

**1787**  
Constitution  
submitted to states  
for approval

**1787**  
Publication of  
The Federalist  
begins

**1788**  
Constitution approved  
by the required  
number of states

**1789**  
Bill of Rights  
proposed

**1790**  
Final state  
approves the  
Constitution

**1787**

**1788**

**1789**

**1790**

## 3 Ratifying the Constitution

### SECTION PREVIEW

#### Objectives

- 1 Compare and contrast the positions of the Federalists and the Antifederalists.
- 2 Identify the reasons that the Federalists won approval of the Constitution.
- 3 Outline the arguments for and against a Bill of Rights.
- 4 **Key Terms** Define: ratify; Federalist; Antifederalist; faction; Bill of Rights.

#### Main Idea

The states debated and then approved the new Constitution. A Bill of Rights soon was added to protect individual liberties.

#### Reading Strategy

**Formulating Questions** As you read, make a list of questions that you would want to ask the Federalists and Antifederalists if you were trying to decide how to vote on the Constitution.

As the ink was still drying on the final draft of the new Constitution, proponents and opponents of it were busy trying to line up support for their positions. For the Constitution to become law, 9 of the 13 states had to **ratify**, or approve, it. Ratification votes would be cast not by state legislatures but by special conventions called in each state. The Framers of the Constitution bypassed the state legislatures because they feared the legislatures would never approve a document that reduced their powers.

### The Federalist View

Those who favored the Constitution were called **Federalists**. They wanted the strong national government the Constitution provided. Those who opposed the Constitution were called the **Antifederalists**. They believed that the Federalists' plan posed a threat to state governments and to the rights of individuals.

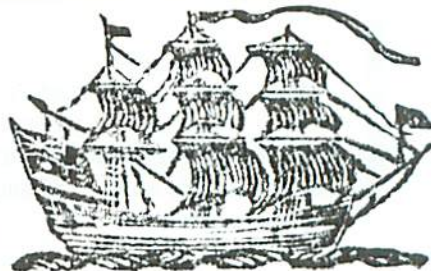
The Federalists included many Nationalists, such as George Washington, James Madison, and Alexander Hamilton. They argued that even if there were problems with the document, it had to be approved. To make their case for the

Constitution, several supporters wrote a series of 85 essays called *The Federalist*. These articles appeared in New York City newspapers between October 1787 and August

1788. The authors were Hamilton, Madison, and John Jay, a Nationalist from New York.<sup>†</sup>

The purpose of *The Federalist* essays was to persuade the New York State convention to agree to the Constitution. In the papers, Hamilton and Madison explained why the new Constitution was needed and how the federal government would work.

For example, in *The Federalist*, No. 10, Madison answered those who feared that a federal government could come under the control of one powerful **faction**, a group that is concerned only with its own interests.



*The Constitution's supporters rallied around a new national symbol: a ship in full sail.*

<sup>†</sup> The essays were signed with the fictitious name "Publius." Scholars have argued over the identity of the writers. Today, however, computer analyses and other historical evidence have led most experts to agree on who wrote which essays.



## Ratification of the Constitution

State	Date	Vote
Delaware	December 7, 1787	30-0
Pennsylvania	December 12, 1787	46-23
New Jersey	December 19, 1787	38-0
Georgia	January 2, 1788	26-0
Connecticut	January 9, 1788	128-40
Massachusetts	February 6, 1788	187-168
Maryland	April 28, 1788	63-11
South Carolina	May 23, 1788	149-73
New Hampshire	June 21, 1788	57-46
Virginia	June 25, 1788	89-79
New York	July 26, 1788	30-27
North Carolina	November 21, 1789	184-77
Rhode Island	May 29, 1790	34-32

**Interpreting Tables** For the Constitution to become law, ratification by only nine states was needed. Patrick Henry opposed ratification, fearing that “a proposal of establishing nine states into a confederacy [would lead] to the eventual exclusion of four states.”

**Government** Why was it important, however, for all 13 states to ratify the Constitution?

Because the United States was so big, Madison wrote, no single faction would be able to control the government. Factions based on regional or economic or other interests would fight with each other within the federal government, but no single faction would be able to dominate the others for long. As Madison put it:

### KEY DOCUMENTS

“Extend the sphere [that is, enlarge the territory of the nation] and you take in a greater variety of parties and interests; you make it less probable that a majority of a whole will have a common motive to invade the rights of other citizens; or if such a common motive exists, it will be more difficult for all who feel it to discover their own strength and to act in unison with each other.”

—*The Federalist*, No. 10

## The Antifederalist View

The Antifederalists rallied behind the leadership of older revolutionary figures, such as Patrick Henry of Virginia. This group picked up support in more isolated regions where protecting commerce was not a major concern. People in these areas had less need for the leadership and laws of a strong national government. The Antifederalists also included some former Nationalists who still wanted a national government but were unhappy with the Constitution as written.

Most Antifederalists saw the Constitution as a betrayal of the American Revolution. A President would be nothing but a king, they warned. Had American patriots fought and died to create yet another government to tax them and tell them what to do?

While the Federalists feared the people more than government, the Antifederalists feared government more than the people. Many objected not only to the presidency, but to the new federal court system. They also worried that those governments closest to the people, the local and state authorities, would be crushed by this new federal monster. Finally, they feared for Americans’ individual liberties. Two New York Antifederalists argued:

### KEY DOCUMENTS

“A general government, however guarded by declarations of rights, . . . must unavoidably, in a short time, be productive of the destruction of the civil liberty of such citizens who could be effectively coerced [dominated] by it.”

—Letter from Robert Yates and John Lansing to the Governor of New York, 1787

## Why the Federalists Won

The Constitution was officially submitted to the states for approval on September 28, 1787. From the start, the Federalists had several advantages in their campaign to promote it.

(1) The Federalists drew on the widespread feeling that the Articles of Confederation had serious flaws. The young nation’s economic problems and Shays’ Rebellion convinced many Americans that something had to be done.

(2) The Federalists were united around a specific plan—the Constitution. The Antifederalists, in contrast, were united only in their opposition to the Constitution. They had no constructive plan of their own to offer.



(3) The Federalists were a well-organized national group in regular contact with one another. The Antifederalists tended to be local and state politicians who could not coordinate their activities on the national level.

(4) Finally, the Federalists had George Washington. In 1786 Washington had foreseen the type of chaos that would erupt in Shays' Rebellion. "Something must be done," he warned his countrymen, "or the fabric [the Union] must fall, for it is certainly tottering." The following year, 1787, Washington had served as head of the Constitutional Convention. Federalists could point out that the Constitution had been crafted under the leadership of the nation's greatest hero and most respected public figure.

Washington's support was crucial for another reason. Everyone expected Washington to be the first President. That made people more willing to accept the idea of a stronger government and a powerful executive. During the war, Washington had proved his ability to lead, through defeat and discouragement. More significant, he had voluntarily given up his power at the end of the war. This was seen as a sign of his commitment to act within the law.

Delaware, New Jersey, and Connecticut ratified quickly. They were relatively small states whose citizens could benefit from being part of a large federal structure. Georgia ratified quickly as well. The Georgians feared a war with Native Americans and wanted a national government for support. In Pennsylvania, Federalists had come to power, and they readily agreed to the new Constitution. All these states acted in December 1787 and January 1788.

Then Massachusetts narrowly voted to ratify. Maryland and South Carolina soon fell into line. New Hampshire Federalists managed to delay the vote in their state until they had a majority. In June 1788, New Hampshire had the honor of being the ninth state and final state needed to ratify the Constitution.

Yet everyone knew the new nation would not succeed without the backing of the highly populated states of Virginia and New York. Loud debates and quiet maneuvers during the summer of 1788 produced narrow Federalist victories in both these states. North Carolina first rejected the Constitution but reversed itself and voted in favor in November 1789. In May 1790, Rhode Island similarly reversed its position and became the last of the original thirteen states to approve the new government.

## The Bill of Rights

The states did adopt the Constitution. Yet the voting was close, and they might easily have rejected it. What turned the tide in close states like Massachusetts, Virginia, and New York? The skills of men such as Madison and Hamilton certainly had an impact. The most important factor, however, was the Federalist offer to support several amendments to the Constitution.

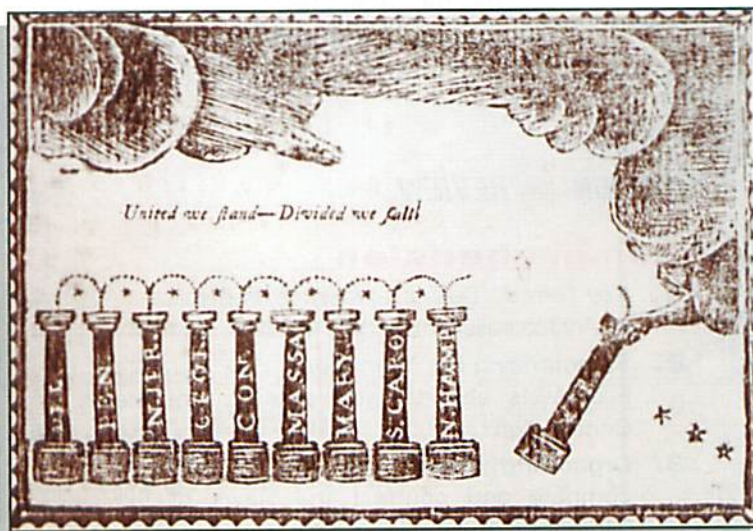
In September 1789, Congress proposed twelve constitutional amendments designed to protect citizens' rights. The states ratified ten of the amendments, and they took effect on December 15, 1791. These first ten amendments to the Constitution are known today as the **Bill of Rights**.

### Main Idea CONNECTIONS

Why was a Bill of Rights added to the Constitution?

**Against the Bill of Rights** Most Federalists saw no need for these amendments. Members of the Constitutional Convention had talked about protecting freedom of speech, the press, and religion. But they decided such measures were unnecessary. They were building a government of, for, and by the people. Under the Constitution, the people and the government were the same. So why did the people need to protect their rights from themselves?

In *The Federalist*, No. 84, Hamilton quoted the Preamble of the Constitution to claim that



This cartoon shows the states as pillars, with nine upright and a tenth being raised. Nine states had to approve the new Constitution before it became law. **Government** What is the message of the words in the cartoon?



## The Bill of Rights

<b>1st Amendment</b>	Guarantees freedom of religion, speech, press, assembly, and petition
<b>2nd Amendment</b>	Guarantees the right to bear arms
<b>3rd Amendment</b>	Restricts the manner in which the federal government may house troops in the homes of citizens
<b>4th Amendment</b>	Protects individuals against unreasonable searches and seizures
<b>5th Amendment</b>	Provides that a person must be accused by a grand jury before being tried for a serious federal crime; protects individuals against self-incrimination and against being tried twice for the same crime; prohibits unfair actions by the federal government; prohibits the government from taking private property for public use without paying a fair price for it
<b>6th Amendment</b>	Guarantees persons accused of a crime the right to a swift and fair trial
<b>7th Amendment</b>	Guarantees the right to a jury trial in civil cases tried in federal courts
<b>8th Amendment</b>	Protects against cruel and unusual punishment and excessive bail
<b>9th Amendment</b>	Establishes that the people have rights beyond those stated in the Constitution
<b>10th Amendment</b>	Establishes that all powers not guaranteed to the federal government and not withheld from the states are held by each of the states, or their citizens

**Interpreting Tables** The Bill of Rights was intended to protect Americans from the strong national government the Constitution created. **Government** Which amendment protects people's right to express their views?

"the people surrender nothing" under the new system. That is, they keep all the power. "Here is a better recognition of popular rights" than any added list of rights, he argued.

**For the Bill of Rights** Many Americans did not accept Hamilton's reasoning. Thomas Jefferson favored the Constitution but insisted

that it include a Bill of Rights. He wanted the "unalienable rights" he wrote of in the Declaration of Independence to be guaranteed in the Constitution.

Jefferson had not been a delegate at the Constitutional Convention. He was in Paris, serving as United States ambassador to France. Instead he corresponded with friends back home to keep abreast of events.

In one letter he urged Madison to agree to specific protections for freedom of religion and of the press as well as protections from armies and unjust courts. "A bill of rights is what the people are entitled to against every government on earth," the ambassador wrote.

Jefferson unsuccessfully pushed for clearer, more detailed language in the Bill of Rights. For instance, he wanted it to specify the number of days a person could be held under arrest without a trial. He also

believed it was important to ensure that the army would disband immediately after its service. Yet, upon returning home from France at the end of 1789, he threw his full support behind the Bill of Rights as written.

Facing overwhelming pressure for the Bill of Rights, the Federalists gave in. This compromise led them to victory.

### SECTION 3 REVIEW

#### Comprehension

- Key Terms** Define: (a) ratify; (b) Federalist; (c) Antifederalist; (d) faction; (e) Bill of Rights.
- Summarizing the Main Idea** How were the Federalists able to win ratification of the Constitution?
- Organizing Information** Make a chart to compare and contrast the views of the Federalists and Antifederalists.

#### Critical Thinking

- Analyzing Time Lines** Review the time line at the start of the section. Choose one date and explain why it was a turning point in the nation's history.
- Summarizing Information** Reread the excerpts from the Federalist and Antifederalist papers. Summarize them in your own words.

#### Writing Activity

- Writing a Persuasive Essay** Choose two amendments from the Bill of Rights chart above. Make the case for passage of them.