

NEW YORK'S PARTICIPATION IN THE DRAFTING AND RATIFICATION  
OF THE UNITED STATES CONSTITUTION

by

Rebecca Sue Atkinson


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A THESIS


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OF THE UNITED STATES CONSTITUTION

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A THESIS

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Master of Arts

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by

Rebecca Sue Atkinson

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## ABSTRACT

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### Purpose

The intention of this thesis was to study the United States constitutional movement within a confined local scope by (1) examining the role of New York delegates in the drafting of the United States Constitution of 1787 and (2) the eventual ratification of that document by the New York convention in 1788.

### Methods

The methods used to obtain data for this study were to:

- (1) consult general works on the political situation in New York immediately prior to and during the constitutional movement;
- (2) analyze debates in both the Philadelphia Convention and the New York state convention; and (3) evaluate related speeches, letters, and state documents.

### Findings

1. The political factions in New York tended to center around two basic economic groups--agrarian and commercial.

2. The political atmosphere of New York in 1787 was such that only a major issue was needed for a serious confrontation between the factions.

3. The contributions of New York toward the drafting of the Philadelphia Constitution were few since Robert Yates and John Lansing were disinclined to compromise. The greatest contribution of their fellow-delegate, Alexander Hamilton, resulted from the psychological effects which his more extreme proposals had on other delegates.

4. Antifederalists were in control of the New York ratification convention until the choice before the delegates became more simply either union or disunion.

5. Ratification by New York was a direct result of the split in that state's Antifederalist faction.

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## CHAPTER I

### INTRODUCTION

The foremost political document in American history remains the United States Constitution of 1787. The movement to establish the Constitution has often been described as a conservative reaction to the radical revolution of 1776.<sup>1</sup> Whether or not this is true, the men who were involved in the process of its construction and ratification were sincere and dedicated men. The end product was of necessity a compromise among those personalities who feared the alternatives of either anarchic localism or centralized tyranny. In no state was the division and controversy more marked than in New York.

Historians recognize that New York was one of the key states vital to the successful operation of any union. New York had a most convenient harbor for world-wide commerce with rivers flowing directly to the sea, with ready access to Delaware Bay, to the Chesapeake, to the Mississippi, and to the water-course of the St. Lawrence. More than half the goods consumed in Connecticut, New Jersey, Vermont, and western parts of Massachusetts were

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<sup>1</sup>Merrill Jensen, The New Nation: A History of the United States During the Confederation, 1781-1789 (New York: Alfred A. Knopf, 1950), pp. 424-425. Also see, Charles Beard, An Economic Interpretation of the Constitution of the United States (New York: The Macmillan Company, 1925), pp. 324-325.

brought through New York and paid an impost to New York.<sup>2</sup> New York further had the natural advantages of a central location (dividing New England from the other middle and southern states) and an excellent soil. These physical attributes enhanced the importance of New York to the union.

Two main interest groups, one commercial and the other landed, dominated eighteenth-century New York politics.<sup>3</sup> Enjoying an economic boom and tremendous economic expansion by 1787, the future of New York seemed very promising. Some New Yorkers, like Governor George Clinton, believed the state even possessed the capability for a prosperous independent existence.<sup>4</sup>

George Clinton's rise to power affected the development of New York attitudes toward stronger union.<sup>5</sup> In a surprise guber-

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<sup>2</sup>George Bancroft, History of the United States of America (New York: D. Appleton and Company, 1884), Vol. VI, p. 454.

<sup>3</sup>Carl Becker, The History of Political Parties in the Province of New York, 1760-1776 (Madison: The University of Wisconsin Press, 1960), p. 22.

<sup>4</sup>Forrest McDonald, We the People: The Economic Origins of the Constitution (Chicago: The University of Chicago Press, 1958), p. 292.

<sup>5</sup>George Clinton was born in New York's Ulster County in July of 1739. He died in Washington in April of 1812. He studied law under William Smith, became a member of the Provincial Assembly of New York in 1768, and was a leading Whig. In 1775 he became a member of the Continental Congress. He voted for the resolution for independence in June of 1776 but was in the military service (brigadier general) when the Declaration of Independence was adopted. He was elected the first Governor of New York in 1777 and retained that office by consecutive re-elections for eighteen years. In 1804 Clinton was chosen Vice-President of the United States, an office he held until his death.

natorial election victory in 1777, Clinton defeated Philip Schuyler, a prominent member of the New York aristocracy. But Clinton's political strength and stability remained uncertain until 1786. Although he was re-elected in 1780 and 1783, important sections of the state were denied the opportunity to register their views toward him. These victories were scored during the Revolution while the British occupied New York City and many of the lower counties. Therefore, not until the election of April, 1786, were all sections of New York again afforded the opportunity to register their collective verdict in an election. Ironically, Clinton was unopposed in 1786. Furthermore, the legislative candidates whom Clinton supported were elected by large majorities. Nominally his faction controlled both houses of the state legislature.<sup>6</sup> Whether or not the Clintonians could remain united on a serious political issue was unknown.

During the Revolution, Clinton and many New Yorkers favored the cause of interstate union, and Clinton actively encouraged subsequent efforts to strengthen the Articles of Confederation.<sup>7</sup>

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<sup>6</sup>McDonald, We the People, p. 292.

<sup>7</sup>One example can be found in Clinton's letter to President Weare of New Hampshire in which he enumerated and supported the resolutions passed by the New York legislature. These resolutions pointed out the need for congressional power to provide a stable revenue for the central government. See "Clinton to Weare," August, 1782, Public Papers of George Clinton (Albany: Government Publication, 1904), Vol. VIII, pp. 26-29. Hereafter referred to as Clinton's Papers.

This appreciation for union was not to be a lasting commitment, however. A number of post-war issues which confronted New York affected the general attitude of Clinton and New Yorkers toward the idea of a stronger central government. The Loyalist problem was one of these important issues in the politics of the state during the 1780's. In most states the Loyalists had been proscribed as traitors and their property had been confiscated.<sup>8</sup> The Loyalists' plight was particularly serious in New York City which had been controlled by the British army during the Revolution. Tories who had not fled the country had gathered in the city for protection. After Britain's defeat, over one thousand Tories were arrested in New York. Although about six hundred of these were eventually released on bail and never brought to trial, many of the country's leaders, including George Washington, denounced trials and urged a more benevolent treatment.<sup>9</sup>

Article V and Article VI of the Treaty of Paris, 1783, dealt with the Loyalist issue. Tory-hating New Yorkers believed that the peace treaty had given unnecessary relief to the Loyalists.<sup>10</sup>

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<sup>8</sup>For a description by a Loyalist concerning his treatment in New York see "A Loyalist's View of the Events that Preceded Evacuation Day." Clinton's Papers, Vol. VIII, pp. 269-278.

<sup>9</sup>Claude H. Van Tyne, The Loyalists in the American Revolution (New York: The Macmillan Company, 1959), pp. 295-296.

<sup>10</sup>Clinton was first notified of the provisions in the peace treaty regarding the Loyalists by Colonel William Floyd who was the New York representative in Congress. See his letter, March 17, 1783, Clinton's Papers, Vol. VIII, pp. 86-89.

Article V provided for the restitution of confiscated property and stipulated that the Loyalists could go unmolested into any part of the United States, for twelve months, in the effort to obtain restitution. Article VI was designed to guard the Loyalists against future confiscations or prosecutions.

Governor Clinton supported the passage of severe laws to discourage the return of refugee Tories to New York and a return of their confiscated properties.<sup>11</sup> By 1788, after much prodding by Congress, the state legislature had lifted many of the restrictions imposed upon the Loyalists; most even recovered their rights as citizens. Alexander Hamilton served as defense attorney for several Tories who sued to regain their property. The Loyalists blamed the Clintonians for their difficulties and the loss of their property. They invariably threw their political support to the conservative faction led by Philip Schuyler and Hamilton.<sup>12</sup>

Another important issue with which Clinton had to contend, and which turned him against a stronger union, involved disputed

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<sup>11</sup>Over \$3,600,000 worth of Tory property had been confiscated in New York, most of which were large estates which were broken up into smaller estates and sold. See Alexander C. Flick, Loyalism in New York During the American Revolution (New York: Columbia University Press, 1901), p. 159.

<sup>12</sup>David Ellis and others, A Short History of New York State (Ithaca: Cornell University Press, 1957), pp. 120-121. Jackson Turner Main discusses three ex-Loyalists who were Antifederalist for a short period. See Main, The Antifederalists: Critics of the Constitution, 1781-1788 (Chicago: Quadrangle Books, Inc., 1964), p. 242.

land claims with Vermont on its eastern borders. At a convention held at Westminster in January, 1777, the people who lived in the area known as the New Hampshire Grants declared the independent state of New Connecticut (soon changed to Vermont). Within this area, sixteen towns just east of the Connecticut River were claimed by New Hampshire. New York's claim centered around Cumberland County located in the southern portion of Vermont. Massachusetts also claimed this area and a portion of New York, asserting that the boundary between the Bay State and New York had never been settled. The contested inhabitants themselves claimed to belong to New York, and in 1779 Governor Clinton gave military commissions to persons from that county. At this point, Vermont ordered Colonel Ethan Allen to raise a militia force, enter the disputed district, and assert its authority there. Clinton promised the people military assistance if it proved necessary.<sup>13</sup>

In February, 1780, Vermont went before the Continental Congress to seek its sanction for statehood and membership in the union as a solution to the land controversy. Congress became evasive about the issue, and it was not until early September that the question was seriously debated. Vermonters became disgusted with the inactivity of Congress and in early October alluded to the possibilities of making a separate peace with Great Britain.

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<sup>13</sup>Edmund C. Burnett, The Continental Congress (New York: W. W. Norton and Company, Inc., 1964), pp. 540-541.

In July, 1781, there was some evidence that Vermont was negotiating with representatives of Great Britain.<sup>14</sup> New Yorkers were particularly alarmed and pleaded with Congress to act.<sup>15</sup>

Once Vermont sought admission to the union of states, the controversial land dispute was left to the Confederation Congress to resolve. Congress, which was in the midst of the Revolution and uncertain of its authority, attempted to evade the question. New York fully expected to receive congressional support for its claim, but all that New York ever received was a financial settlement of \$30,000 for its land claims when Vermont entered the Union as a state in 1791.<sup>16</sup> New York was embittered toward Congress over its slow and eventually unfavorable action.

Two other important issues which turned Clinton against union involved state paper money issues and a reduction of the state's war debt. A postwar boom momentarily disguised the economic problems facing New York, but by 1785 a depression had set in. Business was further handicapped by lack of a sound and stable currency. State and congressional paper money issues had all depreciated, had fluctuated in value, and were easily counter-

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<sup>14</sup>Ibid., p. 542.

<sup>15</sup>Letter, Ezra l' Hommedieu to George Clinton, July 31, 1781, Clinton's Papers, Vol. VII, pp. 140-141.

<sup>16</sup>Benson Lossing, The Empire State: A Compendious History of the Commonwealth of New York (New York: Funk and Wagnalls, Publishers, 1887), p. 319.

feited. To avoid the hazards of paper money, businessmen (large merchants, bankers, and large landholders) preferred the use of the scarce coins. The farmers, however, who were plagued by heavy debts and low prices, reverted to their traditional solution--cheap paper money. Small shopkeepers who relied chiefly upon the trade of the farmers also urged the state to issue more paper money.<sup>17</sup>

As the depression worsened, the demand for paper money became more intense. By 1786 the advocates of cheap money had won control of the state legislature. The result was the passage of a state act (in the same year) backed by Clinton that called for the issuance of \$200,000 in bills of credit. Hamilton believed the act would soon prove to be an unpopular one and refused to support it.<sup>18</sup> Despite Hamilton's doubts, and despite the objections of the big businessmen, the act did offer relief to the farmers and did ease the crisis caused by the depression. The benefits of the act of 1786, however, did little to eradicate the ill feelings between Clinton and many members of the merchant class.

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<sup>17</sup>Ellis, Short History, p. 122. Main sees the division in New York over the paper money issue as symbolic of the over-all division in New York politics. See The Antifederalists, pp. 48-50.

<sup>18</sup>Letter, Alexander Hamilton to John Thomas, June 22, 1786, in Harold C. Syrett and Jacob E. Cooke (eds.), The Papers of Alexander Hamilton (New York: Columbia University Press, 1961), Vol. III, p. 674.

The New York Currency Act of 1786 carried with it repercussions of another nature that concerned the basic relationship between New York and the Confederation. In March 1783 New York delegates to Congress tried to obtain congressional approval of a resolution which would have reduced New York's war debt obligation. New Yorkers believed that since key portions of their state had been occupied by British troops throughout much of the war, they were entitled to some compensation. Congress refused to give New York any special consideration and the proposal failed to pass.<sup>19</sup> This refusal alienated many New Yorkers already embittered against Congress. To meet its unreduced war obligation then the state act of 1786 acknowledged the amount of continental debts that New York owed at \$1,395,000. The amount represented a heavy burden to the state, but many disgusted New Yorkers considered the debt to be "the sole remaining bond with the Union."<sup>20</sup>

The most important issue in New York politics prior to the later constitutional movement was the impost controversy. In 1783 Clinton forced the repeal of the state impost granted to Congress by New York during the Revolution. On April 18, 1783, Congress asked all the states for authority to levy a five percent

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<sup>19</sup>"Congress Negatives a Resolution that Discriminated in Favor of New York," Clinton's Papers, Vol. VIII, pp. 81-83.

<sup>20</sup>McDonald, We the People, pp. 293-294.

ad valorem tax on imports for twenty-five years.<sup>21</sup> Reaction was quick in New York. Newspapers, in which opposing sides wrote extensively to gather support for their cause, often served as battlegrounds. Clinton continually discouraged putting the issue to a vote and eventually in February, 1787, Congress again prod-  
ded New York to take action. New York eventually responded with a conditional approval of the impost amendment.<sup>22</sup>

After the other twelve states ratified the impost amendment, Congress asked New York to remove its conditions so that the amend-  
ment would be valid. The New York legislature did not take up the matter until February, 1787. At that time, instead of re-  
moving the conditions, Clinton led New York in rejecting the entire amendment. The Schuyler-Hamilton faction, which had supported the amendment, was defeated by a vote of thirty-six to twenty-one.<sup>23</sup>

These political issues had an important effect at both the interstate and intrastate levels. The Loyalist issue caused re-  
sentment against the union because New Yorkers wanted congressional support against Tory claims. When they had to give in to the Tory

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<sup>21</sup>Clarence E. Miner, The Ratification of the Federal Con-  
stitution by the State of New York (Vol. XCIV of Studies in  
History, Economics and Public Law, ed. by the Faculty of Politi-  
cal Science of Columbia. New York: Columbia University, 1921),  
p. 26.

<sup>22</sup>Ibid., pp. 27-28.

<sup>23</sup>McDonald, We the People, p. 292.

claims, many New Yorkers blamed Congress. They also criticized Congress and the union for the delay in settling the Vermont question. Many New Yorkers considered payment of war debts their last obligation to the union, and since New York survived the depression without the aid of Congress, New York was not economically dependent on the union. Congressional failure to support New York on the Loyalist and Vermont issues contributed to state rejection of the impost amendment.

Those same issues which helped to alienate New York from the union also caused severe political dissatisfaction within the state itself. Philip Schuyler was a natural political foe of Clinton, particularly since Clinton had defeated him in the 1777 gubernatorial race. Schuyler was a man of great influence, and he continually worked to unite the landed aristocracy against Clinton. Though never close to success, Schuyler did manage to gather a small but firm coalition to oppose Clinton.<sup>24</sup> For the most part, however, Clinton received much of his support from the land owners.

Two groups of merchants comprised a major portion of the Clinton opposition: the merchants who had opposed the funding-paper act of 1786, and those discontented merchants who had

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<sup>24</sup>For a complete account of the 1777 election see Don R. Gerlach, Philip Schuyler and the American Revolution in New York, 1733-1777 (Lincoln: University of Nebraska Press, 1964), pp. 308-310.

opposed recognition of Loyalist claims. This latter group of merchants owed money to the Loyalists and hoped to avoid repayment. During the early 1780's the Clintonians obtained legislation that recognized Loyalist credits as property of the state. What had originated as merchant debts to Loyalists became merchant obligations to the state. The opposition of the merchants was not so much to the Loyalists as it was to paying the debts. Therefore, when these merchants were forced to meet their obligations, they withdrew their political support from Clinton and rallied around Alexander Hamilton. It should be noted, however, that not all merchants opposed Clinton. Some like John Lamb and Melancton Smith were a source of support.<sup>25</sup>

Tory sympathizers, along with former tenants of Loyalists, were generally found in opposition to Clinton. A large percentage of the merchant class was sympathetic to the Tory cause though most never actively offered their support. Real persecution would probably have decimated the merchant class.<sup>26</sup> Although the persecution that followed the Revolution was of a relatively mild nature if compared to that following some European wars, the discrimination was enough to cause much resentment. The wave of

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<sup>25</sup>McDonald, We the People, p. 298.

<sup>26</sup>Wallace Brown, The King's Friends: The Composition and Motives of the American Loyalists Claimants (Providence: Brown University Press, 1965), p. 96.

postwar persecution in New York distinguished little between Tories and those who had sympathized with Tories. Former tenants on Loyalist land found themselves in an uncomfortable situation following the war. After government confiscation and resale of the Loyalists' land, the tenants were forced to pay higher rents by their patriot landowners or face ejection. The tenants, along with the Tory sympathizers, blamed Clinton for their ill fortune.<sup>27</sup> Hamilton and Schuyler tried politically to capitalize on the hostility of these various groups. They found a unifying issue in the movement for the Constitution.

From 1783 to 1787 the line of division developed fully between the Schuyler-Hamilton faction and the Clinton faction. The particular issues involved--whether Tories, Vermont, paper money, or imposts--were not singly important enough to cause any permanent political dissatisfaction in New York. With each new issue, however, the pressure increased. Because of the cumulative impact of these issues, the New York political atmosphere was extremely sensitive by late 1786 and early 1787. The only thing needed to trigger an explosion was a major controversial issue such as provided by the Constitutional Convention of 1787.

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<sup>27</sup>McDonald, We the People, pp. 298-299.

## CHAPTER II

### NEW YORK AND THE CONSTITUTIONAL CONVENTION OF 1787

The Constitutional Convention of 1787 marked both the culmination and the close of the Revolutionary period. From this historic meeting a new government evolved to serve the states. To many observers, the period prior to the Convention of 1787 was a critical one which could spell life or death to the nation. It was obvious to all people that the government under the Articles of Confederation contained certain defects. Opinions as to the seriousness of the defects differed widely and served as a basis for numerous political disagreements. In no state were the disagreements more noticeable than in New York.

Because of its importance to any plan of union, New York was in a key position to exert much pressure and influence at Philadelphia in 1787. New York previously had sent delegates to other conventions aimed at resolving specific interstate problems. Indeed, the New York delegation at the Annapolis convention played a prominent part in the movement for the broader Philadelphia Convention. Unfortunately, New York was legally represented at the Philadelphia Convention for only one month and fifteen days, and during that time it consistently cast its vote with the minority. This disappointing performance was largely the result of

rather well-defined party divisions on the state level which were projected into the state delegation. Bickering within the delegation appeared to distract from the principal work of the Convention and minimize New York's contribution at Philadelphia.

The principal leader of the constitutional movement in New York was Alexander Hamilton. Hamilton had never been satisfied with the Articles. He had expressed his dislike for them even before their ratification. In a letter to James Duane, dated September 3, 1780, Hamilton elaborated on the defects of the proposed Confederation which made the government "neither fit for war or peace."<sup>1</sup> He felt that the states had been allocated too much power over the army and the purse. He preferred a strong national executive, an American bank, and a draft system. He not only wished the creation of new governmental departments, he also suggested individuals to head these departments. He thought the best solution was to call

. . . immediately a convention of all the states with full authority to conclude finally upon a general confederation, stating to them beforehand explicitly the evils arising from a want of power in Congress, and the impossibility of supporting the contest on its present footing, that the delegates may come possessed of proper sentiments as well as proper authority to give to the meeting.<sup>2</sup>

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<sup>1</sup>Letter, Alexander Hamilton to James Duane, September 3, 1780, in Papers of Hamilton, Vol. II, p. 402.

<sup>2</sup>Ibid., p. 407.

Before ratification of the Articles of Confederation, Hamilton was thus advocating change. Edmund C. Burnett in his study of the Continental Congress concludes that from this seed came the Philadelphia Convention.<sup>3</sup>

Hamilton's suggestions did not meet with any immediate results, but in 1781 New York did send Hamilton and John S. Hobart to the Hartford Convention which urged a more efficient method of taxation. In September, 1786, another meeting aimed at revision met at Annapolis with Hamilton and Egbert Benson representing New York.<sup>4</sup> The most important thing to evolve from this meeting was a general call by the Annapolis delegates, primarily penned by Hamilton, for a meeting of delegates representative of all the states

. . . to meet at Philadelphia on the second Monday in May, to take into consideration the situation of the United States, to devise such further provisions as shall appear to them necessary to render the constitution of the Federal Government adequate to the exigencies of the Union.<sup>5</sup>

The Annapolis delegates returned to their respective states to work toward the called convention and to seek approval of the

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<sup>3</sup>Burnett, Continental Congress, pp. 487-488.

<sup>4</sup>Miner, Ratification of the Constitution by New York, p. 53.

<sup>5</sup>Address, Alexander Hamilton to the Annapolis Convention, September 14, 1786, in Papers of Hamilton, Vol. III, p. 689.

Confederation Congress. On February 17, 1787, a resolution was introduced into the New York Assembly instructing its members in Congress to recommend a convention called for the purpose of revising the Articles. It was approved in the lower house with only a minor fight, but in the Senate it took all the strength that Philip Schuyler could gather to pass it by one vote, much to Clinton's dismay.<sup>6</sup> Official congressional approval preceded the actual selection of delegates by the states.

It may appear inconsistent that Governor Clinton, who disapproved the Annapolis call and who supposedly dominated the state government, permitted New York to sanction such a convention by even sending a delegation. Past conventions, however, had produced no revisions in the Articles government. Besides, it was hard for Clinton to build up much opposition to any reform before knowing precisely what was involved. Furthermore, Clinton felt he could dictate the selection of delegates by the legislature. Finally, state legislatures were to have the final say on any proposals that might emerge from the convention. Even Robert Livingston, who supported the idea of a convention, feared that the largely personally content delegates would want no change.<sup>7</sup>

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<sup>6</sup>Miner, Ratification of the Constitution by New York, pp. 51-52.

<sup>7</sup>George Dangerfield, Chancellor Robert R. Livingston of New York, 1746-1813 (New York: Harcourt, Brace and Company, 1960), p. 209.

As a result of these four factors, Clinton saw no real danger in the Philadelphia Convention. Not only did he permit delegates to attend, but he even compromised with the Schuyler opposition and agreed that Alexander Hamilton should be one of the delegates.

On March 6, John Lansing, Jr., Robert Yates and Alexander Hamilton were chosen by a joint ballot in the state legislature to represent New York at Philadelphia. Little notice was given to the action by the newspapers and the actual vote was not recorded in the state senate.<sup>8</sup> Despite Hamilton's efforts for a stronger statement, the New York legislature instructed its delegation that it was to attend the Convention

. . . for the sole and express purpose of revising the Articles of Confederation, and reporting to Congress, and to the several state legislatures, such alterations and provisions therein as shall, when agreed to in Congress and confirmed by the several states, render the Federal Constitution adequate to the exigencies of government and the preservation of the Union.<sup>9</sup>

Yates and Lansing adhered to a strict interpretation of these instructions while Hamilton tended to ignore their limitations. Furthermore, Hamilton had originally proposed that five delegates

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<sup>8</sup>Miner, Ratification of the Constitution by New York, p. 53.

<sup>9</sup>Jonathan Elliot, The Debates in the Several State Conventions on the Adoption of the Federal Constitution As Recommended By the General Convention at Philadelphia in 1787 . . . (New York: Burt Franklin, 1888), Vol. I, p. 128.

instead of three be sent. Clinton preferred to send three, and numerous later attempts on the part of Hamilton to have this number increased failed.<sup>10</sup>

The conflict that existed in the state politics of New York was reflected in the composition of the state's delegation to Philadelphia. The Federalist views of Hamilton were clearly in the minority. Hamilton sought to rise above state loyalties to serve the Convention, and Federalists expressed doubts over the provincialism of delegates Yates and Lansing. The typical Federalist disapproval was summed up in a letter written by James Madison to Edmund Randolph on March 11, 1787. Madison felt that Yates and Lansing leaned "too much towards state considerations to be good members of an assembly which will be useful in proportion to its superiority to partial views and interests."<sup>11</sup> Constitutional historian Andrew McLaughlin referred to Yates and Lansing as "men of mediocre attainments" who "feared for the safety of state ascendancy."<sup>12</sup>

Robert Yates at forty-nine was the oldest of the three delegates. He possessed a comfortable estate and a moderately pro-

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<sup>10</sup>Miner, Ratification of the Constitution by New York, pp. 52-53, 56.

<sup>11</sup>Letter, James Madison to Edmund Randolph, March 11, 1787, in Elliot's Debates, Vol. V, p. 106.

<sup>12</sup>Andrew McLaughlin, The Confederation and the Constitution, 1783-1789 (Vol. 10 in The American Nation Series, New York: Collier Books, 1962), p. 131.

fitable law practice. He previously had been a member of the Albany Committee of Safety, Chairman of the Committee on Military Operations in 1776-1777, member of both the First and Second Continental Congresses, and a member of the state constitutional convention. At the time of the impost fight, he was one of the justices of the state supreme court. According to one historian, he was not a man of much distinction and until the Philadelphia Convention contributed little to the offices he had held.<sup>13</sup> Identified with the Clintonians, his desire to retain the form of government under the Articles dominated his views and actions.<sup>14</sup> Yates was related by marriage to the other Antifederalist delegate, Lansing.

John Lansing owned an enormous estate at Lansingburgh and forty thousand acres of land in Schoharie County. He practiced law in Albany and was currently mayor of that town. He had been a delegate to the federal congress in 1784-1785 and speaker of the state assembly. He was thirty-one at the time of the Philadelphia Convention and one of the wealthiest of the Clintonians. He was the youngest of the three delegates and was regarded as

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<sup>13</sup>McDonald, We the People, p. 50.

<sup>14</sup>For a contrasting evaluation of both Yates and Lansing see Main, The Anti-federalists, pp. 116-117.

a man upon whom George Clinton could depend.<sup>15</sup> Lansing took a more active part in the Convention than Yates, but he never commanded the prestige that Alexander Hamilton did.

Hamilton, as the minority member of the New York delegation, was in an unenviable position at Philadelphia. He was thirty-two at the time of the Convention, but he was already well known throughout the several states. He had served as an aide-de-camp to George Washington during the Revolution. He was a successful lawyer and financier. As an uncompromising Federalist, he was "a dynamo of nervous energy." He had served as a member of the federal congress and as a member of the state assembly. Although a key force in the drive for a stronger federal government, his greatest achievements came after the Philadelphia Convention with the ratification fight in New York and even later still with his role in the new government. He was a man of ambition, and although his wife had a large inheritance, he was bankrupt at his death.<sup>16</sup> He had much

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<sup>15</sup>Ibid., p. 49. Also see Miner, Ratification of the Constitution by New York, p. 36; and Clinton Rossiter, 1787: The Grand Convention (The New American History Series, ed. by Eric F. Goldman, New York: The Macmillan Company, 1966), p. 94.

<sup>16</sup>Charles Beard, An Economic Interpretation, p. 114. Also see McDonald, We the People, pp. 48-49; Broadus Mitchell and Louise Mitchell, A Biography of the Constitution of the United States: Its Origin, Formation, Adoption, Interpretation (New York: Oxford University Press, 1964), pp. 24-25; and Rossiter, Grand Convention, p. 95.

to offer the Convention, but unfortunately, Philadelphia was not his greatest hour.

The group that met at Philadelphia was a composite of the greatest minds in America at that time. The overwhelming majority was well aware of the vital need to strengthen the central government. It was because of its awareness and determination that such a document as the Constitution was produced. The Convention met from May 25 to September 17 in the midst of a sweltering summer. Sessions began at ten in the morning and lasted until three or four in the afternoon. There were only two breaks in the proceedings; sessions were suspended for two days to celebrate the Fourth of July, and then three weeks later there was a ten-day break during which time the Committee on Detail organized decisions into a useable form.<sup>17</sup> The records show that most of the debate in the Convention was conducted by a minority of the delegates. In that sense then it could be said that the Constitution was "hammered out" by only a dozen delegates.<sup>18</sup> It must be noted, however, that much work was done at unrecorded caucuses where opinions were voiced and delegates' minds were swayed. More important, the proposed Constitution depended on a majority vote of the delegates whether they had voiced their views or not.

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<sup>17</sup>Mitchell and Mitchell, Biography of Constitution, p. 53.

<sup>18</sup>Ibid., p. 62.

New York sent a delegation which voted in continual opposition to any system that called for the domination of a national government over those of the states. This was so even though one of its delegates, Hamilton, was one of the most noted of all advocates for a stronger central government. Hamilton was in a difficult position. Under the rules adopted by the Convention each state was assigned a minimum number of two delegates necessary for legal representation. When it came time to cast votes, however, each state had only one vote. Therefore, state delegates caucused and decided which way to cast the single state vote. Hamilton and Yates were at Philadelphia for the opening of the Convention on May 25. Lansing did not take his seat until June 2.<sup>19</sup> Up until Lansing's arrival, the New York vote was usually cast as divided and, therefore, not counted. On matters that were essential to the union Yates did vote with Hamilton.<sup>20</sup> After Lansing arrived, he teamed with Yates to alter a neutralized state vote to a positive vote favoring the small states' ideas and opposing any attempt at a strong union. Hamilton's effect then was greatly reduced, and his position became extremely frustrating.

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<sup>19</sup>Winston Solbert (ed.), The Federal Convention and the Formation of the Union of the American States (The American Heritage Series, New York: Bobbs-Merrill Company, Inc., 1958), p. 92.

<sup>20</sup>Elliot, Debates, Vol. V, p. 134, passim.

When the Convention opened, a Committee on Rules was immediately selected. Hamilton was one of the three members selected along with George Wythe and Charles Pinckney. The committee made several recommendations as to voting procedures. In addition, it set the quorum at seven and agreed that deliberations were to be conducted in secret "lest the publication of their debates should rouse the country to obstinate conflicts before they themselves should have reached their conclusions."<sup>21</sup> The recommendations were approved by the Convention. Meanwhile, the Convention's officers had been chosen. George Washington was unanimously elected president and Major William Jackson was chosen to serve as secretary. Hamilton had nominated Jackson who won over Temple Franklin by a vote of five to two.<sup>22</sup> With these preliminaries out of the way, the Convention was ready for the serious business of altering a government.

On May 29, Edmund Randolph presented a plan to the Convention which was written by Madison and which is usually referred to as the Virginia Plan. The resolutions represented the ideas of the large states and served as an outline for the matters the members

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<sup>21</sup>Mitchell and Mitchell, Biography of Constitution, p. 51; and Bancroft, History of the United States, Vol. VI, p. 212.

<sup>22</sup>Elliot, Debates, Vol. I, p. 124. Also see, Max Farrand (ed.), The Records of the Federal Convention of 1787 (New Haven: Yale University Press, 1911), Vol. I, p. 4.

would take under consideration. In a larger sense, many of these ideas laid part of the foundation for what eventually was to become the Constitution. The plan stated that the Articles of Confederation should be corrected and enlarged. A highly centralized federal government was proposed which would operate directly upon the people and in which the states would be accorded a distinctly subordinate status. The resolutions called for a state's representation in the national legislature to be either proportionate to the quotas of financial contributions or to the number of free inhabitants. The legislature would be bicameral with the members of the first branch chosen by the people and ineligible to hold any other office during their term. The members of the second branch were subject to the same ineligibility and elected by the first branch. The national legislature would have the same powers that Congress had under the Articles of Confederation, in addition to certain specified powers which the states had formerly exercised. A national executive and national judiciary was projected. The judiciary would deal with suits in which foreigners, national revenue, national peace, or impeachment were involved. Provisions were also made for the admission of new states, for a guarantee of a republican form of government to the states, and for amending these "articles of union."<sup>23</sup>

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<sup>23</sup>Henry S. Commager (ed.), Documents of American History (seventh edition; New York: Appleton-Century Crofts, 1962), pp. 134-135. Also see, Farrand, Records of Convention, Vol. I, pp. 20-23.

The changes proposed in the Virginia Plan were inclined toward abandonment of the Articles of Confederation rather than alteration. Following the reading of the plan, three resolutions were approved which clearly put the Convention on the road to replacement rather than revision. The first two were passed with little discussion. It was agreed that a loosely knit union lacked the strength to meet the needs of the Confederation: namely, common defense, security of liberty and general welfare. Furthermore, a treaty among all or parts of the states was deemed insufficient. The third resolution brought the particular conflict existing in the New York delegation into the view of all the Convention. The resolution held "that a national government should be established, consisting of a supreme legislative, executive, and judiciary." Only New York cast a divided vote, with Hamilton for the proposal and Yates against it.<sup>24</sup>

During the first three weeks on the floor of the Convention New York delegates did little more than cast their vote, usually divided, when called upon. In fact, Robert Yates never participated in the debate. He did make some notable contributions to the future, however, with his note taking. His notes, although containing inadequacies and going no further than July 5, were second only to Madison's. As a matter of fact, Madison used

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<sup>24</sup>Elliot, Debates, Vol. V, p. 134.

Yates' notes after their publication in 1821 to make some corrections in his own as to the wording of motions and speeches.<sup>25</sup>

There were even discrepancies between the two sets of notes on some of the votes. It could have been this preoccupation with note taking that caused some to feel that Yates was not the dedicated Antifederalist that Lansing was. William Pierce, a delegate from Georgia, in his characterization of Yates stated that "Some of his Enemies say he is an anti-federal Man, but I discovered no such disposition in him."<sup>26</sup> A look at Yates' voting record shows that Pierce misjudged him.

Hamilton's recorded participation during the initial weeks of the proceedings was extremely modest for the usually involved and energetic Federalist. He did reveal his sympathies by the motions he supported. The most noted controversy in which Hamilton became involved at this time concerned the question of whether or not the executive should have an absolute veto over the actions of the legislature. Hamilton seconded a motion made by James Wilson of Pennsylvania which was favorable to granting

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<sup>25</sup>Solberg, Federal Convention, p. 68. Hamilton also took sixteen pages of disconnected notes that resembled a man talking to himself. For more on these notes see, Broadus Mitchell, Alexander Hamilton (New York: The Macmillan Company, 1957), Vol. I, p. 360.

<sup>26</sup>Arthur T. Prescott, Drafting the Federal Constitution (Baton Rouge: Louisiana State University Press, 1941), p. 26.

the executive such a power. He did not believe the power would be abused and cited the monarchy in Great Britain as an example.<sup>27</sup> Hamilton, who was immediately attacked from all sides by such men as George Mason, James Madison and Benjamin Franklin, made no further effort to defend the motion against its critics. The motion met with defeat and Hamilton withdrew into silence.

Though his participation was limited, Hamilton was laying the foundation for his own plan of union which suggested a limited monarchy blended with democratic and aristocratic parts. The time was not yet right for Hamilton to reveal his entire program, but some of his ideas already were being formulated. For instance, Hamilton accepted the idea of proportional representation for both houses of the legislature. On June 11, a motion made by him to have proportional representation in the proposed second branch as in the first was passed. New York embarrassed Hamilton by voting against it.<sup>28</sup> Compromise necessitated change of the proposal later on, but by then New York was no longer legally represented at the Convention.

John Lansing arrived in Philadelphia on June 2 and quickly aligned himself with Yates and the small-state men. This group

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<sup>27</sup>Elliot, Debates, Vol. V, p. 151. Also see, Farrand, Records of the Convention, Vol. I, p. 299.

<sup>28</sup>Ibid., p. 182. Also see, Farrand, Records of the Convention, Vol. I, p. 195.

was not organized by June 11 to prevent passage of Hamilton's proposal of proportional representation. By June 16, it had designed its own plan, however, and was prepared to present it to the delegates through its spokesman, William Paterson. This plan, which came to be known as the New Jersey Plan, proposed revision of the Articles, not replacement. Congress would be given the power to levy duties on imports, regulate trade, make monetary requisitions on the states, and direct the collection of the funds if any state proved delinquent. Paterson's plan called for a plural executive, a judiciary, and a legislature patterned after that of the Confederation. The plan provided a method to admit new states and naturalization for citizenship. It did authorize the executive to force states to obey all laws and treaties of the United States. Furthermore, these laws and treaties were recognized as "the supreme law of the respective States," and the states' judiciaries were obliged to enforce them as such.<sup>29</sup> Thus, from this plan came the "supreme law of the land clause" which was incorporated into the Constitution and, ironically, later helped the Supreme Court of the United States to strengthen the national powers of the government.

A discussion of the New Jersey Plan began at once. Lansing immediately spoke in justification of the plan which "sustains the

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<sup>29</sup>Commager, Documents, pp. 136-137.

sovereignty of the respective States," while "that of Mr. Randolph destroys it."<sup>30</sup> Lansing then proceeded to bring the internal dispute in New York to the full attention of the Convention. He stated that "New York would never have concurred in sending deputies to the convention if she had supposed that the deliberations were to turn on a consolidation of the States, and a National Government."<sup>31</sup> Every other delegate knew that Lansing's colleague, Hamilton, stood firmly for a strong federal government.

The lively debate set off by the New Jersey Plan continued for two days until the morning of June 18 when Hamilton interrupted both his silence and the debate. It was apparent that the Convention had reached a deadlock over the Virginia and New Jersey plans. Hamilton announced that he was not "in sentiment with either plan."<sup>32</sup> This was an opportune time for the ultra-Federalist to present an alternative plan.

Hamilton began a five-hour speech, the longest made at the Convention,<sup>33</sup> with an explanation of his silence. He attributed his previous lack of participation to the respect that he had for those around him of "superior abilities, age, and experience" and

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<sup>30</sup>Mitchell and Mitchell, Biography of Constitution, p. 57.

<sup>31</sup>Ibid.

<sup>32</sup>Farrand, Records of the Convention, Vol. I, p. 246.

<sup>33</sup>Mitchell and Mitchell, Biography of Constitution, p. 47.

to the "delicate situation" which existed in his own state delegation. After this deferential note, Hamilton launched into an attack on the weaknesses of the "motley" Virginia Plan and the "feeble" New Jersey Plan. He claimed not to be hindered by any vestige of state loyalty but as solely devoted to the union. Instead of following either of the proposed schemes, Hamilton urged adoption of the British form of government which he saw as "the best model the world ever produced." He expressed his fears of the other two proposed schemes. If the wealthy minority were the ones to govern, alluding to the Virginia Plan, they would tyrannize the masses. If the unpropertied majority ruled, referring to the New Jersey Plan, they would be oppressors of a minority. Hamilton's solution was a government in the hands of both with a monarchy to serve as a mutual check.<sup>34</sup>

Hamilton proposed a plan that called for a bicameral legislature. The lower house or assembly would be composed of persons elected directly by the people for three-year terms. The upper house or senate would be chosen by electors who had been elected by the people. Senators would serve during good behavior. The supreme executive would be elected by electors twice removed from the people for a life term dependent on good behavior. This executive would possess a legislative veto. He also would have the

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<sup>34</sup>Ibid., p. 60.

authority to direct war, make treaties subject to senate approval, appoint department heads and nominate ambassadors to be approved by the senate, and to grant pardons in all cases except treason which was subject to senate approval. The senate would possess the power to declare war and possess the normal legislative duties. In cases of emergency, the president of the senate would succeed the executive. The national government would set up a supreme court, whose judges would have permanent salaries and terms dependent on good behavior, and establish lower state courts. The national government would also appoint all state governors who would possess a veto power over state legislation. All officers were subject to impeachment. Hamilton concluded his plan of union with the confession that:

. . . this plan, and that from Virginia are very remote from the idea of the people. Perhaps the Jersey plan is nearest their expectation. But the people are gradually ripening in their opinions of government--they begin to be tired of an excess of democracy--and what even is the Virginia Plan, but pork still, with a little change of sauce?<sup>35</sup>

Hamilton did not seriously offer his plan as a rival scheme for debate. He merely read the proposals and then gave them to Madison to file. He knew most of his ideas lacked support. His plan, however, gave him the opportunity to declare his own views

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<sup>35</sup>Elliot, Debates, Vol. I, pp. 179, 421, 423; and Vol. V, pp. 198-205.

and to indicate what changes he would later recommend in the other plans. While it could never serve as a basis for compromise, there was a hidden benefit. The proposals were the most extreme offered at the Convention. Those delegates who had thought such proposals as the Virginia Plan extreme could now view them in a more moderate light. Furthermore, those who had failed to speak out before could do so now with less fear that other delegates would turn on them.<sup>36</sup> If Hamilton offered his plan with these aims in mind, then his objective was more reasonable than most historians believe. One political scientist described the reaction to Hamilton's speech by writing that "it was rather as if they [the delegates] had taken a day off to attend the opera."<sup>37</sup> This characterization seems accurately to describe the attitude of the delegates toward Hamilton's proposals. With the ending of Hamilton's speech the Convention adjourned for the day and only minor mention was made of his proposals the next day. The only clear opinion offered on the plan was a statement by William Samuel Johnson, a delegate from Connecticut, who said that Hamilton's proposals had "been praised by every body, but . . . supported by none."<sup>38</sup>

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<sup>36</sup>Mitchell and Mitchell, Biography of Constitution, p. 61.

<sup>37</sup>John P. Roche, "The Founding Fathers: A Reform Caucus in Action," American Political Science Review, Vol. LV, No. 4 (December, 1961), p. 807.

<sup>38</sup>Mitchell, Alexander Hamilton, Vol. I, p. 392. Also see, Farrand, Records of the Convention, Vol. I, p. 355.

Hamilton's position was now clear, and he proceeded to work some of his ideas into the Convention's finished product. He was first forced to clarify the idea that he did not desire to abolish state governments but only make them clearly subordinate. Lansing proposed a motion to have the lower house based on equal representation of the states. It was rejected with New York voting in the minority. On June 21, Hamilton proposed that the lower house be elected by the people for a three-year term. He feared both too little and too much dependence on the people. "Frequency of elections," he said, "tended to make the people listless to them, and to facilitate the success of little cabals."<sup>39</sup> The motion failed and two-year terms were decided upon. New York had earlier in the day embarrassed Hamilton by voting against the successful proposition that the legislature should consist of two branches. Hamilton next voiced opposition to the idea of the payment of officials with fixed salaries from the states. His view prevailed here although New York cast a vote in support.<sup>40</sup> Thus, attempt after attempt on the part of Hamilton to incorporate some of his ideas met with either Convention disapproval or more likely with embarrassment from his inability to carry his own state delegation.

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<sup>39</sup>Elliot, Debates, Vol. V, p. 226.

<sup>40</sup>Ibid., pp. 185, 212, 223, 225, 227, 247. Also see, Mitchell and Mitchell, Biography of Constitution, p. 66.

Hamilton left the Convention on June 29 and did not return until August 13.<sup>41</sup> Historians of a conservative nature tended to sympathize with Hamilton. One political scientist believed that Hamilton left "out of frustration over the pigheadedness of his fellow delegates from New York."<sup>42</sup> A constitutional historian suggested that " . . . he was embarrassed by his colleagues, who could always cast the vote of the state against his wishes; and he was now so insistent upon authority, so out of patience with feeble government, that for the moment at least his ideas were extreme and inapplicable."<sup>43</sup> Another constitutional historian saw Hamilton as "the most disappointing man" at Philadelphia. He was a man who "had so much to give" and who "gave so little."<sup>44</sup>

Hamilton's departure resembled that of one who had met with minor abuse and retreated to safety. It was difficult for Hamilton to face any form of defeat. Embarrassment by his own state delegation and disapproval of many of his proposals did not mean that his services at Philadelphia were not needed. Hamilton felt he had been rebuked, and he resorted to inaction. His failure to take part continually in the Convention was just as important a

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<sup>41</sup>Elliot, Debates, Vol. V, p. 258.

<sup>42</sup>Rossiter, Grand Convention, p. 165.

<sup>43</sup>McLaughlin, Confederation and Constitution, p. 131.

<sup>44</sup>McDonald, We the People, pp. 252-253.

wrong as the failure of Yates and Lansing to work for some type of compromise. The failure of New York to accomplish more at Philadelphia cannot be attributed either to the Federalist or the Antifederalist but was the joint responsibility of both.

Hamilton wrote to George Washington on July 3 to complain that the people were not yet ready for a plan such as his. He feared that the "opportunity of rescuing the American empire from disunion, anarchy, and misery" might slip away. "I shall of necessity remain here ten or twelve days: if I have reason to believe that my attendance at Philadelphia will not be a mere waste of time, I shall after that period rejoin the Convention."<sup>45</sup> In response Washington told the dejected New Yorker that conditions were indeed worse and that he was sorry he had left and wished he were back.<sup>46</sup> Hamilton did return. He was again at the Convention on August 13 and was in and out until September 6 when he left to return only for the concluding sessions. In a letter to Rufus King dated August 20, Hamilton asked King to keep him informed of the happenings at the Convention. In this letter he referred to the July 10 departure of Yates and Lansing from the Convention. Hamilton stated that he had made an attempt to

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<sup>45</sup>Letter, Alexander Hamilton to George Washington, July 3, 1787, in Papers of Hamilton, Vol. IV, pp. 223-225.

<sup>46</sup>Letter, George Washington to Alexander Hamilton, July, 1787, Ibid., p. 225.

get Yates and Lansing to return with him to Philadelphia, but no such written invitation has ever been found.<sup>47</sup> Whether or not there was such a letter seems irrelevant because neither Yates nor Lansing would have returned to the Convention. Their decision was irrevocable.<sup>48</sup>

The final decision to leave Philadelphia was made and effected by Yates and Lansing on July 10.<sup>49</sup> These two were dedicated to the Antifederalist cause led in their state by Governor Clinton. Clinton had already stated that no good would likely come from the proceedings at Philadelphia and that the answer to any problem would be found within the Confederation.<sup>50</sup> With Clinton preparing the path, it was possible for Yates and Lansing to counter defeat with desertion. Their policy had never been one of compromise, and when their attempts to promote the New Jersey Plan failed, they left. Lansing had voiced the position of the Clintonians by supporting small state proposals with particular emphasis on equality in representation. A compromise was eventually reached with the lower house based on population

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<sup>47</sup>Letter, Alexander Hamilton to Rufus King, August 20, 1787, Ibid., p. 235.

<sup>48</sup>Clinton Rossiter, Alexander Hamilton and the Constitution (New York: Harcourt, Brace and World, Inc., 1964), pp. 47-48.

<sup>49</sup>Mitchell and Mitchell, Biography of Constitution, p. 88.

<sup>50</sup>Bancroft, History of the United States, Vol. VI, p. 260. Also see, Rossiter, Grand Convention, p. 252.

and the upper based on equality, but Lansing and Yates were not interested in compromise. Lansing stated that changes had to come gradually and that states would "never sacrifice their essential rights to a national government. New plans, annihilating the rights of the states, (unless upon evident necessity), can never be approved."<sup>51</sup> Yates even came to consider the Convention a conspiracy.<sup>52</sup> Thus, in a mood of disgust they left Philadelphia, and New York was never again officially represented in the City of Brotherly Love.

Following their departure from Philadelphia, Yates and Lansing sent a letter to Clinton explaining their action. They stated that withdrawal was their only alternative since further participation in the Convention would force them to exceed their delegated powers and give "assent to measure which we conceive destructive to the political happiness of the citizens of the United States, or opposing our opinions to that of a body of respectable men, to whom those citizens had given the most unequivocal proofs of confidence."<sup>53</sup> Yates and Lansing not only admitted their opposition to the Constitution but to "any system,

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<sup>51</sup>Elliot, Debates, Vol. I, p. 413.

<sup>52</sup>Staughton Lynd (ed.), "Abraham Yates History of the Movement for the United States Constitution," William and Mary Quarterly, Vol. XX, No. 2 (April, 1963), p. 223.

<sup>53</sup>Elliot, Debates, Vol. I, p. 481.

however modified, which had in object the consolidation of the United States into one government." They termed any attempt of establishing a general government for all parts of the United States that would extend essential benefits to all as most impractical.<sup>54</sup> Their conviction continued unaltered throughout the constitutional movement.

Although Hamilton was in and out of Philadelphia after Lansing and Yates left, he could not cast a vote. New York had previously cast its vote against an absolute veto for the executive, against the veto power for the national government over the state laws, and against the proposed constitution being referred to conventions for ratification. New York voted in favor of state equality in the Senate and the appointment of senators by state legislatures.<sup>55</sup> The principal compromise known as the Great Compromise which eventually evolved was agreed to by a vote of five to four. No delegate from New York was present for this important vote.<sup>56</sup>

Hamilton did meet with some limited success after Yates and Lansing left. He argued that office holders should be restricted only by inhabitancy and citizenship. He preferred that

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<sup>54</sup>Ibid.

<sup>55</sup>John C. Miller, Alexander Hamilton and the Growth of the New Nation (New York: Harper and Row, Publishers, 1959), p. 153.

<sup>56</sup>Mitchell and Mitchell, Biography of Constitution, p. 75.

the national government rather than states act on amendments. He proposed that ratification be carried out by state conventions and that the new document would become effective upon approval of nine states.<sup>57</sup> If Hamilton had applied himself completely to his job, his influence could have been much greater because it was evident that many of the delegates were in sympathy with him. Hamilton was respected by the Convention and his position was appreciated. Even Yates who considered him "conceited and overbearing" respected his "ability" and admired his "originality" and "daring."<sup>58</sup>

In the closing days Hamilton was selected as one of five to form a committee on style. He had been back at Philadelphia for three days and supported the plan as better than nothing. He had proposed a plan to the delegates that would never have been acceptable and yet there the "stripling colonel" sat on a committee with four stalwarts--Rufus King, Gouverneur Morris, James Madison, and William Johnson.<sup>59</sup> Once the document was finished Hamilton urged every member to sign. He inscribed the name of each state on the paper and repeated his plea saying that no

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<sup>57</sup> Elliot, Debates, Vol. V, pp. 531, 533, 411.

<sup>58</sup> Max Farrand, The Framing of the Constitution of the United States (New Haven: Yale University Press, 1913), pp. 29-30.

<sup>59</sup> Mitchell and Mitchell, Biography of Constitution, p. 112.

one's "ideas were more remote from the plan than his own were known to be; but is it possible to deliberate between anarchy, and convulsion, on one side, and the chance of good to be expected from the plan, on the other?"<sup>60</sup> Not being able officially to sign for New York, Hamilton signed as an individual and thus the Constitution was ratified by the unanimous assent of eleven states and Colonel Hamilton of New York.

The conflict between Federalists and Antifederalists had started years before the meeting at Philadelphia. The conflict was nourished through the years to peak at Philadelphia. A satisfied landed establishment controlled New York politics and in such a situation was able to send a delegation to Philadelphia that supported the idea of maintaining the status quo by a vote of two to one. The actions of two of these delegates were consistently opposed to anything upsetting that status quo, particularly the creation of a strong central government that would detract from their own state government. Although these two worked in opposition to the Federalist proposals, they did benefit the new government to some extent. Lansing's arguments at the Convention brought the views of the New York Antifederalist into the open where the Federalist could study them and plan a successful counter attack for the ratifying convention. Yates

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<sup>60</sup>Elliot, Debates, Vol. V, p. 556.

contributed notes of the proceedings which would give valuable insight into the difficulties the men at Philadelphia really faced. Hamilton, although he did give a below average performance, presented a plan to the Convention which if it had been publicized could have ruined his political career. He later worked diligently to strengthen the union and to promote the plan agreed on at Philadelphia. The New York delegates did make some contributions to the Convention, but less than reasonably expected.

### CHAPTER III

#### THE NEW YORK RATIFICATION CONVENTION

The political ordeal which produced the Constitution in Philadelphia in 1787 was only half the battle. Crucial ratification contests remained to be fought in the various states before the new government could be implemented. The period between the conclusion of the Convention of 1787 and the ratification of the new Constitution would be a most critical period. During that phase the proposed union would be subjected to determined opposition in the various states. Although only the approval of nine states was required to implement the new government, certain states were considered essential to render the plan workable. New York was such a state. Subsequently, the viability of the Union depended for several weeks on the New York vote. An examination of the New York ratification convention will also reveal in microcosm the problems with which the supporters of the Constitution were forced to contend.

Before the ratifying convention at Poughkeepsie seriously began to debate the proposed union, eight states had already ratified the constitutional document. New Hampshire appeared certain to be the ninth and decisive state to vote for ratification. Since New Hampshire's vote would provide the minimum requirement for implementation, New York delegates were faced

with the possibilities of both the Union without New York and New York without the Union. The prospect of New York's approval of the Constitution was highly doubtful. If Governor Clinton had made previous concessions, such as sending delegates (particularly Hamilton) to Philadelphia because he had underestimated the constitutional movement, all of that was at an end. The pro-Constitution men of New York expected the contest over ratification to be a difficult one. This group had been vigorously attacking the defects of the established system for several years in face of those who supported the Confederation establishment while offering few suggested remedies for the acknowledged defects. The lines of battle had been clearly drawn.

The ensuing dispute over ratification was so bitter that for the first time since the Revolution two well-defined political factions appeared which transcended state lines. The Federalists, first recognized as the Federal and later as the Federalist party, were headed by Alexander Hamilton in New York. They supported ratification. The Antifederalists, headed in New York by Governor Clinton, urged rejection. The campaign to educate the public (prior to the public election of delegates) on the issues was fought largely in the newspapers where letters written by representatives of the two factions were often published under pseudonyms. The Federalists were at a decided disadvantage since Governor Clinton had a strong personal following among New Yorkers.<sup>1</sup>

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<sup>1</sup>Ellis, Short History, p. 125.

Hamilton was aware of the need to win converts--an objective not to be accomplished by the typical letters of invective to newspapers. Consequently, he enlisted the assistance of James Madison and John Jay to write a series of scholarly letters explaining the virtues of the proposed Constitution. These appeared in the newspapers under the name "Publius." The articles were subsequently gathered together and republished in a book called The Federalist. Although the letters were written expertly and read widely, they were too scholarly to have much appeal to the average citizen.<sup>2</sup> But they remain to this day one of the most important contemporary commentaries on the Constitution.

The antifederalists wrote articles under the pseudonym of "Cato." Most of these articles were attributed to George Clinton and were usually published in the New York Journal, "the nearest thing to an Anti organ in the state."<sup>3</sup> The most common Anti-federalist fear expressed in these articles was that the new "consolidated" government would destroy individual freedom, republican government, and the independence of the states.<sup>4</sup> It is

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<sup>2</sup>Ibid.

<sup>3</sup>Robin Brooks, "Alexander Hamilton, Melancton Smith, and the Ratification of the Constitution in New York," William and Mary Quarterly, Vol. XXIV (July, 1967), p. 352.

<sup>4</sup>John Lewis (ed.), Anti-Federalists versus Federalists: Selected Documents (San Francisco: Chandler Publishing Company, 1961), p. 2.

impossible to measure adequately the total effect of the propaganda campaign on contemporary opinion. Certainly, succeeding generations have found them helpful in understanding the ratification controversy.

While the propaganda articles were being published, the proposed Constitution along with a letter from Yates and Lansing was submitted by Governor Clinton to the New York legislature without comment January 9, 1788.<sup>5</sup> The legislature took no action on the matter for over three weeks while the New York newspapers debated the Philadelphia document. The Antifederalists strove to delay in hopes that five states would reject the Constitution and make formal action by New York unnecessary. Blame for defeat would then be placed on states other than New York.<sup>6</sup> The New York Federalists had no intention of letting this happen.

Although the New York legislature of 1788 was dominated by the Clintonian element, advocates of the Constitution were determined to force the issue of ratification. On January 31, Egbert Benson introduced in the state assembly a resolution calling for a convention to consider the proposed Constitution. This resolution complied with suggested procedures of the Confederation

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<sup>5</sup>Yates and Lansing sent Clinton a letter explaining their departure from Philadelphia and reasons for dissent. See Elliot, Debates, Vol. I, pp. 480-482.

<sup>6</sup>Ellis, Short History, p. 125.

Congress.<sup>7</sup> While both houses of the legislature debated the resolution, several New York counties held public meetings and announced their opposition to the document. Orange, Ulster, and Kingston counties issued public notices of disapproval.<sup>8</sup> Despite this action, the New York legislature approved the Benson resolution to allow a state convention rather than individual counties to decide the issue.

The Antifederalists did manage to delay the election of the convention delegates until April, and the resolution had further provided that all free male citizens of twenty-one years and over could vote for delegates to the convention. No other state permitted such broad suffrage on this issue. Evidently the followers of Clinton sought to place ballots in the hands of the farmers and city workers who had supported Clinton in the past and whom they now believed would oppose the constitution.<sup>9</sup> Whether or not this was the Antifederalist tactic, forty-six of their supporters were elected as compared to nineteen Federalists elected. Despite the overwhelming support of the press, the Federalists

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<sup>7</sup>George Bancroft, History of the Formation of the Constitution of the United States of America (New York: D. Appleton and Company, 1884), Vol. II, p. 342.

<sup>8</sup>Miner, Ratification of the Constitutional by New York, p. 83.

<sup>9</sup>Ellis, Short History, p. 125.

received what amounted to less than twenty-five percent of the popular vote.<sup>10</sup>

In the middle of June 1788, sixty-five delegates from fourteen counties began to assemble at the court house in Poughkeepsie.<sup>11</sup> Those opposing the Constitution were led by Governor Clinton, John Lansing, Robert Yates and Melancton Smith. Among the Federalist leaders were Alexander Hamilton, Robert R. Livingston, John Jay and James Duane. The Federalist minority at the Poughkeepsie convention had the advantage of possessing an organized plan of action. While the Antifederalists agreed that some changes were necessary, they lacked a positive alternative to the Constitution. The Antifederalists also lacked the advantage of unity possessed by the Federalists. The Federalists strove to get the Constitution approved without any alterations; whereas not all of the Antifederalists were interested in total rejection.

Those who opposed ratification could be classified into two segments. The followers of George Clinton composed the largest group. Their primary objective was to retain control of the state. They believed the Constitution would weaken the state governments and undermine their own political power. John Lansing, the principal spokesman for this group in the convention, argued

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<sup>10</sup>Ibid.

<sup>11</sup>Elliot, Debates, Vol. II, pp. 206-208.

for conditional ratification. This group, believing that Congress would not approve any New York proposed amendments, could then blame the ultimate defeat of the Constitution on the national Federalists.<sup>12</sup> Melancton Smith led the second and smaller group of Antifederalists composed of approximately ten delegates from Dutchess County and Long Island. This group, though it disliked the Constitution, was most sincerely interested in protecting the rights of the people of New York and wanted to avoid any possible chaos that might result if New York stayed out of the Union.<sup>13</sup> The diversity of interest produced by these two groups proved to be a weakness of the Antifederalists.

Several of the Federalists believed rumors that the Antifederalists had assembled at Poughkeepsie with a preconceived plan. Presumably, a direct rejection of the proposed scheme was considered by some Antifederalists to be politically disastrous. Therefore, apparently safe in their majority, the best policy seemed to be one of delay and adjournment.<sup>14</sup> Supposedly, time would bring a more favorable solution to the problems of the

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<sup>12</sup>Brooks, "Alexander Hamilton, Melancton Smith, and the Ratification of the Constitution in New York," WMQ, Vol., XXIV, p. 352.

<sup>13</sup>Ibid. Some historians argue that a third faction evolved led by Samuel Jones of Queens and composed of probably no more than three delegates. They argue that these men yielded to the Federalist demands in return for adjournment.

<sup>14</sup>McDonald, We the People, p. 285.

Confederation and reduce the urgency for a stronger union. James Madison wrote a letter to Hamilton confirming the Federalists' suspicions. According to Madison, Eleazer Oswald, a Pennsylvania Antifederalist, negotiated an agreement between the New York and Virginian Antifederalists for delay. It was presumed that delay in New York would discourage the overall movement of the Federalists and more particularly aid in defeating the Constitution in Virginia by demonstrating the weakness of the Federalists in other key states.<sup>15</sup> If delay and adjournment was a plan of the Antifederalists, they abandoned it since a proposal for adjournment was not presented to the convention.

On June 19, after selecting Governor Clinton president of the convention and disposing of the other preliminaries, the convention constituted itself into a committee of the whole and debate on the Constitution began. The debate was opened by Chancellor Livingston with a speech in which he stressed the possession by all Americans of a common language, religion, and set of fundamental ideas basic to union. Livingston believed that since all

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<sup>15</sup>Letter, James Madison to Alexander Hamilton, in Papers of Hamilton, Vol. V, p. 9. Robert A. Rutland attributes the failure of the Clintonians to comply with the bargain to the defeat of the Antifederalist in New Hampshire who had tried supposedly to follow a similar plan and failed. See Rutland's The Ordeal of the Constitution: The Antifederalists and the Ratification Struggle of 1787-1788 (Norman: University of Oklahoma Press, 1965), pp. 236-237.

power was derived from the people, it was relatively unimportant where the power was formally lodged. The need, however, for union was very great even to such a powerful state as New York. Livingston warned that:

Disputes will not be referred to a common umpire, unless that umpire has power to enforce his decrees; and how can it be expected that princes, jealous of power, will consent to sacrifice any portion of it to the happiness of their people, who are of little account in their estimation?<sup>16</sup>

Livingston urged New York not to permit confidence in her own wealth and success to cause her to become insensitive to the wishes of the other states. He was of the firm conviction that New York's "existence as a state, depends on a strong and efficient federal government."<sup>17</sup> Livingston concluded by offering a resolution that the Constitution be considered "clause by clause" before any action be taken on the document.<sup>18</sup> This was the procedure eventually followed.

On the following day John Lansing of Albany delivered the Antifederalists' response to Livingston's speech. Lansing conceded that all power originated from the people. He held, however, that the states rather than a central government were better de-

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<sup>16</sup>Elliot, Debates, Vol. II, p. 209.

<sup>17</sup>Ibid., pp. 211-212.

<sup>18</sup>Ibid., p. 216.

positories for that power. Believing that possessing a perfect system was impossible, Lansing was content to make minor alterations in the Confederation in order to render it more workable. Even the existence of any type of union was not imperative. He argued that "apprehension of its [union] dissolution ought not to induce us to submit to any measure which may involve in its consequences the loss of civil liberty."<sup>19</sup> Lansing spoke of alternatives to the idea of a union of all the states. New York could form a union with several New England states, or it could even stand alone. He foresaw nothing disastrous in either plan.<sup>20</sup>

Livingston and Lansing seemed to argue over whether the choice was really between union or disunion, but Melancton Smith brought the discussion around to the primary purpose of the convention. "The defects of the old Confederation needed as little proof as the necessity of union. But the question was not whether the present Confederation be a bad one, but whether the proposed Constitution be a good one."<sup>21</sup> Smith had at this early date demonstrated the divergent views among the Antifederalists. While Lansing was not committed to the necessity for union, Smith was. Smith's conviction on this score never changed and it is probably

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<sup>19</sup>Ibid., p. 219.

<sup>20</sup>Ibid.

<sup>21</sup>Ibid., p. 224.

the primary factor which caused him ultimately to vote for ratification.

Smith proposed that the paragraph-by-paragraph examination of the Constitution begin. Other Antifederalists apparently agreed to follow this procedure rather than take an immediate vote on the whole because "they did not want to be accused of precipitate action without real examination of the new government."<sup>22</sup> Possibly the Clinton group agreed to it in hopes of delaying the final vote while Smith and his followers agreed to it because they were honestly interested in taking an objective look at the document. Smith, in fact, condemned the procedure followed up to that point. "We may wander in the fields of fancy without end, and gather flowers as we go. It may be entertaining but it is of little service to the discovery of truth."<sup>23</sup> The Federalists supported Smith's suggestion since it provided them with an opportunity to win converts. In any case, the reading began, and when the convention reached the paragraph on representation, a prolonged discussion followed.

Melancton Smith offered three basic objections to the provisions on representation. First, he felt the rule of apportionment to be unjust. He objected to counting slaves for purposes

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<sup>22</sup>Mitchell and Mitchell, Biography of Constitution, p. 171.

<sup>23</sup>Papers of Hamilton, Vol. V, p. 16.

of representation since "slaves have no will of their own."<sup>24</sup> In the opinion of Smith this was simply a means of rewarding people who were wicked enough to own slaves. Smith also objected to the lack of a set minimum for reduction in the number of members in the House of Representatives. What was to prevent Congress from never increasing its number or, even worse, from decreasing its numbers? His final objection to the clause was that the proposed ratio of one representative for every thirty thousand people was inadequate. "If great affairs of government were trusted to few men, they would be more liable to corruption."<sup>25</sup> Smith preferred a ratio of one for every twenty thousand inhabitants.

Hamilton, speaking for the first time, answered Smith with an oblique assault on the defects of the Confederacy. After demonstrating the hopelessness of any attempt at revising the Articles of Confederation, Hamilton returned to the subject of representation.<sup>26</sup> His argument proved basically the same as Madison had used in the tenth number of the *Federalist*.<sup>27</sup> Hamilton contended that corruption could occur in both a small or large legislature and not just in a small one as Smith had contended. Hamilton then

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<sup>24</sup>Elliot, Debates, Vol. II, p. 227.

<sup>25</sup>Ibid., pp. 228-229.

<sup>26</sup>Ibid., pp. 230-233.

<sup>27</sup>Alexander Hamilton, James Madison, and John Jay, The Federalist (Middletown: Wesleyan University Press, 1961), pp. 62-65.

proceeded to explain why the proposed Constitution provided for representation in the manner in which it did. He stressed the fact that the basis for representation, particularly as far as the Negro slaves were concerned, was the result of a compromise to avoid a deadlock at the Philadelphia convention. Moreover, it seemed just to count three-fifths of the Negro slaves since they were also being used as part of the basis of taxation.<sup>28</sup> Hamilton concluded by observing that the advantages far outmeasured the disadvantages. He accused the Antifederalists of creating a fear in the people that a federal government under the Constitution would destroy their liberties. According to Hamilton this idea was "repugnant to every rule of political calculation."<sup>29</sup>

Other delegates voiced their opinion on the question of representation, but the arguments remained basically the same as those used by Smith and Hamilton. The Antifederalists insisted that it was impossible for such a small body to be properly aware of the needs of so vast a country. The Federalists responded that the arguments of the opposition were based on remote possibility and not on probability. If the Antifederalists were going to

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<sup>28</sup> Elliot, Debates, Vol. II, p. 237.

<sup>29</sup> Ibid., p. 239. Interpretations of this speech by Francis Childs, John McKesson, and Melancton Smith (all three kept notes during the convention) can be found in Papers of Hamilton, Vol. V, pp. 16-34.

judge the new system at its worst, then the Federalists felt equally justified in going to such extremes in judging the Confederation. If it was logical to assume that only the minimum required for a quorum would be present under the new system, was the danger greater than under the present system? In such a situation under the Confederacy a matter could be decided by eighteen men. Furthermore, there was no need for the representatives to possess a detailed knowledge of local affairs. One man could be as fully acquainted as twenty with the general state "of commerce, manufacturing, population, production and common resources of a state, which are the proper objects of federal legislation."<sup>30</sup> If specific information was ever needed, expert advice could always be obtained.

Discussions were interrupted by news that New Hampshire had ratified the Constitution and that the new system of government appeared a legal reality. The delegates were informed of the news on June 24 and from this point on the arguments of the Anti-federalists took on a more somber tone.<sup>31</sup> The question before the convention seemed clarified. New York now had the choice of joining a union under the Constitution or remaining independent

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<sup>30</sup>Ibid., p. 265.

<sup>31</sup>Mitchell and Mitchell, A Biography of the Constitution, p. 178. Smith felt that the news of New Hampshire had little actual effect. See Smith to Nathan Dane, June 28, 1788, Edmund C. Burnett (ed.), Letters of the Members of the Continental Congress (Washington, 1921-38), Vol. VIII, p. 757.

of it; the Confederation would be no more. With the delegates aware of the reduced alternatives, the debate, which now centered on the senate, continued.

Gilbert Livingston attacked the senate as a "body composed of too little men with too much power."<sup>32</sup> He proposed that senators not be eligible to serve consecutive terms and that they be subject to recall by their state legislatures.<sup>33</sup> Lansing supported this proposal. Chancellor R. R. Livingston countered the recall proposal by accusing the Antifederalists of supporting acts that would hinder the natural right of the people to select their own representatives.<sup>34</sup> Robert Morris agreed with Chancellor Livingston and further warned against adopting any amendments which would defeat the basic design of the Constitution to preserve the Union.<sup>35</sup> Smith apparently feared that the senate would become a fixed and unchangeable body of men. He seemed more inclined to view the senators as the direct representatives of the state legislatures and thus they should be under their control.<sup>36</sup> Smith continued to stress the necessity for rotation in office

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<sup>32</sup>Elliot, Debates, Vol. II, p. 286.

<sup>33</sup>Ibid., p. 289.

<sup>34</sup>Ibid., pp. 292-293.

<sup>35</sup>Ibid., p. 296.

<sup>36</sup>Ibid., pp. 311-312.

as a most "salutary" check upon the representatives and as a method of protecting the interest of the people.<sup>37</sup>

The discussion then became more general, revolving primarily around the method of choice and the distribution of representatives. The procedure continued basically the same with the Antifederalists proposing changes in the document and the Federalists arguing against them. In the course of the debate, Smith declared rather bitterly that it seemed useless to call a convention if no changes could be made in the document.<sup>38</sup>

The topic of discussion shifted to taxation. The Antifederalists were the first to speak. John Williams warned that giving the government such power was very dangerous since "the command of the revenues of a state gives the command of everything in it. He that has the purse will have the sword; and they that have both have everything."<sup>39</sup> Williams believed that the Constitution would give Congress too much power, and, therefore, the state governments needed to have some independent sources of revenue. He proposed to amend the document. Williams suggested that no excise tax be placed on articles grown or manufactured

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<sup>37</sup>Ibid., p. 324.

<sup>38</sup>Ibid.

<sup>39</sup>Ibid., p. 331.

in the United States and no direct taxes except in case of a deficit, and then only after a requisition had failed.<sup>40</sup>

Smith expressed fears that federal taxation would monopolize if not completely destroy state taxation. Without taxes the states would soon collapse. Also, if the Constitution was adopted without amendment, disputes over jurisdiction between the state and federal government were certain to occur. In such clashes, the federal government would be the inevitable victor since it could depend on the army for support. Such an event would be fatal to the existence of state governments and, therefore, to the liberties of the people. Following these observations, Smith made what was to be an embarrassing miscalculation when he attempted to excuse the states for their past failure to respond to requisitions under the Articles. He accused the Federalists of making the record look much worse than it actually was.<sup>41</sup>

Chancellor Livingston, speaking for the Federalists, restricted himself to attacking the proposal made by Williams. Hamilton, however, realizing the significance of Smith's argument, made what some historians consider to be his most important speech during the convention.<sup>42</sup> He began by offering a summary of the

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<sup>40</sup>Ibid.

<sup>41</sup>Ibid., pp. 332-334.

<sup>42</sup>Miner, Ratification of the Constitution by New York, p. 110 and Mitchell and Mitchell, Biography of the Constitution, p. 181.

Federalist arguments in support of the proposed system. Hamilton believed that there were two essential needs for a truly good government. The first essential was the existence of free representation of the people. The second was the availability of means to check the representation in particular and the government in general from extremities. If these two provisions existed completely the people had no need to fear any power as dangerous.

. . . In the form of this government and in the mode of legislation, you find all the checks which the greatest politicians and the best writers have ever conceived . . . . This organization is so complex, so skillfully contrived, that it is next to impossible that an impolitic or wicked measure should pass the scrutiny with success. Now, what do gentlemen mean by coming forward and declaiming against this government? Why do they say we ought to limit its power to disable it, and to destroy its capacity of blessing the people? Has philosophy suggested, has experience taught, that such a government ought not to be trusted with every thing necessary for the good of society? Sir, when you have divided and nicely balanced the departments of government; when you have strongly connected the virtue of your rulers with their interest; when, in short, you have rendered your system as perfect as human forms can be, --you must place confidence; you must give power.<sup>43</sup>

Hamilton said that he was tired of the accusations that Congress would surely be corrupt and menace the very existence of the states. As far as he was concerned, the states were "absolutely necessary to the system."<sup>44</sup> The duties of the central

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<sup>43</sup>Elliot, Debates, Vol. II, p. 348.

<sup>44</sup>Ibid., p. 353.

government were of a much larger realm than that of the states. It would be totally unrealistic to draw a line beyond which Congress must not go to carry out its duties. As for taxation, the actions of the states should be concurrent with Congress. The states were of great importance to the national legislature as "an indispensable support, a necessary aid in executing the laws, and conveying the influence of government to the doors of the people."<sup>45</sup> It was time for the Antifederalists to look realistically at the position of the states in the new Union. If New York was to survive, then the delegates had best replace supposition and conjecture with good common sense.

Hamilton had probably not won any converts with his speech, but he was at least causing a few of the delegates to have second thoughts. Hamilton was now ready to turn about Antifederalist arguments. The Antifederalists wished to retain the system of requisitioning the state to raise revenue for the national government. They had stated that the system had not worked as badly as the Federalists had implied. With the aid of James Duane, Hamilton introduced several documents which served as reminders of the past defects of the requisition system. Clinton loudly protested the action and for good reason. The papers were official New York documents, many signed by Clinton himself, which denounced the

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<sup>45</sup>Ibid.

repeated failure of the other states to respond to the requests of Congress for funds. They were clear evidence that "requisitions have been unable to call forth the resources of the country; that requisitions have been the cause of a principal part of our calamities; that the system is defective and rotten, and ought forever to be banished from our government."<sup>46</sup> Hamilton went one step further and accused Governor Clinton of having refused to grant Congress an independent income because he would not consent to the only method of collection which Congress had declared feasible.<sup>47</sup> Hamilton continued his lengthy speech, but he had already accomplished his goal. The Antifederalists were shown to be supporting a system which they themselves earlier had condemned.

Many of the Antifederalists were not affected by the words and actions of Hamilton. Those particularly of the Clinton faction were simply opposed to the Constitution and it made little difference whether or not the Confederation had been defective. To the group of Antifederalists who clustered around Smith, however, Hamilton's speech was important. These men were honestly interested in securing a good government for the people of New

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<sup>46</sup>Ibid., p. 360.

<sup>47</sup>Ibid., p. 361. Hamilton was referring to the attempt at granting an impost to the central government which was defeated by the vote of New York.

York. Hamilton had pointed out the shortcomings of their argument. If the Confederation had been so defective, then perhaps the hope of New York could be found in the new system.

Lansing made a rather unsuccessful attempt at replying to Hamilton's speech. After several interruptions by Hamilton, Lansing abruptly declared that Hamilton was only interested in divesting the states of their powers in order to benefit the federal government.<sup>48</sup> The debate turned into a personal dispute between the two men which lasted for nearly two days. After tempers cooled, Duane, Jay and Smith continued to discuss the taxation issue but no new arguments were advanced. On July 2, the delegates were informed that Virginia had ratified the Constitution. A few days later Hamilton wrote Madison and congratulated him on the victory, but he stated that success in New York was still in doubt.<sup>49</sup> Some historians regard Virginia's acceptance of the Constitution as the turning point for New York.<sup>50</sup> This could be true, but the debate in New York dragged on for another three and a half weeks.

In an effort to speed up the proceedings, the Federalists began to refuse comment on the various amendments that the Anti-

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<sup>48</sup>Ibid., p. 376.

<sup>49</sup>Letter, Alexander Hamilton to James Madison, July 8, 1788 in Papers of Hamilton, Vol. V, p. 147.

<sup>50</sup>Mitchell and Mitchell, Biography of the Constitution, p. 184.

federalists introduced. This may have baffled the opposition but at least the worst of the debate was apparently over. By July 8, the detailed consideration of the Constitution was finished. On July 11, Lansing introduced a series of conditional amendments which were to be prerequisite to ratification.<sup>51</sup> These amendments represented all of the changes that earlier Antifederalist resolutions had proposed. This set off what was to be the last debate among the delegates. The discussion was dominated by Hamilton, Jay, and Livingston on one side and Lansing, Clinton, and Smith on the other. Hamilton appeared to be directing most of his arguments at Smith.

Hamilton opined that New York would not be allowed to join the Union with the right to withdraw if stipulated conditions were not met. Hamilton offered a plea for outright ratification. Clinton rejected Hamilton's plea and blamed the Federalists for placing unnecessary limitations on the Antifederalists and thereby forcing them to reject the document. A move to adjourn in order to allow the delegates to consult their constituents was made by the Federalists who now believed that the people of New York would urge ratification rather than be left out of the Union.<sup>52</sup> The Antifederalists were opposed to this move and prevented it.

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<sup>51</sup>Elliot, Debates, Vol. II, pp. 406-410.

<sup>52</sup>Ibid., p. 411.

The Federalists then suggested that without ratification New York City would secede and join the Union.<sup>53</sup> The threat was not completely unbelievable since New York City was the principal Federalist stronghold.

On July 15, Smith moved that ratification be approved on condition that the proposed amendments be made to the Constitution by a second general convention.<sup>54</sup> The debate appeared to be at a standstill until threats of a New York City secession were made. The Antifederalists were evidently basing their hopes for defeat on a second convention. Hamilton persuaded Smith to alter his previous proposal by dropping the words "express condition that" and substituting the words "in Confidence that." This concession by Smith on July 23 was the final turning point. The alteration in wording removed the obligation of having a second convention although the Antifederalists still clung to that hope. Smith's proposal was approved by a vote of forty to nineteen.<sup>55</sup>

Lansing was not yet ready to give in to unconditional ratification. Just prior to the final vote, he moved to adopt a resolution "that there should be reserved to the states of New York a right to withdraw herself from the Union after a certain number of

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<sup>53</sup>Rutland, Ordeal of the Constitution, p. 257. Also see, McDonald, We the People, pp. 287-289.

<sup>54</sup>Elliot, Debates, Vol. II, p. 411.

<sup>55</sup>Ibid., p. 412.

years, unless the amendments proposed should previously be submitted to a general convention."<sup>56</sup> The motion failed. On July 26 New York formally ratified the Constitution.<sup>57</sup>

The action or rather inaction of Clinton during the last days of the convention has been subjected to various interpretations. The records of debate show that by July 22, Governor Clinton had taken a back seat and relinquished his leadership to Lansing.<sup>58</sup> It is true that Clinton was not prone to oratory, but he had in the past spoken on the occasions when the Antifederalists appeared divided. While he usually supported the ideas of Lansing, he nevertheless tried to reconcile the ideas of the Smith faction with his own. In this respect he provided the Antifederalists with a united front led by one man. It is perplexing that at the most crucial moment when he should have been asserting himself, Clinton withdrew from active participation. If Clinton made any attempt to halt Smith's concession of July 23, the evidence has not survived.<sup>59</sup>

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<sup>56</sup>Ibid.

<sup>57</sup>Celebrations for the over-all ratification took place in New York before New York ratified. At one ceremony a federal ship was launched, the head of which was a figure of Alexander Hamilton holding the Constitution in his right hand. It appeared, however, that in launching the ship, the arm of the Hamiltonian figure broke off which caused one bystander to remark "Gentlemen, there is certainly room for amendments." Burnett, Letters, Vol. VIII, p. 765.

<sup>58</sup>Elliot, Debates, Vol. II, pp. 411-414.

<sup>59</sup>Rutland, Ordeal of the Constitution, p. 262.

The question still remains, what caused the rather abrupt halt in Clinton's forceful opposition? Many historians believe that the threat of secession in the southern counties and particularly New York City had a great effect.<sup>60</sup> This could be a logical explanation for those Antifederalists who voted for ratification. Many of these defectors were residents of the southern counties and could have been interested in saving their own political futures. It should be noted, however, that Melancton Smith was politically abandoned by the Clintonians and his political future ended at Poughkeepsie.<sup>61</sup> Moreover, if the threat of secession was so great, why did so few Antifederalists change their votes? Some historians suggest that Clinton held a caucus the night before the final vote and instructed Smith and eight others to vote for ratification.<sup>62</sup> If this is true, why did Clinton politically abandon Smith after Poughkeepsie, and what prompted Clinton to such action?

The attitude of the New York public probably had an important effect on Clinton's inaction. Clinton had no qualms about New York remaining outside the union, but New Yorkers did.<sup>63</sup>

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<sup>60</sup>Hamilton believed this to be a real threat. Letter, Alexander Hamilton to James Madison, June 8, 1788 in Papers of Hamilton, Vol. V, pp. 2-4. Also see McDonald, We the People, p. 284 and Ellis, Short History, p. 127.

<sup>61</sup>Rutland, Ordeal of the Constitution, pp. 263, 298.

<sup>62</sup>McDonald, We the People, p. 284.

<sup>63</sup>Mitchell and Mitchell, Biography of the Constitution, pp. 184-185.

The news of Virginia's ratification, while it did not greatly influence Clinton, did influence the general attitude of the people. This change of attitude must have been suspected by Clinton since he refused Hamilton's offer to adjourn the convention (following news from Virginia) to test public opinion.<sup>64</sup> This is extremely important considering Clinton's previous popularity with the people and the lack of public support that the Federalists had received. It is a fact that in the two gubernatorial elections that followed ratification, Clinton faced stiff opposition in each (Robert Yates and John Jay) and won re-election by narrow margins.<sup>65</sup>

Another factor influencing Clinton was a chance at the Vice-Presidency. Clinton received much support for the office, primarily from Antifederalists who still hoped for a second general convention. Some historians suggest that Clinton made a bargain to withdraw opposition to New York ratification in return for the Vice-Presidency.<sup>66</sup> If this was true, Clinton was abandoned for John Adams. One of Adams' supporters did confess that he was for Adams because "Adams would help thwart another convention."<sup>67</sup> Clinton did eventually become Vice-President, but not until 1804.

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<sup>64</sup>Elliot, Debates, Vol. II, p. 411.

<sup>65</sup>Ellis, Short History, p. 128.

<sup>66</sup>Rutland, Ordeal of the Constitution, pp. 292-293.

<sup>67</sup>Ibid., p. 292.

Whatever the reason, Clinton's inaction assured ratification. The Federalist victory in New York was far from overwhelming, however, secured by the narrow margin of three votes (thirty to twenty-seven). The victory was qualified by the fact that the convention unanimously adopted a circular letter that was to be sent out to the various states. The letter urged the calling of a second convention to consider the various amendments proposed at Poughkeepsie and was passed in hope of appeasing the disappointed Antifederalists.<sup>68</sup> On December 11, Governor Clinton reminded the New York legislature that a second convention was still desired.<sup>69</sup> His remarks reflected the Antifederalist interest in keeping alive the issue of amending the Constitution.

The movement toward a second convention was completely unorganized. Most of the disappointed Antifederalists throughout the states looked toward Clinton for leadership. Clinton and Virginia's Governor Edmund Randolph exchanged letters in support of the idea of amending the Constitution, but not much else was done. The main problem seemed to be a lack of agreement among the Antifederalists. All agreed on the need for amendment, but few agreed on what specific amendments were necessary. The list

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<sup>68</sup> Elliot, Debates, Vol. II, pp. 413-414.

<sup>69</sup> Charles Lincoln (ed.), State of New York: Messages From the Governors (Albany: J. B. Lyon Company, 1909), Vol. II, pp. 289-290.

of amendments varied from state to state. When Clinton lost the Vice-Presidency to Adams, the Antifederalists lost their "voice."<sup>70</sup> Although ten amendments were quickly added to the Constitution, they did not carry with them the revisionist quality for which the Antifederalists had hoped.

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<sup>70</sup>Rutland, Ordeal of the Constitution, pp. 299-300.

## CHAPTER IV

### CONCLUSION

An examination of the internal controversies which existed within New York is essential to an evaluation of the state's role in the constitutional movement. From the American Revolution came an internal struggle in New York over who should control state government. Political factions evolved from this conflict and by the time the Articles of Confederation were ratified and independence was won, definite political parties had developed on the state level. The political atmosphere in New York was such that disputes over presumed defects in the Articles easily divided the state into those who favored a strong central government and those who opposed it.

The political factions of New York centered primarily around two basic economic groups--agriculture and commerce. The largest portion of the Antifederalist support was found among the large landowners while the Federalists received their encouragement from the merchants. There were important exceptions to this generalization, however. For example, Philip Schuyler, principal originator of the Federalist faction in New York, was a large landowner. And Melancton Smith, who was considered to be a strong opponent to the Constitution, was a merchant. Therefore, although economic interest was an important aspect of the political di-

vision in New York, it was not an absolute determinant to factional alignment.

The political divisions in New York in 1786 and 1787 were such that a serious confrontation was practically inevitable. The Philadelphia Convention of 1787 provided the occasion for that confrontation. The Convention was called to discuss necessary revisions of the Confederation. The delegates exceeded their instructions by replacing rather than revising the Articles. New York delegates Robert Yates and John Lansing opposed this maneuver and the projected document. Their opposition was colored by their personal dislike for their fellow delegate, Alexander Hamilton. The objections and criticisms of Yates and Lansing would not have been detrimental, however, if they had been willing to work toward compromise.

Hamilton has often been criticized for offering so many unreasonable suggestions to the Convention. His critics state that Hamilton's recommendations were obviously too far from the mainstream of political thinking to be accepted by the other delegates. It is very probable that Hamilton's own political beliefs did not coincide with the majority at Philadelphia. To imply, however, that Hamilton's minority beliefs negated his contributions to the Convention would be totally inaccurate.

Hamilton's contributions may well be found in the psychological effect that his suggestions had on the other delegates.

When the Virginia Plan was initially discussed, it was criticized as being too nationalistic. After the Hamilton Plan was read, however, the Virginia Plan appeared to be moderate by comparison and, therefore, more adaptable to compromise. Hamilton's individual proposals often had similar psychological effects. Whether Hamilton intended his proposals to have such results is speculative. The important thing is that because of Hamilton's suggestions the delegates were more easily swayed to compromise.

After the Convention had drafted and approved the Constitution, the constitutional movement entered a second crucial phase - the contest over ratification. In producing a government which replaced rather than revised the Articles, the Philadelphia delegates had exceeded their original instructions. These same men took further liberties when they ignored the Articles' provision for a constitutional change - unanimous consent of all the states. This action was of particular importance to the ratification movement in New York.

When the New York ratification convention began, opponents had a twenty-seven vote margin which represented two-thirds of the membership. The final vote showed only twenty-nine against ratification while thirty-one voted for it. If a vote had been taken at Poughkeepsie during the first week of the ratification convention, the Constitution would have been defeated. By the time the vote was taken, however, ten states had ratified and

the Constitution was a reality. As long as the question was the Articles of Confederation versus the Constitution, the Antifederalist remained in control at New York. But with the ratification of New Hampshire and Virginia, the question before New York became union or disunion. It was on this question that the Antifederalist faction of New York split. Clinton and Lansing were probably willing to defeat the Constitution and keep New York out of the union, but fellow Antifederalist Melancton Smith was not. The people of New York apparently preferred union under the Constitution to no union at all. Because Smith was more a representative of the people than a professional politician, he and a few followers shifted the New York convention support to the Constitution.

Although the conflict between Hamilton and Clinton was intense, it should not be overemphasized. Hamilton's actions and influence were inadequate to assure ratification. An internal break was necessary within the Clintonian faction before the Federalists could claim victory. This division between Clinton and Smith contributed to end the first federal government of the United States.

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