Ratifying the Constitution

If YOU were there...

You are a newspaper editor in Philadelphia. During colonial rule, officials sometimes closed down your newspaper because you had criticized the governor. Now you are one of many Americans who want to be sure the new Constitution will guarantee individual rights. You are writing an editorial in your paper explaining what you want.

What rights would you want the Constitution to protect?

Building Background

The new Constitution did not make everyone happy. Even its framers knew they had not made a perfect document. Many people were afraid a strong national government would become as tyrannical as the British government had been. Before approving the Constitution, they wanted to be sure that their rights would be protected.

Federalists and Antifederalists

When the Constitution was made public, a huge debate began among many Americans. Antifederalists—people who opposed the Constitution—thought that the Constitutional Convention should not have created a new government. Others thought the Constitution gave too much power to the central government. Convention delegate George Mason became an Antifederalist for this reason. In a speech to a Virginia ratifying convention he stated, “This power is calculated to annihilate totally the state governments.” For some Antifederalists, the main problem was that the Constitution did not have a section that guaranteed individual rights.

Many Antifederalists were small farmers and debtors. Some Patriots, including Samuel Adams and Patrick Henry, were also strong Antifederalists. At the Virginia ratifying convention, Henry spoke out against the lack of protection of individual freedoms. “The first thing I have at heart is American liberty,” he said. “The second thing is American union.” Antifederalists were
challenged by those who believed that the United States needed a stronger central government.

**Federalists**, supporters of the Constitution, included James Madison, George Washington, Benjamin Franklin, and Alexander Hamilton. Most Federalists believed that the Constitution offered a good balance of power between various political views. Many Federalists were wealthy planters, farmers, and lawyers. However, others were workers and craftspersons.

Federalists and Antifederalists debated whether the new Constitution should be approved. They made speeches and printed pamphlets advocating their views. Mercy Otis Warren, an ardent Patriot during the war, wrote a pamphlet entitled *Observations on the New Constitution*, in which she criticized the lack of individual rights it provided. The Federalists had to convince people a change in the structure of government was needed. To do this, they had to overcome people’s fears that the Constitution would make the government too powerful.

**Federalist Papers**

One of the most important defenses of the Constitution appeared in a series of essays that became known as the **Federalist Papers**. These essays supporting the Constitution were written anonymously under the name Publius. They were actually written by Hamilton, Madison, and Jay.

The authors of the **Federalist Papers** tried to reassure Americans that the new federal government would not overpower the states. In *Federalist Paper No. 10*, Madison argued that the diversity of the United States would prevent any single group from dominating the government.

The **Federalist Papers** were widely reprinted in newspapers around the country as the debate over the Constitution continued. Finally, they were collected and published in book form in 1788.
Chapter 5
Primary Source

The Constitution needed only 9 states to pass it. However, to establish and preserve national unity, each state needed to ratify it. Every state except Rhode Island held special state conventions that gave citizens the chance to discuss and vote on the Constitution. Paul Revere served on a committee supporting ratification. He wrote of the Constitution, “The proposed . . . government, is well calculated [planned] to secure the liberties, protect the property, and guard the rights of the citizens of America.” Antifederalists also spoke out in state conventions, and wrote articles and pamphlets that became known as the Antifederalist Papers. In New York, one citizen said, “It appears that the government will fall into the hands of the few and the great.”

On December 7, 1787, Delaware became the first state to ratify the Constitution. It went into effect in June 1788 after New Hampshire became the ninth state to ratify it.

Political leaders across America knew the new government needed the support of the large states of Virginia and New York, where debate still raged. Finally, Madison and fellow Virginia Federalists convinced Virginia to ratify it in mid-1788. In New York, riots had occurred when the draft of the Constitution was made public. At the state convention in Poughkeepsie to discuss ratification, Hamilton argued convincingly against the Antifederalists led by DeWitt Clinton. When news arrived of Virginia’s ratification, New York ratified it as well. Rhode Island was the last state to ratify the Constitution in May 1790.

Reading Check Drawing Conclusions
Why were Virginia and New York important to the ratification of the Constitution?
Bill of Rights

Several states ratified the Constitution only after they were promised that a bill protecting individual rights would be added to it. Many Antifederalists did not think that the Constitution would protect personal freedoms.

Some Federalists said that the nation did not need a federal bill of rights because the Constitution itself was a bill of rights. It was, they argued, written to protect the liberty of all U.S. citizens.

James Madison wanted to make a bill of rights one of the new government’s first priorities. In Congress’s first session, Madison encouraged the legislators to put together a bill of rights. The rights would then be added to the Constitution as amendments, or official changes. In Article V of the Constitution, the founders had provided a way to change the document when necessary in order to reflect the will of the people. The process requires that proposed amendments must be approved by a two-thirds majority of both houses of Congress and then ratified by three-fourths of the states before taking effect.

Legislators took ideas from the state ratifying conventions, the Virginia Declaration of Rights, the English Bill of Rights, and the Declaration of Independence to make sure that the abuses listed in the Declaration of Independence would be illegal under the new government. In September 1789 Congress proposed 12 amendments and sent them to the states for ratification. By December 1791 the states had ratified the Bill of Rights—10 of the proposed amendments intended to protect citizens’ rights.

These 10 amendments set a clear example of how to amend the Constitution to fit the needs of a changing nation. The flexibility of the U.S. Constitution has allowed it to survive for more than 200 years.

**Reading Check** Summarizing Why is being able to amend the Constitution important?

**Summary and Preview** Early disagreements over individual rights resulted in the Bill of Rights. In the next chapter you will learn about the structure of the Constitution.

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**Section 4 Assessment**

**Reviewing Ideas, Terms, and People**

1. **a. Identify** Who were the Federalists and the Antifederalists?
   **b. Draw Conclusions** What arguments did the Federalists make for ratification of the Constitution? What was the main argument of the Antifederalists against the Constitution?

2. **a. Recall** When did the Constitution go into effect?
   **b. Draw Conclusions** Why was it important that all 13 states ratify the Constitution?
   **c. Elaborate** Do you think that the Federalist Papers played an essential role in the ratification of the Constitution? Explain your answer.

3. **a. Recall** Why did Congress add the Bill of Rights?
   **b. Explain** From where did legislators’ ideas for the Bill of Rights come?
   **c. Elaborate** Do you think the process for amending the Constitution is too difficult? Explain your position.

**Critical Thinking**

4. **Analyzing** Review your notes on Federalist and Antifederalist views. Then identify the outcome of the debate in a graphic organizer like the one below. Be sure to mention the Bill of Rights.

   ![Graphic Organizer]

**Focus on Writing**

5. **Organizing Your Evidence** In this section you learned how the Bill of Rights was an important addition to the Constitution. You now have all your evidence about the difference between the Articles of Confederation and the Constitution. Choose two or three of the most important points and prepare to defend the Constitution, just like Alexander Hamilton and James Madison did in the Federalist Papers.