

increased to ten. Every one acquainted with the history of that republic will recollect how powerful a check to the senatorial encroachments this small body proved; how unlimited a confidence was placed in them by the people, whose guardians they were; and to what a conspicuous station in the government their influence at length elevated the plebeians. Massachusetts has three hundred representatives; New York has sixty-five. Have the people in this state less confidence in their representation than the people of that? Delaware has twenty-one. Do the inhabitants of New York feel a higher confidence than those of Delaware? I have stated these examples to prove that the gentleman's principle is not just. The popular confidence depends on circumstances very distinct from considerations of number. Probably the public attachment is more strongly secured by a train of prosperous events, which are the result of wise deliberation and vigorous execution, and to which large bodies are much less competent than small ones....

It has been further, by the gentlemen in the opposition,³ observed, that a large representation is

necessary to understand the interests of the people. This principle is by no means true in the extent to which the gentlemen seem to carry it. I would ask, Why may not a man understand the interests of thirty as well as of twenty? The position appears to be made upon the unfounded presumption that all the interests of all parts of the community must be represented. No idea is more erroneous than this. Only such interests are proper to be represented as are involved in the powers of the general⁴ government. These interests come completely under the observation of one or a few men; and the requisite information is by no means augmented in proportion to the increase of number....

Sir, we hear constantly a great deal which is rather calculated to awake our passions, and create prejudices, than to conduct us to the truth, and teach us our real interests. I do not suppose this to be the design of the gentlemen. Why, then, are we told so often of an aristocracy? For my part, I hardly know the meaning of this word, as it is applied. If all we hear be true, this government is really a very bad one. But who are the aristocracy among us? Where do we find men



elevated to a perpetual rank above their fellow-citizens, and possessing powers entirely independent of them? The arguments of the gentlemen only go to prove that there are men who are rich, men who are poor, some who are wise, and others who are not; that, indeed, every distinguished man is an aristocrat. This reminds me of a description of the aristocrats I have seen in a late publication styled the *Federal Farmer*.⁵ The author reckons in the aristocracy all governors of states, members of Congress, chief magistrates, and all officers of the militia. This description, I presume to say, is ridiculous. The image is a phantom. Does the new government render a rich man more eligible than a poor one? No. It requires no such qualification....

It is a harsh doctrine that men grow wicked in proportion as they improve and enlighten their minds. Experience has by no means justified us in the supposition that there is more virtue in one class of men than in another. Look through the rich and the poor of the community, the learned and the ignorant. Where does virtue predominate? The difference indeed consists, not in the quantity, but kind, of vices

which are incident to various classes; and here the advantage of character belongs to the wealthy. Their vices are probably more favorable to the prosperity of the state than those of the indigent, and partake less of moral depravity....

3 *Melancton Smith*

June 21, 1788

The honorable *Melancton Smith* rose, and observed, that the gentleman⁴ might have spared many of his remarks in answer to the ideas he had advanced. The only way to remedy and correct the faults in the proposed Constitution was, he imagined, to increase the representation and limit the powers. He admitted that no precise number could be fixed upon. His object only was to augment the number in such a degree as to render the government more favorable to liberty....

The honorable member² had observed, that the confidence of the people was not necessarily connected with the number of their rulers, and had cited the ephori of Sparta, and the tribunes in Rome, as examples. But it ought to be considered, that, in those



places, the people were to contend with a body of hereditary nobles; they would, therefore, naturally have confidence in a few men who were their leaders in the constant struggle for liberty. The comparison between the representations of several states did not better apply. New York had but sixty-five representatives in Assembly. But because sixty-five was a proper representation of two hundred and forty thousand, did it follow that it was also sufficient for three millions? The state legislatures had not the powers of the general government, and were not competent to those important regulations which might endanger liberty.

The gentleman, continued Mr. *Smith*, had ridiculed his idea of an aristocracy, and had entered into a definition of the word. He himself agreed to this definition, but the dispute was not of words, but things. He was convinced that in every society there were certain men exalted above the rest. These men he did not consider as destitute of morality or virtue. He only insisted that they could not feel sympathetically the wants of the people.

Sources of corruption

Both the Federalists and the Antifederalists believed corruption in government resulted from the pursuit of individual ambitions for wealth, fame, and power. They disagreed over who was more or less likely to fall prey to such ambitions. The Antifederalists believed the Constitution gave free rein to the ambitions of the rich and powerful. The Federalists believed that under the Constitution those seeking office in the federal government were more likely to do so out of a sense of public-spiritedness than personal gain.

4 Robert R. Livingston

June 23, 1788

Robert R. Livingston was a Federalist delegate and chancellor of the New York State Supreme Court. He came from one of New York's wealthiest and most distinguished families.

The honorable gentleman from Dutchess,¹ who has so copiously declaimed against all declamation,²



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has pointed his artillery against the rich and the great. I am not interested in defending rich men: but what does he mean by telling us that the rich are vicious and intemperate?³ Will he presume to point out to us the class of men in which intemperance is not to be found? Is there less intemperance in feeding on beef than on turtle?⁴ or in drinking rum than wine? I think the gentleman does not reason from facts. If he will look round among the rich men of his acquaintance, I fancy he will find them as honest and virtuous as any class in the community. He says the rich are unfeeling; I believe they are less so than the poor; for it seems to me probable that those who are most occupied by their own cares and distresses have the least sympathy with the distresses of others. The sympathy of the poor is generally selfish, that of the rich a more disinterested⁵ emotion.

The gentleman further observes, that ambition is peculiarly the vice of the wealthy. But have not all classes of men their objects of ambition? Will not a poor man contend for a constable's staff with as much assiduity and eagerness as a man of rank will aspire to

the chief magistracy? The great offices in the state are beyond the view of the poor and ignorant man: he will therefore contemplate an humbler office as the highest alluring object of ambition; he will look with equal envy on a successful competitor, and will equally sacrifice to the attainment of his wishes the duty he owes to his friends or to the public. But, says the gentleman, the rich will be always brought forward; they will exclusively enjoy the suffrages of the people. For my own part, I believe that, if two men of equal abilities set out together in life, one rich, the other of small fortune, the latter will generally take the lead in your government. The rich are ever objects of envy; and this, more or less, operates as a bar to their advancement. What is the fact? Let us look around us: I might mention gentlemen in office who have not been advanced for their wealth; I might instance, in particular, the honorable gentleman who presides over this state,⁶ who was not promoted to the chief magistracy⁷ for his riches, but his virtue.

... We are told that, in every country, there is a natural aristocracy, and that this aristocracy consists



of the rich and the great: nay, the gentleman goes further, and ranks in this class of men the wise, the learned, and those eminent for their talents or great virtues. Does a man possess the confidence of his fellow-citizens for having done them important services? He is an aristocrat. Has he great integrity? Such a man will be greatly trusted: he is an aristocrat. Indeed, to determine that one is an aristocrat, we need only be assured he is a man of merit. But I hope we have many such. I hope, sir, we are all aristocrats. So sensible am I of that gentleman's⁸ talents, integrity, and virtue, that we might at once hail him the first of the nobles, the very prince of the Senate. But whom, in the name of common sense, will we have to represent us? Not the rich, for they are sheer aristocrats. Not the learned, the wise, the virtuous, for they are all aristocrats. Whom then? Why, those who are not virtuous; those who are not wise; those who are not learned: these are the men to whom alone we can trust our liberties. He says further, we ought not to choose these aristocrats, because the people will not have confidence in them; that is, the people will not have

confidence in those who best deserve and most possess their confidence. He would have his government composed of other classes of men: where will we find them? Why, he must go out into the highways, and pick up the rogue and the robber; he must go to the hedges and ditches, and bring in the poor, the blind, and the lame. As the gentleman has thus settled the definition of aristocracy, I trust that no man will think it a term of reproach; for who among us would not be wise? Who would not be virtuous? Who would not be above want? How, again, would he have us to guard against aristocracy? Clearly by doubling the representation, and sending twelve aristocrats instead of six. The truth is, in these republican governments, we know no such ideal distinctions. We are all equally aristocrats. Offices, emoluments,⁹ honors, are open to all.

5 Melancton Smith

June 23, 1788

The gentleman¹ wishes me to describe what I meant by representing the feelings of the people. If I recollect right, I said the representative ought to



understand and govern his conduct by the true interest of the people. I believe I stated this idea precisely. When he attempts to explain my ideas, he explains them away to nothing; and, instead of answering, he distorts, and then sports with them. But he may rest assured that, in the present spirit of the Convention, to irritate is not the way to conciliate. The gentleman, by the false gloss² he has given to my argument, makes me an enemy to the rich: this is not true. All I said was, that mankind were influenced, in a great degree, by interests and prejudices; that men, in different ranks of life, were exposed to different temptations, and that ambition was more peculiarly the passion of the rich and great. The gentleman supposes the poor have less sympathy with the sufferings of their fellow-creatures, for that those who feel most distress themselves, have the least regard to the misfortunes of others. Whether this be reasoning or declamation, let all who hear us determine. I observed, that the rich were more exposed to those temptations which rank and power hold out to view; that they were more luxurious and intemperate, because they had more fully the means of

enjoyment; that they were more ambitious, because more in the hope of success. The gentleman says my principle is not true, for that a poor man will be as ambitious to be a constable as a rich man to be a governor; but he will not injure his country so much by the party he creates to support his ambition.

The next object of the gentleman's ridicule is my idea of an aristocracy; and, indeed, he has done me the honor to rank me in the order. If, then, I am an aristocrat, and yet publicly caution my countrymen against the encroachments of the aristocrats, they will surely consider me as one of their most disinterested friends.

The Constitution's effect on the states

Another topic of debate at the New York ratification convention was the effect the Constitution would have on the powers of the state governments. The Federalists believed the Constitution would elevate the federal government above the state governments, allowing it to operate independently in



such realms as international relations, interstate commerce, and taxation. Antifederalists balked at reducing the influence of the state governments within the federal union, because they believed those governments were more democratic and less prone to corruption than the federal one proposed by the Constitution.

6 Melancton Smith

June 27, 1788

Sir, I contemplate the abolition of the state constitutions as an event fatal to the liberties of America. These liberties will not be violently wrested from the people; they will be undermined and gradually consumed. On subjects of the kind we cannot be too critical. The investigation is difficult, because we have no examples to serve as guides. The world has never seen such a government over such a country. If we consult authorities in this matter, they will declare the impracticability of governing a free people on such an extensive plan. In a country where a portion of the people live more than twelve hundred miles from the centre, I think that one body cannot

possibly legislate for the whole. Can the legislature frame a system of taxation that will operate with uniform advantages? Can they carry any system into execution? Will it not give occasion for an innumerable swarm of officers, to infest our country and consume our substance? People will be subject to impositions¹ which they cannot support, and of which their complaints can never reach the government.

Another idea is in my mind, which I think conclusive against a simple government for the United States. It is not possible to collect a set of representatives who are acquainted with all parts of the continent. Can you find men in Georgia who are acquainted with the situation of New Hampshire, who know what taxes will best suit the inhabitants, and how much they are able to bear? Can the best men make laws for the people of whom they are entirely ignorant? Sir, we have no reason to hold our state governments in contempt, or to suppose them incapable of acting wisely. I believe they have operated more beneficially than most people expected, who considered that those governments were erected in a



time of war and confusion, when they were very liable to errors in their structure. It will be a matter of astonishment to all unprejudiced men hereafter, who shall reflect upon our situation, to observe to what a great degree good government has prevailed. It is true some bad laws have been passed in most of the states; but they arose from the difficulty of the times rather than from any want of honesty or wisdom. Perhaps there never was a government which, in the course of ten years, did not do something to be repented of.... We all agree that a general government is necessary; but it ought not to go so far as to destroy the authority of the members. We shall be unwise to make a new experiment, in so important a matter, without some known and sure grounds to go upon. The state constitutions should be the guardians of our domestic rights and interests, and should be both the support and the check of the federal government.

7 Alexander Hamilton

June 28, 1788

The gentleman¹ has made a declaration of his wishes for a strong federal government. I hope this is

the wish of all. But why has he not given us his ideas of the nature of this government, which is the object of his wishes? Why does he not describe it? We have proposed a system which we supposed would answer the purposes of strength and safety. — The gentleman objects to it, without pointing out the grounds, on which his objections are founded, or shewing² us a better form. These general surmises never lead to the discovery of truth. It is to be desired, that the gentleman would explain particularly the errors in this system, and furnish us with their proper remedies....

The gentleman says, that the operation of the taxes³ will exclude the states, on this ground, that the demands of the community are always equal to its resources; that Congress will find a use for all the money the people can pay. This observation, if designed as a general rule, is in every view unjust. Does he suppose the general government will want all the money the people can furnish; and also that the state governments will want all the money the people can furnish? What contradiction is this? But if this maxim be true, how does the wealth of a country ever



increase? How are the people enabled to accumulate fortunes? Do the burthens regularly augment,⁴ as its inhabitants grow prosperous and happy? But if indeed all the resources are required for the protection of the people, it follows that the protecting power should have access to them. The only difficulty lies in the want of resources: If they are adequate, the operation will be easy. If they are not, taxation must be restrained: Will this be the fate of the state tax alone? Certainly not. The people will say no. What will be the conduct of the national rulers? The consideration will not be, that our imposing the tax will destroy the states, for this cannot be effected; but that it will distress the people, whom we represent, and whose protectors we are. It is unjust to suppose that they⁵ will be altogether destitute of virtue and prudence. It is unfair to presume that the representatives of the people will be disposed to tyrannize, in one government more than in another. If we are convinced that the national legislature will pursue a system of measures unfavorable to the interests of the people, we ought to have no general government at all. But if we unite, it will be for the

accomplishment of great purposes....

I shall conclude with a few remarks by way of apology. I am apprehensive, sir, that, in the warmth of my feelings, I may have uttered expressions which were too vehement. If such has been my language, it was from the habit of using strong phrases to express my ideas; and, above all, from the interesting nature of the subject. I have ever condemned those cold, unfeeling hearts, which no object can animate. I condemn those indifferent mortals, who either never form opinions, or never make them known. I confess, sir, that on no subject has my breast been filled with stronger emotions, or more anxious concern. If any thing has escaped me, which may be construed into a personal reflection, I beg the gentlemen,⁶ once for all, to be assured that I have no design to wound the feelings of any one who is opposed to me.

While I am making these observations, I cannot but take notice of some expressions which have fallen in the course of the debate. It has been said that ingenious men may say ingenious things, and that those who are interested in raising the few upon the



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ruins of the many, may give to every cause an appearance of justice. I know not whether these insinuations allude to the characters of any who are present, or to any of the reasonings in this house. I presume that the gentlemen would not ungenerously impute such motives to those who differ from themselves. I declare I know not any set of men who are to derive peculiar advantages from this Constitution. Were any permanent honors or emoluments⁷ to be secured to the families of those who have been active in this cause, there might be some grounds for suspicion. But what reasonable man, for the precarious enjoyment of rank and power, would establish a system which would reduce his nearest friends and his posterity to slavery and ruin? If the gentlemen reckon me amongst the obnoxious few, if they imagine that I contemplate with ambitious eye the immediate honors of the government, yet let them consider that I have my friends, my family; my children, to whom ties of nature and of habit have attached me. If, to-day, I am among the favored few, my children, tomorrow, may be among the oppressed;

these dear pledges of my patriotism may, at a future day, be suffering the severe distresses to which my ambition has reduced them. The changes in the human condition are uncertain and frequent: many, on whom Fortune has bestowed her favors, may trace their family to a more unprosperous station; and many, who are now in obscurity, may look back upon the affluence and exalted rank of their ancestors. But I will no longer trespass on your indulgence. I have troubled the committee with these observations, to show that it cannot be the wish of any reasonable man to establish a government unfriendly to the liberties of the people. Gentlemen ought not, then, to presume that the advocates of this Constitution are influenced by ambitious views. The suspicion, sir, is unjust; the charge is uncharitable.



Analyzing the Ratification Debates

1. Using your notes from this chapter's Source Analysis Table, briefly explain the principles upon which Antifederalists objected to the Constitution. How did Federalists answer those objections? How did Antifederalists envision the future of the nation if the Constitution was ratified?
2. In [Sources 1](#) through [5](#), what meanings did the delegates attach to the following words and phrases: *natural aristocracy*, *ambition*, *passions*, and *interests*? Did the meanings of these words change depending on whether a Federalist or an Antifederalist uttered them?
3. What, if anything, do these passages tell you about the delegates who remained silent during the proceedings? What sort of evidence would you want to see before assuming that they shared the views expressed by their leaders on the floor?
4. Some historians describe the clash between Federalists and Antifederalists as a struggle between economic classes; others emphasize differences in political ideology. Having read these excerpts from the ratification debates, what do you think was the most distinguishing characteristic of the divide between Federalists and Antifederalists? Was the struggle over ratification ultimately about differences in economic interests, or was it about differences in political ideas?
5. How should scholars and judges trying to interpret original intent make use of the ratification convention proceedings? Antifederalists were present at the creation of the Constitution and yet spoke — and sometimes voted — against it. How, then, should modern scholars regard the opinions of Antifederalists when trying to reconstruct original intent?
6. Having read Federalist and Antifederalist predictions of how the Constitution would work,



who do you think was right? Have any of the Antifederalists' fears come true? If you had attended the New York ratification convention, which side do you think you would have taken? Explain your choice.

The Rest of the Story

New York ratified the Constitution by a vote of 30 to 27, the narrowest margin of victory in any of the state ratification conventions that met in 1787–1788. (Rhode Island, which initially refused to call a ratification convention, finally did so in the spring of 1790 and ratified the Constitution by an even closer vote of 32 to 30.) If we consider New York along with two other key states, we can see a clearer picture of how narrowly the Constitution passed through the ratification process. Convention delegates in New York, Virginia, and Massachusetts cast a total of 580 votes, and the margin of victory in those states was 3, 10, and 19 votes, respectively. In other words, 32 of the 580 votes cast tilted the balance in favor of ratification, a margin of only 5.5 percent.

It might be said that New York's Antifederalists lost the battle but won the war. None of them ever seriously considered making New York an independent republic; after news of ratification in New Hampshire and Virginia reached them, they pegged

their hopes on amending the Constitution. As was the case in several other states, the New York Antifederalists believed the Constitution needed to have a bill of rights that would protect the people's liberties from the power of the new federal government. Alexander Hamilton answered on behalf of the Federalists, calling a federal bill of rights unnecessary because the Constitution did not grant the federal government powers over the rights in question and the state constitutions already guaranteed such rights to their citizens.

The delegates at the New York convention broke their impasse by drafting a resolution that voted for ratification "in full confidence" that the new government would give "early and mature Consideration" to amendments recommended by the Antifederalists. James Madison introduced to the first United States Congress a list of twelve amendments to the Constitution that distilled many of the recommendations made by Antifederalists at the state ratification conventions, including New York's. Madison's proposed amendments dealt chiefly with

the civil liberties the Antifederalists were so concerned about protecting: freedom of religion and freedom of the press; the rights to assembly, to bear arms, and to trial by jury; and prohibitions on excessive bail, cruel and unusual punishments, and unreasonable search and seizures. The states ratified ten of those amendments in 1791, and they became known collectively as the Bill of Rights. It is ironic that today the part of the Constitution with which Americans are most familiar — the Bill of Rights' protection of freedom of religion, freedom of the press, and other civil liberties — would not be there had the Antifederalists not been so persistent in their demands for a more perfect union.



To Find Out More

The Ratification Debates and Federalist and Antifederalist Writings

- Bailyn, Bernard, ed. *The Debate on the Constitution: Federalist and Anti-Federalist Speeches, Articles, and Letters during the Struggle over Ratification*. 2 vols. New York: Library of America, 1993.
- Elliot, Jonathan. *The Debates in the Several State Conventions on the Adoption of the Federal Constitution*. 5 vols. New York: B. Franklin, 1968.
- Jensen, Merrill, John P. Kaminski, Gaspare J. Saladino, and Charles H. Schoenleber, eds. *The Documentary History of the Ratification of the Constitution*. 23 vols. Madison: Wisconsin Historical Society Press, 1976.

Secondary Sources on the Constitution and Ratification

- Beeman, Richard R. *Plain, Honest Men: The Making of the American Constitution*. New York: Random House, 2009.
- Cornell, Saul. *The Other Founders: Anti-Federalism and the Dissenting Tradition in America, 1788–1828*. Chapel Hill: University of North Carolina Press, 1999.
- De Pauw, Linda Grant. *The Eleventh Pillar: New York State and the Federal Constitution*. Ithaca, NY: Cornell University Press, 1966.
- Glover, Lorri. *The Fate of the Revolution: Virginians Debate the Constitution*. Baltimore: Johns Hopkins University Press, 2016.
- Holton, Woody. *Unruly Americans and*



the Origins of the Constitution. New York: Hill and Wang, 2007.

- Maier, Pauline. *Ratification: The People Debate the Constitution, 1787–1788*. New York: Simon and Schuster, 2010.
- Main, Jackson Turner. *The Anti-Federalists: Critics of the Constitution, 1781–1788*. Chapel Hill: University of North Carolina Press, 1961.
- Rakove, Jack N. *Original Meanings: Politics and Ideas in the Making of the Constitution*. New York: Vintage Books, 1996.

CHAPTER 7 The Question of Female Citizenship

Court Records from the New Nation

William and Anna Martin left home in a hurry. William was an artillery officer in the British army, and when the army evacuated Boston in early 1776, he and Anna went with it. They left behind a substantial amount of property. Most of the family's wealth came from Anna, the daughter of a prosperous Boston merchant. When her father died in 1770, she had inherited a house with a wharf and stables in Boston, a farm in the nearby town of Braintree, and more than 800 acres of land in Massachusetts and New Hampshire.

The Martins were just two of the thousands of Americans who went into exile in Britain, Canada, or

