

From Reviled to Revered: *The U.S. Constitution*

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The course of world history was greatly altered, when, in 1776, a congress of representatives from Great Britain’s colonial holdings in the New World declared that the colonies were “Absolved from all Allegiance to the British Crown, and that all political connection between them and the State of Great Britain, is and ought to be totally dissolved.”¹ Originally, when Thomas Jefferson penned these words, American colonists were anything *but* unified on the question of American independence. Yet, through the bloodshed and violence of the Revolution, the new United States was born, and the question on its citizens’ minds shifted from “Should we establish a new, independent, American state?” to “How can we maintain our newly found independence?” For years, Americans quarreled with each other on the role of the federal government and its relationship to the states. Finally, in 1787, a constitutional convention was held in an effort to revise the *Articles of Confederation*, which left the U.S. operating as a confederacy. It quickly became clear that a replacement, not an edit, was desired from the majority of convention attendees. However, as the new *U.S. Constitution* was sent from the convention to the states for ratification, Americans all throughout the states were as deeply divided on the choice of constitution as they were nine years earlier on the question of independence. Today, depictions of the constitutional debates of 1787–1788 tend to be viewed with rose tinted glasses, oftentimes neglecting to recognize the stark division that the country had over ratification. Instead, a large segment of the American population in the 1780s was deeply skeptical of the new constitution because it revoked some state powers, created a standing army, and lacked a firm bill of rights.

Before all the debates and political discord of 1788–1789, the United States operated under a constitution primarily designed to keep the states’ powers intact. This constitution, entitled the *Articles of Confederation*, was both approved and ratified during the Revolution—in 1777 and 1781, respectively. In it, key clauses established a system of government in which the federal arm was severely limited, and, in some cases, subservient to the interests of state governments. For instance, under the *Articles of Confederation*, the federal government was nearly powerless to collect taxes from the states, because “The taxes for paying that proportion (of which is owed to the federal government) shall be laid and levied by the authority and direction of the legislatures of the several states.”² This meant the federal government under the *Articles* was powerless to enforce any means of collecting money to carry out its operations, essentially crippling its ability to provide even basic governmental functions.

¹ Thomas Jefferson, *The Declaration of Independence* (1776), National Archives, <https://www.archives.gov/founding-docs/declaration-transcript> (accessed October 10, 2020).

² John Dickinson, *The Articles of Confederation and Perpetual Union* (1777), National Archives and Records Administration, <https://www.ourdocuments.gov/doc.php?flash=false&doc=3&page=transcript#> (accessed October 10, 2020).

Furthermore, not only did the *Articles* prevent the federal government from collecting revenue, but it also lacked an executive position, instead relying on the slow response from congress for emergency situations.³ In 1787, disillusioned veterans from the Revolution (led by a Massachusetts farmer named Daniel Shays) exposed the powerless federal government when they raided the federal armory at Springfield, MA. Due to the raid, the federal government was shown to be far too weak to be effective, as assistance from the Massachusetts State Militia was required to put down the insurrection. Thus, Shays's Rebellion ignited national debates questioning the effectiveness of the *Articles of Confederation*, which directly led to the Constitutional Convention of 1787, a watershed event in American history.⁴

In calling for a constitutional convention, the intended purpose was to make edits to the original *Articles of Confederation*. At this convention were delegates sent from all of the states (with the exception of Rhode Island) to Philadelphia, where, in the same hall where the *Declaration of Independence* was signed, delegates listened to a plan by James Madison. In his plan, Madison proposed to scrap the *Articles* and reform the country by adopting a new constitution. Much to the dismay of those who favored maintaining a confederacy, Madison (along with many delegates who shared his sentiments) proposed a constitution that called for the creation of a strong central government, which was to be strengthened in the areas where the *Articles* fell short. Eventually, delegates at the convention compromised to create a new proposed constitution which joined the states together in a perpetual union under a central government strengthened by a chief executive, a bicameral legislature, and a supreme court which acted as a mediator in state disputes. However, not all were privy to this compromise, as many representatives from rural areas dissented, creating a nation-wide Anti-Federalist movement. In the movement, serious concerns over the contents of the proposed constitution arose.

Opponents to the ratified new constitution raised the objection, "all that is reserved for the individual states must very soon be annihilated, except so far as they are barely necessary to the organization of the general government."⁵ Essentially, large numbers of Americans were concerned that the ratification of the *Constitution* would equate to the death of their state government. Specifically, Anti-Federalists across the country feared what the *Constitution* would do to their state's revenue. "Brutus," a popular Anti-Federalist writer, wrote: "The situation of the states will be deplorable. By this system, they will surrender to the general government, all the means of raising money, and at the same time, will subject themselves to suits at law, for the

³ Dickinson, *The Articles of Confederation and Perpetual Union* (1777).

⁴ Rahul Tilva, "Shays' Rebellion," in *The Digital Encyclopedia of George Washington*, ed. James P. Ambuske ([Alexandria, VA]: Mount Vernon Ladies' Association 2012), <https://www.mountvernon.org/library/digitalhistory/digital-encyclopedia/article/shays-rebellion/> (accessed October 15, 2020).

⁵ "Brutus," "I," in *The Complete Anti-Federalist*, ed. Herbert J. Storing and Murray Dry, 7 vols. (Chicago: University of Chicago Press, 1981), 2:363–372 at 365.

recovery of debts they have contracted in effecting the revolution.”⁶ Of course, allowing the federal government to collect revenue from the states was a remedy for the financial crises that had been unsolvable under the *Articles of Confederation*. Still, Brutus’s sentiment was shared between many citizens of various states, most of whom felt greater loyalty to their specific state rather than to the country as a whole. To these people, destruction of their state’s government would simultaneously undermine their state’s identity.

Another fear the Anti-Federalists had was that of a standing army. Patrick Henry, the author of *Common Sense* and a delegate to Virginia’s ratification convention, was a leading member of the Anti-Federalist faction across the country. Objecting to Congress’s war powers, Henry, known for being a powerful orator, summed up the Anti-Federalist perspective, saying:

To me this appears a very alarming power, when unlimited. They are not only to raise, but to support armies; and this support is to go to the utmost abilities of the United States. If Congress shall say, that the general welfare requires it, they may keep armies continually on foot. There is no control on Congress in raising or stationing them. They may billet them on the people at pleasure. This unlimited authority is a most dangerous power: Its principles are despotic. If it may be unbounded, it must lead to despotism. For the power of the people in a free Government, is supposed to be paramount to the existing power.⁷

For classical republican thinkers, such as Henry, a standing army was a tool often used by tyrants; whether those tyrants be a king, or a deluded legislative body, was irrelevant in the danger they posed. Furthermore, by opposing Congress’ power to raise a standing army, Anti-Federalists positioned themselves as remaining faithful to the ideals of the Revolution. Anti-Federalist writers, such as the “Impartial Examiner,” were quick to capitalize on this, suggesting that instead of a standing army, the best defense would come from a “well regulated [*sic*] militia, duly trained to discipline” which would be “the surest means of protection, which a free people can have when not actually engaged in war.”⁸ Here, it is easy to recognize what made the Anti-Federalist position attractive. After all, the United States had gained its independence due in large part to well-regulated militias.

Although, as historian Herbert J. Storing points out, “It would be difficult to find a single point about which *all* of the Anti-Federalists agreed,” a very common source of unity for the Anti-

⁶ “Brutus,” “XIII,” in *The Founders’ Constitution*, ed. Philip B. Kurland and Ralph Lerner, 5 vols. (Chicago: University of Chicago Press, 1987), 4:237–238 at 238.

⁷ Patrick Henry, “Objections to a National Army,” in *Debate on the Constitution Part Two* by Bernard Bailyn (New York: Literary Classics of the United States, 1993), 695–700 at 695.

⁸ “The Impartial Examiner,” “I,” in *The Complete Anti-Federalist*, ed. Storing and Dry, 5:173–88 at 182.

Federalists came in the desire to see a bill of rights along with the proposed constitution.⁹ Their reasoning for this request was clear: to ensure that inviolable rights were enshrined in the *U.S. Constitution*. In fact, this idea had enough weight to even merit Federalist support, leading to several states only ratifying the *Constitution* with the promise that a bill of rights would be added at a later date. Among the states to ratify in hopes of a bill of rights was Virginia, who added to the end of their resolution a request “that there be a Declaration or Bill of Rights asserting and securing from encroachment the essential and unalienable rights of the people in some such manner.”¹⁰ Yet, while some Anti-Federalists were able to compromise for a bill of rights in the future by voting to ratify, some, such as “Brutus,” were staunchly opposed to accepting the *Constitution* until it had a bill of rights. “Brutus” explained the rationale for rejecting the *Constitution* by calling it “radically defective in a fundamental principle, which ought to be found in every free government; to wit, a declaration of rights.”¹¹ Overall, the Anti-Federalist position was clear and unified: a bill of rights must be included in the *Constitution* to protect the unalienable rights of citizens from the government’s exploitation.

Despite the logic and appeal of their convictions, the Anti-Federalists failed to convince most Americans to oppose the new constitution. As is true with every political faction, Anti-Federalists had their share of miscalculations, such as failing to grasp that the *U.S. Constitution* did in fact mend real problems created by the *Articles*. Benjamin Franklin, the oldest signer of the *Constitution*, pointed out in his final speech at the Constitutional Convention that the *Constitution* ought to be accepted even with its flaws, saying:

I think a General Government necessary for us, and there is no *Form* of Government but what may be a Blessing to the People if well administered; and I believe farther that this is likely to be well administered for a Course of Years, and can only end in Despotism as other Forms have done before it, when the People shall become so corrupted as to need Despotic Government, being incapable of any other.¹²

Still, it is worth noting that not every Anti-Federalist who opposed the *Constitution* until the end should be considered uncompromising. Instead, there were plenty of Anti-Federalists who held many of the same values as their Federalist opponents, as author and professor Craig Borowiak

⁹ Herbert Storing, “Introduction,” in *The Anti-Federalist* (Chicago: University of Chicago Press, 1985), 1–5 at 3, italics original.

¹⁰ “Resolutions of Virginia,” in *Debate on the Constitution Part Two* by Bernard Bailyn (New York: Literary Classics of the United States, 1993), 557–65 at 558.

¹¹ “Brutus,” “III,” in *The Complete Anti-Federalist*, ed. Storing and Dry, 2:377–82 at 378.

¹² Benjamin Franklin, “I Agree to This Constitution, with All Its Faults,” in *Debate on the Constitution Part One* by Bernard Bailyn (New York: Literary Classics of the United States, 1993), 3–5 at 3, 4.

notes, “Like the Federalists, they [Anti-Federalists] were concerned about preventing the abuse of governmental power ... they believed that accountability to citizens was a vital precautionary mechanism in republican government.”¹³ In truth, Anti-Federalists were not the uncompromising obstructionists that they are portrayed as today. Instead, the Anti-Federalist faction, similarly to the Federalists, were comprised of concerned individuals who felt it was their duty as a citizen to ensure that the ideals of the Revolution were upheld in the founding of the new country.

In conclusion, the Anti-Federalist position was not a stubborn and uninformed one, but rather was filled with nuance and intellectualism. Through the powerful oratory of people like Patrick Henry, or the eloquent prose of writers like “Brutus,” Anti-Federalists across the country were unified in the belief that government is, and ought to be, subservient to the individual. Certainly an analysis on the positions of Anti-Federalist writers would not be complete without an inquiry into their legacy, for “these authors gave expression to both a tradition of dissent in American politics and a very basic distrust of concentrated political power.”¹⁴ These are qualities which are still revered in the modern United States, having provided generations of Americans the ability to look critically at their government, appreciating the beauty of the country while recognizing that further work is needed to maintain this republican government.

¹³ Craig Borowiak, “Accountability Debates: The Federalists, The Anti-Federalists, and Democratic Deficits,” *The Journal of Politics*, vol. 69 (2007): 998–1014 at 1006.

¹⁴ Borowiak, “Accountability Debates: The Federalists, The Anti-Federalists, and Democratic Deficits,” 1006.

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