

# Ratification of the Constitution

by Gordon Lloyd

## Introduction to the New York Ratifying Convention

**Day-by-Day-Summary | New York Ratifying Convention | New York Amendment Proposals**

### The Context of Ratification

By the end of May 1788, proponents of the Constitution had secured the approval of eight state ratifying conventions. But securing the ninth state was not going to be an easy task. Everything rested on the three remaining states: New Hampshire, Virginia, and New York. (North Carolina and Rhode Island did not ratify the Constitution until the First Congress sent twelve amendment proposals to the states for ratification.) The best evidence suggests that going into these three ratifying conventions, the Federalist–Antifederalist delegate split was 52-52 in New Hampshire, 84-84 in Virginia and 19-46 in New York. And all were scheduled to meet in June: Virginia on the 2nd, New York on the 17th, and New Hampshire on the 18th. News that New Hampshire ratified came one week into the New York convention. Chancellor Livingston captured the moment: “The Confederation, he said, was dissolved. The question before the committee was now a question of policy and expediency.” News that Virginia had ratified reinforced Livingston’s observation. Yet the delegates continued debating for another three weeks! On July 26, New York, by a vote of 30-27, ratified the Constitution and proposed 25 items in a Bill of Rights and 31 amendments. These proposals, along with the Circular Letter to the other States, are reproduced at the end of the day-by-day summary.



Plaque Commemorating the Location of the New York Ratifying Convention

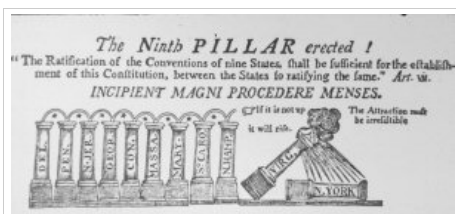
### The Leading Delegates

Among those delegates who defended the Constitution at the New York Ratifying Convention were 1) Alexander Hamilton and 2) John Jay, joint authors of *The Federalist Papers* and 3) Chancellor Livingston who administered the oath of office to President George Washington at the First Inaugural. Opposing adoption of the Constitution were 1) Melancton Smith, 2) John Lansing, a New York delegate to the Constitutional Convention in Philadelphia who left in protest after six weeks, 3) and Governor George Clinton, author of the Cato essays and President of the Convention.

June 17-June 23: Preamble and Article I, Section 2

Chancellor Livingston sets the tone. The delegates agree to discuss the Constitution in a “systematic manner.” Thus they begin with the Preamble. The Hamilton–Smith exchange follows over the scheme of representation in the House. Is the proposed ratio of representation large enough to pass the twin tests of sufficiently “adequate” to represent the “interests” of the people and also to discourage the “corruption” of representatives? Are there assurances that the ratio will be adjusted?

### June 24-June 26: Article I, Sections 3 and 4



Word arrived on June 24 that New Hampshire had ratified. The delegates discuss the merits and demerits of an amendment proposal to require that Senators be subject to rotation and recall. Smith thinks that a six-year term with rotation meets the stability test and avoids the Senate becoming a “perpetual body.” Besides, rotation “will diffuse a more general spirit of emulation, and to bring forward into office the genius and abilities of the continent.” Hamilton claims the recall and rotation amendment would weaken the Senate and be contrary to “systematic government.”

Chancellor Livingston interrupts with news that New Hampshire has ratified the Constitution. This created “an alteration in circumstances.” Lansing

## The Federal Pillars

disagrees, especially with Livingston's insinuation that there is a disunionist temperament in the air.

Lansing and Duane discuss whether a state-based district representation amendment is necessary and practicable.

## June 26-July 2: Article I, Sections 8 and 9

Word arrived on July 2 that Virginia had ratified. The delegates discuss Congressional power. Williams considers the restrictions on Congressional power to be "inadequate." In particular, he is concerned that the state governments are not provided with a source of revenue. Hamilton delivers a lecture in political theory: "When, in short, you have rendered your system as perfect as human forms can be, then you must give power." Hamilton and Lansing had a "warm altercation" over remarks by the former at the Constitutional Convention. Tredwell suggested that the claim of the proponents that what was not expressly given in the Constitution is reserved is an "absurdity."

## July 4-July 5: Articles II and III

Mr. G Livingston and Mr. Smith raised serious concerns about the structure and power of the Presidency, including re-eligibility and responsibility to Congress. Mr. Jones introduced and defended 9 Resolves that would restrain the Judiciary.

## July 7: Articles IV, V, and VI

Articles IV and V were read without interruption. Two amendments are proposed to Article VI. Smith moved to amend the necessary and proper clause, Article I, Section 8, Clause 17. Lansing suggested that a Bill of Rights be prefixed to the Constitution.

## July 8-July 9: An Interlude of Sorts

The delegates meet but no business is conducted.

## July 10: The Lansing Proposals

Lansing submitted "a plan of amendments, on a new arrangement, and with material alterations. They are divided into three1st, explanatory; 2d, conditional; 3d, recommendatory."

## July 11-July 18: The Jay Resolutions

Jay suggested two resolutions: [1] "the Constitution under consideration ought to be ratified by this Convention. [2] "that such parts of the said Constitution as may be thought doubtful ought to be explained, and that whatever amendment may be deemed useful, or expedient, ought to be recommended."

According to the Recorder:

*"The debates on this motion continued till Tuesday, the 15th of July; when Mr. SMITH moved, as an amendment, to add to the first resolution proposed by Mr. JAY, so that the same, when amended, should read as follows:*

*"Resolved that the Constitution under consideration ought to be ratified by this Convention: upon condition."*

The delegates apparently made little progress.

## July 19 – July 26: The Adoption of the Constitution

Lansing urged a "consideration [of] a draft of a conditional ratification, with a bill of rights prefixed, and amendments subjoined." [The Recorder: "Debates arose on the motion, and it was carried. The committee then proceeded to consider separately the amendments proposed in this plan of ratification."] The condition was that New York could secede from the Union if a convention had not been called in four years.

Jones moved "on condition, in the form of the ratification, should be obliterated, and that the words in full confidence should be substituted which was carried."



While the New York Ratification convention was meeting in Poughkeepsie, supporters of the new federal Constitution rallied support with a parade down Broadway in New York City on July 23, 1788. Courtesy of the Library of Congress.

The whole being gone through and amended, the question was put, whether the committee did agree to the same, which was carried in the affirmative.

The bill of rights, and form of the ratification of the Constitution, with the amendments, were read. The question was “put” whether the same should pass. The vote was 30-27 in favor of ratification.

### Who Changed Their Mind?

The nine probably included Mr. Scudder, Mr. J. Smith, Mr. Junes, Mr. Schenek, Mr. Lawrence, Mr. Carman, Mr. Platt, and Mr. Williams. Melancton Smith and Mr. De Witt, along with nine other delegates changed their mind in light of the practical reality that the Constitution had received the affirmation of ten state ratifying conventions. Abraham Yates, John Lansing, and Thomas Tredwell, however, voted to reject the Constitution. Governor Clinton, and seven other Antifederalists, abstained.



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