Melancton Smith's Speech in the New York Convention Wednesday, 23 July 1788

MELANCTON SMITH was raised in Dutchess County, New York, where he was a prominent merchant who at different times served as the county sheriff, a justice of the peace, and a judge on the court of common pleas. He moved to New York City in 1784 where he was one of Governor George Clinton's most trusted lieutenants and was a founding member of the New York manumission society in 1786. He served in the Confederation Congress in 1785-1787, in which he delivered a speech in July 1786 criticizing Congress' rejection of New York's ratification of the Impost of 1783 because of several unacceptable provisos. He expanded the speech in two pamphlets published in October 1786 under the pseudonym "A Republican."

In 1787, Smith strongly opposed the new Constitution because he feared that it endangered the rights of the people and the sovereignty of the states. With no chance of being elected to the state ratifying convention from strongly-Federalist New York City, Smith was elected to the convention from Dutchess County, which was expected to elect all Antifederalists as its seven delegates. Statewide, Antifederalists won a landslide victory capturing more than two-thirds of the Convention seats. Smith led Convention Antifederalists against the Federalist onslaught led by Alexander Hamilton and John Jay. In fact, Smith characterized himself as the manager of the Convention, which assembled in Poughkeepsie on 17 June 1788.

Knowing that they had no chance to ratify the Constitution, Convention Federalists delayed a final vote hoping for the arrival of favorable news from New Hampshire and Virginia where their conventions also convened in June 1788. Antifederalists steadfastly refused to ratify without conditional amendments. Federalists denounced such a conditional ratification equating it to a rejection that would oust New York from the Union. News of New Hampshire's ratification on 21 June that satisfied the constitutional-threshold of nine state ratifications did little to quell Antifederalists who sensed that the new government could not succeed without Virginia and New York. Everything changed, however, when news arrived on 2 July that Virginia had ratified. Federalists took heart, while the previously united Antifederalists now fractured as they frantically considered and proposed a variety of strategies all aimed at a limited ratification with conditional amendments or a limited term ratification allowing time for a second constitutional convention to meet and adopt amendments.

Finally, a small core of Antifederalist leaders that probably included Governor Clinton (who was the Convention's president), Samuel Jones, and Melancton Smith decided that disunion was too dangerous for both the country and for New York. On 23 July Smith gave a speech that announced a change in his position. Instead of supporting ratification of the Constitution only if accompanied by conditional amendments, Smith announced that

Antifederalists should ratify with recommendatory amendments that should be obtained through the procedure provided in Article V of the Constitution. Despite this change, Smith contended that "he was consistent in his principles and conduct" in pursuing "his important and favourite object of amendments with equal zeal as before, but in a practicable way which was only in the mode prescribed by the Constitution." In announcing this change, Smith said that he followed "equally the dictate of reason and of duty to quit his first ground, and advance so far as that they might be received into the Union." Smith's efforts succeeded in obtaining a three-vote majority (30-27) as eleven Antifederalists either did not vote or voted to ratify, including five of the seven Dutchess County delegates.

When news of New York's ratification was received in New York City, Federalist merchant Seth Johnson believed that "much praise is due M Smith, he found the improbability of having amendments made by the states previous to its becoming a government, & gave up his opinion to what he thought necessary for the tranquillity & advantage of the state. I do not think that he is any more convinced than when he left town. his conduct has been displeasing to many of the anti's—his moderation & the abilities he has shown in convention has in some degree compensated with the federalists for his opposition." Henry Knox, serving as the Confederation's Secretary at War, reported to George Washington that the New York Antifederalist Convention delegates should be praised "for their candor and wisdom in assuming different conduct when it became apparent that a perseverance in opposition would most probably terminate in Civil War, for such and nothing short of it were the prospects."

The manuscript of Smith's speech has only been recently discovered in the New York State Library's Manuscripts and Special Collections in the Papers of John Williams (Box 8, folder 30). In the process of mounting the manuscript pages in a book many years ago, folds were made that obscured the final lines of some of the pages. Additionally, at least three of the pages were incorrectly arranged. The manuscript, which appears to be a draft of the speech, does not appear to be in the handwriting of either Melancton Smith or John Williams. (The manuscript of another undated speech delivered by Melancton Smith on 11 July 1788 has also been located in the John Williams Papers of the New York State Library. In this much shorter speech, Smith reiterates his initial position that the New York Convention should only ratify the Constitution with conditional amendments, despite the fact that Virginia has ratified unconditionally.)

A summary of Smith's 23 July speech was included in a folio-sized broadside printed by John and Archibald M'Lean as a "Supplement Extraordinary" to the New York Independent Journal, 28 July 1788 under the sub-heading "Copy of a Letter from Poughkeepsie, dated Friday, July 25, 1788" (Evans 21172). At the end of the printed 25 July letter from Poughkeepsie, the letter writer stated: "I have been rather particular in stating the business of Wednesday to you, because I think it is of a decisive nature; and I was so well pleased with Smith's speech, that I have given you the substance of it with fidelity, and nearly as I could in his own language." The copy of the letter was reprinted in twenty-five newspapers by 14 August: N.H. (1), Mass. (4), R.I. (2), Conn. (5), N.Y. (5), Pa. (4), Md. (1), Va. (2), S.C. (1).

Smith's speech significantly impacted his subsequent career. His moderation did not endear him to Federalists, while many Antifederalists viewed him as traitorous. Although he continued in George Clinton's inner circle, Smith was not chosen as one of New York's first U.S. senators and, in fact, was never elected to a federal position under the Constitution. In essence, his effort to keep New York in the Union while continuing the effort to amend the

Constitution stifled his political career. According to Robin Brooks, Smith's biographer, "Even though much of Melancton Smith's life lies in obscurity, for a few days in July, 1788, he came as near as any man ever does to holding the fate of the nascent American nation in his hands. When he broke with most of his friends and political allies to support ratification of the Federal Constitution, he ensured New York's adherence to the new Union and averted possible civil war, at the cost of his own political career."

If the first, upon what terms we will accede to this new and momentous compact. In this situation what is it wise to do? Shall we Join the great American family, or shall we withdraw ourselves from It and seek our fortune separately.—Shall we endeavour to give the laws to the other parts of It, and dictate to them the terms of our Admission or shall we with brotherly kindness and confidence take our station in the family transition, and rely on common interest and common prudence for those Alterations and improvements which in our opinion will be calculated to render It more commodious and safe—?

I owe, Mr. Chairman that I do not Approve the building as It Stands though the whole is made of good materials and the different parts of It are in the main well proportioned and distributed. Yet I think It covers too much ground, and leaves too little room for the outhouses, which are equally necessary to the prosperity of the farm. I think too that considering the size of the building there are some additional buttresses wanting and that the fences about it are not as compleat as they ought to be.

To lay aside figures Mr. Chairman I am of opinion that the principal outlines of the proposed government are good; that the formation is in general on true republican principles; and If it did not contain some power which I fear may prove dangerous to the state governments, and If It had provided for some few rights which I Esteem of great importance, I should not scruple upon mature reflection to give it my hearty approbation. As It is I cannot help wishing for amendments. Yet I confess that when I consider how many wise good men, men who have given the fullest evidence of their love of their country, have either been concerned in framing or have since [missing lines]

any doubts and the sense of the people of Maryland appeared decidedly in the Zeal with which they flocked to the polls to support the avowed partisans of the constitution.—Where then are our hopes? Rhode Island neither from her situation, nor strength can afford us succour. It is true that in South Carolina the division among the people was considerable and we have reason to believe that it is still greater in Virginia, but have we not reason to look for the same effects in those States, which has followed the adoption of the Constitution in the others. A reconciliation of the people to the measures success will always be a strong argument in the public mind of the propriety of a thing. But what at any rate can we expect from such distant states? Will they either be disposed or able to assist us? Will they be inclined to make common cause with us in resisting a government they have solemnly adopted? And if they are inclined in what manner can they afford us aid against the populous and powerful states in our immediate vicinity,—I shall hardly mention the state the state of North Carolina, she it is true has not yet adopted: but there is every reason to conclude from her situation, and from the policy by which she is generally guided that she will follow the example of her neighbours—But if she does not the observation already made must satisfy us that we can not look for succour from that quarter—

Let us now turn our eyes upon our own situation, whatever we may may become here after by the settlement of our western territories we should certainly deceive ourselves If we suppose ourselves at present Strong, Circumstances which discover our weakness have been.

Is this a reasonable reliance? Have we not strong evidence that the opposition has greatly diminished in the states in which It was at first greatest? The late election in Massachusetts for Governor senate, and Assembly subsequent to the ratification of the constitution speak the sense of three fourths of the people in favor of It. But is three fourths of the votes hence been given for persons who were the advocates of It.—In Pennsylvania, the Election, subsequent to the adoption have been equally favorable to the friends of the constitution. in Connecticut where the people vote collectively for their council the leaders of the opposition have on several striking instances been left out; and friends to the constitution elected in their places, of the disposition of New Jersey and Delaware are none of us uncertain[.] given their zealous support to the constitution, I think it would be want of brotherly [kindness?] and candor not to suppose It possible that I may view those things which appear to me defects, at least in a stronger light than may be altogether Just, and I am led by this reflection to be the more willing to commit myself to the joint deliberations of America for such amendments as may be truly desirable.—

Before we take any decisive step upon the subject which may be contrary to the general sense of America, we ought to ask ourselves these several Questions—Are we able to stand alone in spite of the other States? And If we are not, can we reasonably expect that we shall be permitted to stand alone?

That we are not able singly to contend with the rest of the states, is a position which I believe will not be disputed. But some gentlemen may suppose that we should receive aid from the large majorities in some of the other states[.] with great truth pointed out, One of our Counties is an Island so detatched from the rest of the state that It is incapable of receiving any support while It borders so immediately on a neighbouring state which has long regarded It with a wishful Eye, as to be incapable of making even a show of resistance. Three other of our counties are also on an Island and that so situate as to be much more easily annoyed by our neighbours than succoured by us. The metropolis of the state and the principal seat of our wealth is also an Island situated at a corner of the state, exposed immediately to the sea, flanked, [flancked?] in all its Extent by a neighbouring state only by a river, and by the same river separated from that part of the state which contains our principal strengths, while it is accessible to another neighbour as enterprising as populous. The same river cuts the state assunder in the whole and intercepts a co-opperation of the different parts while each is open to the impression of its neighbours.

These circumstances are sufficient to teach us how misplaced would be a confidence in our own strength. But there are other considerations, If possible, of a still more serious nature[.] we are not ourselves united. That metropolis which I have already mentioned seems almost to a man resolved to embrace the union in every event. The greatest proportion of the inhabitants of the counties in its vicinity and which together with itself form the southern district appear to be in a similar disposition—Those are causes too delicate to be mentioned in this place which would be likely to promote an increase. [Missing lines?]

To what condition would the rest of the State be reduced in case of such a seperation we should then have to sustain the whole expence of government with one half of our resources lost and what is still worse should be obliged to pay a heavy tax to the support of a government in which we did not participate, I mean the duties on all the imported commodities consumed by us. This would create such a reverse in our situation, as could only be properly estimated by the

experiment—But it may be asked what reason have we to believe that the other states would act so exceptionable a part as to quarrel with us, or countenance a revolt of a part of our state merely because we exercised our right of Judging for ourselves. To this I answer that the history of the world teaches of that disposition—A respectable proportion of the citizens in the other parts of the state are warmly attached to the proposed government—What reliance could we place in our own strength under those circumstances? What have we not to apprehend from such a situation? A dismemberment of the state however grating or unwelcome the supposition may be seems to be a probable consequence. If It should be thought of, can we prevent It—Besides the strength of the seceeding part itself what efforts can be looked for from the divided and disagreeing residue of the state in offensive operations. Let us recollect that the neighbouring States can more readily afford succour than we can [annoy?] Let us also recollect that the important post of west point is in the hands of the union and will probably continue so as that when the states have concentrated in doing a thing, and power to do It. They seldom have many Scruples About the Justice or injustice of the matter—It is evident that the united States would suffer the greatest disadvantages in being cut assunder by a state which did not form a part of them, this would so embarass their operations, and divide their Strength that self preservation would dictate to them the necessity of removing the Obstacle—The interests of commerce and revenue would equally call for a removal of It—The neighbouring states would never Submit to be taxed by New York for her own benefit and the union at large would never endure the impediments to its commercial and revenue arrangements which the seperation of this state would Occasion,—The united States from the strongest motives of interest and safety would be led to promote and Cherish the disembodiment of this part of the state in which our commerce depends, and they would probably even think it Just to facilitate to its inhabitants an adherence to their lies to the union. If they were inclined to prefer them to those by which they were bound to the state.

against those evils what resource have we? Can we form a foreign ~~alliance~~ connection? With whom shall we connect ourselves? Shall we throw ourselves into the Arms of that nation from which at the expensure of so much blood and treasure we have Just severed ourselves? Shall we in order to secure liberty, dissolve our ties with those with whom we have [– – – ed] It, fighting side by side in a glorious war, to seek for protection from that power which endeavoured to wrest it from us, and from whose oppression our courage and patriotism alone preserved us—Are we sure that this power would countenance the Attempt? Have we good ground to believe that Great Britain would cultivate our friendship at the price of the enmity of all the other states?

Expectations of this sort would perhaps be as ill founded as they are dangerous. I have dwelt upon remarks of this kind the longer because though we all mean to avoid a direct rejection what It may be thought can alone bring us to the Conclusion I have described: Yet we seem to have in view a course which I fear may be attended with the same effect, and may be productive of the same consequences—I was once, Mr Chairman a friend to conditional Amendments but after the most mature consideration and expecting upon reflecting seriously on the present state of the question, I am induced to think that they ought not to be persisted in, in any shape.

I am no lawyer Mr Chairman, but as common sense can direct me in such a question, I cannot help concluding that a conditional adoption is a rejection—It seems to me to amount to this—we reject the thing proposed and we propose instead of It something else—Congress cannot Know us but thro the constitution, If we agree to that we are of course received into the union—If we do not agree to It or which is I conceive the same thing—If we agree to it upon condition that It must be altered and made a different thing, we then cannot be received into the union until a

further power is given to Congress by the people of the other States, or in other words until a new Constitution is formed.—Their Authority does not now extend to receiving us upon any conditions or terms whatsoever. It must be Yea, or No on our part to become a party to the Government we must in the first instance agree to It as It is, If we do not agree to It as It is, we disagree to It as It is, and If we disagree to It as It is, we reject.—And whatsoever name we may give It[,] our Act will amount in Substance to a rejection.—I am afraid to that It will be considered by the states As the worst kind of rejection.

They will be apt to consider It however will we may intend It. As an Expedient to keep out of the union and to save appearances—I own Sir I am unwilling to hazard the consequences—I am unwilling to put our United States out of humour with the Amendments we wish to see established from motives of Resentment against our Conduct—I am clearly of opinion that certain Amendments to the constitution are necessary and that It is our duty to take the most Effectual and prudent means in our power to Obtain them.—the only question then is, what those most Effectual and prudent means are

Three ways or methods are held out to our consideration—vizt. By previous conditional amendments, subsequent conditional Amendments, and recommendatory amendments, As to mere explanatory Amendments for settling ascertaining doubtful constructions, those can be no difficulty in adopting and insisting on them, provided they be fairly restrained to cases really doubtful, for in all such cases it certainly is right and proper for us to declare in what sense we understand and adopt those parts or paragraphs in the constitution which admit of more than one construction—

Many are the difficulties which will and must attend the plan of previous conditional amendments, and the more we examine and investigate the nature and tendency of such a measure, the more I become Convinced that It will operate to defeat the very purposes which we wish so ardently wish to Attain

If we ratify the constitution on condition that it shall not become binding on this state until all the other states shall have adopted our amendments, then we shall of course continue out of the Union until all the other states shall have complied with our terms.—But It must be evident on the least reflection that the national Congress cannot take upon to alter the constitution under which they exist, and which they will be bound to maintain—they therefore cannot admit us into the union by altering the constitution so as to [– – –] us. They must either refer our propositions to the Legislatures of the different states, or take Measures for calling a General Convention to decide on them—In either case a great deal of time will pass away during which we shall continue unconnected with our sister states and a prey to all the evils which naturally flow from foreign and domestic intrigues and from those heats and animosities which party zeal and private Interest or ambition never fail to introduce on such Occasions

From whatever cause it may have happened it is worthy of notice that none of the other States, not even those the most opposed to the constitution, have insisted on conditional amendments, why should we distrust them more than they distrust us? They do not insist that we should come down to their terms, and why should we insist that they should come down to our terms,—In private life we think it assuming and Indelicate for any man to dictate to his neighbours, and in public concerns, Especially in republics, It hath always been held right and proper that all measures touching the public weal should be the result of Joint councils and of the Major voice.

If therefore we should in effect tho perhaps in smoother words, tell the other States that we will have nothing to do with them unless they explicitly and literally comply with our terms,

would they not have reason to look upon us, rather as imperious dictators than as confidential friends and brothers? Would not their own self respect fortify them to depart from the ground of equality, and would not good policy tell them that such a strange and dangerous precedent ought not to be established nor even countenanced—In short Sir I cannot forbear thinking that such a measure would defeat those ends. To me it appears to be no less impolitic than indelicate, and that It would neither become us to offer nor the united states to Acquiesce In it. Many of these observations apply with equal force to subsequent conditional Amendments.

We perceive Mr Chairman that the most powerful and influential States concur with us in thinking that certain defects in the constitution ought to be remedied—they have declared other sentiments and desires in strong language and they expect that their sentiments and desires should be attended to—They however treat the other states with proper respect—They propose but they do not dictate[.] They recommend but they do not impose; why should not we add our influence in the national council to their influence and theirs to ours? Would not such concord and concurrence in the same measures for the same end promise more success than diverse & clashing ones?

If we give our amendments the form of conditions, I fear we shall put ourselves on higher ground than we can maintain—In my opinion men will see the same objects in different lights and we are not to presume that all the other states will agree that the Constitution ought to be altered Just so far and no further than the state of New York may point out—Can we be certain that no defect in it will escape our discernment, can we be sure that our own amendments will be perfect—may not experience yet teach us as it has often done others that our theories have faults which time and practice only could discover.—now if we ratify on conditions precedent or subsequent then difficulties will be the same, and we shall thereby reduce the other states to very disagreeable alterations. Vizt. Either to humour at the expence and only of their own dignity. But perhaps also at the expence of their Judgments or to have us out of their union or to take or to conive at and encourage such measures for bringing us into it as might be Injurious to our interest and to our honor.

It would not be wise or just to refuse to confide in the wisdom and integrity of the other states, without mutual confidence[.] we can never harmonize and as they all manifest confidence in us and in each other we cannot reasonably expect that such strong marks of distrust on our part will not excite their indignation.

We have Sir good reasons to be persuaded that the amendments proposed by every state will be fully considered and discretely decided upon, as we have no right to make a constitution for the other states, so we have no right to Insist that they shall be content with provisions because we like them.—They will and ought to exercise their own Judgments on every amendment by whatever state proposed. And we ought to be content to submit ours to the General voice, and not demand that the General voice shall declare that to be good which the General Judgment may think imperfect

It is my Judgment Sir impossible that the other states, who are as free as independent and as high spirited as we are, can ever submit to such treatment[.] We should thereby include these men and those states to oppose our wishes who now are disposed to Join with us in promoting them. As my anxiety to have amendments made is well known[.] my motives cannot be mistaken. I am persuaded firmly in my own mind that our amendments should be recommendatory, and that If we annex conditions to them we shall depart far from that line of prudence and propriety, which all the other objecting states without exception have concurred in observing.

I cannot agree with Gentlemen who may think that we ought to risk every thing in the endeavours to obtain Amendments.—I think we shall have sufficient security in different states.—both such recommendations before them and with such considerable bodies of people in the different states opposed to the constitution in the present form[.] Congress can never hesitate about the propriety of calling a convention[.] This will be an essential step to putting the wheels of the Government in motion, and from that convention we may reasonably expect a removal of every well grounded clause of Apprehension.—If all that we wish should not be done, It will become us to suppose that our wishes have been in some respects mistaken and therefore Acquiesce in the wisdom of the Majority

If we go into the operation of the System we shall have a voice in the event and shall increase the common interests of the people of America in the common liberty, and are well know[n] that they have shown as strong an attachment to it as we have.—Why then should we doubt that the people of the states in General will be as ready to second and to bring about such amendments as will really tend to the security of liberty as we are? If so those Amendments must take place for It will not be in the power of Congress to prevent It. They must call a convention upon the Application of nine States and indeed when we consider how many states have proposed amendments, and how important those are which have done and will do It, we have a moral certainty that one of the first Acts of the new Government will be to call a convention to consider of the Amendments proposed by the [missing page?]

Strengths, and Strength Safely and respectability.—Disunion on the contrary will not only beget weakness and of Course insecurity against foreign dangers but will occasion strifes and quarrels among ourselves and while It exposes us to all the horrors of internal war, to all the mischiefs of foreign influence and intrigue, will certainly lead to the increase of those military establishments which are of all the enemies to liberty the most deadly and destructive

It can as little be doubted that the respectability which a firm union on proper principles will give us in the Eyes of foreign nations, and the concord of measures which would result from an energetic foed[e]ral government would tend to put our commerce upon a more flourishing footing, and would procure a more ample vent for our commodities thereby increasing the value and productiveness of our Lands—

It is not more generally agreed that Union is necessary than that the old confederation is unfit for procuring the ends of union, and while It has contributed to lay upon us the burthens of a national Government has Obtained for us few or none of the benefits of It, hence It is equally admitted that an important change in the system is necessary. The universal convictions of these truths and the desire of a substantial reform give birth to the convention whose work the constitution now under consideration is and has given a currency to that constitution throughout America which forms one of the most astonishing events in the history of humane affairs—

In the short period of nine months it has become the constitution of ten of the thirteen States, and among these ten includes the states of the greatest wealth, weight and importance

It is now for us to decide whether we will become the eleventh or not, And [missing words]

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