

## Why did it take so long to ratify the American Constitution?

On the 17<sup>th</sup> September 1787 the new constitution was published as a result of the Philadelphia Convention. All the states were represented at the Convention apart from Rhode Island, who refused to participate. The first draft set up a system of checks and balances that included a strong executive branch, a representative legislature and a federal judiciary. The Constitution was remarkable, but deeply flawed. For one thing, it did not include a specific declaration, or bill, of individual rights. It specified what the government could do, but did not say what it could not do. It also did not apply to everyone; the consent of the governed meant propertied white men only. For the constitution to come into practice it had to be ratified by at least nine states. The nation was split into two: Federalists, for ratification, and Anti-Federalists, against ratification. The federalists had a hard task ahead of them; it was obvious that Rhode Island would oppose the constitution meaning only four other states would have to refuse to comply and the constitution would be dead. The Federalists employed a vast propaganda campaign to rally support for ratification.

The Federalists, led by Alexander Hamilton, James Madison, John Jay, John Marshall, James Wilson, John Dickinson, and Roger Sherman had several strong arguments. In a time of national political crisis, the constitution offered a clear remedy for the nation's problems; they were well organized and well financed; and they were used to thinking in national terms and to working with politicians from other states. They also had the support of the only two truly national political figures, George Washington and Benjamin Franklin. They urged that the nation's problems were directly linked to the frail, inadequate Articles of Confederation and that nothing short of the Constitution would enable the American people to preserve their liberty and independence, the fruits of the Revolution.

People who opposed the Constitution were known as Anti-Federalists, the title Anti-Federalist is misleading because they were by no means anti-establishment and they certainly didn't have anarchistic tendencies. Patrick Henry, George Mason, Richard Henry Lee, James Monroe, John Hancock, Samuel Adams, Elbridge Gerry, George Clinton, Willie Jones, and Melancton Smith led the Anti-Federalists. They launched a campaign to defeat ratification, believing the Constitution would make the national government too powerful. They denounced the Constitution as a radically centralizing document that would destroy American liberty and betray the principles of the Revolution. However their main objection was that the document did not contain a Bill of Rights.

The active propaganda war in the form of newspapers and pamphlets concerning the Constitution was a key element of the ratification debate. Federalists and Anti-Federalists published hundreds of essays praising or denouncing the document. They often signed these essays with pseudonyms drawn from classical sources. Ratification Conventions were held, and the speeches from these used rhetoric and similar devices and arguments to those used in the essays.

The Federalist papers provided mainly responses to the Anti-Federalist papers and explained how the constitution would work and how it would improve life. At the ratification conventions they appealed to peoples “pockets” concentrating on the trade benefits and financial prosperity it had promised to bring. The Federalists truly believed that the constitution that had been created was the best possible solution as the Articles of Confederation were failing. Federalist papers 2,3,4 and 5 state how vulnerable they are to foreign invasion and that with the ratification of the constitution that the threat will no longer be as formidable.

Many Anti-Federalists argued that the “Fathers” who formed the new constitution were affluent individuals who had created a political structure that would confirm them in their wealth and position. Many of the Anti-Federalist papers concerned the matter of the founding fathers motivations [no.’s 40(1)(2)(3)(4)(5)(6)]. They also claimed that due to the widespread difference in opinion over the constitution, that ratification would lead to civil war (no.7). They were disturbed that under the constitution there would be a standing army even at times of peace. The person in control of this army would have immense power and this could threaten peace (no.74). Another issue that concerned the Anti-Federalists was that there would be just 91 people, 26 senators and 65 members of the House of Representatives, representing the whole of America (no.’s 55,56,57,58). They felt that such a diverse and large population needed more people to represent them, the smaller the number of representatives the more power each of those 91 people controls. It is these matters that were prevalent in the Anti-Federalist papers. The main concern was however the lack of a Bill of Rights (no.84).

A Bill of Rights would guarantee citizens certain privileges that the government could never take away from them. John Hancock at the Massachusetts ratifying convention proposed that a Bill of Rights be added as the first group of amendments to the Constitution. Anti-Federalists demanded that the Constitution be amended before they would consider it or that amendments be a condition of ratification; Federalists had retorted that it had to be accepted or rejected as it was. Ratification in Massachusetts and almost all the rest of the uncommitted states depended on the understanding that adopting a Bill of Rights would be the new government's first order of business. The Federalists compromised and this was agreed.

Despite its weaknesses, Delaware, Pennsylvania, New Jersey, Georgia and Connecticut had all ratified the constitution by January 1788. These first five ratifications took place in quick succession: Delaware, December 7, 1787 (unanimous); Pennsylvania, December 12, 1787 (46-23); New Jersey, December 18, 1787 (unanimous); Georgia, January 2, 1788 (unanimous); and Connecticut, January 9, 1788 (128-40). These all show strong federal majorities however, in Massachusetts the Constitution ran into serious, organized opposition Only after two leading Anti-Federalists, Adams and Hancock, negotiated a far-reaching compromise did the convention vote for ratification on February 6, 1788 (187-168). Under the Massachusetts compromise, the delegates recommended amendments to be considered by the new Congress, should the Constitution go into effect. The Massachusetts compromise accelerated the ratification of the Constitution, as it allowed delegates with doubts, to vote for it in the hope that it would be amended.

Following the Massachusetts compromise all state conventions, apart from Maryland's, recommended amendments as part of their decision to ratify. The results of the next five conventions were a lot closer than the earlier ones but thanks to skilful propaganda from the federalists voted in favour of ratification. Maryland, April 28, 1788 (63-11); South Carolina, May 23, 1788 (149-73); New Hampshire, June 21, 1788 (57-47); Virginia, June 25, 1788 (89-79); and New York, July 26, 1788 (30-27). These ratifications meant that the Constitution went into effect as over 9 states had ratified it. The lists of recommended amendments and the Federalists' promise to work for amendments (particularly a Bill of Rights) were carried out, with the Bill of Rights being added to the Constitution in 1789-1791. The first Congress's proposing of amendments in 1789 persuaded the states who were yet to ratify to elect conventions that ratified the Constitution - North Carolina, November 21, 1789 (195-77) and Rhode Island, May 29, 1790 (34-32).

In April 1789 the New constitution finally came into operation following the election of George Washington as President. The struggle for ratification of the Constitution was both a direct, forthright contest for votes and a complex, impressive argument about politics and constitutional theory. It was the first time that the people of a nation freely determined their form of government. This, and because of the strengths of the Anti-Federalist's arguments is why the Constitution took so long to ratify.