



SECTION
3

Ratifying the Constitution

MAIN IDEA

During the debate on the Constitution, the Federalists promised to add a bill of rights in order to get the Constitution ratified.

WHY IT MATTERS NOW

The Bill of Rights continues to protect ordinary citizens.

Terms & Names

- ratification
- Federalists
- Antifederalists
- *The Federalist*
- Bill of Rights

One American's Story

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.

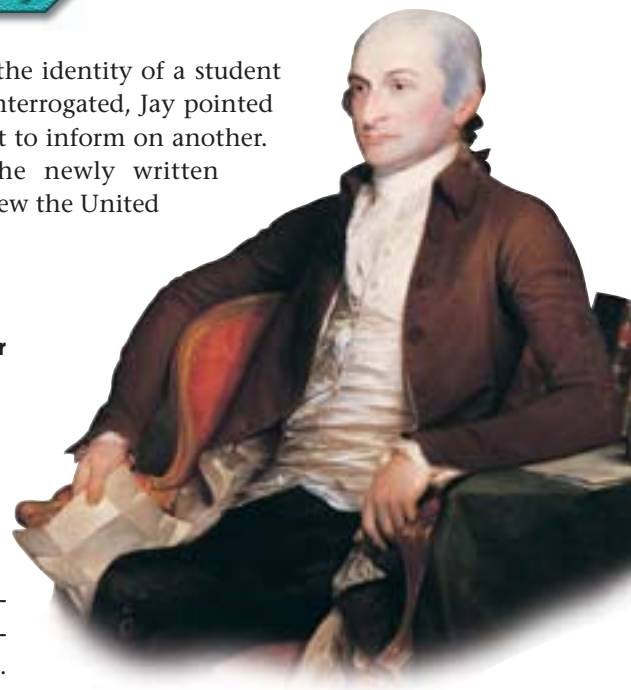
Years later, Jay argued for ratification of the newly written constitution. He warned how other nations would view the United States if it did not unify itself.

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.



John Jay

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.



“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



“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

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. **A**

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.

MAIN IDEA

Analyzing Issues

A What were the Antifederalists’ major arguments against the Constitution?



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. **B**

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

MAIN IDEA

Summarizing

B What were the arguments made by Antifederalists and Federalists over adding a bill of rights to the Constitution?

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. ▼

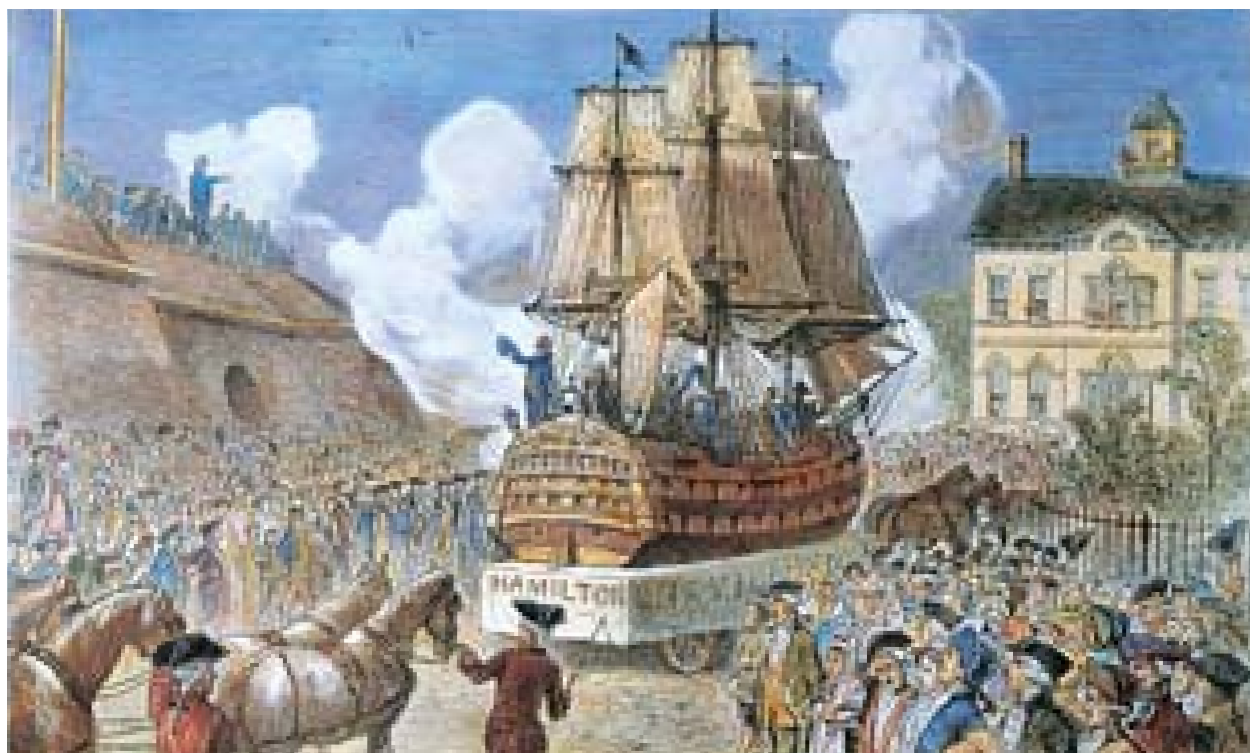




figure of his time, claimed that those in favor of the Constitution were voluntarily placing themselves under the power of an absolute ruler.

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.

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.

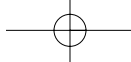
The South African bill of rights is a much broader and more detailed document than the U.S. Bill of Rights. For example, two pages are devoted to the rights of arrested, detained, and accused persons. One page is devoted to the rights of children. The document forbids discrimination of all kinds and 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.

People outside the polling station in the black township of Soweto waiting to vote in South Africa's first multiracial election. ►



Nelson Mandela, the first black president of South Africa, greets a crowd celebrating the new constitution in 1996. ▼





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 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

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.



ASSESSMENT

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

- ratification
 - Antifederalists
 - The *Federalist*
 - Bill of Rights
- Federalists

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.

	Public Figures	Groups
Federalists		
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?