs and substitute new language. Tredwell's substitute emphasized that the ratification of the Constitution by the New York Convention "was not unconditional and without reserve." The Senate hoped that the circular letter would bring about the proposed amendments. Amendments, declared Tredwell, would relieve "the minds of a great part of the community from the anxious apprehensions of evils from the undefined powers

of the new Government." Such powers which were "much greater than they have ever experienced, or can be apprehended from the weaknesses and defects" of the Confederation. Tredwell's substitute assured the governor "that we shall use our utmost endeavors to bring about an early revision of the system" so that people could have confidence in their government. The Senate also defeated Tredwell's substitute.

After these substitutes failed, the draft response to the governor as originally presented was agreed to 11–8 and ordered engrossed. On 26 December the governor received the address. Although the Senate admitted that the governor was justified in convening the legislature at an earlier date, it wished that he had called it even earlier so that it could consider the appointment of Electors for the President and Vice President of the United States. Clinton replied that it was "impracticable" to have called the legislature earlier. He was persuaded that the legislature would "perceive the propriety of pursuing your principle, as far as circumstances will permit, and of adopting such mode of appointment, as shall appear most nearly to approach an election by the People." Nor would Clinton comment on "how far the ideas contained in your answer will tend to facilitate the attainment of the objects so earnestly recommended by our Convention." He had done his duty by transmitting "the sentiments and wishes of the Convention" to the legislature.

On 26 December Governor Clinton transmitted to the Senate the 2 December letter of Virginia Governor Beverley Randolph along with its enclosures concerning Virginia's call for a general convention. The Senate committed the papers to a committee of the whole. The next day the Senate transmitted Clinton's message and the accompanying papers to the Assembly which read them, entered them on its journal, and committed them to the committee that had been appointed on 22 December. In Clinton's letter of transmittal, he said he was communicating the papers "with the greater pleasure, from the persuasion, that it will give you satisfaction to find a State, so respectable for wisdom and patriotism, perfectly concurring in sentiment with our Convention respecting the necessity of amendments to the new system of General Government, and the means of obtaining them." The Assembly, however, did not renew its consideration of the calling of a general convention until late January 1789. It spent much of its time trying to adopt legislation to elect U.S. senators and presidential electors.

On 29 January 1789 the committee of five—appointed by the Assembly on 22 December 1788 and chaired by Samuel Jones—reported a resolution providing for an application to Congress requesting the call of a general convention. The resolution stated that the New York Convention had ratified the Constitution "in the fullest confidence" that a general convention would be called to propose amendments. The Convention had been unanimous in its belief that the Constitution needed revision. A majority of the people wanted revision and their apprehensions and discontents had to be allayed. The resolution asked that Congress call a general convention "immediately" to report amendments "as they shall find best suited to promote our common interests, and secure to ourselves and our latest posterity, the great and unalienable rights of mankind."

The Assembly in a committee of the whole considered the resolution on 2 February, and on 4 February it debated the measure vigorously. Federalist Brockholst Livingston—the only member of the committee of five who had not been a New York Convention delegate—opposed the resolution, stating that Congress itself should have the discretion of deciding on the best mode

for proposing amendments as provided by the Constitution: either to propose amendments itself or to call a convention to propose amendments. However, Livingston preferred that Congress itself propose amendments. He believed that Congress would be less divided by party spirit than a convention. At this point Livingston introduced a substitute resolution which requested that Congress take the New York amendments and those of the other states into their "early and mature consideration" and propose them to the state legislatures or call a convention "at a period not far remote" in accordance with Article V of the Constitution "as the one or the other mode of ratification may to them appear best calculated to promote the peace and welfare of the Union." Livingston declared that in his resolution he was following the New York Form of Ratification which he claimed did not mention a convention and which called for the ratification of amendments "in the manner prescribed in the constitution." The circular letter, Livingston admitted, did recommend the calling of a convention but it only represented advice that could be taken or ignored.

Samuel Jones, a former New York Convention delegate, countered that Congress would also be filled with party men. The circular letter was the unanimous sentiment of the Convention delegates, and their wishes should be followed. Ratification of the Constitution would not have been possible without the promise of a general convention. In fact, it was a condition of ratification. There would not be peace until a convention was called. John Lansing, Jr., another former New York Convention delegate and the speaker of the Assembly, also emphasized that a general convention was the wish of the Convention delegates. He said that a majority of the New York legislature and the people also supported a general convention. Livingston responded that the unanimity of the circular letter had been coerced, and he was not convinced a majority of the people wanted an immediate convention. The circular letter had called for a convention at "a period not far remote," while the original resolution wanted it summoned "immediately." Both Jones and Lansing denied that coercion had been involved in the circular letter. Federalist Richard Harison, who had voted to ratify the Constitution in the Convention, declared that he had signed the circular letter to allay the apprehensions of people. The Constitution could be improved and a convention would not act rashly. Therefore, he would vote against Livingston's substitute resolution. Livingston's resolution was defeated by a vote of 43 to 9.

Following the vote, the Assembly adopted John Lansing's motion amending the original resolution. The motion provided that to the end of the sentence beginning "The People of the State of New-York" the following words be added: "And in confidence, that certain powers in and by the said Constitution granted, would not be exercised until such revision should have taken place." The Assembly ordered the committee of the whole to sit again to continue considering the resolution.

The next day, 5 February, Brockholst Livingston moved that in the passage beginning "We, the Legislature" the word "immediately" be replaced by the words "at a period not far remote" after the word "called." His motion was defeated 33 to 18. Federalist Alexander Macomb moved that the word "immediately" be replaced by the words "as early as possible." His motion passed 28 to 21. To prevent wholesale changes in the Constitution, Livingston moved that a general convention take into consideration only "the amendments proposed by this or other States" rather than the Constitution as a whole. The motion lost by a vote of 37 to 10. At this point, the Assembly adopted the resolution as originally reported by Jones on 29 January, as amended, by a vote of

43 to 8. The Senate concurred with the Assembly resolution on 7 February, with only two senators voting against it.

On 27 February Samuel Jones moved a resolution that the governor be requested to transmit to Congress the application calling for a convention and that he also transmit the application to the state executives so that they could communicate it to their respective legislatures. Brockholst Livingston moved that the passage about the other states be deleted, but his motion was defeated 28 to 15. The Assembly then adopted Jones's resolution, and the Senate concurred on 3 March. Two days later, Governor Clinton transmitted the application to Congress and the state executives.

On 4 May on a motion of Federalist James Madison, a Virginia member of the U.S. House of Representatives, the House "Ordered that the 4th Monday in May be assigned for the consideration of the exercise of the powers vested in Congress by the 5th article of the constitution, relative to amendments." The next day, Theodorick Bland, a Virginia congressman who had voted against ratifying the Constitution in the state Convention, presented the Virginia application for a general convention to the House. The application was read, and it was ordered that it "be entered on the journal, and carefully preserved by the clerk of this House, among the files in his office." On 6 May, Federalist John Lawrence, a New York member of the U.S. House of Representatives, presented the New York application to the House, and the House took the same action that it had taken on the Virginia application. On 25 May, on a motion by Madison, consideration of amendments was postponed until 8 June. On that day, Madison presented his amendments, thereby ending any real chance that a second general convention would be summoned.

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