

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.

