

## **The Constitution: A Masterful Synthesis of Enduring Principles**

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On December 16, 1774, three groups of fifty Bostonians, disguised as Indian Mohawks, stormed three British ships transporting imported tea. The rebels burst into 342 crates and dumped the tea into the harbor in protest of the Stamp Act of 1765 and the Townshend Act of 1767 that taxed the colonists despite their lack of representation in the British Parliament. This act of rebellion against Britain fueled further dissension by the Colonists that eventually led to their declaration of independence from Britain and the Revolutionary War. After their battle for independence, Britain and other nations continued to pose threats to the security of the United Colonies. Also, many domestic conflicts such as Shays' Rebellion and quarrels between states caused the colonists to wonder if the Articles of Confederation, ratified in 1781, were adequate to govern the growing complexity of relations between the states and secure in perpetuity the colonists' rights and safety.

During the blistering summer of 1787, 55 delegates from all thirteen states save Rhode Island gathered in Independence Hall in Philadelphia to discuss altering the Articles. As the convention began, Governor Edmund Randolph of Virginia began by enumerating the "defects" of the Articles. He declared that the current confederation "produced no security against foreign invasion," "could not check the quarrels between states nor a rebellion in any," "could not defend itself against the encroachments from the states," and was missing out on many advantages such as taxes on imports and an ability to regulate its own commerce.<sup>1</sup> The Articles had served the colonists well to unite the states temporarily but left them too independent to bind the interests of the nation. The rigidity of the Articles, requiring a unanimous vote of all thirteen states for amendment, and their lack of structure on which to base a republic rendered them irreparable. Thus, contrary to the mission of the convention, Randolph set forth the Virginia Plan that would not merely amend the Articles but amend them out of existence and form a new national government.

Though reluctant, the delegates embarked on what John Adams later called "the greatest single effort of national deliberation that the world has ever seen."<sup>2</sup> For four months, they debated and deliberated the merits of proposals that would soon alter the course of history forever. The delegates did not all agree on the most effective form of government. Many disputes between the small and large states and the free and slave states necessitated several difficult compromises. Several times, delegates threatened to leave the convention, which departure would eliminate prospects for change. But in the end, a unique document emerged that William E. Gladstone, a future prime minister of Great Britain, would call "the most wonderful work ever struck off at a given time by the brain and purpose of man."<sup>3</sup> Although a political masterpiece, the Constitution derived from the convention was not perfect. For example, it failed to provide adequate protection for individual rights and allowed the continuation of the shameful practice of slavery. Nevertheless, under the existing circumstances and limits, the Founders' ability

to produce a more masterful synthesis of enduring principles than the Constitution of the United States of America was improbable.

Let us identify the major challenges of the Union leading to the adoption of the Constitution, examine the solutions to those challenges proposed by the Founders, and analyze the success or failure of those solutions.

## WAR INEVITABLE

The confederate states were not prepared or capable of defending themselves against a foreign invasion, had no power to negotiate with world powers, and had encountered domestic disputes between the states. During the French and Indian War from 1754-1763, the British had protected the colonists from the French, but unsurprisingly, after declaring their independence from the British, the rebels neither requested nor received such protection; in fact, they ended up defending themselves from the British who did not approve of their separation from their mother country. The Americans had barely succeeded alone in the Revolutionary War and were facing an ever more volatile geopolitical scene. Indians were a constant threat to the Americans and France, Britain, and Spain were perpetually warring with each other over either ancient grudges in Europe or land acquisition in the western North American continent. John Jay proclaimed that “nations in general will make war whenever they have a prospect of getting anything by it” and that “monarchs will often make war when their notions are to get nothing by it, but for purposes and objects merely personal, such as a thirst for military glory, revenge for personal affronts, ambition, or private compacts to aggrandize or support their particular families or partisans.”<sup>4</sup> Such dangers became increasingly more likely as jealousies and uneasiness advanced in proportion to America’s advancement in trade and commerce.

The Federalists were concerned that a collection of small states would be incapable of protecting itself without a more cohesive central power uniting their military forces. They would also soon need to discover an effective method of dealing with escalating contention between the states. In tackling these difficulties, the current decentralized structure would not suffice. Jay and Alexander Hamilton, in the Federalist Papers, outlined the following challenges foreign and domestic that had surfaced or could potentially surface under the current structure of thirteen strong, independent states or alternatively, as also had been proposed, of three or four independent confederacies:

1. Bordering states, out of impulse and sudden irritation, will likely excite war with foreign neighbors, as had already occurred with the Indians. Hamilton said that “it has from long observation of the progress of society become a sort of axiom in politics that vicinity, or nearness of situation, constitutes nations’ natural enemies.”
2. Varying levels of political importance, different commercial interests between the north and south, and separate treaties with different nations would lead to jealousies and jealousies to distrust. For example, England, Scotland, and Wales were constantly battling until they united in 1706.

3. "Acknowledgments, explanations, and compensations are often accepted as satisfactory from a strong united nation, which would be rejected as unsatisfactory if offered by a State or confederacy of little consideration or power." In 1685, Jay notes, that Genoa having offended France's Louis XIV had to submit to his every requirement, but he would not have bullied a powerful nation such as Spain or Britain.
4. Militias of several confederacies would be less effective and feared less than a powerful joint militia under one plan of discipline and would "dwindle into comparative significance."
5. When a nation attacks a specific state or small confederacy, who would be willing to spend their blood and money in its defense? "How, and when, and in what proportion shall aids of men and money be afforded?" Who shall command armies? Who shall settle terms of peace?
6. Territorial disputes in the Western territory, competitions of commerce, public debt, and laws in violation of private contracts, meaning states that violate the rights of their citizens, will cause unrest. "There is, perhaps, nothing more likely to disturb the tranquility of nations than their being bound to mutual contributions for any common object that does not yield an equal and coincident benefit. For it is an observation, as true as it is trite, that there is nothing men differ so readily about as the payment of money."

Not only will separate confederacies cause such disadvantages, but a stronger national government will provide the following advantages:

1. "...the administration, the political counsels, and the judicial decisions of the national government will be more wise, systematical, and judicious than those of individual States, and consequently more satisfactory with respect to other nations..."
2. The most able men leading one government with a uniform policy will "harmonize, assimilate, and protect the several parts and members, and extend the benefit of its foresight and precautions to each," and will allow for a more efficient militia under one discipline and treaties will benefit the whole rather than just a part.
3. "If they see that our national government is efficient and well administered, our trade prudently regulated, our militia properly organized and disciplined, our resources and finances discreetly managed, our credit re-established, our people free, contented, and united, they will be much more disposed to cultivate our friendship than provoke our resentment."<sup>5</sup>

The Antifederalists, on the other hand, accused the Federalists of using "phantoms" to invent an imaginary period of crisis that immediately demanded a stronger national government. The several states would unlikely war with each other and foreign powers would have little incentive to attack. Without any imminent threats of attack, the risk in dramatically altering the government was too great.<sup>6</sup>

We are now told by the honorable gentleman (Governor Randolph) that we shall have wars and rumors of wars, that every calamity is to attend us, and that we shall be ruined and disunited forever, unless we adopt this Constitution. Pennsylvania and Maryland are to fall upon us from the north, like the Goths and Vandals of old; the Algerines, whose flat-sided vessels never came farther than Madeira, are to fill the Chesapeake with mighty fleets, and to attack us on our front; the Indians are to invade us with numerous armies on our rear, in order to convert our cleared lands into hunting- grounds; and the Carolinians, from the south, (mounted on alligators, I presume,) are to come and destroy our cornfields, and eat up our little children! These, sir, are the mighty dangers which await us if we reject dangers which are merely imaginary, and ludicrous in the extreme! Are we to be destroyed by Maryland and Pennsylvania? What will democratic states make war for, and how long since have they imbibed a hostile spirit?<sup>7</sup>

To further minimize the concerns of the Federalists, the Antifederalists replied that “our state disputes, in a confederacy, would be disputes of levity and passion, which would subside before injury.” A more empowered national government, instead of being better capable of preventing foreign aggression, would be weakened by tyranny and corruption that itself would lead to war both internally and externally. Moreover, wealth and power diffused throughout several states or small confederacies would reduce the temptation to attack a specific area for gain.<sup>8</sup>

Any reasonable person at the time could have sympathized with the Antifederalists, but they lacked vision for a nation that would grow physically and in complexity. One could contend that had the northern and southern states formed separate confederacies from the beginning, then perhaps the Civil War would never have come about. Then again, the existence of several strong sovereign powers would have likely decreased the possibility of eradicating slavery in the south. Experience affirmed the Federalist viewpoint that conflicting passions and interests among the states would cause fatal contention. Wars and rumors of wars worldwide had thrived for millennia. More organized, powerful nations had always bullied weaker nations. What would prevent them from terrorizing several small American confederacies? How would such nations mount armies sufficient to defend itself in an increasingly volatile world? Furthermore, the Antifederalist accusation that the Federalists were creating “phantoms” to frighten them to action was nearsighted. Perhaps they had entered a time with only minor threats on the horizon, but did the United States expect the Japanese to attack Pearl Harbor? Did we expect terrorists to attack the World Trade Center and the Pentagon? A unified national government was necessary to provide adequate protection against foreign aggressors that would inevitably attack. Interestingly, however, our fortified military establishment has minimized aggression from foreign nations over time. Since 1787, our states, with the exception of the Civil War, have not warred with each other, and few nations have even attempted to attack our soil. Our national military power has also enabled us to intervene in many parts of the world to help free people from violence and oppression. Certainly, fifty states all with their individual passions, interests, and militias would not replicate similar success.

## VULNERABILITY TO TYRANTS AND FACTIONS

The Founders had a legitimate fear that influential individuals or factions would become tyrannical. They were familiar with monarchies that led to tyranny. In the bold Declaration of Independence they declared that “the history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States” and then continued with a lengthy list of complaints against the King. The Founders also feared that with their current distribution of powers factions could too easily usurp power. Madison described a faction as the majority or minority of the people “united and actuated by some common impulse of passion, or of interest, adverse to the rights of other citizens, or to the permanent and aggregate interests of the community.”<sup>9</sup> Such factions could consist of individuals passionate about their race, religion, economic circumstances, or any other particular interest.

From 1786-1787, shortly before the convention, Shays’ Rebellion highlighted the stark reality that faction could threaten the stability of the union. Daniel Shays led farmers in western Massachusetts in a rebellion against the state of Massachusetts for not granting them more debt relief. The resulting slaughter of the rebels by the Massachusetts militia alarmed the colonists to the dangers of faction. In small states such as Rhode Island and Connecticut, factions were also gaining influential political power. James Madison believed that men by their natures were self-interested and that their differing passions and interests would be the source of contention. Governments, he said, have two options—eliminate faction or control it. Since “liberty is to faction what air is to fire” one cannot remove faction without destroying individual liberty vital to democratic government; thus, an enduring government must seek to control the effects of faction rather than eliminate faction itself. Enlightened statesmen, Madison argued, would not be able to control faction, only the “republican principle” could.<sup>10</sup> At the convention, Madison proposed to structure the new government on principles that would invariably control faction and minimize opportunities for tyranny.

### **The republican principle**

One major point of debate and contention before and after the convention was the principle of federalism. Both the Federalists and the Antifederalists were well acquainted with the French philosopher Montesquieu. Both sides used his *Spirit of the Laws* (1752) to defend their positions. The Antifederalists employed his statement that “it is natural for a republic to have only a small territory; otherwise, it cannot long subsist”<sup>11</sup> to argue that America was too vast a territory to manage well with a federal republic; therefore, sovereignty should remain in the more manageable states. Additionally, they maintained that granting a national head excessive power would end in the destruction of the federal principle and erode the principle of self-government thus ending in despotism.<sup>12</sup>

Meanwhile, Alexander Hamilton, responding to the charge that America was too vast for a republic, claimed that Montesquieu’s standards for dimensions of small republics far exceeded the area of the states. Furthermore, he was certain that Montesquieu’s

“confederate republic” was comprised of several states joining to form an “association of states, or a confederacy,” while leaving in the states’ possession “very important portions of sovereign power.” This confederacy, he argued, would reconcile “the advantages of monarchy with those of republicanism.” A true federal republic would control faction and prevent tyranny. Were a member of the union to challenge the “supreme authority,” propagate insurrection, or exert excessive influence, then the other members would subdue her.<sup>13</sup>

The Antifederalists believed that a minimal government framework allowing for honest and virtuous self-government with representation of all the people’s interests would eliminate minority faction.<sup>14</sup> Their optimistic expectations of human nature far exceeded those of the Federalists. In the end, the Founders chose to give the national government supreme authority over the states while still leaving the states with limited power. This government configuration is far superior to a nation with numerous fully sovereign states. Without absolute authority over the states, the national government would be unable to resolve disputes between the states, control minority or majority faction, and protect the civil liberties of its citizens. At the same time, the powers left to the states were vital to check the national government in order to avoid monarchy. A delicate balance between the federal and state governments is essential for ordered liberty and a prosperous people.

### **Separate powers with checks and balances**

The separation of powers was a key principle necessary to help control faction and deter tyranny. Once again, here, Madison’s practical views on human nature manifest themselves. He famously declared that “if men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary.” Undeniably, men are not angels and are therefore generally self-interested; thus, “ambition must be made to counteract ambition.” To do so, “you must first enable the government to control the governed; and in the next place oblige it to control itself.” A government could achieve this goal by means of “auxiliary precautions.”<sup>15</sup> Madison, in the Virginia Plan, proposed a national government consisting of three distinct branches of government—legislative, executive, and judicial. Each branch would possess carefully balanced powers and would have the ability to check one another if one attempted to exceed its powers. For example, the bi-cameral legislature would be able to create legislation in one of two houses that would also check each other. The executive branch would execute national laws and have the right to “negative” or veto legislation. The judiciary would hold tribunals and join the executive on a “revisionary council” with the power to veto.<sup>16</sup> This plan represented a major shift from the Articles of Confederation which had a uni-cameral legislature, did not provide for an executive power, had a limited judiciary, and included no veto power.

When discussing the Virginia Plan, the majority of the delegates accepted its general principles but furiously debated several of its major components. The first was the extent of power granted to the executive. How many men would make up the executive, who would elect them, could he be re-elected and how many times, and could he be impeached? Benjamin Franklin wisely reminded the delegates of the “oppressions and

injustice” of the monarchical British government. Most of the delegates were reluctant to give just one man the sole power to execute the law and appoint men to important offices. Some wanted to allow infinite re-elections, others none. Some called for a one-year term, others as long as seven years. In the end, they designated the power of the executive to one man, elected by the people through an electoral college, who would hold office for four years with an unlimited possibility of re-election. This composition of the executive provided for a more decisive executive but made him accountable to the people through relatively brief terms of office.

Second was the veto power. Many of the delegates were adamant that the executive not possess an absolute veto and some believed any veto power would only lead to tyranny. They decided to grant him veto power but provided for a congressional override with a supermajority of two thirds of congress.

Finally, the delegates considered the amendment process. The Articles of Confederation provided a limited opportunity for amendment only if all thirteen states unanimously concurred. Most of the delegates agreed that a more flexible constitution was in order, but the southern states were worried that the majority would amend slavery out of existence. To placate their fears, they instituted an amendment process requiring the approval of two thirds of the state legislatures, with the caveat that Congress not introduce any amendment regarding slavery prior to 1808.<sup>17</sup>

The final system of checks and balances that emerged from the convention was suited perfectly for a smaller republic that would grow immensely over time. As is customary in the political process, however, several objections to the framework did arise. The Antifederalists were legitimately concerned that the balance of powers would only create gridlock thus preventing the government from protecting the rights of the citizens and producing effective legislation. They were also skeptical that the system provided enough checks to prevent tyranny.<sup>18</sup> In truth, this proper balance of power has been most effective in checking the interests and passions of those who have attempted to usurp power. The competing interests between the Senate and House in the bi-cameral legislature have stopped many a nefarious bill from leaving the halls of Congress. The judiciary has rightly deemed many laws contrary to the constitution, thus protecting the civil liberties of the people and preventing corruption. The legislature has impeached several unruly presidents and checked the use of their powers in times of war. The gridlock and confusion outwardly appear to be inefficient but are ultimately what keep the government honest.

### **Popular Representation**

The final major principle of government that helps control faction and eliminate tyranny is popular representation. The British had taxed the states excessively and without representation. A representative democracy, in the opinion of the Founders, was the most effective form of government. A pure democracy would provide no remedy for faction. A minority passion or interest or an “obnoxious individual” could exert undue influence on the majority. “Democracies,” they said, “have ever been spectacles of turbulence and

contention; have ever been found incompatible with personal security or the rights of property; and have in general been as short in their lives as they have been violent in their deaths.”<sup>19</sup> The remedy to these problems was a representative democracy in which the people could maintain their passions and interests but be represented by wise men in Congress. Those men could ably assess the interests of their constituents as a whole and then refine that public opinion by deliberation and choice. Although most Founders agreed that a representative democracy was ideal for their new republic, they disagreed significantly on the specifics of that representation.

First, should the citizens directly elect the representatives or should the state legislatures? James Madison believed that the people themselves should elect the representatives in both the house and the senate. The state legislatures, he noted, had a propensity to scheming and bribery and would cause corruption in the national legislature. George Mason, on the other hand, insisted that the states elect the officers in at least one of the representative bodies in order not to diminish the power of the states and to provide a check on the national legislature.<sup>20</sup> In the support of Mason, many delegates believed that the senators, rather than be subject to the whims of the people, should use their judicious opinions based on their high level of experience and education, and that only the state legislatures would be capable of identifying such qualified men. After much debate, they formed a compromise to allow the people directly to elect the house and the state legislatures to elect the senate. This method of representation changed, however, with the seventeenth amendment in 1913. Though direct election of the senate works fairly well today, this structure ideally would not have changed. A democratic republic based purely on democratic means leaves too much room for the negative influence of factions and tyrants. On the other hand, a republic based entirely on representation through the states would distance the people from the legislature. The combination passed at the convention was perfect. The representatives in the House would listen to the will of the people, but the Senate would be free to use its best judgment and consult with the state legislators, through which the people would also have an indirect link to the Senate, but the senators. This way, the senators would free to act according to their consciences without the need to constantly defend their views among the people. Since 1913, factions, including lobbying and interest groups, have become more influential in Congress than is beneficial.

Another major point of conflict, and possibly the most contentious of the entire convention, was whether the legislatures would have proportional representation or an equal amount of representatives from each state. Major differences of opinion on this issue existed between the small and large states and the free and slave states. States such as Connecticut and Delaware, despite their smaller populations, had been major players in the union from the beginning. They fought ferociously to defend their influence in the Congress. With proportional representation, they would end up with very few votes in Congress compared to states like Virginia, Pennsylvania, and Massachusetts.

The slave states were generally smaller and feared that a legislature based entirely on proportional representation would quickly abolish slavery. William Patterson introduced the New Jersey Plan that provided for equal representation in the legislatures with one

vote for “white and other free citizens and inhabitants of every age, sex, and condition (including those bound to servitude for a term of years) and three fifths of all other persons not comprehended in the foregoing description, except Indians not paying taxes.”<sup>21</sup> Most of the delegates rejected the New Jersey Plan, but the proposal to count three fifths of the slaves continued to surface throughout the convention. In the end, the Great Compromise ending the debate included the voting eligibility requirements from the New Jersey Plan and allowed the state legislatures to appoint the senators. The fifteenth, nineteenth, and twenty sixth amendments of course changed this provision to allow all citizens over eighteen years of age regardless of race or sex to vote. The problem with this debate on representation was that many of the delegates were more interested in their particular needs rather than creating the most effective form of government. It only seems fair that all representation would be proportional to population in order to represent equally all citizens, but the combination of proportional and equal representation was a necessary and rather innocuous compromise to convince the smaller states to join the union.

## LIFE, LIBERTY, AND THE PURSUIT OF HAPPINESS

The British had trampled on the individual rights of the colonists, which they had fought so valiantly to preserve. As evidenced in the Declaration of Independence and professed by the philosopher John Locke, the Americans strongly believed that God had created all men equally and endowed them with unalienable rights. They had the right to defend their property – defined as life, liberty, and estate – and the role of the government was to protect those rights. Accordingly, if the government usurped those rights or allowed other citizens to destroy them, the citizens had a right to revolt against their government, since all political power originated in the people, and institute a new government that would protect those rights.<sup>22</sup> The British had been imposing taxes on the colonists because they felt that the Americans should contribute to the funds the British had spent on defending them during the French and Indian War, and furthermore, they were still a colony of the British Isles. The Americans rightly felt that the British had trampled on their individual rights; therefore, they had a right to rebel against them and institute their own government. And so they did, but the challenge lay in discovering a way to institute guards that would forever prevent the American government from tampering with the rights of its citizens.

The Antifederalists insisted that a written bill of rights was necessary to protect individual liberty. They believed that the large size of the representation pools impeded the citizens’ access to government officials and that the national government would be too large to suit the individual needs of the citizens. The Federalists replied that most of the states already had a bill of rights pertinent to each state and also that the Constitution itself would possess enough internal controls to secure the rights of the people. For example, in the framework of the Constitution were provisions such as the “no religious test,” “no titles of nobility,” “habeus corpus,” “ex post facto,” and no “bills of attainder,” clauses. Furthermore, the separation of powers principle would also prove effective in securing the rights of the people.

Although the states had their individual bills of rights, a national bill of rights was necessary to protect the rights of citizens permanently and universally across the nation; otherwise, interstate transactions would lead to different assessments of rights. Though the separation of powers and such provisions did provide guards against matters dealing with criminal prosecution and trials and public office, they did not protect many other rights essential to the liberty they were attempting to secure. The Bill of Rights, passed in 1791, includes the following rights nonexistent in the Constitution signed at the convention: the freedom of religion, speech, assembly, the press; the right to bear arms, not quarter soldiers in one's house, to a speedy trial, trial by jury, and due process of law; no state can conduct unreasonable searches and seizure, give excessive bail, or take private property without just compensation. Also, the ninth amendment recognizes that the government must protect other rights possessed by the people though not outlined there. Finally, any powers not granted to the federal government are reserved to the states or to the people. These final provisions emphasized that political power comes from the people; therefore, the government has no right to abolish or trample on any of their inherent rights.

The Federalists promised the Antifederalists that upon their signing the Constitution they would soon draft a bill of rights. They made this promise based on expediency rather than principle. James Madison saw no need for a bill of rights; however, later during the ratifying conventions, he urged the people to pass a bill of rights in order to satisfy the legitimate concerns of colleagues such as George Mason who refused to sign the Constitution lacking a bill of rights. The principles of the Constitution do provide some protection of rights, but without the Bill of Rights our civil liberties would be in great peril today.

## A UNIQUE FRAMEWORK

The Constitution of the United States of America is a unique framework of government containing a synthesis of time-tested principles that perpetuate individual and economic liberty, protect the rights of citizens, quell the effects of faction, and bind a nation of states together in a way that they all endeavor to support and defend each other. Some of the noblest men with the brightest minds of their time collaborated to produce this enduring document. No, the Founders were not perfect men and neither was the Constitution at its signing. Its most serious defect was its tolerance of slavery.

How could men who had declared that "all men are created equal" tolerate the evil practice of slavery? In truth, the majority of the Founders, especially the ones in the northern states despised slavery. Even George Mason from Virginia declared that "every master of slaves is born a petty tyrant. They bring the judgment of heaven on a country."<sup>23</sup> Most of the Founders, knowing that the abolition of slavery would cause the southern states to rebel, pushed to stop only the importation of slaves. The southern states would not tolerate even that proposal and threatened to leave the union if forced to quit slavery. One could argue that civil war was bound to happen eventually, as it did, so why not now face the conflict earlier than later? The last thing the northern states wanted at that point was two separate, rivaling confederacies. Uniting all the states then was

vital for them to be capable of defending themselves from foreign enemies. They had to please the southerners then and hope for the eventual eradication of slavery. Furthermore, without a United States of both northern and southern states, the eradication of slavery in the 19<sup>th</sup> century would have proven difficult. A separate confederacy of southern states would have wielded a stronger military and improved access to valuable resources for war. A compromise at the time of the convention facilitated the unification of the union and provided means through the legal structure and national military force to eventually rid the union of slavery.

Another modern day concern is that women had no right to vote, no ability to hold office, and therefore had no say in the new constitution. While these charges are true, no country in the world had granted such rights to women. As societal standards progressed with time, the amendment process provided a means to grant women increased involvement in the political process. Without the ratification of the Constitution at that time, potential turmoil between neighboring confederacies may have severely delayed the progress of women and slaves.

Finally, the Antifederalists expressed many concerns during the ratification debates that are still valid today. For example, they were convinced that a proper government must be capable of responding to the needs of the people locally. Not all states have identical needs. The state and local governments know far better what suits their citizens than a national bureaucracy in a distant state. They worried that as the population of the United States continued to grow, each legislator would represent an ever increasing number of constituents and be unable to address their individual concerns. No term limits and infrequent elections would also empower the federal government excessively. Finally, they believed that the most important principle of republican government was self-government. A republic without self-government would lead to despotism and corruption.<sup>24</sup> The concern most pertinent today is that the federal government is too massive to meet the needs of the people. As the population of America has flourished throughout the twentieth century, the federal government has expanded its scope far beyond what the Founders envisioned. The Congress takes matters such as education standards, welfare programs, and financial security into their own hands that state and local governments could handle much better.

All thirteen states eventually ratified the Constitution. The ratification process was in itself nothing short of a miracle. The Federalists were able to defend their position adequately to push the Constitution through the political process in an urgent time of need for unification. Had I been a delegate at the convention, while recognizing the intent and wisdom of the arguments of the Antifederalists, I would have wholeheartedly voted for and signed the Constitution. It was not perfect but has allowed positive change through the amendment process over time. In short, it was a beautiful patchwork of enduring principles sufficient to form a more perfect union.

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<sup>1</sup> Edward F. Larson and Michael P. Winship, *The Constitutional Convention: A Narrative History from the Notes of James Madison* (New York: The Modern Library, 2005) 14.

<sup>2</sup> John Adams, 26 December 1787, quoted in Clinton Rossiter, ed., *1787: The Grand Convention* (New York: Macmillan, 1966), 11.

<sup>3</sup> William Gladstone, *North American Review*, Sept. Oct. 1878: 185-86.

<sup>4</sup> Hamilton, Madison, Jay, et al., *The Federalist Papers* (New York: Signet Classic, 2003) 40.

<sup>5</sup> Hamilton, Madison, Jay, et al., *The Federalist Papers* (New York: Signet Classic, 2003) 37-59.

<sup>6</sup> W. B. Allen and Gordon Lloyd, *The Essential Antifederalist* (Lanham, MD: Rowman and Littlefield Publishers, Inc., 2002) 80.

<sup>7</sup> William Grayson, June 11, 1788, in Jonathan Elliot (ed.), *The Debates in the Several State Conventions on the Adoption of the Federal Constitution.....* (Philadelphia, 1876) 5 vols., III, 274-79.

<sup>8</sup> A Farmer, "New Constitution Creates a National Government; Will Not Abate Foreign Influence; Dangers of Civil War and Despotism," 29 Sep. 2006  
<<http://www.thisnation.com/library/antifederalist/03.html>>.

<sup>9</sup> Hamilton, Madison, Jay, et al., *The Federalist Papers* (New York: Signet Classic, 2003) 72.

<sup>10</sup> Hamilton, Madison, Jay, et al., *The Federalist Papers* (New York: Signet Classic, 2003) 73.

<sup>11</sup> Gordon Lloyd and Margie Lloyd., *The Essential Bill of Rights: Original Arguments and Fundamental Documents* (Lanham, MD: University Press of America, Inc., 1998) 106.

<sup>12</sup> W. B. Allen and Gordon Lloyd, *The Essential Antifederalist* (Lanham, MD: Rowman and Littlefield Publishers, Inc., 2002) xxiii.

<sup>13</sup> Hamilton, Madison, Jay, et al., *The Federalist Papers* (New York: Signet Classic, 2003) 68-71.

<sup>14</sup> W. B. Allen and Gordon Lloyd, *The Essential Antifederalist* (Lanham, MD: Rowman and Littlefield Publishers, Inc., 2002) xxii.

<sup>15</sup> Hamilton, Madison, Jay, et al., *The Federalist Papers* (New York: Signet Classic, 2003) 319.

<sup>16</sup> Edward F. Larson and Michael P. Winship, *The Constitutional Convention: A Narrative History from the Notes of James Madison* (New York: The Modern Library, 2005) Appendix A.

<sup>17</sup> Edward F. Larson and Michael P. Winship, *The Constitutional Convention: A Narrative History from the Notes of James Madison* (New York: The Modern Library, 2005) 21-27, 145-146.

<sup>18</sup> W. B. Allen and Gordon Lloyd, *The Essential Antifederalist* (Lanham, MD: Rowman and Littlefield Publishers, Inc., 2002) xxvii.

<sup>19</sup> Hamilton, Madison, Jay, et al., *The Federalist Papers* (New York: Signet Classic, 2003) 76.

<sup>20</sup> Edward F. Larson and Michael P. Winship, *The Constitutional Convention: A Narrative History from the Notes of James Madison* (New York: The Modern Library, 2005) 36.

<sup>21</sup> Edward F. Larson and Michael P. Winship, *The Constitutional Convention: A Narrative History from the Notes of James Madison* (New York: The Modern Library, 2005) Appendix B.

<sup>22</sup> Gordon Lloyd and Margie Lloyd., *The Essential Bill of Rights: Original Arguments and Fundamental Documents* (Lanham, MD: University Press of America, Inc., 1998) 71-86.

<sup>23</sup> Edward F. Larson and Michael P. Winship, *The Constitutional Convention: A Narrative History from the Notes of James Madison* (New York: The Modern Library, 2005) 130.

<sup>24</sup> W. B. Allen and Gordon Lloyd, *The Essential Antifederalist* (Lanham, MD: Rowman and Littlefield Publishers, Inc., 2002) xxiii, xxv.