

American History Honors / AP United States History

Mr. Broach, 2007-2008 Revised from 04-05 version

Seminar: *United States Constitution and Ratification*

You need to read the following primary source documents. The documents contained in this handout illustrate reasons for a federal Constitution, and the debate for its ratification. **You should prepare by making basic notes on the following topics (from these documents and your knowledge of the time period):**

- Why were the Articles inadequate? (However, if they were inadequate, why were they chosen in the first place?)
- Why was a Constitution needed?
- What was included in the Constitution? What kind of compromises were needed?
- Basics about arguments of Federalists vs. Anti-Federalists

This activity will be counted as a classwork grade based on the following criteria:

- Prepared for class with knowledge of the documents? – will check notes (1/3 of grade)
 - Participated in discussion? (1/3 of grade)
 - Offered information to the discussion? (1/3 of grade)
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Document 1: James Madison to James Monroe, August 7, 1785 [as cited in Lance Banning, *The Sacred Fire of Liberty: James Madison and the Founding of the Federal Republic*, (Ithaca, NY: Cornell University Press, 1995): 54-55.]

“If Congress [under the *Articles of Confederation* system] as they are now constituted cannot be trusted with the power, . . . let them be chosen oftener and let their period of service be shortened; or, if any better medium than Congress can be proposed by which the will of the states may be concentrated (*sic*), let it be substituted. . . . But let us not. . . . rush on certain ruin in order to avoid a possible danger [of concentrated power]. I conceive it to be of great importance that the defects of the federal system should be amended, not only because such amendments will make it better answer the purpose for which it was instituted, but because I apprehend danger to its very existence from a continuance of defects which expose a part if not the whole of the empire to severe distress. The suffering part. . . cannot long respect a government which is too feeble to protect their interest.”

Document 2: Jonathan Smith, Massachusetts Farmer

SOURCE: http://www.gilderlehrman.org/teachers/module2/tool_is_pop1.html (accessed 9/15/2007)

I am a plain man, and get my living by the plough. . . . I have lived in a part of the country where I have known the worth of good government by the want of it. There was a black cloud [Shays' Rebellion] that rose in the east last winter, and spread over the west. . . . It brought on a state of anarchy and that led to tyranny. I say, it brought anarchy. People that used to live peaceably, and were before good neighbors, got distracted, and took up arms against government. . . .

Our distress was so great that we should have been glad to snatch at anything that looked like a government. Had any person that was able to protect us come and set up his standard, we should all have flocked to it, even if it had been a monarch, and that monarch might have proved a tyrant.

Document 3: Thomas Jefferson, 1787

SOURCE: http://www.gilderlehrman.org/teachers/module2/tool_is_pop1.html (accessed 9/15/2007)

A little rebellion, now and then, is a good thing, and as necessary in the political world as storms in the physical. . . . It is a medicine necessary for the sound health of government.

The tree of liberty must be refreshed from time to time with the blood of patriots and tyrants.

The Structure of the Government Must Furnish the Proper Checks and Balances Between the Different Departments

From the New York Packet.
Friday, February 8, 1788.

Author: **Alexander Hamilton** or **James Madison**

To the People of the State of New York:

TO WHAT expedient, then, shall we finally resort, for maintaining in practice the necessary partition of power among the several departments, as laid down in the Constitution? [Author goes on to explain why different branches are needed and why they need separate powers]

...But the great security against a gradual concentration of the several powers in the same department, consists in giving to those who administer each department the necessary constitutional means and personal motives to resist encroachments of the others. The provision for defense must in this, as in all other cases, be made commensurate to the danger of attack. Ambition must be made to counteract ambition. The interest of the man must be connected with the constitutional rights of the place. It may be a reflection on human nature, that such devices should be necessary to control the abuses of government. But what is government itself, but the greatest of all reflections on human nature? 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. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself. A dependence on the people is, no doubt, the primary control on the government; but experience has taught mankind the necessity of auxiliary precautions. This policy of supplying, by opposite and rival interests, the defect of better motives, might be traced through the whole system of human affairs, private as well as public. We see it particularly displayed in all the subordinate distributions of power, where the constant aim is to divide and arrange the several offices in such a manner as that each may be a check on the other that the private interest of every individual may be a sentinel over the public rights. These inventions of prudence cannot be less requisite in the distribution of the supreme powers of the State. But it is not possible to give to each department an equal power of self-defense. In republican government, the legislative authority necessarily predominates. The remedy for this inconveniency is to divide the legislature into different branches; and to render them, by different modes of election and different principles of action, as little connected with each other as the nature of their common functions and their common dependence on the society will admit.

...First. In a single republic, all the power surrendered by the people is submitted to the administration of a single government; and the usurpations are guarded against by a division of the government into distinct and separate departments. In the compound republic of America, the power surrendered by the people is first divided between two distinct governments, and then the portion allotted to each subdivided among distinct and separate departments. Hence a double security arises to the rights of the people. The different governments will control each other, at the same time that each will be controlled by itself. Second. It is of great importance in a republic not only to guard the society against the oppression of its rulers, but to guard one part of the society against the injustice of the other part. Different interests necessarily exist in different classes of citizens. If a majority be united by a common interest, the rights of the minority will be insecure. There are but two methods of providing against this evil: the one by creating a will in the community independent of the majority that is, of the society itself; the other, by comprehending in the society so many separate descriptions of citizens as will render an unjust combination of a majority of the whole very improbable, if not impracticable. The first method prevails in all governments possessing an hereditary or self-appointed authority. This, at best, is but a precarious security; because a power independent of the society may as well espouse the unjust views of the major, as the rightful interests of the minor party, and may possibly be turned against both parties. The second method will be exemplified in the federal republic of the United States. Whilst all authority in it will be derived from and dependent on the society, the society itself will be broken into so many parts, interests, and classes of citizens, that the rights of individuals, or of the minority, will be in little danger from interested combinations of the majority....

...And happily for the REPUBLICAN CAUSE, the practicable sphere may be carried to a very great extent, by a judicious modification and mixture of the FEDERAL PRINCIPLE.

PUBLIUS.

SOURCE: http://memory.loc.gov/const/fed/fed_51.html

Document 5: Richard Henry Lee, 1787

SOURCE: http://www.gilderlehrman.org/teachers/module2/tool_is_pop1.html (accessed 9/15/2007)

It cannot be denied with truth, that this new constitution is, in its first principles, most highly and dangerously, oligarchic.

Document 6: Speech of Mr. Patrick Henry (excerpts) from the Virginia Ratifying Convention, June 5, 1778.

...The fate of this question and of America may depend on this. Have they said, We, the states? Have they made a proposal of a compact between states? If they had, this would be a confederation. It is otherwise most clearly a consolidated government. The question turns, sir, on that poor little thing — the expression, We, the *people*, instead of the *states*, of America. I need not take much pains to show that the principles of this system are extremely pernicious, impolitic, and dangerous. Is this a monarchy, like England — a compact between prince and people, with checks on the former to secure the liberty of the latter? Is this a confederacy, like Holland — an association of a number of independent states, each of which retains its individual sovereignty? It is not a democracy, wherein the people retain all their rights securely. Had these principles been adhered to, we should not have been brought to this alarming transition, from a confederacy to a consolidated government. We have no detail of these great consideration, which, in my opinion, ought to have abounded before we should recur to a government of this kind. Here is a resolution as radical as that which separated us from Great Britain. It is radical in this transition; our rights and privileges are endangered, and the sovereignty of the states will be relinquished: and cannot we plainly see that this is actually the case? The rights of conscience, trial by jury, liberty of the press, all your immunities and franchises, all pretensions to human rights and privileges, are rendered insecure, if not lost, by this change, so loudly talked of by some, and inconsiderately by others. Is this tame relinquishment of rights worthy of freemen? Is it worthy of that manly fortitude that ought to characterize republicans?

...I conceive this new government to be one of those dangers: it has produced those horrors which distress many of our best citizens. We are come hither to preserve the poor commonwealth of Virginia, if it can be possibly done: something must be done to preserve your liberty and mine. The Confederation, this same despised government, merits, in my opinion, the highest encomium: it carried us through a long and dangerous war; it rendered us victorious in that bloody conflict with a powerful nation; it has secured us a territory greater than any European monarch possesses: and shall a government which has been thus strong and vigorous, be accused of imbecility, and abandoned for want of energy? Consider what you are about to do before you part with the government. Take longer time in reckoning things; revolutions like this have happened in almost every country in Europe; similar examples are to be found in ancient Greece and ancient Rome — instances of the people losing their liberty by their own carelessness and the ambition of a few. We are cautioned by the honorable gentleman, who presides, against faction and turbulence. I acknowledge that licentiousness is dangerous, and that it ought to be provided against: I acknowledge, also, the new form of government may effectually prevent it: yet there is another thing it will as effectually do — it will oppress and ruin the people.

There are sufficient guards placed against sedition and licentiousness; for, when power is given to this government to suppress these, or for any other purpose, the language it assumes is clear, express, and unequivocal; but when this Constitution speaks of privileges, there is an ambiguity, sir, a fatal ambiguity — an ambiguity which is very astonishing...

...I shall be told I am continually afraid: but, sir, I have strong cause of apprehension. In some parts of the plan before you, the great rights of freemen are endangered; in other parts, absolutely taken away. How does your trial by jury stand? In civil cases gone — not sufficiently secured in criminal — this best privilege is gone. But we are told that we need not fear; because those in power, being our representatives, will not abuse the powers we put in their hands. I am not well versed in history, but I will submit to your recollection, whether liberty has been destroyed most often by the licentiousness of the people, or by the tyranny of rulers. I imagine, sir, you will find the balance on the side of tyranny. ... My great objection to this government is, that it does not leave us the means of defending our rights, or of waging war against tyrants. It is urged by some gentlemen, that this new plan will bring us an acquisition of strength — an army, and the militia of the states. This is an idea extremely ridiculous: gentlemen cannot be earnest...

...This, sir, is the language of democracy — that a majority of the community have a right to alter government when found to be oppressive. But how different is the genius of your new Constitution from this! How different from the sentiments of freemen, that a contemptible minority can prevent the good of the majority! If, then, gentlemen, standing on this ground, are come to that point, that they are willing to bind themselves and their posterity to be oppressed, I am amazed and inexpressibly astonished. If this be the opinion of the majority, I must submit; but to me, sir, it appears perilous and destructive. I cannot help thinking so. Perhaps it may be the result of my age....

Did you ever read of any revolution in a nation, brought about by the punishment of those in power, inflicted by those who had no power at all? You read of a riot act in a country which is called one of the freest in the world, where a few neighbors cannot assemble without the risk of being shot by a hired soldiery, the engines of despotism. We may see such an act in America.

SOURCE: http://www.constitution.org/rc/rat_va_04.htm

Document 7: Ratification of the Constitution (chart)

Ratification of the Constitution				
	Date	State	Votes	
			Yes	No
1	December 7, 1787	Delaware	30	0
2	December 12, 1787	Pennsylvania	46	23
3	December 18, 1787	New Jersey	38	0
4	January 2, 1788	Georgia	26	0
5	January 9, 1788	Connecticut	128	40
6	February 6, 1788	Massachusetts	187	168
7	April 28, 1788	Maryland	63	11
8	May 23, 1788	South Carolina	149	73
9	June 21, 1788	New Hampshire	57	47
10	June 25, 1788	Virginia	89	79
11	July 26, 1788	New York	30	27
12	November 21, 1789	North Carolina	194	77
13	May 29, 1790	Rhode Island	34	32

http://en.wikipedia.org/wiki/United_States_Constitution

Source Note: This chart is derived from Wikipedia. Please remember that material from this specific website is not guaranteed to be accurate as it is open to public editing. You should not use this website when conducting research.