

# About Federalists, Anti-Federalists, and the Bill of Rights

## FEDERALISTS VS. ANTI-FEDERALISTS

The newly drafted United States Constitution had to be ratified before it would take effect. Writing the Constitution had required compromise, and ratifying it would take further compromise. Two sides emerged: the Federalists, who favored a strong central government and thus favored ratification, and the Anti-Federalists, who favored a weak central government with greater power given to the states and thus were against ratification.

Federalists saw the failures of the Articles of Confederation as the cause of the strife in which the new country found itself. Lacking a strong central government, the United States was unable to stabilize the economy, pay war debts, and safeguard peace. The Federalists' solution was the strong federal government outlined in the Constitution. The separation of powers and the checks and balances built into the government described by the Constitution would, in their opinion, guard against abuses of power.

The Anti-Federalists disagreed. They believed that the point of the American Revolution had been to throw off the tyranny of centralized leadership and distribute the rule of the country to the people. They feared that concentrating power into a central government would lead to the sorts of abuses they had only just escaped. They also worried that the Constitution did not protect the freedoms and rights of individuals.

### Federalist: John Adams

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John Adams was serving as the American ambassador in London during the Constitutional Convention and thus did not have any part in writing the Constitution. However, he wrote several books about political philosophy, including *Thoughts on Government* and *A Defense of the Constitutions of the United States of America*, which may have influenced the Framers. Adams strongly believed in the separation of powers and checks and balances within government.

### Federalist: Benjamin Franklin

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Benjamin Franklin, while aligned with the Federalists, was wary of a central government with too much power. He favored a committee to lead the executive branch but accepted having a single president instead.

## Federalist: Alexander Hamilton

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Alexander Hamilton was a leading voice among the Federalists. He championed an extremely powerful central government. In fact, the Constitution that was drafted outlined a much less powerful central government than Hamilton envisioned. Nevertheless, he campaigned extensively for ratification, joining James Madison and John Jay in writing the influential *Federalist Papers*, a series of essays meant to educate the public about the Constitution and encourage them to support its ratification.

## Federalist: James Madison

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James Madison supported not only the Constitution's strong central government but the addition of the Bill of Rights as well. He authored many of the essays in the *Federalist Papers*. Then, upon ratification of the Constitution, he wrote and sponsored the Bill of Rights in Congress. He is often referred to as the "Father of the Constitution."

## Anti-Federalist: Thomas Jefferson

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Thomas Jefferson felt that a strong central government might trample the rights of individuals. He believed a bill of rights would specifically protect these freedoms. A close friend of James Madison's, Jefferson wrote him many letters about the inclusion of a bill of rights, which may have influenced its drafting.

## Anti-Federalist: George Mason

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George Mason was also worried that the Constitution did not include any protections for individual rights. He refused to sign it and became the leader of the opposition to ratification. He had written the Declaration of Rights in the Virginia constitution, which greatly influenced Madison in writing the Bill of Rights.

## Anti-Federalist: Patrick Henry

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As an Anti-Federalist, Patrick Henry took special issue with the wording of the preamble to the Constitution. He believed that the power of government rested with the states and that the preamble robbed the states of that power. This became a major point of contention in the ratification debate.

## Anti-Federalist: Mercy Otis Warren

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Mercy Otis Warren was a writer and political activist, educated informally by sitting in on her brothers' lessons. She was very active as a writer, speaking out against the British during the American Revolution. Her pamphlet *Observations on the New Constitution* put forth similar arguments, claiming that enacting the Constitution as written would create the same basic system the Patriots had so recently fought to rid themselves of.

## THE RATIFICATION PROCESS

For the Constitution to become the law of the land, it had to be accepted by the states. Unanimous ratification, however, was not required—once nine of the thirteen states had ratified it, the Constitution would go into effect. Each state held its own meetings to discuss and debate the document and decide whether the vote should be in favor or against.

The votes for ratification took place over three years following the drafting of the Constitution, with all thirteen states ultimately voting in favor.

| State          | Date Ratified     |
|----------------|-------------------|
| Delaware       | December 7, 1787  |
| Pennsylvania   | December 12, 1787 |
| New Jersey     | December 18, 1787 |
| Georgia        | January 2, 1788   |
| Connecticut    | January 9, 1788   |
| Massachusetts  | February 6, 1788  |
| Maryland       | April 28, 1788    |
| South Carolina | May 23, 1788      |
| New Hampshire* | June 21, 1788     |
| Virginia       | June 25, 1788     |
| New York       | July 26, 1788     |
| North Carolina | November 21, 1789 |
| Rhode Island   | May 29, 1790      |

\*With this vote, the Constitution took effect.

## THE BILL OF RIGHTS

Ultimately, the Constitution was ratified under the condition that a bill of rights guaranteeing personal freedoms be added. Ratified on December 15, 1791, the Bill of Rights comprises the first ten amendments to the Constitution.

| Amendment | Right(s)   | Meaning   |
|-----------|--|---|
| First     | Freedoms of religion, speech, press, assembly, and petition  | The government may not establish an official religion or keep anyone from practicing their faith. The government may not punish people for expressing opinions in speech or print (except in cases of libel and slander) and cannot keep people from holding peaceful meetings or calling for an end to injustices. |
| Second    | Right to bear arms   | "A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed."   |
| Third     | Limits on quartering (housing) troops                        | "No soldier shall in time of peace be quartered in any house without the consent of the owner; nor in time of war, but in a manner to be proscribed by law."  |
| Fourth    | Protection against unlawful search and seizure               | The government must get a warrant from a judge authorizing a search and seizure of a person and/or goods. The warrant application must show why the action is necessary.  |
| Fifth     | Due process: rights of the accused in criminal proceedings   | A person accused of a crime has rights, including the presentation of evidence to a grand jury to determine whether there is enough evidence for a trial.   |
| Sixth     | Rights of the defendant in a criminal prosecution            | A defendant has rights to a speedy and fair trial, to be told the charges against them, to have witnesses testify on their behalf, and to have an attorney.   |
| Seventh   | Rights in a civil suit                                       | In a civil lawsuit for damages, either party may request a jury trial, and it must be granted.  |
| Eighth    | Protection against excessive or cruel and unusual punishment | Neither excessively high bail or fines nor cruel and unusual punishment may be imposed.   |
| Ninth     | Nonenumerated rights: powers reserved to the people          | The people have rights that are not listed in the Constitution.   |
| Tenth     | Powers reserved to the states or people                      | Rights not named in the Constitution as being given to the federal government belong to the states or the people.   |