

Define ratify (using the textbook):

What is the 'necessary and proper clause'?

What was the most effective argument of the anti-federalists? Why?

How did the Federalists respond to the Anti-Federalists complaints?

Federalists and Anti-Federalists

The creation of the Constitution entailed hours of debate and compromise, and even when it was completed, some delegates were unhappy with it. The task of fixing the ailing Confederate government was not complete yet; each state had to ratify the Constitution. Basically, people divided into two groups, the **Federalists** and the **Anti-Federalists**. Each of their viewpoints is worth examining, as they both have sound reasoning.

The Anti-Federalists did not want to ratify the Constitution. Basically, they argue that:

- It gave too much power to the national government at the expense of the state governments.
- There was no bill of rights.
- The national government should not maintain an army in peacetime.
- Congress, because of the 'necessary and proper clause,' wielded too much power.
- The executive branch held too much power.

Of these complaints, the lack of a bill of rights was the most effective. The American people had just fought a war to defend their rights, and they did not want an intimidating national government taking those rights away again. The lack of a bill of rights was the focus of the Anti-Federalist campaign against ratification.

The Federalists, on the other hand, had answers to all of the Anti-Federalist complaints. Among them:

- The separation of powers (remember Montesquieu!) into three independent branches protected the rights of the people. Each branch represents a different aspect of the people, and because all three branches are equal, no one group can assume control over another.
- The national government should provide for the common defense (protecting law and order at home and protecting countries from foreign attacks)
- A listing of rights can be a dangerous thing. If the national government were to protect specific listed rights, what would stop it from violating rights that people have that may not be listed ones? Since we can't list every single right, the Federalists argued that it's better to list none at all.

Had you been a delegate, would you have sided with the Federalists or Anti-Federalists? Justify your position.

Who wrote the Federalist Papers?

How did the writing of the Bill of Rights resolve the conflict between the Federalists and the Anti-Federalists?

Overall, the Federalists were more organized in their efforts. By June of 1788, the Constitution was close to ratification. Nine states had ratified it, and only one more (New Hampshire) was needed. To achieve this, the Federalists agreed that once Congress met, it would draft a bill of rights. Finally, New York and Virginia approved, and the Constitution was a reality. Interestingly, the Bill of Rights was not originally a part of the Constitution, and yet it has proved to be highly important to protecting the rights of the people.

The Federalist Papers

The most difficult battle was waged in New York. Although New York eventually became the eleventh state to ratify the new Constitution, it was heavily Anti-Federalist, and victory was by no means assured at the outset.

In support of the Constitution, Alexander Hamilton, James Madison, and John Jay published a series of anonymous essays now known as the Federalist Papers. These propaganda essays extolled the benefits of a strong central government and allayed fears about civil liberties. Well written and persuasive, the essays are now regarded as some of the finest writings on American politics and republicanism.

Though many political philosophers in the 1700s had argued that republican government was impossible for large countries with diverse populations, the writers of the Federalist Papers argued the opposite. In their now-famous tenth essay (*Federalist No. 10*), Madison wrote that factionalism would not be a problem in a large republic precisely because everyone would have different interests. In other words, people would be so busy pursuing their own interests that emerging factions would cancel each other out, allowing freedom and republicanism to prevail.

The Bill of Rights

Despite the Federalist Papers, most New Yorkers, North Carolinians, Virginians, and Rhode Islanders agreed to ratify the Constitution only if the document was amended to include a list of undeniable rights and liberties of the people. The new Congress kept its promise to do so and in 1791 established a committee to draft a Bill of Rights. Much of this work was done by James Madison, who sponsored the Bill of Rights in Congress. Congress added these rights to the Constitution as the first ten amendments later that year.

The chart below presents the arguments from both sides on several key issues. Read each response, analyze the arguments, and then answer the questions.

Concern	Federalists	Anti-federalists
Effectiveness of the Articles of Confederation	<p>“The faith, the reputation, the peace of the whole Union are thus continually at the mercy, the prejudices, the passions, and the interests of every member of which it is composed. Is it possible that foreign nations can either respect or confide in such a government? Is it possible that the people of America will longer consent to trust their honor, their happiness, their safety, on so precarious a foundation?... The Confederation... is a system so radically vicious and unsound, as to admit not of amendment but by an entire change in its leading features and characters.”</p> <p>-Alexander Hamilton, <i>Federalist No. 22</i></p>	<p>“The honorable gentleman said that great danger would ensue if the Convention rose without adopting this system. I ask, where is that danger? I see none. Other gentlemen have told us, within these walls, that the union is gone, or that the union will be gone.... Till they tell us the grounds of their fears, I will consider them as imaginary.... Where is the danger? If, sir, there was any, I would recur to the American spirit which has enabled us to surmount the greatest difficulties.”</p> <p>-Patrick Henry, <i>Virginia Ratifying Convention</i></p>
Geographic Challenges	<p>“Extend the sphere, and you take in a greater variety of parties and interests; you make it less probable that the majority of the whole will have a common motive to invade the rights of other citizens.... Hence, it clearly appears that the same advantage which a republic has over a democracy, in controlling the effects of faction, is enjoyed by a large over a small republic....”</p> <p>-James Madison, <i>Federalist No. 10</i></p>	<p>“It is the opinion of the ablest writers on the subject, that no extensive empire can be governed on republican principles, and that such a government will degenerate to a despotism.... No instance can be found of any free government of any considerable extent.... Large and consolidated empires may indeed dazzle the eyes of a distant spectator with their splendour, but if examined more nearly are always found to be full of misery.”</p> <p>-James Winthrop (Mass.), <i>Letters of Agrippa</i></p>
Power of the Executive	<p>“There is no comparison between the intended power of the President and the actual power of the British sovereign.... The President of the United States would be an officer elected by the people for four years; the king of Great Britain is a perpetual and hereditary prince.... What answer shall we give to those who would persuade us that things so unlike resemble each other? The same that ought to be given to those who tell us that a government, the whole power of which would be in the hands of the elective and periodical servants of the people, is an aristocracy, a monarchy and a despotism.”</p> <p>-Alexander Hamilton, <i>Federalist No. 69</i></p>	<p>“Wherein does this president, invested with his powers and prerogatives, essentially differ from the king of Great Britain (save as to the name, the creation of nobility and some immaterial incidents...)? The safety of the people in a republic depends on the share or proportion they have in the government; but experience ought to teach you, that when a man is at the head of an elective government invested with great powers, and interested in his reelection... appointments will be made by which means an imperfect aristocracy bordering on monarchy may be established.”</p> <p>-George Clinton (NY), <i>CATO letters</i></p>
Protection of Rights	<p>“Here, in strictness, the people surrender nothing; and as they retain everything they have no need of particular reservations.... Bills of rights, in the sense and to the extent in which they are contended for, are not only unnecessary in the proposed Constitution, but would even be dangerous.... Why declare that things not be done which there is no power to do?... the truth is... that the Constitution is itself, in every rational sense, and to every useful purpose, a BILL OF RIGHTS.”</p> <p>-Alexander Hamilton, <i>Federalist No. 84</i></p>	<p>“There is no declaration of rights: and the laws of the general government being paramount to the laws and constitutions of the several states, the declarations of rights, in the separate states, are no security. Nor are the people secured even in the enjoyment of the benefit of the common law, which stands here upon no other foundations than its having been adopted by the respective acts forming the constitutions of the several states.”</p> <p>-George Mason (Va.), <i>from the Virginia Journal</i></p>

1. Compare the arguments for each major concern. Which side makes the more convincing argument? Explain your decision.
 - a. Effectiveness of the Articles of Confederation:

b. Geographic Challenges:

c. Power of the Executive:

d. Protection of Rights:

2. Were the Federalist papers the best method to argue for ratification of the Constitution? Why or why not?

3. Why do you think the Federalists were successful?