



Ratifying the Constitution

As
You
Read

Explore These Questions

- What arguments did Americans raise for and against the Constitution?
- How can the Constitution be amended?
- What rights does the Bill of Rights protect?

Define

- ratify
- amend
- due process

Identify

- Federalist
- Antifederalist
- *The Federalist Papers*
- Bill of Rights

SETTING the Scene

In homes and in town squares across the nation, Americans discussed the new Constitution. Many supported it. Many others did not. Its critics especially worried that the Constitution had no bill of rights. In Virginia, Patrick Henry sounded the alarm:

“ Show me an age and country where the rights and liberties of the people were placed on the sole chance of their rulers being good men, without a consequent loss of liberty! ”

Was a bill of rights needed? Did the Constitution give too much power to the federal government? In the fall of 1787, citizens began to debate the document sentence by sentence. The Convention had done its work. Now the states had to decide whether or not to ratify the new frame of government.

The Constitution Goes to the Nation

The framers of the Constitution sent the document to Congress. With it, they sent a letter from George Washington, as president of the Constitutional Convention. In the letter, Washington described how the framers had struggled to make the Constitution meet the varied needs of the different states. He wrote:

“ In our deliberations, we kept steadily in view... the greatest inter-

ests of every true American. That [the Constitution] will meet the full and entire [approval] of every state is not perhaps to be expected; but each will doubtless consider that had her interest been alone consulted, the consequences might have been... disagreeable or [harmful] to others. ”

Washington warmly endorsed the document and called on Congress to support it. It was his belief, he said, that the Constitution would “promote the lasting welfare of that country so dear to us all, and secure her freedom and happiness.”

The framers of the Constitution had set up a process for the states to decide on the new government. At least 9 of the 13 states had to **ratify**, or approve, the Constitution before it could go into effect. In 1787 and 1788, voters in each state elected delegates to special state conventions. These delegates then met to decide whether or not to ratify the Constitution.



Connections With Science

Today, the Constitution is publicly displayed. For protection against damage due to light, insects, and impurities in the air, each page is in a glass case filled with helium. Levels of light and humidity are carefully controlled.

Heated Debate

In every state, heated debates took place. Supporters of the Constitution called themselves **Federalists**. They called people who opposed the Constitution **Antifederalists**.

The Federalist position

The Federalists argued that the Articles of Confederation had produced an excessively weak central government. It had placed the nation in grave danger because it left too much power with the individual states. Disputes among the states, Federalists said, had made it too difficult for the Confederation government to function.

According to the Federalists, the Constitution gave the national government the authority to function effectively. At the same time, it still protected the rights of the individual states.

Among the best-known Federalists were James Madison, Alexander Hamilton, and John Jay. They wrote a series of essays, called *The Federalist Papers*, defending the Constitution. They used pen names, but most people knew who they were. Today, *The Federalist Papers* remains one of the best discussions of the political theory behind the American system of government.

The Antifederalist position

Antifederalists opposed the Constitution for many reasons. They felt that it made the national government too strong and left the states too weak. They thought that the Constitution gave the President too much power. Patrick Henry was among those who voiced such concerns:

“ This Constitution is said to have beautiful features, but . . . they appear to me horribly frightful. . . . Your President may become king . . . If your American chief be a man of ambition and abilities, how easy is it for him to render himself absolute! ”

Most people expected George Washington to be elected President. Antifederalists admired Washington, but they warned that future Presidents might lack Washington's



Biography James Madison

Historians call James Madison the “Father of the Constitution” because much of the document was based on his ideas. When the Constitution was being debated, Madison was only in his 30s. He went on to serve the nation as a member of Congress, as Secretary of State, and as the fourth President of the United States. ★ **Was Madison a Federalist or an Antifederalist?**

honor and skill. For this reason, they said, the office should not be too powerful.

Need for a bill of rights

The chief argument used by Antifederalists against the Constitution was that it had no bill of rights. Americans had just fought a revolution to protect their freedoms. They wanted a bill of rights in the Constitution that spelled out basic freedoms such as freedom of speech and freedom of religion.

Federalists replied that the Constitution protected citizens very well without a bill of rights. Anyway, they argued, it was impossible to list all the natural rights of people. Antifederalists responded that if rights were not written into the Constitution, it would be easy to ignore them. Several state conventions refused to ratify the Constitution unless they received a firm promise that a bill of rights would be added.

Viewing HISTORY The Nation Celebrates

When the Constitution was ratified, celebrations were held across the nation. Shown here is a celebration parade in New York City. The three-masted ship on the float represented the “ship of state.” ★ Why do you think Alexander Hamilton’s name is displayed so visibly?



The States Vote to Ratify

One by one, states voted to ratify the Constitution. Delaware was the first, in December 1787. In June 1788, New Hampshire became the ninth state to ratify. The new government could now go into effect.

Still, the future of the United States remained in doubt. It was important that all the states support the Constitution. However, New York and Virginia, two of the largest states, had not yet ratified the plan. In both states, Federalists and Antifederalists were closely matched.

In Virginia, Patrick Henry strongly opposed the Constitution. Henry charged that the document gave the government too much power. “There will be no checks, no real balances in this government,” he cried. In the end, however, Washington, Madison, and other Virginia Federalists prevailed. In late June, Virginia approved the Constitution.

In New York, the struggle went on for another month. At last, in July 1788, the state convention voted to ratify. North Carolina ratified in November 1789. Rhode Island was the last state to approve the Constitution, finally doing so in May 1790.

The Nation Celebrates

Throughout the land, Americans celebrated the news that the Constitution was ratified. The city of Philadelphia set its festival for July 4, 1788. At sunrise, church bells rang. In the harbor, the ship *Rising Sun* boomed a salute from its cannons. Horses wore bright ribbons, and bands played popular tunes.

A festive parade filed along Market Street, led by soldiers who had fought in the Revolution. Thousands cheered as six colorfully outfitted horses pulled a blue carriage shaped like an eagle. Thirteen stars and stripes were painted on the front, and the Constitution was raised proudly above it.

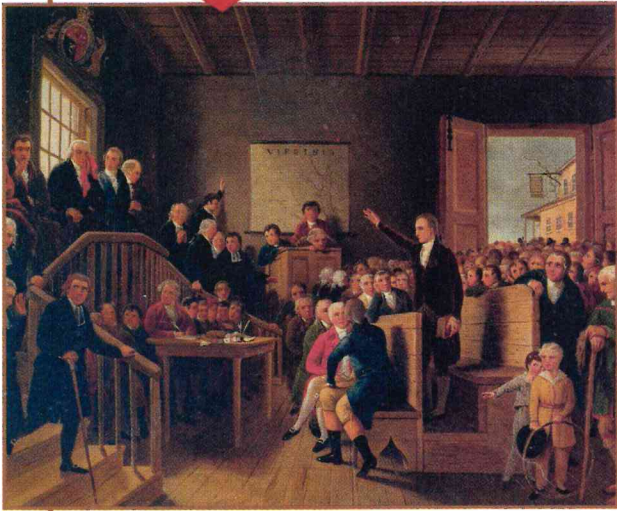
That night, even the skies seemed to celebrate. The northern lights, vivid bands of color, lit up the sky above the city. Benjamin Rush, a Philadelphia doctor and strong supporter of the Constitution, wrote to a friend: “’Tis done. We have become a nation.”

Adding a Bill of Rights

Americans voted in the first election under the Constitution in January 1789. As

Linking Past and Present

Past



Present



Trial by Jury

Trial by jury is part of the nation's English heritage. Yet in colonial times, British officials sometimes suspended jury trials. Therefore, many Americans wanted the new Constitution to guarantee this right. The members of a jury promise to give an impartial verdict based on evidence. ★ **Turn to the Reference Section and read the Sixth Amendment. List three rights guaranteed to Americans accused of crimes.**

expected, George Washington was elected President, while John Adams was chosen Vice President.

The first Congress was made up of 59 representatives and 22 senators. It met in New York City, which was chosen as the nation's first capital. The first Congress quickly turned its attention to adding a bill of rights to the Constitution.

The amendment process

The framers had set up a way to **amend**, or change, the Constitution. They did not want people to make changes lightly, however. Thus, they made the process of amending the Constitution fairly difficult.

To start the amendment process, an amendment must be proposed. This can be done in two ways. Two thirds of both houses of Congress can vote to propose an amendment, or two thirds of the states can request special conventions to propose amendments.

Next, the amendment must be ratified. Three fourths of the states must approve the amendment before it becomes part of the Constitution.

In the more than 200 years since the Constitution was adopted, only 27 amendments have been approved. Ten of those amendments were added in the first years after the Constitution was ratified.

The first 10 amendments

The first Congress proposed a series of amendments to the Constitution of the United States in 1789. By December 1791, three fourths of the states had ratified 10 amendments. Those 10 amendments became known as the **Bill of Rights**.

James Madison, who wrote the amendments, insisted that the Bill of Rights does not give Americans any rights. People already have the rights listed in the amendments. They are natural rights, said Madi-

son, that belong to all human beings. The Bill of Rights simply prevents the government from taking these rights away.

Protecting individual rights

The 10 amendments that make up the Bill of Rights ensure the basic freedoms of American citizens. The First Amendment guarantees individual liberties, including freedom of religion, freedom of speech, and freedom of the press. It also guarantees the right to assemble peacefully and the right to petition the government.

The next three amendments came out of the colonists' struggle with Britain. The Second Amendment guarantees the right of citizens to keep and bear arms. The Third Amendment was included because the framers remembered Parliament's efforts to make colonists house and feed British soldiers. The amendment prevents Congress from forcing citizens to quarter, or house, troops in their homes. The Fourth Amendment protects citizens from unreasonable searches and seizures. Before the Revolution, you will remember, British customs officials had often searched and seized the property of colonists without their permission.

The Fifth Amendment guarantees due process of law. **Due process** means that the government must follow the same fair rules

in all cases brought to trial. Under the Fifth Amendment, the accused must be notified of the charges brought against him or her. The accused must also be given the chance to present a defense in court. Also, the government cannot require self-incriminating testimony nor may it try a defendant twice for the same crime if the defendant has already been acquitted.

Amendments 6 through 8 provide other protections for citizens accused of crimes. The Sixth Amendment guarantees a jury trial in criminal cases and the right to be defended by a lawyer. The Seventh Amendment requires jury trials in civil cases. The Eighth Amendment prevents judges from ordering "excessive bail" or imposing "cruel and unusual punishment" on a convicted criminal.

The Ninth Amendment assures that the rights listed in the Constitution are not the only ones that exist. The Tenth Amendment states that all powers not given to the national government and not denied to the states are reserved for the states or for the people. This assured that the power of the national government would be limited.

With the Bill of Rights in place, the new framework of government was complete. Over time, the Constitution became a living document that grew and changed along with the nation.

★ Section 4 Review ★

Recall

1. **Identify** (a) Federalist, (b) Antifederalist, (c) *The Federalist Papers*, (d) Bill of Rights.
2. **Define** (a) ratify, (b) amend, (c) due process.

Comprehension

3. (a) Why did Federalists favor ratification of the Constitution? (b) Why did Antifederalists oppose it?
4. Describe the process for adding amendments to the Constitution.

5. Describe three specific rights protected by the first 10 amendments to the Constitution.

Critical Thinking and Writing

6. **Defending a Position** Imagine that you are a citizen of the United States in 1789. Would you argue for or against the Constitution? How would you defend your position?
7. **Analyzing Ideas** (a) List five rights protected by the Bill of Rights. (b) Which do you think is most important? Explain.



Activity Making Illustrations You are the illustrator for a handbook on the rights of American citizens. Draw a series of sketches to illustrate the rights that are guaranteed by the First Amendment.