

Arguments of Those Who Favored the Constitution

The most outspoken and searching opinions about the Constitution were expressed by members—often ordinary farmers—of the state ratification conventions. This was especially true of the conventions of Massachusetts, New York, and Virginia. Other opinions were stated in private letters by leading individuals. The Constitution's defenders generally followed the line (1) that it was the best that could be had in an imperfect world, (2) that if it had undesirable features, there were means of amending them, and (3) that, in the last analysis, it did provide for a government by the people.

Some of America's ablest men defended the Constitution.

The following are a few samples of letters and speeches of the Constitution's supporters:

George Washington

Letter to Colonel David Humphreys, October 10, 1787

The Constitution that is submitted [to the states for ratification], is not free from imperfections, but there are as few radical defects in it as could well be expected, considering the heterogeneous mass of which the Convention was composed and the diversity of interests that are to be attended to. As a Constitutional door is opened for future amendments and alterations, I think it would be wise in the People to accept what is offered to them and I wish it may be by as great a majority of them as it was by that of the Convention.

George Washington

Letter to Bushrod Washington, November 10, 1787

The warmest friends and the best supporters the Constitution has, do not contend that it is free from imperfections; but they found them unavoidable, and are sensible, if evil is likely to arise

therefrom, the remedy must come hereafter; for in the present moment it is not to be obtained; and, as there is a constitutional door open for it, I think the people (for it is with them to judge), can, as they will have the advantage of experience on their side, decide with as much propriety on the alterations and amendments which are necessary, as ourselves. I do not think we are more inspired, have more wisdom, or possess more virtue, than those who will come after us.

The power under the Constitution will always be in the people. It is intrusted for certain defined purposes, and for a certain limited period, to representatives of their own choosing; and, whenever it is executed contrary to their interest, or not agreeable to their wishes, their servants can and undoubtedly will be recalled.

Dr. Benjamin Rush

Letter to John Coakley Lettson, September 28, 1787

Our new federal government is very acceptable to a great majority of our citizens and will certainly be adopted immediately by *nine* and in the course of a year or 18 months by *all* the States. When this shall happen, *then* to be a citizen of the United States with *all its consequences* will be to be a citizen of the freest, purest, and happiest government upon the face of the earth. It contains all the theoretical and practical advantages of the British Constitution without any of its defects or corruptions. While the nations of Europe have waded into order through seas of *blood*, you see we have traveled peaceably into order only through seas of *blunders*.

Dr. Benjamin Rush

Letter to David Ramsay, March or April 1788

The objections which have been urged against the federal Constitution, from its wanting a bill of rights, have been reasoned and ridiculed out of credit in every state that has adopted it. There can be only two securities for liberty in any government, viz., representation and checks. By the first the rights of the people, and by the second the rights of representation, are effectually secured. Every part of a free constitution hangs upon these two

points; and these form the two capital features of the proposed Constitution of the United States. Without them, a volume of rights would avail nothing; and with them, a declaration of rights is absurd and unnecessary; for the people, where their liberties are committed to an equal representation and to a compound legislature such as we observe in the new government, will always be the sovereigns of their rulers and hold all their rights in their own hands. To hold them at the mercy of their servants is disgraceful to the dignity of freemen. Men who call for a bill of rights have not recovered from the habits they acquired under the monarchical government of Great Britain.

I have the same opinion with the Antifederalists of the danger of trusting arbitrary power to any single body of men, but no such power will be committed to our new rulers. Neither the House of Representatives, the Senate, or the President can perform a single legislative act by themselves. An hundred principles in man will lead them to watch, to check, and to oppose each other should an attempt be made by either of them upon the liberties of the people. If we may judge of their conduct by what we have so often observed in all the state governments, the members of the federal legislature will much oftener injure their constituents by voting agreeably to their inclinations than against them. . . .

Is not history as full of the vices of the people as it is of the crimes of the kings? What is the present moral character of the citizens of the United States? I need not describe it. It proves too plainly that the people are as much disposed to vice as their rulers, and that nothing but a vigorous and efficient government can prevent their degenerating into savages or devouring each other like beasts of prey.

A simple democracy has been very aptly compared by Mr. Ames of Massachusetts to a volcano that contained within its bowels the fiery materials of its own destruction. A citizen of one of the cantons of Switzerland, in the year 1776, refused in my presence to drink "the commonwealth of America" as a toast, and gave as a reason for it "that a simple democracy was the devil's own government." The experience of the American states under the present confederation has in too many instances justified these two accounts of a simple popular government. . . .

To look up to a government that establishes justice, insures order, cherishes virtue, secures property, and protects from every species of violence, affords a pleasure that can only be exceeded by looking up, in all circumstances, to an overruling providence. Such a pleasure I hope is before us and our posterity under the influence of the new government. . . .

Think, then, my friend, of the expansion and dignity the American mind will acquire by having its powers transferred from the contracted objects of a state to the more unbounded objects of a national government!—A citizen and a legislator of the free and united states of America will be one of the first characters in the world.

I would not have you suppose, after what I have written, that I believe the new government to be without faults. . . . But who ever saw anything perfect come from the hands of man? It realizes notwithstanding, in a great degree, every wish I ever entertained in every state of the Revolution for the happiness of my country.

*Mr. Smith, in Massachusetts Constitutional Convention,
January–February 1788*

I am a plain man, and get my living by the plough. I am not used to speak in public, but I beg your leave to say a few words to my brother ploughjoggers in this house. . . .

I formed my own opinion, and was pleased with this Constitution. . . . I never had any post, nor do I want one. But I don't think the worse of the Constitution because lawyers, and men of learning, and moneyed men, are fond of it. I don't suspect they want to get into Congress and abuse their power. I am not of such a jealous make. They that are honest men themselves are not apt to suspect other people.

*Zachariah Johnson, in Virginia Constitutional Convention,
June 1788*

It is my lot to be among the poor people. The most that I can claim or flatter myself with, is to be of the middle rank. . . . But I shall give my opinion unbiased and uninfluenced, without erudition or eloquence

... ; and in so doing I will satisfy my conscience. If this Constitution be bad, it will bear equally as hard on me as on any other member of the society. It will bear hard on my children. . . . Having their felicity and happiness at heart, the vote I shall give in its favor can only be imputed to a conviction of its utility and propriety. When I look for responsibility, I full find it in that paper [Constitution]. When the members of the government depend on ourselves for their appointment, and will bear an equal share of the burdens imposed on the people . . . , I conceive there can be no danger.

Arguments Against the Constitution

Those who opposed the Constitution, known as the Anti-federalists, had some able spokesmen on their side, too. Perhaps the most eloquent opponent was Patrick Henry in Virginia. The opposition argued (1) that the Constitution was undemocratic, (2) that it threatened the people's liberties by providing for a too-strong central government, and (3) that it was an instrument of the rich for the oppression of the poor.

The following extracts, which have a special flavor, are from speeches against the adoption of the Constitution:

*Patrick Henry, in Virginia Constitutional Convention,
June 1788*

I have the highest veneration for those gentlemen [who attended the Philadelphia Constitutional Convention]; but, sir, give me leave to demand, What right they had to say, *We, the people?* . . . Who authorized them to speak the language of, *We, the people*, instead of *We, the States?* . . . The people gave them no power to use their name. . . . I wish to hear the real, actual, existing danger, which should lead us to take those steps, so dangerous in my conception. . . . The federal Convention ought to have amended the old system; for this purpose they were solely delegated. . . .

The principles of this system [the Constitution] are extremely pernicious, impolitic, and dangerous. . . . It is not a democracy, wherein the people retain all their rights securely. . . . The rights of conscience, trial by jury, liberty of the press, all your immu-

nities and franchises, all pretensions to human rights and privileges, are rendered insecure, if not lost, by this change [of government]. . . . Is this tame relinquishment of rights worthy of freemen? Is it worthy of that manly fortitude that ought to characterize republicans?

*William Grayson, in Virginia Constitutional Convention,
June 1788*

Will this Constitution remedy the fatal inconveniences of the clashing state interests? . . . Will the liberty and property of this country be secure under such a government? What, sir, is the present Constitution? A republican government founded on the principles of monarchy, with the three estates. . . . There is an executive fetter in some parts, and as unlimited in others as a Roman dictator. A democratic branch marked with the strong features of aristocracy, and an aristocratic branch with all the impurities and imperfections of the British House of Commons, arising from the inequality of representation and want of responsibility. . . . Are not all defects and corruption founded on the inequality of representation and want of responsibility . . . ? We have asked for bread, and they have given us a stone.

*Mr. Randall, in Massachusetts Constitutional Convention,
January–February 1788*

I hope, sir, these great men of eloquence and learning will not try to *make* arguments to make this Constitution go down, right or wrong. An old saying, sir, is, that a "good thing don't need praising"; but, sir, it takes the best men in the state to gloss this Constitution, which they say is the best that human wisdom can invent. In praise of it we hear the reverend clergy, the judges of the Supreme Court, and the ablest lawyers, exerting their utmost abilities. Now, sir, suppose all this artillery turned the other way, and these great men would speak half as much against it, we might complete our business and go home in forty-eight hours.

Amos Singletary, in Massachusetts Constitutional Convention, January–February 1788

We contended with Great Britain . . . because they claimed a right to tax and bind us in all cases, whatever. And does not this Constitution do the same? Does it not take away all we have—all our property? Does it not lay *all* taxes, duties, imposts, and excises? . . . They tell us Congress won't lay dry taxes upon us, but collect all the money they want by impost. I say . . . they won't be able to raise money enough by impost, and then they will lay it on the land, and take all we have got. These lawyers and men of learning and moneyed men, that talk so finely, and gloss over matters so smoothly, to make us poor illiterate people swallow down the pill, expect to be the manager of this Constitution, and get all the power and all the money into their own hands, and then they will swallow up all us little folks, like the great Leviathan, Mr. President; yes, just as the whale swallowed up Jonah. This is what I am afraid of.

Thomas Tredwell, in New York Constitutional Convention, June–July 1788

In this Constitution, sir, we have departed widely from the principles and political faith of '76, when the spirit of liberty ran high, and danger put a curb on ambition. Here we find no security for the rights of individuals, no security for the existence of our state governments; here is no bill of rights, no proper restriction of power; our lives, our property, and our consciences, are left wholly at the mercy of the legislature, and the powers of the judiciary may be extended to any degree short of almighty. . . .

Is this, sir, a government for freedom? Are we thus to be duped out of our liberties? I hope, sir, our affairs have not yet arrived to that long-wished-for pitch of confusion, that we are under the necessity of accepting such a system of government as this.

Jefferson's Criticism of the Constitution

Jefferson was the most cogent spokesman of the middle group, that is, those who thought the Constitution had good features but needed some fundamental amending.

Thomas Jefferson to James Madison, December 20, 1787

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 like the organization of the government into legislative, judiciary and executive. I like the power given the legislature to levy taxes, and for that reason solely, I approve of the greater House being chosen by the people directly. For though I think a House so chosen, will be very far inferior to the present Congress, will be very illy qualified to legislate for the Union, for foreign nations, etc., yet this evil does not weigh against the good, of preserving inviolate the fundamental principle, that the people are not to be taxed but by representatives chosen immediately by themselves. I am captivated by the compromise of the opposite claims of the great and little States, of the latter to equal, and the former to proportional influence. I am much pleased too, with the substitution of the method of voting by person, instead of that of voting by States; and I like the negative given to the Executive, conjointly with a third of either House; though I should have liked it better, had the judiciary been associated for that purpose, or invested separately with a similar power. There are other good things of less moment.

I will now tell you what I do not like. First, the omission of a bill of rights, providing clearly, and without the aid of sophism, for freedom of religion, freedom of the press, protection against standing armies, restriction of monopolies, the eternal and unremitting force for the habeas corpus laws, and trials by jury in all matters of fact triable by the laws of the land, and not by the laws of nations. To say, as Mr. Wilson does, that a bill of rights was not necessary, because all is reserved in the case of the general government which is not given, while in the particular ones, all is given which is not reserved, might do for the audience to

which it was addressed; but it is . . . opposed by strong inferences from the body of the instrument. . . . 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, or rest on inference.

I own I am not a friend to a very energetic government. It is always oppressive. It places the governors indeed more at their ease, at the expense of the people. The late rebellion in Massachusetts [Shay's Rebellion] has given more alarm, than I think it should have done. Calculate that one rebellion in thirteen States in the course of eleven years, is but one for each State in a century and a half. No country should be so long without one.

And say, finally, whether peace is best preserved by giving energy to the government, or information to the people. This last is the most certain, and the most legitimate engine of government. Educate and inform the whole mass of the people. Enable them to see that it is their interest to preserve peace and order, and they will preserve them. And it requires no very high degree of education to convince them of this. They are the only sure reliance for the preservation of our liberty. After all, it is my principle that the will of the majority should prevail. If they approve the proposed constitution in all its parts, I shall concur in it cheerfully, in hope they will amend it, whenever they shall find it works wrong.

Ratification of the Constitution

There was little debate in the smaller states. Four of them—Delaware, New Jersey, Georgia, and Connecticut—promptly ratified the Constitution. Elsewhere, however, the struggle continued to be intense and close.

In the end the supporters of the Constitution did carry the day, but the margin of victory was slim. Massachusetts ratified by 187 against 168. In Virginia 89 delegates voted yes and 79 no. In New York the Constitution squeezed through by a mere three votes—30 to 27. But by June 21, 1788, when New Hampshire ratified (57 to 47), the Constitution already had the required nine states, and so it went into effect. In two states, North Carolina and Rhode Island, the opposition was so great that the Constitution was not ratified until the federal government

was already set up. Rhode Island ratified on May 29, 1790, well over a year after the new government had been inaugurated.

Bill of Rights

To allay the widespread public criticism and to obtain ratification, defenders of the Constitution promised a Bill of Rights to protect the citizens against the government. A series of amendments were thus introduced in the first Congress, the first ten of which came to be known as the Bill of Rights, containing strict and permanent guarantees against undue and illegal government encroachments upon the individual. The Bill of Rights went into effect by November 1791. An integral part of the Constitution, the Bill of Rights may be considered as one of the noblest and most massive achievements of the American democracy.