

Ratiofing the Constitution: The Federalists and The Anti-Federalists

The creation of the Constitution entailed hours of debate and compromise. James Madison, a brilliant advocate of a strong national government, took careful notes about the Constitutional Convention's work. He is often called the Father of the Constitution because he was the author of the basic plan of government that the Convention eventually adopted. Even when the Constitution 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, or approve, 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 argued that:

- It gave too much power to the national government at the expense of the state governments.
- There was no Bill of Rights.
- 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 national government could maintain an army in peacetime.
- Congress wielded too much power because of the 'necessary and proper clause,' (The 'necessary and proper clause' of the Constitution gives Congress the right to make all laws "necessary and proper" to carry out the powers expressed in the other clauses of the Constitution.)
- The executive branch held too much power.



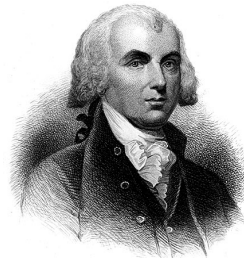
Patrick Henry

Of these complaints, the lack of a bill of rights was the most effective.

They demanded that the new Constitution clearly guarantee the people's freedoms. Patrick Henry was a strong opponent of the Constitution. He stated: "The necessity of a Bill of Rights appears to me to be greater in this government than ever before... If the people do not think it necessary to reserve them (their rights), they will supposed to be given up." 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 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.
- 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 other than the listed ones? Since we can't list all the rights, the Federalists argued that it's better to list none at all.



James Madison

Additionally, the Federalists argued the following points:

- Without a strong national government, anarchy, or political disorder, would triumph.
- They claimed that only a strong national government would protect the new nation from enemies abroad and solve the country's internal problems.
- They also claimed that a Bill of Rights was not needed since eight states already had such bills in their state constitutions.
- Finally, in order gain the necessary support needed to ratify the constitution, the Federalists promised to add a Bill of Rights as the first order of business under a new government.

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.