Ratification of the Constitution

Inquire: How Did America Respond to the New Constitution?

Overview
There is a misconception about the Constitution that most Americans share: the idea that this document was so obviously an incredible framework of government that it was readily — and perhaps, unanimously — approved by the American people in 1788-89. Nothing could be further from the truth.

Big Question: How did the framers of the Constitution overcome the opposition to the new government?

Watch: “And All the People Cheered; Each Man Pledged His Life, His Fortunes, and His All to Support the New Constitution”

One of the most consistent misconceptions people have about our Constitution concerns its ratification. More accurately, most people are shocked when they discover how much opposition there was to the new Constitution and the names of those leading the opposition.

In my experience, most Americans, if asked how the new Constitution was received, have a vague notion that "all the people cheered, each man pledged his life, his fortunes, and his all to support the new Constitution." In other words, they romanticize George Washington, our constitution, and its acceptance. The story might go something like:

“George Washington and his horse, after winning the Revolutionary War almost single-handedly (usually by sailing with his horse through icebergs in a small wooden row boat), sat down one afternoon. After thinking for a few moments, George got on his horse and rode down the street and struck the Liberty Bell with his sword. Immediately, the Constitution appeared, fully written in its entirety. George, and his horse, then stood before all the people and presented them with the Constitution. The people all raised their hands and cheered, and the United States was born.

George, and his horse, then rode to a spot and declared, 'Here I shall be president' and George (not the horse) struck the ground with his sword, and the Capitol Building sprang from the ground. And George, with his horse, was sworn in as our first president.”

Does that sound about right? Well, that might not be everybody's exact story, but my experience is that there is a general belief that once the war was won and the Constitution was written, everyone cheered and embraced the new government.
The reality was very different. After the Convention, it was an uphill battle to have the “1787 New and Improved Model of Government” accepted and ratified by the people. There were important and influential Americans who opposed this new government, and they did so for valid reasons — men like Patrick Henry, George Mason, Samuel Adams, and Thomas Jefferson.

Those pushing for ratification were called the Federalists. Those opposing the ratification were, in a creative way, called Anti-Federalists. Both sides had a list of “Founding Fathers’ Who’s Who” on their team, and both had sound logical and valid arguments: arguments you will uncover in this lesson.

In the end, George, and his horse, do become our first president. But the story itself is much more complicated - and more important – than that act because the philosophical arguments of the Federalists and the Anti-Federalists have framed our political disagreements ever since.

Read: The Ratification Process

Article VII, the final article of the Constitution, required that before the Constitution could become law and a new government could form, the document had to be ratified by nine of the 13 states.

On the question of ratification, citizens quickly separated into two groups: Federalists and Anti-Federalists. The Federalists supported it. They tended to be among the elite members of society — wealthy and well-educated landowners, businessmen, and former military commanders who believed a strong government would be better for both national defense and economic growth. A national currency, which the federal government had the power to create, would ease business transactions. The ability of the federal government to regulate trade and place tariffs on imports would protect merchants from foreign competition. Furthermore, the power to collect taxes would allow the national government to fund internal improvements like roads, which would also help businessmen. Support for the Federalists was especially strong in New England.

Opponents of ratification were called Anti-Federalists. Anti-Federalists feared the power of the national government and believed state legislatures, with which they had more contact, could better protect their freedoms. Although some Anti-Federalists, like Patrick Henry, were wealthy, most distrusted the elite and believed a strong federal government would favor the rich over those of “the middling sort.” This was certainly the fear of Melancton Smith, a New York merchant and landowner, who believed that power should rest in the hands of small, landowning farmers of average wealth who are “more temperate, of better morals and less ambitious than the great.”

The greatest sticking point when it came to ratification, as it had been at the Constitutional Convention itself, was the relative power of the state and federal governments. The framers of the Constitution believed that without the ability to maintain and command an army and navy, impose taxes, and force the states to comply with laws passed by Congress, the young nation would not survive for very long. But, the Anti-Federalists resisted increasing the powers of the national government at the expense of the states.

The second greatest concern the Anti-Federalists expressed was that the Constitution did not guarantee protection of individual liberties. State governments had given jury trials to residents charged with violating the law and allowed their residents to possess weapons for their protection. Some had practiced religious tolerance as well. The Constitution, however, did not contain reassurances that the federal government would do so. Although it provided for habeas corpus and prohibited both a religious test for holding office and granting noble titles, some citizens feared the loss of their traditional rights and the violation of their liberties. This led many of the Constitution’s opponents to call for a bill of rights and the refusal to ratify the document without one. The lack of a bill of rights was especially problematic in
Virginia, as the Virginia Declaration of Rights was the most extensive rights-granting document among the states. The promise that a bill of rights would be drafted for the Constitution persuaded delegates in many states to support ratification.

The Federalists, like James Madison, John Jay, and Alexander Hamilton responded to the concerns in a series of essays entitled, *The Federalists Papers*. But, on the need for a bill of rights, they argued against it. First, every state had a bill of rights in their constitution, and regardless, this is a government based on the theory of a *social contract*. Since the government has no power except what the people give it, since the people — in this social contract called the Constitution — did not give the government the power to infringe on these personal freedoms, the government cannot infringe on the personal freedoms.

The Anti-Federalists, which included Thomas Jefferson on this issue, responded with arguments that can be summarized as, “We not only want the Constitution to tell the government what it can do, we want it to tell the government what it cannot do!”

It was clear that smaller states, like Delaware, favored the Constitution. Equal representation in the Senate would give them a degree of equality with the larger states, and a strong national government with an army at its command would be better able to defend them than their state militias could. Larger states, however, had significant power to lose. Thus, from the very beginning, the supporters of the Constitution feared that New York, Massachusetts, Pennsylvania, and Virginia would refuse to ratify it. Even if the requisite nine votes were cast, the new nation would not be secure without its largest, wealthiest, and most populous states as members of the union.

As anticipated, Delaware and New Jersey ratified the document within a few months after it was sent to them for approval in 1787. Connecticut ratified it early in 1788. Some of the larger states, such as Pennsylvania and Massachusetts, also voted in favor of the new government. New Hampshire became the ninth state to ratify the Constitution in the summer of 1788.

This timeline shows the order in which states ratified the new Constitution. Small states that would benefit from the protection of a larger union ratified the Constitution fairly quickly, such as Delaware and Connecticut. Larger, more populous states like Virginia and New York took longer. The last state to ratify was Rhode Island, a state that had always proven reluctant to act alongside the others.

Although the Constitution went into effect following ratification by New Hampshire, four states still remained outside the newly formed union and two were the wealthiest, largest, and most populous states: Virginia and New York. In Virginia, James Madison’s active support and the intercession of George Washington, who wrote letters to the convention, changed the minds of many. Others were swayed by the promise of the bill of rights. On June 25, 1788, Virginia became the tenth state to grant its approval.
The approval of New York was the last major hurdle. Facing considerable opposition to the Constitution in that state, Alexander Hamilton, James Madison, and John Jay wrote a series of essays, beginning in 1787, arguing for a strong federal government and support of the Constitution. Later compiled as The Federalist and now known as The Federalist Papers, these 85 essays were originally published in newspapers in New York and other states under the name of Publius, a supporter of the Roman Republic.

The arguments of the Federalists were persuasive, but whether they actually succeeded in changing the minds of New Yorkers is unclear. Once Virginia ratified the Constitution on June 25, 1788, New York realized that it had little choice but to do so as well. If it did not ratify the Constitution, it would be the last large state that had not joined the union. Thus, on July 26, 1788, the majority of delegates to New York’s ratification convention voted to accept the Constitution.

A year later, North Carolina became the 12th state to approve. And, the 13th? That would be Rhode Island — the smallest state, which resisted ratification until May 29, 1790, over a year after George Washington was inaugurated as the United States’ first president on April 30, 1789.

Even though all 13 states ratified the new Constitution, it is important to note the seriousness of the opposition by looking at the numbers in these state conventions. While some states were very heavily in favor of the Constitution (Delaware voted unanimously to join), other states were much more unsure. Massachusetts had 187 for and 168 against; Virginia had 89 for and 79 against; New York had 30 for and 27 against; New Hampshire had 57 for and 47 against; and Rhode Island had 34 for and 32 against.

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Reflect: It’s Your Turn

Poll

You are a delegate to the New York Constitutional Ratification Convention. The two big issues are the lack of a Bill of Rights and the heavily expanded power of the federal government. Before you vote, which of these is more concerning to you?

- the lack of a Bill of Rights
- the power of the federal government

Expand: The Federalist Papers

*The Federalist Papers*, authored by Alexander Hamilton, James Madison, and John Jay, give a concise and clear picture of the framers’ intent regarding many issues in the Constitution. These essays are still referred to today by courts and others looking to understand the framers’ intent and to interpret the Constitution.

For example, in *Federalist #51*, attributed to James Madison, the author assured readers they did not need to fear that the national government would grow too powerful. The federal system, in which power was divided between the national and state governments, and the division of authority within the federal government into separate branches would prevent any one part of the government from becoming too strong. Furthermore, tyranny could not arise in a government in which “the legislature necessarily predominates.” Finally, the desire of office holders in each branch of government to exercise the powers given to them, described as “personal motives,” would encourage them to limit any attempt by the other
branches to overstep their authority. According to Madison, “Ambition must be made to counteract ambition.”

Other essays countered different criticisms made of the Constitution and echoed the argument in favor of a strong national government. In *Federalist #35*, for example, Hamilton argued that people’s interests could in fact be represented by men who were not their neighbors. Indeed, Hamilton asked rhetorically, would American citizens best be served by a representative “whose observation does not travel beyond the circle of his neighbors and his acquaintances” or by someone with more extensive knowledge of the world? To those who argued that a merchant and landowning elite would come to dominate Congress, Hamilton countered that the majority of men currently sitting in New York’s state senate and assembly were landowners of moderate wealth and that artisans usually chose merchants, “their natural patron[s] and friend[s],” to represent them. An aristocracy would not arise, and if it did, its members would have been chosen by lesser men. Similarly, Jay reminded New Yorkers in *Federalist #2* that union had been the goal of Americans since the time of the Revolution. A desire for union was natural among people of such “similar sentiments” who “were united to each other by the strongest ties,” and the government proposed by the Constitution was the best means of achieving that union.

Objections that an elite group of wealthy and educated bankers, businessmen, and large landowners would come to dominate the nation’s politics were also addressed by Madison in *Federalist #10*. Americans need not fear the power of factions or special interests, he argued, for the republic was too big and the interests of its people too diverse to allow the development of large, powerful political parties. Likewise, elected representatives, who were expected to “possess the most attractive merit,” would protect the government from being controlled by “an unjust and interested [biased in favor of their own interests] majority.”

For those who worried that the president might indeed grow too ambitious or king-like, Hamilton, in *Federalist #68*, provided assurance that placing the leadership of the country in the hands of one person was not dangerous. Electors from each state would select the president. Because these men would be members of a “transient” body called together only for the purpose of choosing the president and would meet in separate deliberations in each state, they would be free of corruption and beyond the influence of the “heats and ferments” of the voters. Indeed, Hamilton argued in *Federalist #70* that instead of being afraid that the president would become a tyrant, Americans should realize that it is easier to control one person than it is to control many. Furthermore, one person could also act with an “energy” that Congress did not possess. Making decisions alone, the president could decide what actions should be taken faster than could Congress, whose deliberations, because of its size, were necessarily slow. At times, the “decision, activity, secrecy, and dispatch” of the chief executive might be necessary.

Lesson Toolbox

Additional Resources and Readings

The Constitution, the Articles, and Federalism: Crash Course US History #8
- A Crash Course video covering the ratification of the Constitution
- https://www.youtube.com/watch?v=bO7FQsCcbD8&t=79s

Constitutional Compromises: Crash Course Government and Politics #5
- A Crash Course video covering the ratification of the Constitution and the compromises made for it to happen
- https://www.youtube.com/watch?v=kCCmuftyj8A&t=97s
Lesson Glossary

Check Your Knowledge

1. The Anti-Federalists tended to be among the elite members of society who believed a strong government would be better for both national defense and economic growth.
   A. True
   B. False

2. The greatest sticking point when it came to the ratification of the Constitution was the relative power of the state and federal governments.
   A. True
   B. False

3. The Federalist Papers were created by James Madison, John Jay, and Alexander Hamilton in order to describe the scandals and problems with the Anti-Federalists.
   A. True
   B. False

Answer Key:

Citations

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