



Name _____ Date _____ Period _____
US History New York and the Constitution _____

What should New York do?

A Problem-Based Inquiry into the Ratification of the new Constitution

The Decision - a Fictional Dramatization - The following conversation is invented for this activity. It represents arguments made during the ratification debate, but these are not John Jay's exact words.

"Marcus, do you think New York should ratify it?" John Jay asks for the third time in ten minutes.

"We've only had the Articles of Confederation for 7 years. Do we really want or need something more binding?" (The meeting should be starting soon and most are wondering if we really need this new Constitution.)

"John, we've been over this. We don't need a stronger government and a tyrannical leader. We just got rid of a king, and where are the rights for the people? I don't know. This seems too powerful."

"I disagree. Our current Union is but a fragile rope of sand, wholly incapable of shielding our commerce from foreign threats or domestic rebellion. Only under this new Constitution can our separate states bind themselves into a single, respectable nation, with the strength to endure. To reject this system is to invite invasion from foreign nations and anarchy at home."

"A rope of sand? Under the Articles, the states still control most of their own affairs. This Constitution would bind us much more closely to a powerful national government. What if that government turns against the principles of the Revolution?"

"We are one people on one continent, and breaking apart means our ruin. A divided America will crumble under foreign threats and local wars. The Union must be permanent if we want to survive."

"I will need to see a Bill of Rights. I don't like it."

"You do not understand the system we are building. The new government receives limited, listed powers. Supporters argue that it cannot lawfully exercise powers that the Constitution does not grant. You do not need a law saying you are allowed to wear a hat, so why demand a law saying you are allowed to speak? A list of rights is pointless when the government has no power to take them away in the first place."

The Convention is about to start and John has to leave. **"Tell me why New York should not ratify this new Constitution."**

"I need protections from the government. No more kings in America. I say No!"



Your Situation in 1788

You are Marcus, a local Poughkeepsie resident, who has encountered an old friend John Jay on his way to the Courthouse on Market Street. You are hesitant to support the new Constitution because you distrust a strong central government. Jay seems confident that this is the right course of action.

You fought in the war in order to break from a powerful government that taxed and mistreated its colonists. As Jay leaves, you start questioning your stance.

“Could Jay be right? Do we need a stronger government? But what about the people? And what about taxes?”

As a New Yorker, what do you want your delegates to do? Should you change your mind?

Identify the problem - List 3 important issues involved in the Ratification of the Constitution.

Why wasn't there universal support for the new Constitution? What are the concerns of Marcus and/or John Jay?

Issue 1	
Issue 2	
Issue 3	

Collaboration: With no more than two partners, begin thinking about what you would need to better understand the decision facing Jay and the other delegates. What do you need to know in order to feel safe with this new government?

- Turn your issues from the last section into questions that need to be answered.

Question 1	
Question 2	
Question 3	



Deepening Your Understanding of the Problem

Clearly state the question you need to answer in order to make the best decision. Sometimes the big question is too broad. Smaller questions can help us answer it.

What is the biggest question facing Marcus and John?	
What two smaller questions would help them decide?	

A Quick Note About Reliability...



Reliability: How useful is this document for understanding the speaker's position?

- Consider the speaker's role, purpose, audience, and possible bias.
- Support your answer with evidence from the document.

This practices source analysis for the New York State Regents Short Essay Question.



John Lansing Jr - a New York lawyer and public official who had served in the Continental Congress and attended the Constitutional Convention in Philadelphia. He later represented Albany County at the New York ratifying convention in Poughkeepsie.

Document A: John Lansing Jr.

Date and place: June 20, 1788, Poughkeepsie, New York

Focus question: Where should power be placed, and can the Articles of Confederation be repaired?

Original historical text

We ought, therefore, to be extremely cautious how we establish a government which may give distinct interests to the rulers and governed, so as to induce the former to pursuits adverse to the happiness of the United States.

It has been observed, that, as the people must, of necessity, delegate essential powers either to the individual or general sovereignties, it is perfectly immaterial where they are lodged; but, as the state governments will always possess a better representation of the feelings and interests of the people at large, it is obvious that those powers can be deposited with much greater safety with the state than the general government.

I am equally averse to cherishing, on this occasion, the idea of obtaining a perfection which never existed, and to despairing of making important amendments to the system now offered for consideration; for, sir, however much I may be disposed to perpetuate union, however sensible of the defects of the existing Confederation, I cannot help differing from those gentlemen who are of opinion it is incapable of amelioration.

I would ask, What are the objections which have been so ably urged against it? They are comprised under two heads. First, it affords no defence against foreign assault; second, no security to domestic tranquillity. Both these objects might be compassed if Congress could be vested with a power to raise men and money.

Requisitions made under the existing Confederation by Congress, it is allowed, are insufficient; but this defect might, in a great measure, have been remedied by permitting the United States to legislate on individuals after the requisitions had been made, and not been complied with. If the requisition could be thus enforced, loans of money might be negotiated when necessary, and Congress be authorized to raise money to replace them.

Source note: *Jonathan Elliot, ed., The Debates in the Several State Conventions on the Adoption of the Federal Constitution, vol. 2. Excerpts abridged; paragraph breaks adjusted.*

Simplified explanation of the text

We must be very careful when creating a government. The people who rule may develop interests that are different from the interests of ordinary citizens. State governments are closer to the people and better understand what people need. For that reason, important powers may be safer with the states than with a distant national government.



The present Confederation has real weaknesses, but that does not mean it cannot be improved. Its two largest problems are that it cannot protect the country well from foreign attacks and cannot keep peace at home. Congress could be given specific new powers to fix these problems, including the power to raise soldiers and money. Congress could also be allowed to act directly when a state refuses to provide its required share. These repairs might strengthen the union without replacing the entire system with a much more powerful national government.

Audience: who was supposed to hear/read this document?	
Purpose: What is the speaker trying to convince the audience to believe or do?	
Position: What action does the speaker want New York to take? What evidence supports your answer?	
Reliability: How useful is this document for understanding the speaker's position? Consider the speaker's role, purpose, audience, and possible bias.	



Alexander Hamilton - a Revolutionary War veteran, lawyer, and former aide to George Washington. He represented New York at the Constitutional Convention and became one of the most active speakers at the Poughkeepsie convention.

Document B: Alexander Hamilton

Date and place: June 21, 1788, Poughkeepsie, New York

Focus question: Is the proposed House of Representatives large enough to protect the people?

Original historical text

In my reasonings on this subject of government, I rely more on the interests and opinions of men, than on any speculative parchment provisions whatever. I have found that constitutions are more or less excellent as they are more or less agreeable to the natural operation of things. I am, therefore, disposed not to dwell long on curious speculations, or pay much attention to modes and forms; but to adopt a system whose principles have been sanctioned by experience, adapt it to the real state of our country, and depend on probable reasonings for its operation and result.

I contend that sixty-five and twenty-six, in two bodies, afford perfect security, in the present state of things; and that the regular progressive enlargement, which was in the contemplation of the general Convention, will leave not an apprehension of danger in the most timid and suspicious mind. It will be the interest of the large states to increase the representation. This will be the standing instruction to their delegates.

But, say the gentlemen, the members of Congress will be interested not to increase the number, as it will diminish their relative influence. In all their reasoning upon this subject, there seems to be this fallacy: They suppose that the representative will have no motive of action, on the one side, but a sense of duty; or on the other, but corruption. They do not reflect that he is to return to the community; that he is dependent on the will of the people, and that it cannot be his interest to oppose their wishes. Sir, the general sense of the people will regulate the conduct of their representatives...

All governments, even the most despotic, depend, in a great degree, on opinion. In free republics, it is most peculiarly the case. In these, the will of the people makes the essential principle of the government; and the laws which control the community receive their tone and spirit from the public wishes.

Source note: *Jonathan Elliot, ed., The Debates in the Several State Conventions on the Adoption of the Federal Constitution, vol. 2. Excerpts abridged; paragraph breaks adjusted.*

Simplified explanation of the text

When evaluating a framework for governance, it is crucial to observe actual human behavior rather than relying solely on written guarantees. This suggested framework is rooted in practical experience and corresponds with the nation's current realities.



The proposed Congress would initially have 26 senators and 65 representatives. Hamilton argues that these numbers are sufficient for the country's present needs. He expects the House to grow as the population increases because larger states will want more representatives.

Critics worry that representatives will resist increasing the House because it would reduce their individual influence. Hamilton responds that representatives depend on voters and must pay attention to public opinion. He therefore argues that New York should not insist on a larger House as a condition of accepting the Constitution.

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Melancton Smith - a merchant, lawyer, and former member of the Continental Congress. At the Poughkeepsie convention, he became known for his careful arguments about representation, political power, and the rights of ordinary citizens.

Document C: Melancton Smith

Date and place: June 20, 1788, Poughkeepsie, New York

Focus question: Must New York choose between national union and liberty?

Original historical text

He was as strongly impressed with the necessity of a union as any one could be. He would seek it with as much ardor. In the discussion of this question, he was disposed to make every reasonable concession, and, indeed, to sacrifice every thing for a union, except the liberties of his country, than which he could contemplate no greater misfortune. But he hoped we were not reduced to the necessity of sacrificing, or even endangering, our liberties, to preserve the Union. If that was the case, the alternative was dreadful. But he would not now say that the adoption of the Constitution would endanger our liberties; because that was the point to be debated, and the premises should be laid down previously to the drawing of any conclusion...

Why, said he, are we told of our weakness? of the defenceless condition of the southern parts of our state? of the exposed situation of our capital? of Long Island, surrounded by water, and exposed to the incursions of our neighbors in Connecticut? of Vermont having separated from us, and assumed the powers of a distinct government? and of the north-west parts of our state being in the hands of a foreign enemy? Why are we to be alarmed with apprehensions that the Eastern States are inimical, and disinclined to form alliances with us?...

Surely it could not be supposed that those states would make war upon us for exercising the rights of freemen, deliberating and judging for ourselves, on a subject the most interesting that ever came before any assembly. If a war with our neighbors was to be the result of not acceding, there was no use in debating here; we had better receive their dictates, if we were unable to resist them. The defects of the old Confederation needed as little proof as the necessity of a union. But there was no proof in all this that the proposed Constitution was a good one. Defective as the old Confederation is, he said, no one could deny but it was possible we might have a worse government.

Source note: *Jonathan Elliot, ed., The Debates in the Several State Conventions on the Adoption of the Federal Constitution, vol. 2. Excerpts abridged; paragraph breaks adjusted.*

Simplified explanation of the text

National unity is very important, and reasonable compromises may be necessary to preserve it. However, liberty should not be sacrificed just because people fear disunion or attack. The convention must first examine the evidence before deciding that the Constitution protects or threatens freedom.

Supporters describe New York as weak and exposed. They point to New York City, Long Island, Vermont, British-held forts in the northwest, and possible hostility from neighboring states. But fear



should not decide the question. Other states should not attack New Yorkers simply because they exercise their right to think and decide for themselves.

Everyone agrees that the Articles of Confederation have problems and that the states need a union. Neither fact proves that this particular Constitution is good. Replacing a weak system without carefully examining the replacement could produce an even worse government. The delegates must judge the proposed Constitution on its own merits.

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John Jay - a lawyer, diplomat, and former president of the Continental Congress. His experience managing the nation's foreign affairs shaped his ideas about the powers and resources the United States government would need.

Document D: John Jay

Date and place: July 1, 1788, Poughkeepsie, New York

Focus question: Should the national government have direct access to the country's money and resources?

Original historical text

He [John Jay] began with a description of the general characteristics of a government proper for the United States. It had, he said, been justly laid down, that a government which was to accomplish national purposes should command the national resources. Here a question had been raised. Would it be proper that the state governments should limit the powers of the general government, relative to its supplies? Would it be right or politic that the sovereign power of a nation should depend for support on the mere will of the several members of that nation? that the interest of a part should take place of that of the whole, or that the partial views of one of the members should interfere with and defeat the views of all?

He said that, after the most mature reflection, he could see no possible impropriety in the general government having access to all the resources of the country. With respect to direct taxes, it appeared to him that the proposed amendment would involve great difficulties. Suppose a state should refuse to comply; would not the same motives, the same reasons, which produced the non-compliance, induce such state to resist the imposing and collecting of the tax? Would not a number of states, in similar circumstances, be apt to unite to give their resistance weight? They could not all be forced...

He apprehended that ambitious men might be found, in such emergencies, ready to take advantage of turbulent times, and put themselves at the head of such an association...

The legislatures of the several states would furnish their delegates with the systems of revenue, and give them the most particular information with regard to the modes of taxation most agreeable to the people. From the comparison of these, Congress would be able to form a general system, as perfect as the nature of things would admit.

Source note: Jonathan Elliot, ed., The Debates in the Several State Conventions on the Adoption of the Federal Constitution, vol. 2. Excerpt abridged; paragraph breaks adjusted; bracketed name added.

Simplified explanation of the text

A national government needs authority over collective resources to achieve national goals. Relying on individual states for funding is risky; if one state fails to comply, the entire nation's well-being is jeopardized.

Jay warns that a state that refuses to provide money might also resist federal efforts to collect it. Other states might join the resistance, and ambitious leaders could use the conflict to gain power.



State legislatures can explain their tax systems and local preferences to Congress. Jay argues that Congress can compare this information to develop a national tax system.

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Position: What action does the speaker want New York to take? What evidence supports your answer?	
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Summarizing what you've learned

Review the notes from your four sources. Answer one of your questions from Part 1.

Remember to [cite](#) evidence from at least one document.

My Question:

My Summary:



Choices, Choices, Choices - My suggestion to John Jay

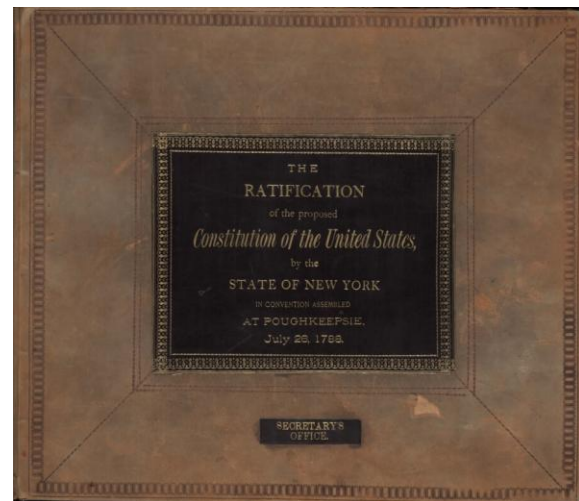
- Select the option you want Jay to choose.
- Identify at least one positive and one negative outcome, and support your recommendation with evidence from at least two documents.

☐ Ratify the Constitution as written ☐ Reject the Constitution ☐ Ratify while recommending amendments or protections	
Potential Positive Outcomes	Potential Negative Outcomes



On July 26, 1788, New York ratified the Constitution by a vote of 30–27. The delegates also approved a declaration of rights, recommended amendments, and called for another convention to consider changes to the Constitution.

New York has ratified the Constitution. Write John Jay a two-paragraph letter evaluating the decision. Explain which concerns were addressed, which concerns remain, and whether you still agree with your original recommendation. Use evidence from at least two documents.





Dear John,

Need Help? Civic Literacy Statement Starters

Making a claim: New York should ____ because ____.

Using evidence: In Document __, __ argues, “____.” This shows ____.

Explaining reasoning: This evidence matters because ____.

Comparing sources: Documents __ and __ agree that ____, but they disagree about ____.

Addressing another view: Some delegates may argue _____. However, _____.



Painter, Gerald Foster
1900-1987

"Delegates at the New York Convention to Ratify the Federal Constitution"

Photograph by John Jameson

