MAIN IDEA Terms & Names

During the debate on the

Constitution, the Federalists

promised to add a bill of

rights in order to get the

Constitution ratified.

The Bill of Rights continues to

protect ordinary citizens.

WHY IT MATTERS NOW

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One American's Story

# Ratifying the

# Constitution

When John Jay was in college, he refused to reveal the identity of a student

who had broken school property. As he was being interrogated, Jay pointed

out that the college rules did not require one student to inform on another.

Years later, Jay argued for ratification of the newly written

constitution. He warned how other nations would view the United

States if it did not unify itself.

**A PERSONAL VOICE** JOHN JAY

***“*** What a poor pitiful figure will America make in their

eyes! How liable would she become not only to their

contempt, but to their outrage; and how soon would

dear-bought experience proclaim that when a people

or family so divide, it never fails to be against themselves.***”***

*—The Federalist,* Number 4

Whether Jay was defending his peers or his country’s

Constitution, his strong principles and commitment

to unity gave his arguments tremendous force.

Men like John Jay played a key role in ratifying the

Constitution.

Federalists and Antifederalists

The delegates to the Philadelphia convention had spent four months drafting the

Constitution. When newspapers printed the full text of the new Constitution,

many Americans were shocked by the radical changes it proposed. They had

expected the convention to merely amend the Articles of Confederation. Supporters

and opponents battled over controversies that threatened to shatter the

framers’ hope of uniting the states.

John Jay

•ratification

•Federalists

•Antifederalists

•*The Federalist*

•Bill of Rights

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146 **CHAPTER 5**

CONTROVERSIES OVER THE CONSTITUTION The framers

set up a procedure for ratification that called for each state to

hold a special convention. The voters would elect the delegates

to the convention, who would then vote to accept or reject the

Constitution. **Ratification**—official approval—required the

agreement of at least nine states. This system largely bypassed

the state legislatures, whose members were likely to oppose the

Constitution, since it reduced the power of the states. It also

gave the framers an opportunity to campaign for delegates in

their states who would support ratification.

Supporters of the Constitution called themselves

**Federalists,** because they favored the new Constitution’s balance

of power between the states and the national government.

Their opponents became known as **Antifederalists** because

they opposed having such a strong central government and

thus were against the Constitution.

The Federalists insisted that the division of powers and the

system of checks and balances would protect Americans from

the tyranny of centralized authority. Antifederalists countered

with a long list of possible abuses of power by a strong central

government. These included a fear that the government would

serve the interests of the privileged minority and ignore the

rights of the majority. Antifederalists also raised doubts that a

single government could manage the affairs of a large country.

Their leading argument, however, centered on the

Constitution’s lack of protection for individual rights.

THE OPPOSING FORCES Leading Federalists included framers

of the Constitution such as George Washington, James Madison,

and Alexander Hamilton. They used their experience and powers

of persuasion to win support for the document they had drafted.

They received heavy support from urban centers, where merchants,

skilled workers, and laborers saw the benefit of a national

government that could regulate trade. Small states and those with

weak economies also favored a strong central government that

could protect their interests.

Leading Antifederalists included revolutionary heroes and

leaders such as Patrick Henry, Samuel Adams, and Richard Henry

Lee. They received support from rural areas, where people feared

a strong government that might add to their tax burden. Large

states and those with strong economies, such as New York, which

had greater freedom under the Articles of Confederation, also

were unsupportive of the Constitution at first.

Both sides waged a war of words in the public debate over

ratification. ***The Federalist,*** a series of 85 essays defending the

Constitution, appeared in New York newspapers between 1787 and 1788. They

were published under the pseudonym *Publius,* but were written by Federalist leaders

Alexander Hamilton, James Madison, and John Jay. *The Federalist* provided an

analysis and an explanation of Constitutional provisions, such as the separation

of powers and the limits on the power of majorities, that remain important today.

*Letters from the Federal Farmer,* most likely written by Richard Henry Lee, was

the most widely read Antifederalist publication. Lee listed the rights the

Antifederalists believed should be protected, such as freedom of the press and of

religion, guarantees against unreasonable searches of people and their homes, and

the right to a trial by jury.

***“ You are not to inquire***

***how your trade may be***

***increased, nor how you***

***are to become a great***

***and powerful people,***

***but how your liberties***

***can be secured. . . .”***

**PATRICK HENRY**

MAIN IDEA

A

**Analyzing**

**Issues**

What were the

Antifederalists’

major arguments

against the

Constitution?

A

***A. Answer*** That

it did not protect

individual rights,

that a single

government

could not govern

such a large

country, and

that there would

be abuse of

power by such a

strong central

government.

***“ They . . . divided the***

***powers, that each***

***[branch of the legislature]***

***might be a check***

***upon the other . . . and***

***I presume that every***

***reasonable man will***

***agree to it.”***

**ALEXANDER**

**HAMILTON**

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The Bill of Rights Leads to Ratification

The proposed U.S. Constitution contained no guarantee that the government

would protect the rights of the people or of the states. Some supporters of the

Constitution, such as Thomas Jefferson, viewed the Constitution’s lack of a bill of

rights—a formal summary of citizens’ rights and freedoms, as a serious drawback

to ratification.

**A PERSONAL VOICE** THOMAS JEFFERSON

***“*** I like much the general idea of framing a government, which should go on

of itself, peaceably, without needing continual recurrence to the State

legislatures. . . . I will now tell you what I do not like. First, the omission of

a bill of rights. . . . Let me add, that a bill of rights is what the people are

entitled to against every government on earth, general or particular; and what

no just government should refuse. . . .***”***

*—*letter to James Madison from Paris, December 20, 1787

PEOPLE DEMAND A BILL OF RIGHTS Antifederalists argued that since the

Constitution weakened the states, the people needed a national bill of rights.

They wanted written guarantees that the people would have freedom of speech,

of the press, and of religion. They demanded assurance of the right to trial by jury

and the right to bear arms.

Federalists insisted that the Constitution granted only limited powers to the

national government so that it could not violate the rights of the states or of the

people. They also pointed out that the Constitution gave the people the power to

protect their rights through the election of trustworthy leaders. In the end,

though, the Federalists yielded to people’s overwhelming desire and promised to

add a bill of rights if the states would ratify the Constitution.

RATIFICATION OF THE CONSTITUTION Delaware led the country in ratifying

the Constitution in December 1787. In June 1788, New Hampshire fulfilled the

requirement for ratification by becoming the ninth state to approve the

Constitution. Nevertheless, Virginia and New York had not voted, and the new

government needed these very large and influential states.

Powerful adversaries squared off in Virginia. Patrick Henry, Richard Henry Lee,

and James Monroe led the opposition. Richard Henry Lee, a prominent political

A parade in New

York in 1788

celebrates the

new Constitution

and features the

“Ship of State”

float. Alexander

Hamilton’s name

emphasizes the

key role he played

in launching the

new government.

▼

MAIN IDEA

B

**Summarizing**

What were the

arguments made

by Antifederalists

and Federalists

over adding a bill

of rights to the

Constitution?

B

***B. Answer***

Antifederalists:

The Constitution

created a powerful

national

government,

making a bill of

rights necessary

to protect the

people.

Federalists: The

Constitution

gave only limited

powers to the

national government

and so it

could not violate

the rights of

states or people.

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figure of his time, claimed that those in favor of the Constitution were voluntarily

placing themselves under the power of an absolute ruler.

**A PERSONAL VOICE** RICHARD HENRY LEE

***“*** ’Tis really astonishing that the same people, who have just emerged from a long

and cruel war in defense of liberty, should now agree to fix an elective despotism

[absolute power] upon themselves and their posterity.***”***

The struggle for New York pitted John Jay and Alexander Hamilton against a

strong Antifederalist majority. Jay, Hamilton, and Madison launched an effective

public campaign through *The Federalist*. News of ratification by New Hampshire

and Virginia strengthened the Federalists’ cause. On July 26, 1788, New York ratified

by a vote of 30 to 27. Although Rhode Island did not accept the Constitution

until 1790, the new government became a reality in 1789.

148 **CHAPTER 5**

Nelson Mandela, the first black president of

South Africa, greets a crowd celebrating the

new constitution in 1996.

**SOUTH AFRICA**

*ATLANTIC*

*OCEAN*

*INDIAN*

*OCEAN*

Pretoria

Soweto

People outside the polling station

in the black township of Soweto

waiting to vote in South Africa’s

first multiracial election.

▼

▼

**NOW THEN**

SOUTH AFRICA CREATES A

BILL OF RIGHTS

On May 8, 1996, South African

lawmakers danced in the aisles of

South Africa’s Parliament. They

had just approved a landmark

constitution guaranteeing equal

rights for blacks and whites in the

new South Africa. Included in this

constitution was a bill of rights

modeled in part on the United

States Bill of Rights, though with

significant differences.

The South African bill of rights is

a much broader and more detailed

document than the U.S. Bill of

Rights. For example, two pages

are devoted to the rights of arrested,

detained, and accused persons.

One page is devoted to the

rights of children. The document

forbids discrimination of all kinds

and protects the rights of minorities.

It also guarantees every citizen

the right to freedom of travel

within the country, which was often

denied blacks under apartheid. In

addition, the bill of rights guarantees

a range of social and economic

rights—including the right to

adequate housing, food, water,

education, and health care—which

were often denied blacks under

apartheid.

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•ratification

•Federalists

•Antifederalists •*The Federalist* •Bill of Rights

1. TERMS & NAMES For each term or name, write a sentence explaining its significance.

MAIN IDEA

2. TAKING NOTES

Use a chart like the one below to

show which groups and public figures

supported the Federalists and which

supported the Antifederalists.

Which group would you have

supported? Explain why.

CRITICAL THINKING

3. EVALUATING

Do you think the Federalists or the

Antifederalists had the more valid

arguments? Support your opinion

with examples from the text.

Think About:

• whom each group represented

• Americans’ experience with the

Articles of Confederation

• Americans’ experience with

British rule

4. ANALYZING MOTIVES

Why did the Antifederalists demand

the Bill of Rights?

5. HYPOTHESIZING

How might the course of American

history have changed if the Bill of

Rights had forbidden discrimination

of all kinds and had protected the

rights of minorities?

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ADOPTION OF A BILL OF RIGHTS In several states,

ratification had hinged on the Federalists’ pledge to add

a bill of rights. In September 1789, Congress submitted

12 amendments to the state legislatures for ratification.

By December 1791, the required three-fourths

of the states had ratified ten of the amendments,

which became known as the **Bill of Rights.**

The first eight amendments spell out the personal

liberties the states had requested. The Ninth and Tenth

Amendments impose general limits on the powers of

the federal government.

• The *First Amendment*—guarantees citizens’ rights to

freedom of religion, speech, the press, and political

activity.

• The *Second* and *Third Amendments*—grant citizens the right to bear arms as

members of a militia of citizen-soldiers and prevent the government from

housing troops in private homes in peacetime.

• The *Fourth* through *Eighth Amendments*—guarantee fair treatment for individuals

suspected or accused of crimes.

• The *Ninth Amendment—*makes it clear that people’s rights are not restricted to

just those specifically mentioned in the Constitution.

• The *Tenth Amendment—*clarifies that the people and the states have all the

powers that the Constitution does not specifically give to the national government

or deny to the states.

The protection of rights and freedoms did not apply to all Americans at the

time the Bill of Rights was adopted. Native Americans and slaves were excluded.

Women were not mentioned in the Constitution. Although some northern states

permitted free blacks to vote, the Bill of Rights offered them no protection against

whites’ discrimination and hostility. The expansion of democracy came from later

amendments. Nevertheless, the flexibility of the U.S. Constitution made it a

model for governments around the world.

Antifederalists

Federalists

Public

Figures Groups

The Bill of Rights

1. Religious and political freedom

2. Right to bear arms

3. Freedom from quartering troops

4. Freedom against unreasonable search

and seizure

5. Rights of accused persons

6. Right to a speedy, public trial

7. Right to a trial by jury

8. Limits on fines and punishments

9. Rights of the people

10. Powers of states and the people

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