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THE MISSING FOUNDING FATHERS:
THE NEED TO TEACH THE ROLE OF THE ANTIFEDERALISTS
IN THE ADOPTION OF THE BILL OF RIGHTS

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A THESIS

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Abstract

This thesis examines the need to place more emphasis on teaching the role of the Antifederalists in the 1787-88 debate over the adoption of the U.S. Constitution to high school history and government students. The cited research shows the Antifederalist role is now underemphasized in high school history textbooks, despite the fact that accepted state and national standards encourage it. The thesis includes reviews of high school textbooks regarding the Antifederalists. It also includes a proposed lesson plan for teaching the Constitutional debate with the role of the Antifederalists given its due emphasis.
Dedication

This thesis is dedicated to my wife, Cindy Humphreys, for her incredible patience, support, and encouragement for the last thirty years, and to my late mother, Mary Donnelly Humphreys, for being Irish and for pushing me to become a teacher.
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The Bill of Rights stands as a monument to the individual freedoms enjoyed by American citizens. The first ten amendments to the United States Constitution often provide an individual, group, state, or institution legal protection from those seeking social, political, or financial gain at their expense. The individual who receives most of the credit for the authorship of the Bill of Rights in 1789 is the Virginian James Madison, later the fourth U.S. president. He rightly deserves his label as one of the “Founding Fathers” or “Framers” for his key role in helping to write the U.S. Constitution and later the Bill of Rights. High school history textbooks routinely put Madison in the role of being the “father” of the Constitution and the Bill of Rights. However, unbeknownst to most high school history students, Madison actually tried to keep the Bill of Rights out of the Constitution during the debate over its ratification by the states. Those first ten amendments became part of the Constitution only as a matter of political expediency in order to win votes from the Constitution’s opponents, the Antifederalists, and to insure the adoption of the proposed Constitution by all thirteen colonies in the period between 1787 and 1790.

The Idea for the Thesis

The topic and direction of this thesis came to me when I attended the James Madison Foundation’s four-week summer institute at Georgetown University in Washington, DC, during the summer of 2006. Congress created the foundation in 1986 for the purpose of encouraging the teaching of the U.S. Constitution in American secondary schools. For eighteen years (1988-2006), its chief Congressional advocates
were the late Senator Edward Kennedy, Democrat from Massachusetts, and Senator Orrin Hatch, Republican from Utah, who served as the foundation’s co-chairs during that time. In 2006, Senator Hatch stepped down and was replaced by Senator John Cornyn, Republican from Texas, who still serves in that capacity. As of this writing, Senator Kennedy’s successor has not been announced. Each James Madison fellow, who must be pursuing an advanced degree as a teacher, receives scholarship aid and stipends, and participates in the Washington institute, as part of his or her fellowship. In 2005, I was chosen from the state of Nebraska. (See www.jamesmadison.org.)

At the institute, instructors from Washington-area universities such as George Mason University, the University of Maryland, George Washington University, and American University, team teach an intense four-week course on the events, politics, and philosophical genesis of the U.S. Constitution. As with most things one takes the time to study intimately, I was amazed at the things I did not know about the history of the Constitutional era, a topic that I had already been teaching to high school students for thirteen years, and that was humbling. It was the first time I had really taken the time to put the era under the microscope, and this was true despite the fact that I was an undergraduate government major. None of the undergraduate courses I took dealt specifically and intimately with the time period.

The Antifederalists in particular intrigued me. Before my teaching career, I worked in broadcast journalism for two different television stations in Des Moines, Iowa, covering politics, the Iowa Legislature, and the seemingly perpetual Iowa presidential caucuses. Being familiar with the political process, I sought to understand the role the Antifederalists played in getting the new constitution adopted. Could they block it? If
not, could they change it? Did the Federalist faction need the votes of the Antifederalists to get what they wanted? What kind of deal could be made? I had seen this process up close, with deals being struck over drinks at Des Moines bars and at late-night poker games at lobbyists’ condos. The idea of *quid pro quo* is hardly new and was apparently used frequently as the debate over the proposed constitution took place in the late 1780s.

The political process is not everyone’s favorite thing to discuss. Yet, state governments mandate that the U.S. Constitution and the Bill of Rights be included in a student’s basic civic education. Prospective U.S. citizens have to know and answer questions about those documents. Thus, it occurred to me that people should also know who deserves the proper credit for their creation.
Who Were the Antifederalists?

The Antifederalists, those Americans who were concerned that the proposed 1787 Constitution put too much power in the hands of the national government, waged a spirited political fight against Madison and his political allies, who called themselves the Federalists. These constitutional opponents also feared that the document failed to enumerate the individual rights held by the citizens in the new United States of America—rights that were guaranteed by most of the state constitutions at the time. The wording in many of those state constitutions in fact borrowed liberally from the 1689 English Bill of Rights adopted during England’s bloodless coup known as the Glorious Revolution. Thus, the concept of those rights was not exactly new and revolutionary to the individuals involved in the debate.

The Federalists labeled their opponents “Antifederalists” in an attempt to marginalize the opposition voices in the debate. However, the Antifederalist arguments struck a populist chord in many areas of the former English colonies, and, as a result, the Federalist faction eventually had to concede the inclusion of a bill of rights in the Constitution in order to win the support of ratifying conventions in the relatively populous states of Massachusetts, Virginia, and New York.

The role the Antifederalists played at that point in American history is one that is often grossly underemphasized, if not downright overlooked, by high school social studies textbooks in the United States and consequently by the teachers using those books. That should change. The fact that the Constitution includes the Bill of Rights is testimony to this. As much as it is arguably appropriate to study The Federalist essays written as editorial columns in 1787-88 by Federalists James Madison, Alexander
Hamilton, and John Jay, it is just as important to consider the thoughts of the Federalists’ political opponents who forced the addition to the Constitution of the words that are the basis of many of our individual liberties.

Some might question whether changing the emphasis on this usually disregarded group is necessary or whether such a change would even be allowed by national and state social studies teaching standards. But, a close look at the standards shows that the inclusion of a more in-depth consideration of the Antifederalists is not only allowed, but seems to be encouraged. Textbook authors simply choose to allocate their limited space to other items they deem worthy of more emphasis. The reasons for those choices are often the subjects of academic and journalistic analyses of the political and financial agendas in individual school districts and states. For example, the emphasis on states’ rights associated with the Antifederalists perhaps grew unpopular because of the states’ rights arguments used for slavery in the 19th century and later for Jim Crow segregation in the 20th century. Throughout American history, states that did not like something ordered by the federal government have tried to override or “nullify” that particular federal government order in their states. Today’s angry voices protesting an overbearing federal government that takes power from the states might also be considered reminiscent of Antifederalist attitudes, though the individual issues are certainly different. Nevertheless, the Antifederalists’ influence on the eventual content of the U.S. Constitution seems to be worthy of discussion no matter the reason behind the lack of discussion of the issue. Whatever the reason for the lack of emphasis, this paper focuses on the particular question of whether history books and teachers should place a greater
emphasis on the role of the Antifederalists in the inclusion of the Bill of Rights in the U.S. Constitution.

This paper first examines why the Antifederalists deserve the praise that would necessitate a greater emphasis in high school history curricula. Much of that analysis features documents—letters, essays, speeches, etc.—that will spell out the importance of the Antifederalists in bringing the political pressure on the Federalists to include the Bill of Rights in the Constitution. The paper also examines several high school history and government textbooks and takes a look at the treatment the Antifederalists receive at the hands of the authors of high school history and government textbooks. In particular, the paper takes note of whether the speeches and writings of the prominent Antifederalists of the era are juxtaposed equally and fairly with the oft-quoted Federalists as this paper contends they should be. In addition, the paper includes a sample chapter for a high school textbook, as well as lesson plans and exercises, to illustrate what a textbook would and should look like with the Antifederalists more seriously discussed. Just as Madison, Hamilton, and Jay are the faces of the Federalist point of view, the proposed lesson plan seeks to put faces on the Antifederalist faction, including men such as Patrick Henry, George Mason, and Richard Henry Lee.
The Constitutional Players

A brief list of some of the important players in the debate over the Bill of Rights is necessary in order to understand the debate and the eventual decision to include the document in the new U.S. Constitution.

James Madison

At the time of the Constitutional Convention in 1787, Madison was thirty-six years old, a plantation owner from central Virginia who had attended the College of New Jersey (later known as Princeton). After graduation, he won election to the Virginia legislature and participated in crafting the Virginia Constitution and its Declaration of Rights in the 1770’s. He served in the post-Revolutionary War Continental Congress and returned to the Virginia legislature before representing the state at the 1787 Constitutional Convention in Philadelphia. He proposed the so-called Virginia Plan that outlined the basic framework for the two-house Congress, the creation of the executive and judiciary branches. Madison’s notes provide the best historical record of the debates during the Constitutional Convention. He was one of the three writers of The Federalist essays that promoted the passage of the Constitution by state ratification conventions. He represented Virginia in the new U.S. Congress in the 1790’s. He also served as U.S. Secretary of State under President Thomas Jefferson during both of Jefferson’s terms, 1801-1809. He then succeeded Jefferson as U.S. President for two terms, 1809-1817.

Patrick Henry

Fifty-one-year-old Virginia attorney Patrick Henry chose not to attend the Philadelphia convention, despite the fact he had already served as a member of the Virginia state legislature for more than twenty years. He had made his national
reputation for his soaring oratory by denouncing the British government during the American Revolution. He ran and served during the Virginia ratification convention in 1788 when the proposed U.S. Constitution was considered, and he was the leading Antifederalist voice against the document, though one his chief objections, later rectified, was the lack of a bill of rights.

**Alexander Hamilton**

Alexander Hamilton came to the Constitutional Convention in 1787 as 32-year-old attorney from New York City. He had earned a great reputation following his noteworthy service as General George Washington’s personal secretary in the field during the American Revolution. He won election as a member of the Continental Congress from New York after the war before being chosen to go to Philadelphia. Hamilton was a leading advocate of the new constitution after it won approval, and he joined James Madison and John Jay in writing *The Federalist* essays in support of the Constitution during the ratification debate. In the first Washington administration, Hamilton served as the first Secretary of the Treasury. In that position, he established international credit for the new nation and crafted the proposal to have the federal government assume the war debts of the states. He also helped to create the forerunner of the New York Stock Exchange in 1792. He died at age 49 in the infamous 1804 duel with fellow New Yorker Aaron Burr.

**George Mason**

George Mason was sixty-two-years-old at the time of the Philadelphia convention after a long career in Virginia politics. His status in society as a wealthy Virginia farmer
provided him with a platform for his career. During the American Revolution, he was one of the primary authors of the Virginia Declaration of Rights on which the U.S. Bill of Rights was eventually based. He attended the Philadelphia convention as a Virginia delegate, and after a long summer of debate, he offered the addition of a bill of rights to the proposed document. The proposal was voted down, and Mason refused to sign the final document as a result. He served as a delegate to the Virginia ratification convention and joined Patrick Henry in opposing the approval of the Constitution.

**John Jay**

New York’s John Jay was Secretary of Foreign Affairs for the Continental Congress when the Philadelphia convention met in the summer of 1787. At age 42, after attending New York’s Kings College (later Columbia University), Jay had already had a distinguished career as an attorney, a diplomat, and as Chief Justice of the New York Supreme Court. In 1787 and 1788, he joined Alexander Hamilton and James Madison in writing *The Federalist* essays and joined Hamilton in shepherding the proposed constitution through the New York ratification convention. He served as the first Chief Justice of the U.S. Supreme Court in 1789 and helped negotiate the so-called “Jay Treaty” with Great Britain in 1794, a treaty that proved to be one of the chief issues that divided candidates in the 1796 presidential election.

**Federal Farmer, Brutus, and Centinel**

Historians debate their actual identities, but essays bearing the name of Federal Farmer, Brutus, and Cato appeared in American newspapers and pamphlets during the ratification debate, 1787-1788. They opposed the proposed constitution, primarily
because of the omission of a bill of rights and the fear of the concentration of too much power in a national government too far away from the individual states. (Storing, 7, 23-24, 103)
Making the Case for the Antifederalists

Who were these Antifederalists, and why should high school students study the Antifederalists and pay attention to what they did? What is so important about their role that it should be an important part of the study of the creation of the Constitution? After all, this is the time of the Founding Fathers. Have teachers really missed out on an important piece of U.S. history by not giving the Antifederalists particular scrutiny?

In many elementary schools in the United States, students learn about the Bill of Rights in much the same way they learn about legendary presidents George Washington and Abraham Lincoln. It is the core element in learning about the American system. An immigrant who goes through the naturalization process to become an American citizen takes classes to learn about the Constitution and the Bill of Rights and has to take a test on what he or she learns. In other words, learning about the Bill of Rights is an essential part of learning about being an American. Like Washington and Lincoln, the Bill of Rights is iconic. James Madison garners most of the historical credit for writing those ten amendments. Historians know, however, that there is more to the story. This paper makes the case that the United States almost came into existence without a bill of rights, and only because of the national debate generated by the Antifederalists did that list of personal freedoms that every school child begins to learn in elementary school, and that every immigrant who goes through the naturalization process is taught, become part of the Constitution. While dealing with a history of the entire era is probably not age-appropriate for elementary or middle school students, high school students need to have a working knowledge of a history of the era to be a fully-informed participant in the present-day American political system. Many high school juniors and seniors are
eighteen years old and therefore eligible to vote. Therefore, the paper begins with a re-cap of how the Antifederalists found themselves in the position to do what they did.

The Articles of Confederation

To begin to understand the Antifederalist role in the adoption of the Bill of Rights, one has to examine why there was the need for a new system of governance in the 1780s in the young nation known as the United States. The need for such a system begins in the summer of 1776 in Philadelphia when the Continental Congress voted to approve the Declaration of Independence. As the ink was drying on John Hancock’s now famous signature, Pennsylvania Continental Congressman John Dickinson began work on assembling some sort of document that could tie together the common interests of all of the thirteen colonies.

In the interest of historical clarity, the Declaration of Independence did not create a country called the United States of America, even though that phrase is used in the text. The document instead allowed each and all of the thirteen colonies to declare their independence from the British Crown with hopes of finding a way to live with the other colonies. At the time of the Declaration, a unified nation, stretching from Massachusetts to Georgia, was not the first thing on the minds of the people who lived in those colonies/states, nor on the minds of the men who represented them in colonial legislatures or the Continental Congress. To them, the Declaration promised each colony the right to be a sovereign state, with the word state used in its traditional diplomatic sense, i.e., a separate country or nation.

At the time the Declaration was approved, General George Washington’s Continental Army had only three months earlier forced the British Army and Navy to
vacate Boston and retire to Halifax, Nova Scotia, in British Canada, just up the Atlantic coast. When the signatures went on the document, no British forces occupied any of the colonial cities. It was, as Thomas Paine would put it six months later in his pamphlet, *The Crisis*, the time of “the summer soldier and the sunshine patriot,” (Paine) and people were making plans. Some, such as Dickinson and other members of the Continental Congress, saw the problem that might arise should things change. Despite the lull in the fighting, it was a question of when and where, not if, the British would return.

The document Dickinson and his colleagues drafted proposed a confederacy among the thirteen colonies, i.e., an association of parties with some common interests. According to the late historian Merrill Jensen in his seminal work on the period, *The Articles of Confederation: An Interpretation of the Social-Constitutional History of the American Revolution, 1774-1781*, Dickinson and his committee created a document that bore out the spirit of the American Revolution. Jensen wrote that, “(T)he Articles of Confederation were…the embodiment in governmental form of the philosophy of the Declaration of Independence.” (Jensen 15) The democratic movement in the colonies that fought against a central authority in the form of Great Britain and prosecuted the American Revolution was not about to concentrate its power in a strong, central government, and the document that came to be known as *The Articles of Confederation and Perpetual Union (The Articles)* made it very clear that the preponderance of power in the newly independent states would remain with the states. This was evidence, Jensen stated, that the “agrarian and proletarian” interests in the colonies had the upper hand in their economic struggles with the landed planters along the Southern coast and merchants in the Middle Atlantic region and in New England. This class conflict provided much of
the fodder for the future political debate over *The Articles* as well as any new form of government that would be created to take that document’s place.

The document assembled by Dickinson was not complicated or long, taking up only about three pages. It consisted of thirteen articles, a preamble, and a conclusion. It gave the confederation its name, the United States of America, and made clear in Article II that the word “state” was interpreted to mean a separate country since “Each state retains its sovereignty, freedom, and independence…” The document stated that the first reason for the confederation was for mutual defense, but that each state agreed to honor each other’s laws and allowed for the extradition of prisoners. Article V formed the Continental Congress. Each state delegation consisted of two to seven members, and each state delegation received one vote in the Congress. It prohibited a state from acting as an individual country in making treaties or declaring war. Under *The Articles*, only Congress had those powers. Article IX stated that only Congress had the power to act as an arbiter in disputes between states. The use of this power required nine votes, or two-thirds of the states, to become effective. In fact, this was the requirement to approve any proposal before the Continental Congress under *The Articles*. The wording of *The Articles* also invited Canada to join the confederacy if all or part of Canada decided to leave the British Empire as the thirteen American colonies had done. (*The Articles of Confederation and Perpetual Union*)

Article VII also authorized Congress to form a military when necessary, but specifically stated that “The taxes for paying that proportion shall be laid and levied by the authority and direction of the legislatures of the several States.” In other words, Congress had no power to levy taxes of any kind and had to rely solely on state
legislatures to come up with funding for anything and everything. *(The Articles of Confederation and Perpetual Union)* Critics pointed to the lack of taxing power as the biggest weakness in *The Articles*, but as Jensen mentioned, the middle class, who brought about the American Revolution, wanted to hold on to their local power and were not about to give that power away to a distant government, despite the likely return of the British Army in the summer of 1776.

The power under *The Articles* remained with the states which, though not truly independent given the document’s diplomatic and economic restrictions, still had the power of the purse. That weakness showed up during the effort to try to get food and supplies to General Washington’s Continental Army troops camped at Valley Forge, Pennsylvania, during the winter of 1777-78. As a result of the lack of food and other supplies, around 3,000 of the 11,000 volunteers in Washington’s army either froze or starved to death during that winter. *(Valley Forge)* Congress asked for contributions from the states, most of which had their own problems, and came up with little money for the troops. The states had to fund their own militias, which actually did most of the fighting against the British during the American Revolution. Also, the states did not feel the need to hurry in ratifying *The Articles*. It took the states five years to finish voting with Maryland finally becoming the thirteenth state to approve *The Articles* in 1781.

The fighting in the war more or less stopped after the British surrender at Yorktown in October, 1781, and the war officially came to a close nearly two years later with the September, 1783, Treaty of Paris. The “United” States now found themselves politically independent from the United Kingdom of Great Britain, and the citizens of this entity [or was it entities?] began to live life without their mother country.
The Articles and the Post-Revolutionary War United States

That new life began with some people questioning whether any kind of national government under The Articles was even necessary. Jensen quoted then-North Carolina congressman Thomas Burke as arguing that, once the war was over, the Continental Congress had served its purpose in organizing and prosecuting the war. The signing of the Treaty of Paris, wrote Burke, ended “all pretence for continuance of a Congress after the war is concluded or of assuming a power to any other purposes.” (Jensen 244)

Burke’s position was what Jensen calls “radical,” the idea that there was no further need for a national government and that the power should remain with the states. This radical position guided the revolution and the creation of The Articles, according to Jensen, and that position was decidedly populist and democratic.

Jensen concluded, in essence, that there was just as much of a struggle among economic classes in the Constitutional period as there has been throughout American history. Those with a lot of money and power tried to hold on to that power at the expense of those with less money and less power, who would naturally be happy with more of both. Jensen contends that the democratic principles at the heart of The Articles, advanced by the radicals, were an effort to check the clear and present danger of British authority and American colonial mercantilism. As the post-war period began, both camps, the democrats as well as the moneyed and aristocratic interests in colonial society, staked out positions to try to further their respective positions. The claims to those positions led to the effort to create a strong national government as well as the effort to limit that government’s power. As will be discussed later, socio-economic status was not necessarily the determinant of where a particular individual’s interests on the question of
a strong national government might lie, but those with money, power, and influence tended to be in positions to use their social advantage to advance their political agendas.

**Federalist Networking**

As was mentioned earlier, one of the biggest weaknesses voiced by the critics of *The Articles* was its lack of the power to tax member states. Members of the armed forces were among the leading critics, particularly the officers, who were hamstrung during the Revolutionary War by lack of funding and war materiel. When the shooting stopped at Yorktown in October, 1781, the Continental Army stayed together because of the leverage a standing army provided to American negotiators at the peace conference in Paris. The negotiations, however, dragged on for nearly two years before the Treaty of Paris finally went into effect in September, 1783. During that cease-fire period, the nearly bankrupt government under *The Articles* had trouble meeting its military payroll. That powerlessness so incensed some of the Continental Army officers that some actually plotted a coup to take control of the Continental Army and impose martial law in states that refused to come up with the money for what was often years of back pay. None other than General George Washington himself foiled the plot after a dramatic speech to the dissident officer group in March of 1783 at Continental Army headquarters in Newburgh, New York. After delivering a speech he had prepared and which he perceived had gone over well with the rebellious officers in the room, Washington took out a letter from a member of Congress, read aloud for a while, and stopped. “Gentlemen," said Washington, "you will permit me to put on my spectacles, for I have not only grown gray but almost blind in the service of my country." Historians report
that the almost ad-libbed comment brought tears to the eyes of even the most virulent rebel in the room. (Safire 105)

With the crisis averted, the army remained a unit until the signing of the Treaty of Paris later that year. Despite the fact the war was over, the associations among the officers and the military infrastructure continued to exist. Former Continental Army and state militia officers provided a healthy number of representatives to the post-war state legislatures. Those officers were in natural positions of leadership and were well-known among the propertied voters. Many ran for office in the post-war period: George Washington, Alexander Hamilton, Pierce Butler, and Rufus King, to name only a few. With a growing sense of democracy in the wind, many of these gentlemen, led by former Continental Army general Henry Knox (later the first U.S. Secretary of War), formed what became known as the Society of Cincinnati to preserve the network those officers and political leaders developed during the war. The group’s name was a reference to Lucius Quinctius Cincinnatus, who left his farm in 458 BCE to lead Roman armies to victory in battle and afterwards relinquished his powerful position and returned to his farm. The name also referred in particular to Washington, who resigned his commission and returned to his Virginia plantation, Mount Vernon, when the Treaty of Paris was signed. Decommissioned officers who tried to set up communities in the trans-Appalachian territories after the war even named one of those communities after the society, the town that would became Cincinnati, Ohio.

In its charter, the purpose for the organization was clear, and the qualifications for membership were simple:

To perpetuate, therefore, as well the remembrance of this vast event, as the mutual friendships which have been formed, under the pressure of
common danger, and in many instances cemented by the blood of the parties, the officers of the American army do hereby in the most solemn manner, associate, constitute and combine themselves into one Society of Friends, to endure so long as they shall endure, or any of their eldest male posterity, and in failure thereof, the collateral branches, who may be judged worthy of becoming its supporters and Members. (History of the Society of Cincinnati)

The members lobbied for and raised funds for veterans’ pensions, for both officers and enlisted men. The group accomplished its goal of military pensions and health care for veterans by the time of the Civil War. Some criticized the group, however, for not keeping with the democratic nature of the American Revolution. After all, its membership was hereditary, allowing only the first-born son in the family of an original member to become a new member. George Washington disavowed the group because of the anti-elitist criticism from Revolutionary War democrats such as Samuel Adams. (Wood 400) Regardless of the criticism, its members found themselves in positions to exert influence in the Constitutional debate. Even today, the society, which provided the framework for other hereditary organizations such as the Daughters of the American Revolution and the Colonial Dames, still exists and has chapters in all thirteen of the states that comprised the thirteen original colonies, as well as a chapter for descendants of the officers who served in the American Revolution from the French army. (History of the Society of Cincinnati) It was arguably the first of what today might be called a “good old boys” network of men in positions to accomplish what they perceived needed to be done.

Were such associations necessary or appropriate? Freedom of association is, after all, an American tradition, and everyone encourages people to take advantage of “networks.” Also, many networks do good things, such as the fundraising and advocacy
for veterans, as previously mentioned. Such associations, though, are far from egalitarian. State political leaders as well as members of the Continental Congress had to weigh the benefits and costs of such relationships as the post-war period began under *The Articles*. Who came into positions of power to run things after the departure of the British? The debate over this question provided the basis for the debate between Federalist and Antifederalist camps when the newly-minted 1787 Constitution was put to the states for ratification.

**Power and Economics**

Whether it is referred to as democracy, as most do today, or by its more technically correct definition, “republicanism,” the shift of power to a broader slice of American society was in the air during the American Revolution and in the post-war period. In the late 17th and early 18th centuries, the great thinkers of Europe, particularly in France, reacted to the absolutist rule of French King Louis XIV and other autocratic monarchs on the continent and called for a re-thinking of the nature of power. Why should power be concentrated in one individual who maintained that power because he or she claimed it was put there by almighty God? One reason why *The Declaration of Independence* was such a radical document was that it invoked the Enlightenment ideals of John Locke and Jean-Jacques Rousseau in declaring that power did not flow from God into a hereditary monarch, but rather from those who are to be governed. Locke called them “natural rights” in his *Second Treatise on Government* in 1690, and Rousseau wrote of a contract between those governed and their governors in *The Social Contract* in 1762.

What man loses by the social contract is his natural liberty and an unlimited right to everything he tries to get and succeeds in getting; what
he gains is civil liberty and the proprietorship of all he possesses.  
(Rousseau)

The civil liberty he gained, wrote Rousseau, was given willingly by himself to the government, not as a result of a decree from a king or queen. In his *The Spirit of Laws* in 1751, French political philosopher the Baron de Montesquieu called for a redistribution of power throughout governments, a “separation of powers” so that power was not concentrated in one governmental sector. It was these philosophers who the individuals such as Jefferson, Madison, and Hamilton, as well as Antifederalists “Brutus,” “Cato,” “Federal Farmer,” and Patrick Henry read when contemplating a government for the *tabula rasa* that was the 1787 Philadelphia Constitutional Convention. The wealthy politicians and officers had grand ideas about what the new nation should look like, but the middle class had its own ideas as well.

Prior to the American Revolution, the common political order held that power flowed from a God-anointed monarch and the landed nobility who were scattered around the countryside. A typical baron always had more power than even the most successful non-noble merchant. During the American Revolution, the power shifted to the American mercantile class and the landed gentry. To these people, the concept of popular participation in the government was laughable at best. Even the founding fathers, who were for the most part, landed gentry with power and connections, were leery of the masses and considered the working and middle classes incapable of making the decisions needed to run a political entity. For example, at the Constitutional Convention, delegate Gouverneur Morris of Pennsylvania, who ended up writing the Preamble to the Constitution, commented on whether non-land owners should have the vote:
Give the vote to the people who have no property, and they will sell them to the rich who will be able to buy them. (Morris)

He went on to add in the same speech that

The time is not distant, when this country shall abound with mechanics and manufacturers who will receive bread from their employers. Will such men be the secure and faithful guardians of liberty?... Children do not vote. Why? Because they want prudence, because they have no will of their own. The ignorant and dependent can be as little trusted with the public interest. (Morris)

Earlier in the convention, Elbridge Gerry of Massachusetts said unscrupulous leaders would merely lead around the “people.”

All the evils we experience flow from an excess of democracy. The people do not want virtue, but are the dupes of pretended patriots. (Gerry)

These statements do not provide the most glowing endorsement from society’s elite of the intellectual abilities of the masses. James Madison wrote that he feared too many voices would be included in the political process, voices that would not have the character and temperament to rule wisely and would act only in their own interests. He wrote famously in *The Federalist #10* that

But the most common and durable source of factions has been the various and unequal distribution of property. Those who hold and those who are without property have ever formed distinct interests in society. (Madison 79)

In his essay “Vices of the Political System of the United States,” Madison wrote that he feared a lack of good character in non-elite officials would affect political judgment.

However strong this motive [character] may be in individuals, it is considered as very insufficient to restrain them from injustice. In a multitude its efficacy is diminished in proportion to the number which is to share the praise or the blame. Besides, as it has reference to public opinion, which within a particular Society, is the opinion of the majority, the standard is fixed by those whose conduct is to be measured by it. (Madison)
The belief existed among society’s elite that, similar to Kipling’s “burdened” imperialists 125 years into the future, they had a duty to rule and care for those who could not. It was, to paraphrase Kipling, “the Federalists’ burden.” Giving people the vote was the last thing on their minds.

The American Revolution, on the other hand, was certainly populist in nature. The working classes made up the bulk of those who took up arms against the British. Men such as Joseph Plumb Martin, whose diary recounted seven years of hardship in Washington’s Continental Army, fought for what they considered their country against, as Martin put it, “the mother country.” It was a fight for individual liberty and to gain freedom from harassment by a distant government. Those with these republican feelings also liberally populated post-war legislatures and were active participants in the debate over the ratification of the Constitution. For example, Massachusetts farmer Amos Singletary, speaking during the Massachusetts ratification convention in 1788, told the convention he feared a consolidation of power among those in the upper income brackets.

These lawyers, and men of learning, and moneyed men, that talk so finely, and gloss over matters so smoothly, to make us poor illiterate people swallow down the pill, expect to get into Congress themselves…and then they will swallow up all us little folks, like the great Leviathan.

(Singletary)

Those who had been previously disenfranchised and on the outside of halls of power looking in finally had their chance to bring about a new way of doing things, and they were not about to let the opportunity pass.

All of this said, historians disagree greatly on the Founding Fathers’ agenda or agendas, if such existed. Was it simply class warfare and a blatant quest for power as contended by Charles Beard in 1913 in An Economic Interpretation of the Constitution of
the United States? Beard, who taught at Columbia University and later helped to found the New School in New York City, wrote that The Articles should have been given a chance to work. Beard wrote that landed and moneyed interests launched the effort to form a strong national government to deal with the “crisis” that existed under The Articles to help protect their property and to foster trade, not out of any sense of the rights of the common man. After examining several letters between men who were later Constitutional “players,” Beard concluded

Large and important groups of economic interests were adversely affected by the system of government under the Articles of Confederation, namely those of public securities, shipping and manufacturing, money at interest…. The representatives of these interests …attempted to secure amendments to the Articles of Confederation which would safeguard their rights in the future, particularly those of the public creditors. Having failed to realize their great purposes through the regular means, the leaders in the movement set to work to secure by a circuitous route the assembling [sic] of a convention to revise the Articles of Confederation… (Beard 63)

Beard’s position was enthusiastically supported by Boston University’s Howard Zinn in A People’s History of the United States, published in 1980. Zinn cited a litany of disputes between land and business owners and various groups of workers in the colonies prior to the American Revolution. Zinn argued that the 1786 Shays’ Rebellion in Massachusetts was not some random occurrence, but rather what was at the time only the latest in a string of incidents based on disputes between haves and have-nots. He pointed particularly to the so-called Regulator movement in North Carolina in the 1760s.

In that [Orange] county in the 1760s, the Regulators organized to prevent the collection of taxes, or the confiscation of the property of tax delinquents. Officials said "an absolute Insurrection of a dangerous tendency has broken out in Orange County," and made military plans to suppress it. At one point seven hundred armed farmers forced the release of two arrested Regulator leaders. The Regulators petitioned the government on their grievances in 1768, citing "the unequal chances the
poor and the weak have in contentions with the rich and powerful.” (Zinn 64)

Other historians did not see the rich man’s plot presented by Beard and Zinn. They observed, nevertheless, that those who ended up being critical of the document produced by the 1787 Philadelphia convention were still different from those who approved it. The leading voice arguing against Beard’s thesis was Brown University’s Gordon Wood. In 1969 in his *The Creation of the American Republic, 1776-1787*, Wood acknowledged that the Founding Fathers were predominantly aristocrats who feared the excesses of democracy. However, he said that the abuse of power by state legislatures was a big problem and played just as big a role in the debate as the attitudes of the ruling elite.

Yet the pressing constitutional problem was not really the lack of power in the state legislatures but the excess of it—popular despotism. Writers, like Noah Webster, cried out against the evils of the day: ‘So many legal infractions of sacred right—so many public invasions of private property—so many wanton abuses of legislative powers!’ (Wood 411)

The tyranny of the majority in state legislatures, Wood wrote, was a great reason to share and redistribute power in a national government with that power separated among three parts of that government.

Scholars can disagree on the intent of the Founding Fathers, but whatever their motivations for proposing change, it is clear that the Founding Fathers’ positions in society as land-owning farmers, merchants and educated professionals gave these men a disproportionate amount of power when it came time to rewrite the rules for the new American government in the 1780s.

In his seminal work of 1776, *An Inquiry into the Nature and Causes of the Wealth of Nations*, Scottish economist Adam Smith, often thought of as the father of modern
capitalism, observed that powerful individuals in business and government tended to act in their own economic and political self-interest when using that power. Smith, who was an educated aristocrat, wrote, as Madison wrote later, that groups of various interests, or factions, might naturally tend to try to use their particular clout to influence policy in their favor and act solely in their own self-interest.

It is not from the benevolence of the butcher, the brewer, or the baker, that we expect our dinner, but from their regard to their own interest. We address ourselves, not to their humanity but to their self-love, and never talk to them of our own necessities but of their advantages. Nobody but a beggar chuses [sic] to depend chiefly upon the benevolence of his fellow-citizens. (Smith Book 1, Chapter 2 1.2.2)

It is not surprising, then, to hear that the Founding Fathers might have had some sort of agenda that, for whatever reason, would result in a consolidation of power in a national government. The push for that power created the debate between what would become the nation’s two great factions, the Federalists and the Antifederalists. The story of that debate between those two factions is the story of the adoption of the U.S. Constitution and the Bill of Rights.

**Problems with the Articles of Confederation**

The campaign for a new set of rules for the newly independent states arose after government leaders and merchants, who had decidedly nationalist sentiments, began complaining of “problems” with *The Articles*. These concerns included:

1) The lack of coordination in organizing the claims of the various states to the land west of the Appalachian Mountains ceded by the British in the 1783 Treaty of Paris.

2) The lack of an impartial arbiter to oversee interstate trade regulations and disputes.

3) The lack of taxing authority in the national legislature under the Articles of
Confederation, the Continental Congress.

If there was a “hidden agenda” on the part of the nationalists, they did not have to go out of their way to oversell their arguments. This list included government policies that were not working very well and needed a firm set of rules. Despite the language of the Declaration of Independence that encouraged people to get along, the nationalists contended that life in the former colonies after the Treaty of Paris was a world that needed a nationalist government referee to sort things out between and among the new “states.”

If, as President Calvin Coolidge said, “the business of America is business,” then the business of America in the 1780s was in its eastern port cities, particularly Boston, New York, Charleston, and the Chesapeake Bay where most of the import/export business took place. The mercantilist British had used tariffs on trade to provide a steady flow of revenue to the colonies from all of this commercial activity. That revenue stream dried up after the Revolutionary War, leaving many state governments, as well as the national government under the Continental Congress, in dire financial straits. During the war, the Congress and the states sold bonds to provide at least some wartime financing, and the post-war lack of income threatened to put those governments in default because the governments might not be able to pay the bondholders. It was obvious some sort of tax system was necessary, but given the vehemence of the colonial objection to the 1765 Stamp Act and the 1767 Townshend Duties before the war, many Americans were not particularly anxious to start paying a new set of taxes to a different government.

In a major push to put more power in the hands of the national government, Robert Morris of Pennsylvania, who served as Superintendent of Finance for the
Continental Congress, compiled *A Report on Public Credit*, published in 1782. In his report, Morris sought to expand the power of the Continental Congress to be able to impose taxes. He called for the Congress to issue bonds to assume all of the states’ debts and use taxes approved by the Congress to pay the interest on the bonds. He also called for a national import tariff on all imported goods to provide the national government with some badly needed revenue. The proposal alarmed the radicals who had helped to bring about the Revolution, men such as Virginians Patrick Henry and Richard Henry Lee who had objected to taxation in the first place. By the early 1780s, even Henry, Lee, and their allies had become convinced the national government needed more power, but they were concerned that men such as Morris and later Alexander Hamilton would undo the philosophical ideals brought about by the Revolution. (Jensen 32) They feared that, if the national government did attain more power and fell into the hands of the nationalists, the British aristocracy that had been thrown out in the Revolutionary war would merely be replaced by an American one.

The proposed change almost came about, though, in 1782. Because the new law offered by Morris would have changed the basic nature of *The Articles*, its adoption required a unanimous vote of the thirteen states. In the end, New York wanted additional changes that were not acceptable to the other states, and the Morris plan went down to defeat. Morris himself resigned from office a short time later after being criticized for running his department as a dictator and for political cronyism in his department appointments. (Morris 525)

The other huge concern among the states was how to resolve their disputed claims in the trans-Appalachian region. After the 1783 Treaty of Paris, the states bordering the
mountains started staking claims on the land that had formerly been under nominal British control. Just as a child covets all the presents under the Christmas tree, each state sought to claim land that would be to its best advantage. This led to a map of intersecting lines and crossing borders that caused tensions among the states to increase. Whether it actually had the power to do so, the Continental Congress stepped in and began the process of imposing some sense of order on the western lands. The Congress passed the Land Ordinance of 1785 that was later be rolled into the more comprehensive Northwest Ordinance of 1787. The law gave the national government the power to mediate the competing land claim disputes and set up a system by which portions of the trans-Appalachian land north of the Ohio River could enter the United States as new states. It also set down guidelines for the surveying of land and the creation of local governments based on a system of townships, drawn on a map like a grid. This plan is likely the most lasting and effective set of laws passed by the Continental Congress during its existence. If nothing else, the land surveying system enacted at that time gives the American Midwest its distinctive checkerboard appearance as seen from the air. Midwesterners still buy and sell land today in terms of the sections, half-sections, and quarter-sections legislated by the Northwest Ordinance. The law replaced the more chaotic British system known as metes and bounds that tended to use geographical features, such as hills and rivers, to determine boundaries when land was being platted for sale. That system remained in effect in the American South during this period, and an aerial view of a southern landscape today shows boundaries and roads that seem to have been placed almost whimsically.
The nationalists used the example of this legislation to enhance their argument that a strong, or at least stronger, national government was needed to solve local squabbles. Had the Congress not stepped in, they said, the states would have resorted to border restrictions, punitive tariffs, or even armed conflict. They felt it was time for *The Articles* to be changed.

Those in favor of a stronger national government continued to make the point during the 1780s that a government without a reliable stream of tax revenue is hamstrung, no matter how much those who might be taxed might not like paying the tax. The nationalists kept pointing out that the states had certainly enjoyed winning the war, and it was time to pay the bill. Their point of view was similar to the old argument that the individual who does not want to pay taxes to fund the fire department should not complain when his house burns down.

During this period, different states had different tax laws concerning imports and exports. New York and Rhode Island, for example, wanted no part of imposing any import tariffs, but other states did. Thus, the thirteen new states were not singing off the same page as far as a tariff policy was concerned. That situation frustrated eastern seaboard business interests which sought a national government to step into this situation, as well as others, to resolve such disputes to the benefit of everyone involved.

One such dispute that arose concerned the regulation of shipping on the Chesapeake Bay and the Potomac River. The river runs right by George Washington’s Mount Vernon plantation and serves as a natural border between Virginia and Maryland. In addition to shipping, the two states argued continually about the exact location of the border on the map. Was the boundary, as might naturally be expected, in the middle of
the river, or did the line meander from bank to bank because of differing political realities at different points along the river? Also, several waterfalls served as impediments to navigation on the river. Any physical improvements to bypass these barriers would need the approval and financial support of both states. Those involved sought out the well-respected Washington to host a conference in March, 1785, at Mount Vernon in hopes of formulating an agreement to resolve the dispute. Ten officials from Virginia, including James Madison and Edmund Randolph, and from Maryland, including Samuel Chase, put together an agreement that they thought would be fair to both states, though it could not become law without the approval of the Continental Congress. The agreement became known as The Mount Vernon Compact, and its passage was not a sure thing since western interests might object to competition from a more navigable Potomac River.

Given these and other problems with the compact, Virginia and Maryland proposed a meeting in Annapolis, Maryland, several months later in a more formal setting. In addition, the Virginia and Maryland delegations invited representatives from several other states to discuss a more all-encompassing plan to provide a better regulatory environment in which to do business. The delegates got together at Mann’s Tavern in Annapolis in September of 1786, but despite the big names in the group, such as Madison, Randolph, Alexander Hamilton, and John Dickinson, only twelve delegates from five states made the meeting. Several of the delegates, including these men, were committed nationalists. They convinced the men assembled to pass a resolution calling for a convention of the states the following May in Philadelphia to discuss what they saw as needed changes to *The Articles*. The wording of their resolution asked for the Philadelphia convention
to take into consideration the situation of the United States, to devise such further provisions as shall appear to them necessary to render the constitution of the federal government adequate to the exigencies of the Union; and to report such an act for that purpose to the United States in Congress assembled as, when agreed to by them and afterwards confirmed by the legislatures of every state, will effectively provide for the same. (Proceedings)

Thus, the states received the call to come to Philadelphia the following spring. The language in the call was not very specific as to exactly what the delegates would do, and it certainly did not guarantee that all of the states would attend, but developing news in Massachusetts in the fall of 1786 would provide the nationalist movement with a huge jump start.

**Shays’ Rebellion**

In the 1780s, Massachusetts, as was the case in many of the other states, had a significant war debt from selling bonds during the Revolutionary War to raise money. The state legislature wanted to retire the debt as quickly as possible. Since Boston was one of the major seaports on the east coast, the commercial interests that dominated business there also dominated local politics, including the legislature. To resolve the problem of the war debt, the legislature shifted a greater burden of that debt onto property taxes, particularly on farm property. After several farmers were jailed for non-payment and their farms foreclosed on by local banks, the farmers, led by former Revolutionary War officer Daniel Shays, grabbed their guns and marched on courthouses in five western Massachusetts counties, demanding a stop to the tax payments and foreclosures. The Continental Congress was powerless to deal with the situation since the Continental Army had been disbanded after the Treaty of Paris.
The business interests in Boston had reason to fear Shays’ ad hoc militia of around two thousand men. Eventually, a group of about 150 businessmen in Boston provided the funds for a state militia to put down the revolt when Shays’ men attempted to attack the Massachusetts capital in Springfield in January, 1787. The Shays situation, however, provided the nationalists with a huge issue to use in promoting changes in the powers held by the national government. It is only human nature to put the riot at one’s own front door at the top of one’s list of priorities. Even before the Shays situation erupted, future chief justice John Jay and future president George Washington exchanged letters expressing the fear that, if a domestic crisis occurred, the people, afraid of anarchy, would turn to a dictator or a king. Washington wrote Jay and told him he thought people might want another king if the new ruler could keep order.

I am told that even respectable characters speak of a monarchical form of government without horror. From thinking proceeds speaking, thence to acting is often but a single step. But how irrevocable & tremendous! What a triumph for the advocates of despotism to find that we are incapable of governing ourselves, and that systems founded on the basis of equal liberty are merely ideal & fallacious! (Washington)

The nationalists had their mandate for change and got their convention. The delegates went to Philadelphia in 1787 with a blank slate and lots of different agendas. It was not likely, though, that any of those agendas included the democratic republican ideals of the Revolution, ideals that were held by the faction that became known as the Antifederalists.

**The Philadelphia Convention of 1787**

For purposes of this essay, the intricate examination of the Virginia Plan, the New Jersey Plan, and any of the compromises that helped to resolve differences among the
delegates at Philadelphia is not really necessary. This essay zeroes in on the question of a bill of rights, so its focus is on the convention’s discussion of that topic.

In 1787, all of the state constitutions had some sort of bill of individual rights, and some of the Philadelphia delegates sought to include such a list in the new national constitution. James Madison often gets the credit for writing the Bill of Rights that was approved by the First Congress, but it was fellow Virginian George Mason who pushed hardest for a bill of rights in Philadelphia. Madison, in fact, made no protest about the omission of a list of personal liberties in the finished document approved there.

Mason was an intellectual, a friend and neighbor of George Washington, and a delegate who said he would “sooner chop of his right hand” than approve the constitution that was coming together late in the discussions at the 1787 Philadelphia convention. (Labunski 8) His chief objection was the absence of a bill of rights which was a personal issue for Mason. He was the chief author of the 1776 Virginia Declaration of Rights on which Madison drew liberally when proposing his amendments in the First Congress in 1789. Five days before the convention adjourned, Mason made a motion to include such a list in the new constitution, but, with the delegates voting as state blocs with one vote per state, the motion lost unanimously.

Opponents of the addition of a bill of rights said the new constitution did not repeal any of the rights included in any of the states’ constitutions, so a national bill of rights was not necessary. Alexander Hamilton later wrote in The Federalist #84 that the proposed constitution itself was a bill of rights.

The truth is, after all the declamations we have heard, that the Constitution is itself, in every rational sense, and to every useful purpose, a bill of rights. The several bills of rights in Great Britain form its Constitution, and conversely the constitution of each State is its bill of rights. And the
proposed Constitution, if adopted, will be the bill of rights of the Union. (Hamilton)

Though those in state government worried about the states’ loss of power under a new national government, the fateful decision to omit a bill of rights arguably was the one that caused the Federalist backers of the Constitution more trouble than practically any other issue that was debated during the ratification fight. Richard Labunski of the University of Kentucky wrote “The absence of a bill of rights in the original Constitution would soon become its most conspicuous flaw, and one that supporters would be unable to successfully defend.” (Labunski 9) That single issue cost the Constitution the support of three of the Philadelphia delegates, namely Mason, Virginia Governor Edmund Randolph who had presented the Virginia Plan, and Elbridge Gerry of Massachusetts. They chose not to sign the finished document because of its lack of any specific list of guarantees of personal freedoms, though they did not vote against it.

The Fight for Ratification

At that point, in September of 1787, the debate over the Constitution’s ratification began. The Philadelphia delegates already tilted the playing field by putting the approval process in the hands, not of the individual state legislatures, but of specially elected state ratifying conventions. The Philadelphia delegates feared that state government officials would reject the more powerful national government created by the proposed constitution. Those who favored the Constitution called their side the Federalists because they said the new document created shared powers between the national and state governments, which is what “federal” actually means. As was discussed earlier, they had a built-in, “good old boys” network, developed through legislative service, conventions,
and social and military relationships that provided a unified front for the Constitution’s adoption. They were very well organized in several states, and that good organization led to a number of early successes in getting favorable ratification votes. Between December 7, 1787, and January 9, 1788, the first five states to consider the Constitution voted overwhelmingly for its approval. In fact, Delaware, New Jersey, and Georgia voted unanimously in favor. The Pennsylvania delegates voted to approve the document by a two to one margin, and Connecticut followed with a three to one vote for approval.

Just as those who are today labeled “pro-life” call their opponents “pro-abortion” and those who are “pro-choice” call their foes “anti-abortion,” the pro-Constitution Federalists quickly labeled their opponents “Antifederalists” to show that they were simply against the Constitution and not for anything. To paraphrase current political parlance, the Federalists painted their opponents as “the party of no.” No matter what they were called, however, these opponents of the Constitution were not idle. At the urging of the three constitutional dissenters, Mason, Randolph, and Gerry, their intellectual allies around the country picked up their pens and began dissecting the proposed constitution in print. These “Antifederalist” essays did not appear all in one place or at one time, nor were they part of a closely controlled campaign. However, in these essays, they collectively addressed most of the concerns the Constitution’s opponents had, particularly about the document approved at the Philadelphia convention. As time went on, those varying points of view proved to be both the strength and the weakness of the Antifederalist movement.

The essays began appearing in newspapers and pamphlets in the fall of 1787 after the Philadelphia constitution was published. University of Chicago historian Herbert
Storing spent his professional career studying these Antifederalist writings, and a collection of those essays that he edited appeared in 1981 after his death in 1977. In the introduction, Storing claimed the uniting force among those who came to be known as Antifederalists was the fact they were against the Constitution, not that they were actually for anything, just as their opponents contended. He also pointed out that the Antifederalists opposed the Constitution for a variety of reasons and were at times not even that strongly opposed if certain changes could be made. Storing wrote

Yet it is not possible to read far among the Anti-Federal writings without being struck by an extraordinary heterogeneity. It would be difficult to find a single point about which all of the Antifederalists agreed. (Storing 3)

Storing added, though, the Federalists had their own “diverse and contradictory” opinions, even though they agreed that the Constitution should be approved. It was much easier for the Federalists to portray their opponents as mere obstructionists to progress. The Federalists saddled their opponents with the label, “Antifederalist,” in hopes of making that name almost an epithet. Storing wrote that the publication of The Federalist essays and their subsequent (and justified) lionization gave the retrospective impression of a more unified Federalist faction, though the Federalists at least knew they were for the adoption of the Constitution. While Madison, Hamilton, and Jay deservedly earned praise for their observations in The Federalist essays, the Antifederalist essays that appeared during that time, and are examined here, created some political and historical stars of their own.
The “Antifederalist Papers”

Before beginning the discussion of the Antifederalist essays, it is important to discuss briefly the practice by political essayists of the time to sign their works with some sort of pseudonym, such as “Federal Farmer,” “Brutus,” or “Publius.” Storing noted that, in that time period, people legitimately thought that what was said or what position was taken was far more important than the person who actually made the argument. Hence, historians spend, and have spent, much time and effort trying to identify the authors of many of the essays written by both Federalist and Antifederalist essayists that were signed in such a way.

Storing wrote that the Letters from the Federal Farmer to the Republican “are generally and correctly, considered to be one of the ablest Antifederalists pieces” and represent well many of the points made by the Antifederalists against the Constitution. Many historians believe that the writer Federal Farmer was prominent Virginia politician Richard Henry Lee, a signer of the Declaration of Independence and a member of the Continental Congress, though Storing contended that at least two prominent historians, William Crosskey and Gordon Wood, have strongly disagreed. Others think the writer may have been New York Antifederalist politician Melancton Smith who also served in the Continental Congress. Whoever Federal Farmer was, the essays began appearing in pamphlets and at least one newspaper in early October of 1787, only three weeks after the Constitution won approval in Philadelphia. Storing contended that all twenty-seven Federal Farmer letters appeared in the Poughkeepsie, New York, Country Journal as a series, which has significance given the contentious ratification debate that arose in New York. It was also significant because Poughkeepsie, along the Hudson River between
New York City and Albany, was the site of the New York ratification convention. These publications were, as the title suggests, letters that were in actuality written legal briefs on behalf of the Antifederalist cause. They were all addressed to “the Republican.” (Storing 25)

In Letter #1, Federal Farmer covered the two major concerns of the opponents of the Philadelphia constitution—the loss of the states’ power and the absence of a bill of rights. He admits that there was a need for a federal, or shared, government to try to address the problems that existed under The Articles. However, he wrote that the new government, as proposed, took far too much power from the states. He contended that the states needed to yield some powers to a national government, but needed to retain their local identities to deal with local matters. He proposed that “….partial consolidation is, in my opinion, the only one that can secure the freedom and happiness of this people.” He added that he would approve of a strong national government only if there were additional limitations put on its powers. He also observed that the legislature under the proposed document could not effectively care for the needs of such a large country.

…a free elective government cannot be extended over large territories…one government and general legislation alone, never can extend equal benefits to all part of the United States: Different laws, customs, and opinions exist in the different states, which by a uniform system of laws would be unreasonably invaded. (Storing 39)

He also added that, in reality, the new American states were not that bad off and should not act so quickly and precipitously in changing the government as proposed in the Constitution.
In his *Letter #2*, Federal Farmer took on the absence of a bill of rights in the Constitution in no uncertain terms. He started by saying it was totally impractical to think a **national** judiciary of any kind would be sensitive to the needs of a **local** area, even though the Constitution authorizes the creation of a national judiciary system. He contended that the right to a local jury trial, as well as other individual rights, has to be preserved for the people.

There are certain unalienable and fundamental rights, which in forming the social compact, ought to be explicitly ascertained and fixed — a free and enlightened people, in forming this compact, will not resign all their rights to those who govern, and they will fix limits to their legislators and rulers, which will soon be plainly seen by those who are governed, as well as by those who govern: and the latter will know they cannot be passed unperceived by the former, and without giving a general alarm — These rights should be made the basis of every constitution. (Storing 40)

Those rights had to be there, he wrote, to act as curbs on the powers of the national government which he feared would become despotic and eliminate all of the local and state governments if given the chance.

At this same point in time, the essayist known as “Brutus” also began publishing his Antifederalist opinions in New York newspapers. Storing contended that the consensus is that Brutus was New York attorney Robert Yates who initially represented the state at the Constitutional Convention along with Alexander Hamilton, but left Philadelphia and returned home after he saw the direction the convention was taking toward ditching *The Articles* and creating a new and stronger national government. Yates later served as Chief Justice of the New York Supreme Court. (Bielinski)

Storing called the Brutus essays “the most direct Anti-Federal confrontation to the arguments of *The Federalist.*” (Storing 103) Brutus wrote sixteen essays that appeared in the *New York Journal* between October, 1787, and April, 1788, meaning they appeared
as part of the debate along with the essays of Federal Farmer and _The Federalist_ essays. Constitution.org points out the essayist’s obvious reference to the Roman senator Brutus who was part of the plot to assassinate Roman emperor Julius Caesar. Just as with the essays of Federal Farmer, the Brutus essays appeared as letters and were addressed to “the citizens of the state of New York.” (Storing 108)

In his _Letter #1_, Brutus echoed Federal Farmer in his criticism of the unified power of the national government created by the Constitution, particularly the government’s power to impose and collect taxes. He contended that that particular power was “the most important of any power that can be granted” and was, of course, a power the Continental Congress under _The Articles_ did not have. He also called the power of the new Congress to raise and maintain an army, in either peace or war, a power that would lead to “the destruction of liberty.” Also like Federal Farmer, Brutus criticized how big the new United States would be and argued the rights of the people in a republic of such a size would be sacrificed.

Now, in a large extended country, it is impossible to have a representation, possessing the sentiments, and of integrity, to declare the minds of the people, without having it so numerous and unwieldy, as to be subject in great measure to the inconveniency of a democratic government. (Storing 114)

He added that he feared the officers of the government would become “above the controul [sic] of the people and abuse their power” and called on the New York ratification convention to reject the proposed constitution.

This essay is significant in that it is often juxtaposed against Madison’s _The Federalist #10_ when the discussion of the new nation’s great size arises. In that essay, Madison argued that the huge size of the new nation would actually be a protection
against factions within the United States, such as the Shays’ rebels. *The Federalist #10* is the best known of those essays and the most-often quoted in history textbooks that discuss the Constitutional era.

Brutus’ second essay, like that of Federal Farmer, also goes to the Constitution’s absence of a bill of rights. Brutus argued, as did Thomas Hobbes in his 1651 political essay *Leviathan*, that a people must yield a certain amount of power to the government to maintain order and the common good. Brutus wrote that, since it is difficult for members of a government to resist abusing their powers in such an arrangement, “bounds should be set to their authority.” Those “bounds,” he argued, should appear in a bill of rights, just as the English barons did in the 1215 *Magna Carta* and the English Parliament did in the 1689 English Bill of Rights. He contended it is “astonishing” that such a list was not included by the representatives to the Philadelphia convention. He listed many of the rights guaranteed in the state constitutions of the time, such as the right of an accused person to a fair trial near the site of the alleged crime, freedom of the press, and no excessive bail, and he pointed out the Constitution made no provisions for those rights. He argued that Article Six of the Constitution trumps any state law since the new Constitution declared that it would be “the supreme law of the land.” To agree to such a document without a bill of rights, he added, would lead citizens into “an absolute state of vassalage.” (Storing 122) In his subsequent essays, he continued his focus on the unbridled power of the government, the government’s distance from the people because of its size, and the likely lack of local sensitivity on the part of the national judiciary system.
The Pennsylvania Antifederalist “Centinel” was a contemporary of Federal Farmer and Brutus. His essays appeared in two Philadelphia newspapers, the *Independent Gazetteer* and the *Freeman’s Journal*, at approximately the same time during which Brutus and Federal Farmer began publishing their essays. Storing contended that the Centinel letters are “generally attributed” to George Bryan, a Pennsylvania judge and state legislator, though Storing also wrote that Bryan’s son, Samuel, may have either written or collaborated on writing some of the essays. *Constitution.org* attributes the essays to Samuel Bryan. Whether father or son, Centinel was certainly the most prolific of the Antifederalist writers, according to Storing, with thirty-six essays to his credit. The Centinel essays also appeared in letter form, with the essays addressed to “the Freemen of Pennsylvania.”

In his Letter #1, Centinel came right to the point about the absence of a bill of rights in the Constitution. He pointed out in the first paragraph that Pennsylvania citizens held individual rights under their own state constitution, including freedom of speech, the right to a jury trial, the prohibition of illegal searches and seizures, and the freedom of the press. He then asked the citizens of Pennsylvania if they were ready to give up those rights to a national government with none of those rights included in its founding document. He argued that without a bill of rights or other checks on the national government’s power, the country would subject itself to the control of a power elite.

From this investigation into the organization of this government, it appears that it is devoid of all responsibility or accountability to the great body of the people, and that so far from being a regular balanced government, it would be in practice a *permanent* ARISTOCRACY. (Storing 19) (The italics and capitalization are the author’s.)
He contradicted John Adams’ arguments that the Constitution limited the government’s powers through its system of checks and balances and proposed such a system works only if the government is populated with wise individuals capable of instituting such a system. However, the proposed document made no provision for men’s ambitions and private interests. Such a government, he wrote, “can exist where the body of the people are virtuous, and where the property is pretty equally divided.” (Storing 16)

Numerous other essayists on both sides of the issue also weighed in with what would today be called opinion-editorial, or “op-ed,” pieces in newspapers and pamphlets, all designed to influence public opinion in favor or against the new constitution. The obvious question is how much of an impact these essays had, particularly on the debate in New York since so much effort was made on both sides to influence the ratification convention vote in that state. If sales can be used as a measurement, pamphlets containing the letters sold well, according to Storing, with “several thousands of the pamphlet sold in a few months” (Storing 23) and therefore were distributed widely, particularly in New York. The other obvious yardstick is that *The Federalist* essays began appearing in New York newspapers beginning at about the same time in October, 1787. Had the Federalist partisans felt their opponents, such as Federal Farmer and his allies, were not scoring points, it is doubtful that Hamilton, Madison, and Jay would have felt the necessity to produce the skillfully crafted and prolific series of essays that analyzed the Constitution so well.

*The Federalist* essays began appearing in New York newspapers, such as *The Packet* in New York City, in October of 1787, and the debate in print over the Constitution was on. Future treasury secretary Alexander Hamilton, who filmmaker Ken
Burns called one of the first quintessential New Yorkers in his 1999 PBS film on the city, wrote most of the essays, with future president James Madison and future Supreme Court chief justice John Jay writing several of the essays as well. While Hamilton was the most prolific, it was Madison, as previously noted, whose essays are the most-often quoted in high school textbooks. *The Federalist #10* and *The Federalist #51* written by Madison directly addressed two of the most frequently mentioned criticisms of the Constitution by the Antifederalists, the large size of the new country to be created, and the balance-of-power controls on possible abuses of power within the new national government. Legal scholars and politicians still refer to those essays when questions of constitutional law arise, almost as if they are part of a constitutional Talmud, offering sacred interpretations of the Constitution.

The essays also stood the test of history. They were a huge part of the debate at the time and appeared together as an assembled volume soon after they were originally published individually in newspapers over the course of nine months. The eighty-five pieces may not have won the day for the Federalists in Virginia and New York, as will be discussed, but they offered logical and convincing responses to the Antifederalist arguments already mentioned. When the ratification votes began, though, it was old-fashioned political horse-trading that ended up giving both the Antifederalists and the Federalists what they wanted.

As the debates in the state ratifying conventions started up in November of 1787, the Constitution won easy approval in the first five state conventions that voted as was mentioned earlier. Even so, there were minority reports written in some states urging the addition of amendments, indicating that the Antifederalist rhetoric was having some
effect. The Constitution’s backers knew that Massachusetts, where the Shays rebels from rural areas of the state had elected many delegates to the ratifying convention, presented the first real test for them. In fact, initial casual vote counting among the delegates indicated the nays outnumbered the ayes. (Kaminski 1122) The members of the Federalist faction at the Massachusetts convention, realizing they were behind, knew they had to do something to win over some of their opponents.

John Hancock, whose flowing signature on the Declaration of Independence is known by many a school child, was the most beloved politician in Massachusetts at the time of the ratifying convention and was technically the convention’s president. (Kaminski 1117) His persistent gout, however, kept him from being at the convention every day. Members of the Federalist faction said they would support Hancock’s candidacy for governor, though, if he would offer a proposed set of amendments to placate the opponents of the Constitution. Hancock agreed, and, despite his painful gout-stricken leg, he spoke in favor of approving the Constitution with the suggestion that the new government add a proposed list of amendments soon after it came into power. The proposal and Hancock’s name on it turned enough votes to give the Federalists the victory. (Kaminski 1118)

During this time, Madison kept up with the debates through letters and newspaper clippings. He was less than thrilled when he heard the Massachusetts results because of the suggested amendments. In a letter to George Washington, he admitted, though, that it could have been worse, saying, “the amendments are a blemish, but are the least offensive form.” (Labunski 59) The Massachusetts vote, followed by the approval of the
New Hampshire convention in July of 1788, gave the Constitution the nine states required by the Philadelphia convention to put the new document into effect.

The Federalists were not yet ready to begin planning the new government just yet, though. Leaders of both sides of the constitutional debate knew the new nation had to have the approval and support of its two most populous and most financially influential states, Virginia and New York, in order to work. Vote counters on both sides also knew that the votes in the ratifying conventions of those two states would be close.

Virginia’s convention ended up giving its approval, of course, but not before the Antifederalists’ most oratorically-gifted partisan did his best to try to persuade the convention otherwise. Patrick Henry won his spot in the history books for his 1775 speech during the run-up to the Revolutionary War, asking the British government to give him liberty or give him death. He deserves equal praise for his speech-making during the Virginia ratifying convention, raising the arguments for the addition of a bill of rights to the Constitution and the institution of restraints on the power of the national government. His greatest achievement, however, according to Labunski, was changing James Madison’s mind about the inclusion of amendments to the proposed constitution.

Madison agreed with most of the other delegates to the Philadelphia convention that a bill of rights was not needed. Labunski cited several of The Federalist essays where Madison weighed in on the subject. Labunski pointed out, though, that Madison was a pragmatic politician and that the ultimate goal was the Constitution’s passage. In addition to the Antifederalist clamor for a bill of rights, in December of 1787, during the battle of editorials over the Constitution, Madison’s friend Thomas Jefferson wrote
Madison from Paris that he felt the Constitution should have a specific list of guarantees of individual rights.

I will now add what I do not like. First the omission of a bill of rights providing clearly & without the aid of sophisms for freedom of religion, freedom of the press, protection against standing armies, restriction against monopolies, the eternal & unremitting force of the habeas corpus laws, and trials by jury in all matters of fact triable by the laws of the land & not by the law of nations. (Jefferson)

Jefferson was not alone among Virginians in his sentiments. Once the ratifying convention convened in Richmond in June of 1788, Madison’s preliminary vote count was not encouraging. Labunski contended that as many as two-thirds of the 168 delegates opposed the Constitution. Patrick Henry’s oratory against the Constitution dominated the convention, and George Mason, who had written Virginia’s own bill of rights, asked why the new national government should not have one as well. However, Madison, Governor Edmund Randolph, and others tried to counter the Antifederalist arguments with many of the same points discussed in The Federalist essays. Labunski reported that the turning point came during one of Henry’s speeches for the addition of a bill of rights that followed a speech by Madison in opposition. As Henry began to speak, an afternoon thunderstorm added an intimidating soundtrack to Henry’s words, shaking the building and breaking up the convention for the day “in confusion.” (Labunski 109)

The next day, Madison had changed his mind. He told the Antifederalist delegates that the Federalists would stay after the vote for approval of the Constitution to consider adding a suggested list of amendments that would be taken up by the first U.S. Congress. The Antifederalist caucus had feared the Federalists might leave as soon as the yes vote was recorded. Madison told the Antifederalists that he was willing to make the concession.
This political move bore fruit for the Federalists. The convention’s first vote, a proposal to approve the Constitution only if amendments were added by the new Congress, lost 88 to 80, a Federalist victory. Labunski reported Madison thought it could be years before Virginia joined the Union if the Federalists lost that vote. The convention then voted 89 to 79 to approve the Constitution with amendments recommended but not required. (Labunski 113) Madison’s biggest fear was the prospect of a second constitutional convention that could have eviscerated the powers of the national government under the new constitution and made it ineffective.

Madison and the Federalists kept their promise and allowed a list of amendments to be debated and approved. The final list contained forty amendments, but Madison, who objected to several of them, knew they were only “suggestions.” The new Congress would have the job of compiling the list that would go into effect.

Labunski reported there was another historic moment after the Virginia convention that is not often reported for which the Antifederalists deserve credit. Some of the Antifederalist delegates wanted to keep fighting to try to undermine the political system created by the new constitution. The Antifederalist lion, Patrick Henry, who thundered against the Constitution in the rainstorm, was magnanimous in defeat and urged his Virginia colleagues to run for Congress, participate in the new government, and do what they could to ensure the success of the new nation. Labunski recounted the story of a post-convention Antifederalist meeting at which Henry told his friends that they “should give it fair play—support it, too, in order for the federal administration might be left to the untrammeled and free exercise of its function.” (Labunski 116) While Henry may have had some altruistic thoughts, he perhaps knew he might be thought of as a sore
loser if he and his followers tried to disrupt the workings of the new government. So, with Virginia in the constitutional “yes” column, the last big state left to consider the Constitution was New York. By the time Virginia voted, the New York delegates had already convened.

The fifty-seven delegates to New York’s ratification convention met in Poughkeepsie at the same time both Virginia and New Hampshire held their conventions. Alexander Hamilton and John Jay, both of whom wrote *The Federalist* essays as “Publius,” served as Federalist delegates. New York governor George Clinton, who wrote Antifederalist essays as “Cato,” and Melancton Smith led the opposition delegation. Both sides knew the vote would be close.

Timing proved extremely important at the New York convention. While in Poughkeepsie, delegates heard that both New Hampshire and Virginia voted to approve the Constitution and also heard of Virginia’s suggested amendment list. After Antifederalist delegate Chancellor Livingston introduced a list of amendments, Jay responded by agreeing on behalf of the Federalists, but only if the amendments were regarded as suggestions, just as in Virginia. The move turned enough no votes to yes to earn a very close 30 to 27 approval. Therefore, by giving in on the amendments, the Federalists got their Constitution and their new national government. For the record, North Carolina and Rhode Island did not ratify the Constitution until well after George Washington and the First Congress had taken their oaths of office. Even then, Rhode Island joined the union only after a razor-thin 34 to 32 vote in favor.

([http://teachingamericanhistory.org/ratification//newyork.html](http://teachingamericanhistory.org/ratification//newyork.html))
The Bill of Rights

With the issue of ratification settled, James Madison decided to run for a seat in the new House of Representatives, representing his home district in western Virginia. Because the Antifederalist Virginia Legislature created a majority Antifederalist district that included Madison’s home, he won only by wooing Antifederalist support. He had finally become an advocate for amendments out of political necessity and, after taking his seat, made it his duty to take charge of assembling a list of amendments to satisfy the Constitution’s detractors. In March of 1789, after arriving in the nation’s new capital, New York City, Madison even convinced newly-elected President George Washington to include in his inaugural address a reminder of the need to consider the amendments as an important part of the business of the First Congress. Madison spent the rest of that summer dealing with various proposals, changing language, and assembling a list that drew heavily on George Mason’s Virginia Declaration of Rights written 1776. The two houses of Congress whittled down a long list of amendments to just twelve, a list that included not only guarantees of individual rights, but also the amendments, now known as the Ninth and Tenth, to try to reassure state governments that they still retained significant powers.

The Ninth Amendment addressed the concern that the Constitution had not covered everything it should. The language stated that just because a right might not be included in the Constitution did not mean it did not exist. It gave the courts and legislators some leeway in dealing with new situations that might arise.

The Tenth Amendment went straight to the states’ concerns about sovereignty. It stated specifically that the states can deal with issues not addressed by language in the
Constitution. For example, each of the states today has a murder statute. Under the Tenth Amendment, the states had the flexibility to enact such a law since murder was not a crime specifically addressed in the language of the U.S. Constitution.

Remember that the list had to win the support of two-thirds of each house of Congress, and despite changes back and forth, in the fall of 1789, Madison did it. He did not get every amendment he wanted with the wording he wanted, but it was, according to Labunski, “a remarkable victory for Madison.” (Labunski 240) It would take the states the next two years to ratify the list, but the Bill of Rights became the law of the land. Ironically, it was the Virginia legislature that gave the Bill of Rights the approval of the three-quarters, or ten, of the state legislatures needed for passage. Hence, James Madison today holds the title of Father of the Constitution and the Bill of Rights despite his earlier opposition.

The Antifederalists actually got what they wanted—a bill of rights that specifically included guarantees of individual rights as well as limitations on the powers of the national government. However, since they got what they wanted, the Antifederalists soon fell into disarray with no uniting cause around which to rally, and the Federalists elected large majorities to the first two Congresses, though the Antifederalists never really were a political party in the sense it is thought of today or even what the Federalists were at the time. None of the prominent Antifederalists ever won the presidency. Even the factions in the contentious 1796 presidential election backed candidates, John Adams and Thomas Jefferson, who held posts in the first two Washington administrations. As a result, the short-lived Antifederalist movement, in the eyes of textbook historians, failed to win the important spot in the American “creation”
story it deserves. Today, elements of both the Democratic and Republican Parties can
claim roots in the Antifederalist movement. Republicans today embrace the Tenth
Amendment for the powers it reserves to Republican-led states, or “red” states.
Democrats and Republicans champion the individual freedoms that, over time, the courts
have declared apply to both state and federal laws. So, the significance of the
Antifederalists is undeniable. How does a high school history class discuss that
significance? This paper now turns to an examination of some of the textbooks used in
those classes and whether the Antifederalists receive their proper coverage.
Reviews of History and Government Textbooks Concerning Their Discussion of the Antifederalists during the Constitutional Period

History is, to say the least, an inexact science. It is a tale told by witnesses to events that are deemed important enough to remember by men and women who come to a consensus on the relative importance of those events. However, we all know that consensus can be skewed by any number of influences. Ask any group of people that has ever witnessed an automobile accident and then given statements to the police. Different accounts of what happened are not rare since the witnesses were likely standing in different places and had different views of what occurred when the accident took place. Mathematicians and scientists revel in the exactitude of their fields. In Meditations, French philosopher and mathematician Rene Descartes looked first to his existence as an invariable truth, but soon followed with mathematics as undeniably exact. Despite the coerced ravings of George Orwell’s character Winston Smith in the climax of his dystopian novel 1984, two plus two has to equal four, no matter where you are standing. To try to infuse some of the exactness of mathematics into a subjective discipline such as history, state governments and school boards turn to a set of standards against which a teaching curriculum can be judged.

History Standards

History and government are among the so-called core courses in high school. In the interest of turning out the educated, politically astute electorate that most scholars seem to agree is required for a system such as ours to function, the state of Massachusetts became the first state to mandate public education in the 1830s. Today, all states operate public school systems, and as time has passed, state legislatures mandated that students
be required to take certain courses in order to graduate from high school. In Nebraska, as in most other states, the state requires students to take one year of American history and one year of American government and/or economics. What a student is told by teachers and what he or she reads in textbooks goes a long way toward forming that student’s political opinions or attitudes toward government and society in general. It is no wonder then that the content included in history and government classes enters the political debate from time to time.

The more one examines the time and the issues surrounding the adoption of the U.S. Constitution, the more one sees that a difference of opinion exists among historians concerning the Constitutional period. Since this paper contends that high school history and government textbooks do not give proper credit to the Antifederalists during the Constitutional period in the 1780s and 1790s, it is appropriate that we examine some of the popularly used high school history and government texts to see exactly how the period is treated by historians in these survey texts. However, before the books are examined, it is appropriate that the history standards set down at both the national and state levels be examined. Just what do these standards expect to be taught about the Antifederalists during the Constitutional era? Specifically to the question, do either the national or state standards preclude teaching about Antifederalists, believing them not to be of sufficient importance?

Schools in Nebraska rely on two sets of standards to determine their history and government curricula. The more important of the two standards is the list of very specific Nebraska state standards since those standards have been instituted by the Nebraska State Department of Education. Those state standards follow the far more general national
standards compiled by the National Center for History in the Schools at the University of California at Los Angeles and also by the National Council for Social Studies (NCSS) based in Baltimore, Maryland. The Nebraska State Department of Education adopted the standards in the 1990s and included general subject areas as well as specific content that is to be covered in elementary, middle, and high school social studies classes.

Debates over what to include in high schools texts and standards, particularly in history, literature, and science, are often contentious if not downright vicious. When the various states adopted their standards in most subjects, various groups weighed in on how their particular favorite subject would be treated. This was certainly true for history. Different groups wanted to advance different agendas by either including or excluding certain individuals or episodes in history. In September, 2009, for example, the Texas State Board of Education debated whether to remove Christmas and Rosh Hashanah from a discussion of religious holidays in a sixth-grade history lesson. (Castro)

It could be argued that this thesis is trying to do much the same thing, and the argument is probably truthful to at least some degree. However, this paper claims no moral high ground, religious motivation, or cultural agenda in making its arguments for more attention for the Antifederalists. It is posed as an argument subject to debate. It leaves the righteous causes to the crusaders.

The NCSS published its standards in 1994 in its work, *Expectations of Excellence: Curriculum Standards for Social Studies*. The organization felt compelled to take on the task of compiling such standards when the 1992 Educate America Act, passed by Congress and signed into law by President George H.W. Bush, omitted social studies as part of federally-mandated national education standards. Over two years, an eleven-
person task force of teachers and administrators waded through not just the individual topic of history but all social studies subjects. The panel evaluated how those subjects should be integrated into each school curriculum on the elementary, middle school, and high school levels. The NCSS wrote the standards in a very general way to allow local and state school districts, as well as private schools, the flexibility to adjust and implement their own standards to fit their own needs. To accomplish this goal, the NCSS divided its standards into ten thematic strands: Culture; Time, Continuity and Change; People, Places, and Environments; Individual Development and Identity; Individuals, Groups, and Institutions; Power, Authority, and Governance; Production, Distribution, and Consumption; Science, Technology, and Society; Global Connections; and Civic Ideals and Practices. The NCSS standards contain none of the specific content that is addressed by the more specific standards in Nebraska.

This paper looks at the various standards to see where the consideration of the Antifederalists might be specifically included or excluded. Several included in the high school level standards seem to be relevant to the question at hand, but three particular parts seem to be most appropriate to the discussion. In Theme II, “Time, Continuity, and Change,” the standards state that the socials studies student should

investigate, interpret, and analyze multiple historical and contemporary viewpoints within and across cultures related to important events, recurring dilemmas, and persistent issue, while employing empathy, skepticism, and critical judgment. (Expectations 34)

It seems clear that a discussion of the Antifederalists in the Constitutional period would not be precluded by this standard and, in fact, would likely be encouraged by such a suggestion. In Theme VI, “Power, Authority, and Governance,” the standards encourage students to
explain the purpose of government and analyze how its powers are acquired, used, and justified. (Expectations 39)

as well as to

compare different political systems (their ideologies, structure, institutions, processes, and political cultures) with that of the United States, and identify representative political leaders from selected historical and contemporary settings. (Expectations 39)

These standards certainly seem to allow a number of the arguments being made during the Constitutional period concerning the possible addition of a bill of rights as existed in many state constitutions as well as in Great Britain’s system.

However, the standard that seems the most appropriate to the Antifederalist question is included in Theme X, “Civic Ideals and Practices.” The student should explain the origins and interpret the continuing influence of key ideals of the democratic republican form of government, such as individual human dignity, liberty, justice, equality, and the rule of law. (Expectations 45)

The whole Federalist/Antifederalist debate was a discussion of the “key ideals” the language refers to in connection with the formation of the U.S. Constitution.

Given the standards set forth by the NCSS, it is evident that it does not preclude the inclusion of the Antifederalists in a high school history curriculum. The standards, in fact, seem to allow, if not wholeheartedly encourage, a discussion of the origins of the U.S. Constitution. In the introduction to the standards, the NCSS committee wrote that teachers should develop in their students “well-reasoned positions consistent with basic democratic social and political values.” A well-reasoned position on the Constitutional debate seems to require an examination of more than just one side of the debate.

The standards formulated by the National Center for History in the Schools (NCHS) are also general in nature, but they do go more to content that those formulated
by the NCSS. That content is divided in the NCHS grade 5-12 standards into ten different eras in American history. The relevant era for the Antifederalist question is the NCHS standards’ “Era 3: Revolution and the New Nation, 1754-1820.” One of the three standards listed under that era stated that students should be aware of

> The institutions and practices of government created during the Revolution and how they were revised between 1787 and 1815 to create the foundation of the American political system based on the U.S. Constitution and the Bill of Rights. (U.S. 5-12 Standards)

Very specifically, this particular standard encourages the whole discussion surrounding the adoption of the Constitution. It also seems that, no matter the political debate surrounding the adoption of national history standards in the mid-1990’s, the standards adopted by both groups are broad enough to include discussion of the Antifederalists and certainly do not disparage discussion of the debate nor do they prohibit it. The education professionals who served on the committees decided, though admittedly in a very general way, that a discussion of how the U.S. Constitution came to be is appropriate.

The standards used to put together history curricula in Nebraska get much more specific as to content compared to the national standards. The state Department of Education divides standards into elementary, middle school, and high school sections. The Antifederalists are not urged on elementary school students since this is the time for introducing the American myths surrounding such legendary figures as Johnny Appleseed, George Washington, and Betsy Ross. Nebraska state history also receives a lot more attention in the elementary standards since Nebraska history is a required course for the state’s fourth graders. The standards in particular mention Black Elk, Malcolm X, and Evelyn Sharp as examples of native Nebraskans worthy of coverage in the state’s elementary school social studies classes.
When the standards begin consideration of the subject matter to be covered in middle school, the debate over the adoption of the Constitution appears as material that Nebraska teachers should cover in social studies classes. At three different points, the middle school standards mention either directly or indirectly that the debate over the adoption of the Constitution is material worthy of coverage. In line 8.1.4, the standards say that students should “analyze the challenges faced by the new United States government.” As a subhead to that heading, the standards go on to state that students should be able to “(E)xplain the writing of a new Constitution in 1787 and the struggles over ratification and the addition of a Bill of Rights.” (U.S. 5-12 Standards) Later in the middle school standards, the standards suggest that students know how to debate and analyze differing points of view on political issues. As one of the examples, the standards specifically mention the differences between the Federalists and the Antifederalists, as well as Tories and Patriots, and Democrats and Republicans.

As might be expected, the standards to which high school students are held involve more esoteric material. Knowledge of the “Early National Period” is a major heading, and included as subheads are three major relevant points to this discussion. First, the standards instruct students to gain an understanding of the 1787 Constitutional Convention. The standards then specifically asked students to “(C)ompare and contrast the struggle for the ratification of the Constitution, the Federalist Papers, and the Antifederalist arguments.” The third subhead expects students to be familiar with the reasoning behind the adoption of the Bill of Rights. (U.S. 5-12 Standards)

Later in the standards, students are required to grasp some broad principles that helped to produce the U.S. government. The standards stated students should be able to
explain the concepts of constitutionalism, limited government, rule of law, republicanism, democracy, checks and balances, federalism, and separation of powers. In addition, students should know that these concepts arose from a variety of political philosophers, such as Thomas Hobbes, John Locke, and the Baron de Montesquieu, as well as from the words included in Declaration of Independence, *The Articles of Confederation*, *The Federalist* essays, Thomas Paine’s *Common Sense*, and the U.S. Constitution.

It is apparent from reading both the national and state standards that the education professionals who compiled them do not feel the Federalist/Antifederalist debate is elementary school fare. However, they did agree that the debate was one that is appropriate even for middle school students and certainly for high school students. Therefore, existing educational standards do not preclude teachers from discussing the role of the Antifederalist writers and opinions in the debate over the U.S. Constitution. It appears that these standards, in fact, encourage the discussion.

**Textbook Reviews**

Given this encouragement, it is appropriate to examine how some of the major textbooks in history and government used today in both public and private schools deal with the Antifederalists. It should be noted that high school history and government courses in public, private, and parochial schools are usually of two different levels, regular and Advanced Placement. The International Baccalaureate (IB) program is also used in the Omaha area at Millard North High School.

The Advanced Placement (AP) program began in 1955. The program originally offered testing in eleven subjects. The College Board, the company that administers the Scholastic Aptitude Test (SAT) required for admission to many universities, began the
program initially with elite eastern college preparatory schools to avoid having students enroll in courses that were similar to those they had taken in high school. The program continued to cater to the preparatory school audience until the 1970s when more and more public high schools began offering AP classes. Today, the College Board administers testing in thirty-four different subject areas, and courses are now available in about a third of the nation’s high schools, though the percentage is much higher in some individual states. The idea is that an AP course is designed to replicate an introductory college course in a particular subject area. After taking the course, a student takes an AP test in that subject, a test compiled and administered by the College Board. Students receive a score of one through five in whole numbers, with five being the highest. Different colleges interpret the scores differently. What qualifies as “testing out” of a lower level course varies from college to college. Given the rigor of the tests, high schools expect AP courses to be more rigorous than the standard courses in the same subjects. As a consequence, the textbooks used for such courses tend to be more in-depth than the ones used in regular courses and are often the same textbooks used in college level introductory courses. The examination of the American history and government textbooks used in the AP U.S. History and government courses regarding their treatment of the Constitutional era take this factor into account. Incidentally, College Board statistics show that the AP tests in the various histories and in government year in and year out have the smallest percentage of test takers scoring three or higher on the tests. Most Omaha-area high schools, public, private, and parochial, offer either or both Advanced Placement U.S. History and U.S. Government classes. (A Brief History of the Advanced Placement Program)
All of the books examined here are in use or have been used in history and government courses at schools in the Omaha, Nebraska, metropolitan area, including the Omaha Public Schools, Brownell-Talbot College Preparatory School, Mercy High School, Ralston High School, Westside High School, the Papillion-La Vista Schools, and the Millard Public Schools, and particularly Millard North High School. This essay’s writer also spent two years at Mary Institute and St. Louis Country Day School (MICDS), a college preparatory school in Ladue, Missouri, during the 2007-08 and 2008-09 school years. This thesis includes reviews of textbooks used there as well. These are all books produced by major publishers and hence represent a consensus of what the historians who produced the books think is appropriate for inclusion in survey American history and government courses. It is also likely that state school boards dictate many of the decisions on textbooks in several large population states, such as Texas, California, and Florida, which, because of their numbers, have the economic clout to mandate decisions on content with textbooks manufacturers. Nevertheless, it is probably safe to say that most of the elements of the American story told in high school history and government textbooks have more or less the same elements. The fact that these texts tend to underemphasize the Antifederalists in that regularly-told story is the whole point of this thesis.

**Book Review Questions**

Each of the reviews examines the portions of the textbook pertinent to the thesis. To that end, the portions of each book that address the topic of the debate over the ratification of proposed constitution passed by the 1787 Philadelphia convention, that document’s approval, and the subsequent inclusion of the first ten amendments to the
Constitution by the First Congress. After a brief look at the authors of each textbook, each review goes through these particular passages paragraph by paragraph and also examines supplementary material included in the text and in appendices, such as maps, charts, and documents. Most importantly, the review examines each of these texts against the template of the questions listed here:

1) Does the text mention the Federalists and the Antifederalists as the two sides in the debate over the ratification of the Constitution?

2) Does the text discuss the issues and demographics that each group brought to the debate?

3) Does the text mention the move by the Federalists to have ratifying conventions, rather than state legislatures, consider the proposed constitution?

4) Does the text discuss prominent Federalists and Antifederalists as players in the debate over the ratification of the proposed constitution?

5) Is the Anti-federalist faction portrayed as an equal partner in the debate or as merely obstructionist?

6) Does the text include quotes and/or passages from both Federalist and Antifederalist writers advocating their particular positions, either as part of the text or included in an appendix?

7) Does the text include the general story of the ratification debates and votes in the various states in 1787 and 1788?

8) Does the text discuss the inclusion of a bill of rights in the Massachusetts debate as a means of winning approval of the proposed constitution in that state?

9) Does the text discuss the inclusion of similar concessions in Virginia and New York that were intended to win approval of the proposed constitution in those states?

10) Does the text discuss James Madison’s change of heart on the inclusion of a bill of rights over the course of the ratification debate?

11) In discussion of Congressman Madison’s introduction of amendments to the
Constitution in the First Congress, does the text discuss the significance of the inclusion of the Ninth and Tenth Amendments and their impact on the sharing of power between the state and national governments?

12) Does the text discuss the effective elimination of the Antifederalists as a political force as a result of accomplishing their goal of the inclusion of a bill of rights in the Constitution?

From this list, the reviews examine particularly questions #4, #5, #6, #10, and #11 as important answers and look to see whether the text puts forth a clear cause and effect relationship between the actions and rhetoric of the Antifederalists and the inclusion of the Bill of Rights in the Constitution. These questions also examine whether the Antifederalists are portrayed as merely obstructionists to the adoption of a “sacred” document or as constructively contributing to the debate. Finally, the line-by-line assessment of each text appears as an appendix, but a “strengths and weaknesses” assessment, as well as a summary of the assessment of all the books, appears as part of the text of the paper.
Textbook Reviews


Both the Omaha Public Schools and Brownell-Talbot College Preparatory School use and have used various editions of *The American Nation in the Modern Era* by Paul Boyer, et al. for their regular, non-honors history classes. Dr. Boyer received his Ph.D. from Harvard University in 1966 and is professor emeritus of history at the University of Wisconsin--Madison. He has been associated with this and other American history textbooks since the early 1990’s. Most notably, he is also the author of *The Enduring Vision* high school history textbook, written for AP and honors courses and published by Houghton Mifflin.

**Strengths:** The authors identify both the Federalist and Antifederalist points of view. We see the Federalist position in the speech from Massachusetts farmer Jonathan Smith at the Massachusetts ratification convention, urging passage because of the threat of domestic unrest such as Shays’ Rebellion. The authors include quotes from *The Federalist #10* and *#51* by Madison, and a short quote from the Antifederalist writer Cato’s essay, and identify some of the Antifederalists involved in the debate. They include the observation that the Antifederalists feared a too-powerful national government that would be created by the proposed constitution. It adds that the Federalists promised their opponents a bill of rights in order to get the Constitution ratified.

**Weaknesses:** The text observes that Madison, Hamilton, and Jay answered Antifederalist critics with eighty-five essays that came to be known as *The Federalist*...
essays with only one short quote from among of the hundreds of published Antifederalist essays. The authors fail to include the association of the publication of *The Federalist* essays with the ratification debate in New York. They do not mention the numerous essays written to counter *The Federalist* essays. They fail to discuss the close votes and debates in Massachusetts, New York, and Virginia that prompted all the public essay writing. They also do not discuss Madison’s role in actually composing the Bill of Rights, particularly the inclusion of the Ninth and Tenth Amendments as concessions to the Antifederalists and his change of heart of a bill of rights as the debate proceeded.

**Review #2: America: Pathways to the Present, Andrew Cayton, et al., Pearson/Prentice Hall, 2005.**

Dr. Andrew R.L. Cayton of the history department at Miami University in Oxford, Ohio, heads up the team for *America: Pathways to the Present* from Pearson/Prentice Hall. Dr. Cayton’s title is “distinguished professor” at Miami. In addition to his books on the history of the Midwest and articles in numerous scholarly history journals, his reviews of history books have appeared in the *New York Times*, the *Los Angeles Times*, and the *Washington Post*. The Omaha Public Schools and Millard Public Schools in Omaha, Nebraska, use and have used this book for their regular, non-honors history classes. The book reviewed here is the 2005 edition from Millard North High School in Omaha, Nebraska.

**Strengths:** The chapter correctly identifies the Antifederalists as a strong opponent, not as a faction just to be brushed aside. It also identifies Patrick Henry as one of the Antifederalist leaders. The text includes the phrase describing the Antifederalists as
fearing the government more than the people, which is an excellent way to portray the Antifederalist position. The Federalist position is shown to be strong since the book says it was backed by General George Washington. The book also states that “the Federalists gave in,” acknowledging that the Federalists did make concessions to get the Constitution approved.

**Weaknesses:** There is no mention of any of the Antifederalist essays as there is of *The Federalist* essays. The book also fails to mention any of the details of the ratification votes in most of the states and only vaguely refers to the “loud” debates in New York and Virginia. No details on the votes in those states’ ratification conventions are included. The Ninth and Tenth Amendments and their significance appear nowhere in the chapter, nor does Madison’s change of heart on a bill of rights.

The text is also chronologically out of order and could lead to confusion on the part of the reader as to the proper cause and effect sequence of each action. When and where did the Federalists “give in?” What did Patrick Henry and his colleagues do to bring about the change of heart on the part of the Federalists? Were there other Antifederalists besides Henry who helped to advance the cause? This book is a prime example of a text that shows the disregard that so many of these books have for the role of the Antifederalists during the period.


The Papillion/LaVista School district uses *The History of the United States* by Daniel Boorstin and Brooks Mather Kelley with Ruth Frankel Boorstin, published by Prentice Hall as its text for its regular U.S. History classes. The edition reviewed here is
the 2007 edition of the text though the Papillion/LaVista high schools are still using the 1999 edition. This text brings with it the prestige of Daniel Boorstin who was not only an eminent American historian but also something of a history celebrity before his death in 2004 at age 89. Boorstin’s accomplishments included a Rhodes scholarship, a British law degree, a 25-year career as a professor of history at the University of Chicago, six years at the Smithsonian Institution's National Museum of History and Technology, and twelve years as the Librarian of Congress. His name remained on the text after his death, and his wife, Ruth, who served as his editor for many years, continued to work with the book. Boorstin’s partner, Brooks Mather Kelley, wrote a history of Yale University in addition to his work on the textbook.

**Strengths:** The authors focus on the importance of the ratification debates in Massachusetts, Virginia, and New York and acknowledge the Antifederalists as worthy opponents of the Federalists. The chapter tells us that the Federalists promised a bill of rights to their opponents in return for enough opposition support to get the Constitution approved. They mention particularly the Massachusetts debate and the concessions made on the bill of rights issue in order to get enough votes for ratification. The authors identify Patrick Henry and George Mason as active Antifederalists in the ratification fight in Virginia and give credit to George Washington’s substantial political influence in getting the Constitution ratified there. They also credit *The Federalist* essays, which they call “brilliant propaganda,” with winning the ratification fight in New York. They particularly mention Hamilton’s role in influencing the very close New York vote.

**Weaknesses:** There is very little discussion of the back-and-forth propaganda fight between the Federalist and Antifederalist essayists. The authors acknowledge the
excellent analysis of the Constitution in The Federalist essays, but the text is unclear where New Yorkers would have seen these pieces and those published by the Antifederalists. The book also fails to mention Madison’s change of heart on the Bill of Rights, his inclusion of the Ninth and Tenth Amendments as a concession to the Antifederalists, or his role in getting the Bill of Rights introduced and approved.


In a 2002 review of Magruder’s American Government in Slate Magazine at slate.com, book reviewer Rob Walker called this high school civics and government textbook “the 800-pound” gorilla in that particular textbook category in American publishing. Oregon State University political science professor Frank Abbott Magruder published the first edition in 1917, and Oregon State’s professor emeritus William A. McClenaghan inherited the text upon Magruder’s death in 1949. Pearson/Prentice Hall claims a 70% share of the high school government textbook market with this book. It is certainly popular in Omaha. The Omaha Public Schools, Papillion-La Vista Schools, Ralston Public Schools, Westside Public Schools, and Brownell-Talbot College Preparatory School either currently use Magruder’s or have used it in the recent past. This review looks at the 2006 edition. (Walker)

Strengths: The author includes in the book’s appendix some of the essays from the Antifederalist writers as well as the usually quoted Federalist essays. He also identifies some of the leading Antifederalists in the Virginia debate. However, without looking through the appendix, the reader would not know they were included in the book. The
authors do mention the exchange of letters between Madison and Jefferson that included Jefferson’s plea for the inclusion of a bill of rights in the Constitution.

**Weaknesses:** The author makes no direct connection between the opposition activities of the Antifederalists and adoption of the Bill of Rights, or even Madison’s role in writing the amendments that placated some of the Antifederalist objections. To his credit, the author does include, in the appendix, some of the essays from the Antifederalist writers, but he fails to make any mention in the textbook of the Antifederalist works being included in the appendix. He apparently leaves it up to the teacher to bring those works into the curriculum. Without looking through the appendix, the student would not know they were included in the book or if the student found them, their significance. Finally, the text fails to include the significance of Madison’s change of heart, his subsequent role in the addition of the Bill of Rights to the Constitution, and the inclusion of the Ninth and Tenth Amendments as concessions to the Antifederalists.


The Papillion-LaVista Public Schools use Houghton Mifflin’s *American Government: Institutions and Policies* by James Q. Wilson and John J. Dilulio, Jr., in their AP Government classes. The latest edition being used by the schools is the 10th edition published in 2006. Both Wilson, of UCLA and Pepperdine, and Dilulio, from the University of Pennsylvania, are conservative academics who are not only accomplished teachers and writers, but also are and have been active in the shaping of public policy.
The 78-year-old Wilson’s works include examinations of morality in marriage, urban renewal in Los Angeles, and inner city crime in Los Angeles. He served on several national commissions over the course of his career as well as serving on the boards of State Farm Insurance and the RAND Corporation and the Board of Academic Advisors for the American Enterprise Institute. In 2003, President George W. Bush awarded him the Presidential Medal of Freedom for his life’s work.

Dilulio, 50 and a Democrat, currently teaches political science at Penn. His works appear in numerous academic journals and the publications of the Brookings Institute. His particular fields of expertise are juvenile crime and faith-based public service providers. He has also written opinion-editorial pieces for the New York Times, Wall Street Journal, and Washington Post. President George W. Bush appointed him the first director of his White House Office of Faith-Based Initiatives shortly after his administration began, one of the few Democrats in the Bush White House. However, Dilulio resigned in August of 2001 and returned to Penn after his work in the office was criticized by both conservatives and liberals. He publicly criticized Bush’s staffers for their interference in the program, calling them “Mayberry Machiavellis.” Today he remains a proponent of faith-based programs of public service.

This book is not without controversy. None of the controversy went to the portion of the text to be examined here. However, in the interest of transparency, one group criticized some of the book’s content. The Center for Inquiry, a liberal advocacy group based in Amherst, New York, that promotes “science, reason, and freedom of inquiry,” published a scathing criticism of the textbook in 2008 for its treatment of global warming, school prayer, same-sex marriage, and freedom of religion. Wilson dismissed
the criticisms as “cherry-picking” sentences and says that he, a Republican, and Dilulio, a Democrat, balance their treatment of government and politics in the book.

**Strengths:** The authors acknowledge the Antifederalists as a serious political force and that they made the Massachusetts vote close. The book does a good job of outlining the issues about which the Antifederalists were concerned and that the Federalist position was that a bill of rights was not needed because the proposed document covered individual freedom as it was written. The story of the concession by Federalists in the Massachusetts debate is a strong point, and the inclusion of Patrick Henry’s thunderstorm speech also adds to the impression that the Antifederalists were not merely obstructionists.

**Weaknesses:** While the authors mention *The Federalist* essays, there is no mention of the propaganda debate carried on in the newspapers between the two sides or any of the Antifederalist writers. None of the works of any of the Antifederalist writers is included. Outside of Henry, the names of no other Antifederalists appear in the chapter. The chapter also fails to acknowledge Madison’s change of heart or the importance of the Ninth and Tenth Amendments as concessions to the Antifederalist opposition.


The writer of this thesis taught for the 2007-08 and 2008-09 school years at Mary Institute and St. Louis Country Day School (MICDS), a college preparatory school in St. Louis, Missouri. In the high school social studies curriculum at MICDS, the AP Government teacher spoke very highly of *A People and A Nation* as a great book for her
students. Mary Beth Norton heads up the academic team that oversees the book. She teaches history at Cornell University in New York, where she has been on the history faculty since 1971. This book appears in Houghton Mifflin Company’s college textbook division, recently absorbed by Cengage Publishing, and, logically, is written for college level students. However, it is not uncommon for high schools to use college texts for AP courses because of the more challenging nature of the course work.

**Strengths:** This text covers most of the twelve questions, though not all. It includes mention of at least one of the Antifederalist essays and identifies the class issue between the two sides in the debate as being important. The book identifies a list of the leading Antifederalists along with Federalist leaders, though it includes no readings or excerpts from the writings of either the Federalists or Antifederalists. Also, the importance of the Ninth and Tenth Amendments as concessions to the Antifederalists appears as a topic. The depth of coverage in this text is a big step up from the regular high school textbooks.

**Weaknesses:** The text fails to include any quotations from either *The Federalist* essays or any of the Antifederalist writings. In fact, the influence of the propaganda battle on the editorial pages of the nation’s newspapers between the two sides gets only passing mention. While calling Madison “the father of the Constitution,” the authors fail to discuss his change of heart on the Bill of Rights.


Westside High School in Omaha uses the sixth edition of *America’s History* written by a team led by the University of Maryland’s James A. Henretta, published by
Bedford/St. Martin’s Press, in its AP U.S. History course. Bedford/St. Martin’s Press publishes mostly college level textbooks though some of its books are used in Advanced Placement high school courses. Henretta is a long-time faculty member at Maryland and has written extensively on early American history in addition to his work in other textbook projects with Bedford/St. Martin’s. One of his colleagues, David Brody, is history professor emeritus at the University of California at Davis and has published several works concerning the labor movement in the United States, and his other co-author, Lynn Dumenil, is a professor of history at California’s Occidental College and writes on cultural, political, and social history in the 20th century.

**Strengths:** The text is thorough in covering most of the items in the question list. It mentions the prominent Federalists and Antifederalists. It begins by mentioning the concerns of American businesses about the new nation’s international credit and that that concern was an important factor in the Constitution’s proposal and passage by the Philadelphia convention. It includes some quotes from the Massachusetts debate and acknowledges the Antifederalist role in forcing the addition of a suggested bill of rights when Massachusetts approved the Constitution. It mentions the significance of the Tenth Amendment in keeping some of the powers within the new government with the states.

**Weaknesses:** The text really does not focus on the importance of the propaganda debate that took place in the newspapers. While the authors sing the praises of *The Federalist* essays, no Antifederalist essays or even the mention of any Antifederalist essays appear in the textbook. The book also fails to mention Madison’s change of heart as an early bill of rights opponent.

Houghton Mifflin’s *The American Pageant* by Stanford University’s David M. Kennedy, et al., is a popular text for Advanced Placement and honors classes. The Omaha Public Schools, and particularly OPS’ Central High School, uses this text in its AP U.S. History course, as does Ralston High School and Brownell-Talbot College Preparatory School.

**Strengths:** *The American Pageant* comes close to giving a fair treatment of the Antifederalist role in the ratification debate. It covers most of the twelve questions in the list, including the significance of the addition of the Ninth and Tenth Amendments and the class distinctions between the backers of the Constitution and its opponents. To its great credit, it includes the juxtaposition of the two contrary points of view on the nature of the Constitution between Charles Beard and Gordon Wood.

**Weaknesses:** There is no inclusion of any of the Antifederalist essayists as countering the written arguments of *The Federalist* essays. Also, the chapter fails to focus on Madison’s change of heart on the Bill of Rights or that by granting concessions to the Antifederalists, the Antifederalists lost the political glue that held them together.

**Summary of Reviews**

The reviews of these books clearly reveal this paper’s thesis. If you want to find out about the activities of the Antifederalists during the ratification of the Constitution, the high school history textbooks used in regular high school history and government classes give only passing acknowledgment to the Antifederalist role in the adoption of the Bill of Rights. The reader sees serious discussion of the Antifederalists only in the books
written for college-level history and government courses and used in advanced high school courses, such as honors and AP courses. This paper contends that this situation needs to be changed and that the source of the remedy is a re-write of the portion of basic high school history textbooks that discusses the ratification period. A proposed re-write of such a chapter follows, along with comprehensive lesson plans and activities for students to learn about the period with the significant activities of the Antifederalists in the process included.
Teaching the Importance of the Role of the Antifederalists

As presented in the argument earlier, this thesis concludes that the role of the Antifederalists in the adoption of the Bill of Rights, and hence the adoption of the U.S. Constitution, was critical. It is clear that, without what would today be called “push-back” by the Antifederalists during the debate over the Constitution’s adoption, the Bill of Rights as we know it today would not have existed. In addition, the inclusion of the discussion of the Antifederalist role is well within the parameters set down by accepted high school teaching standards as proper subject matter for high school U.S. history or U.S. government classes. To that end, this part of the essay will discuss how the role of the Antifederalists should be included as part of a comprehensive lesson plan on the debate over the adoption of the Constitution by the states in 1787 and 1788.

Since all states include U.S. history as a requirement for high school graduation, this lesson plan will apply to a regular high school history or government class, therefore reaching the most students. It is also not unusual to have a discussion about the adoption of the Constitution in such a class. The big difference, of course, will be the inclusion of the Antifederalist role in the adoption of the Bill of Rights.

Prior to putting together any lesson plan for this class, however, the portion of the textbook containing the information about the period needs to be rewritten to include the appropriate information concerning the Antifederalists. The following is one example of how the key role of the Antifederalists could and should be included in a standard high school history or government textbook. Remember that the selection is designed to be part of a survey course of high school American history and tries to cover the general
facts and not intimate historical detail. It is also included in an overall discussion of the Constitutional Convention.

Textbook Section on the Ratification of the U.S. Constitution
The Debate over Ratification

After the proposed Constitution won approval in closed session, the discussion over its ratification by the states became very open and public. The document needed the approval of nine of the thirteen states to go into effect. Backers of the Constitution wanted a unanimous vote among the states as a display of national unity. Opponents of ratification soon began raising questions about the document. The ensuing debate, beginning in September of 1787, dominated American politics for the next nine months.

Supporters of the Constitution

In the ratification debate, the supporters of the Constitution became known as the Federalists. The term referred to the sharing of power between national and state government included in the proposed Constitution, a concept known as federalism. The Federalists attracted the support of many wealthy merchants and farmers, lawyers, and other professionals who wanted the new national government to create and maintain a strong economy. Others backed the Constitution because it gave the national government the power to provide protection against domestic unrest, such as Shays’ Rebellion in 1786-87 in Massachusetts. Local farmer Jonathan Smith told the Massachusetts ratifying convention that

“I have lived in a part of the country where I have learned the worth of good government by the lack of it….Now when I saw this Constitution, I found it was a cure for these disorders.”

The Federalists also argued that the new republic would be safe from corruption because good and honorable men of “the better sort” would in positions of power to make the proper decisions.

Opponents of Ratification

Those who opposed the Constitution feared it gave too much power to the national government and would destroy the rights of the states. Given their opposition, the Antifederalists, as they were labeled by their pro-Constitution opponents, felt the nation created by the new Constitution would be too large to govern. They also thought that individual liberty and oversight of the government by the people would be lost. Some felt it would resemble the monarchy the American Revolution had fought to remove. The prominent Antifederalist essayist who used the pseudonym “Centinel” argued that
“…it appears that it (the national government) is devoid of all responsibility or accountability to the great body of the people, and that so far from being a regular balanced government, it would be in practice a permanent ARISTOCRACY.”

The Antifederalists felt that the inclusion of a bill of rights, already in most of the existing states’ constitutions, was necessary to guarantee the individual liberties of American citizens under the Constitution.

The States Vote on Ratification

The proposed Constitution won relatively easy and quick approval in Delaware, Pennsylvania, New Jersey, Georgia, Maryland, and Connecticut. Approval in other states was not as easy. In Massachusetts, Antifederalists attacked the national government’s consolidated power under the new Constitution. Farmer Amos Singletary told the Massachusetts convention he feared for the rights of the common man.

“These lawyers, and men of learning, and moneyed men, that talk so finely and gloss over matters so smoothly….expect to be the managers of this Constitution and get all the power and all the money into their own hands, and then they will swallow up all us little folks like the great Leviathan.”

Massachusetts voted 187 to 168 to approve the Constitution, but only after recommending that a bill of rights be included. Approval votes by Maryland, South Carolina, and New Hampshire gave the Federalists the nine states need to implement the Constitution. However, backers knew that without the approval of the two largest states, New York and Virginia, any new government could not succeed.

Virginia and New York

The debate in Virginia featured some of the most prominent of the “founding fathers.” Antifederalists who attended the convention included Patrick Henry, Richard Henry Lee, and future president James Monroe. Two of the most important Federalists at the Philadelphia convention, Governor Edmund Randolph and future president James Madison, led the discussion for the Federalist side. Henry used his considerable oratorical skills to thunder against approval, but Randolph urged adoption and followed Massachusetts in recommending the inclusion of amendments to guarantee individual rights. At this point, Madison remained opposed to a bill of rights, but Randolph’s argument persuaded the Virginia convention to vote 89 to 79 in favor.

In New York, the proposed Constitution faced its toughest test. Antifederalists actually far outnumbered Federalists at the New York convention. As early as October of 1787, Federalists Madison, Alexander Hamilton, and John Jay, all writing under the pseudonym “Publius,” began publishing a series of essays in New York newspapers arguing for the Constitution’s adoption. The collection of these 85 essays later became known as The
Federalist papers and contains some of the best analyses of the U.S. Constitution ever written. They were not alone, however. Antifederalists, such as New York governor George Clinton and attorney Robert Yates, writing as “Cato” and “Brutus,” fought back with essays of their own, opposing the Constitution’s adoption. Another unidentified Antifederalist, writing as “Federal Farmer,” said a bill of rights should be included to spell out clearly the rights of the people under the proposed Constitution.

“People, and very wisely too, like to be express and explicit about their essential rights, and not to be forced to claim them on the precarious and unascertained tenure of inferences and general principles, knowing that in any controversy between them and their rulers, concerning those rights, disputes may be endless, and nothing certain.”

After a bitter six-week debate in June and July of 1788, the Federalist side prevailed in New York by a vote of 30 to 27, but only with Federalist promises of the inclusion of a bill of rights to gain Antifederalist votes. North Carolina and Rhode Island ratified the Constitution more than a year later, but after the New York vote, the organization of the United States government began.

The Bill of Rights

When the first U.S. Congress convened, it was Virginia Congressman James Madison who wrote the first proposed amendments to the Constitution that would become the Bill of Rights. Madison opposed a bill of rights originally, but fellow Virginian Thomas Jefferson wrote to him, encouraging Madison to change his mind.

"I hope, therefore, a bill of rights will be formed to guard the people against the federal government as they are already guarded against their State governments, in most instances."

Madison drew heavily on the existing bill of rights in the Virginia constitution when writing the first nine amendments, including provisions for freedom of the press, religion, and speech, and the rights of people accused of crimes. Madison originally included twelve amendments, and the states approved ten. (One of Madison’s proposed amendments concerning Congressional pay became part of the Constitution as the 27th Amendment in 1992.) The Antifederalists claimed a clear victory with the inclusion of the Tenth Amendment that reserved powers to the states not clearly claimed by the national government in the U.S. Constitution.

The illustrations in the proposed chapter feature quotes on both sides of the argument from Antifederalists “Brutus” and “Federal Farmer” to Federalists James Madison and Alexander Hamilton. The essays of “Brutus” and “Federal Farmer” are
included as some of the best examples of Antifederalist writing in support of their concerns about the consolidation of power into a national government and the concern about the Constitution’s absence of a bill of rights. These essays, along with *The Federalist* #10 and *The Federalist* #51, are included in appendices in the back of the book for reading and reference and to serve as examples of the stands made on both sides of the Constitutional debate. In addition, discussion questions on all of these documents are listed following each document for use by teachers.
The Lesson Plan

The lesson plan itself is based on and adapted from the excellent curriculum program from Brown University’s Watson Institute for International Studies known as *Choices* (see choices.edu.com.) Under the *Choices* format, students consider different points of view on particular issues in history. A class is divided into groups representing the different points of view. The students in each group receive a summary of their group’s particular stand on an issue, a discussion of the reasons behind that stand, and appropriate readings from the period to support the group’s opinion on the issue. Over the course of a few days, the students get time to write position papers for their group’s perspective as well as read the positions of the other groups in the class. At that point, a committee, consisting of one student from each group as well as the teacher, assembles to hear each group’s presentation. It is up to the student on the committee representing each group to challenge the presenters and engage them in debate, based on the knowledge that each student member of the committee has accumulated in discussion within his or her group.

Most of the issues discussed in the *Choices* format involve four points of view, so once the committee has heard “testimony” from each of the groups, the committee then discusses the appropriate way to go or if there is possibly a “fifth way” to resolve whatever issue might be on the table. By researching their own argument and hearing and studying the arguments from the other groups, the students will get a complete understanding of the issue, how it was, in fact, resolved and how it might have been resolved differently.
Choices does have a lesson plan written specifically for discussion of the debate over both the Declaration of Independence and the adoption of the Constitution. It is entitled A More Perfect Union: American Independence and the Constitution. The lesson in this essay will logically include only those parts concerning the Constitutional debate.

The Choices Constitutional debate materials are unusual for the Choices curricula in that they include only three points of view: “Unite Around the Constitution,” “Clearly Define Individual Rights,” and “Trust in the Common Citizen.” (These materials from the Choices curriculum are included as an appendix at the end of the essay.) “Unite Around the Constitution” includes information from those who wanted to adopt the Constitution as quickly as possible and felt a strong national government was necessary. “Clearly Define Individual Rights” outlines the concerns of those who felt the proposed 1787 constitution was not specific enough in delineating the rights held by its individual citizens. “Trust in the Common Citizen” comes from the point of view of those who felt the proposed Constitution was too elitist.

For the sake of balance and the presentation of an important concern of the debate, this essay will also include an originally written fourth point of view: “Guarantee a Safe and Healthy Government on Which Trading Partners and Foreign Governments Can Rely.” Business and diplomatic interests complained the lack of a strong national government made it difficult to arrange international agreements. The text, written in such a way as to match the other three, is as follows:
OPTION #4: Guarantee a safe and healthy government on which trading partners and foreign governments can rely.

While it is all well and good to speak of individual rights of the people, all the rights in the world will not help anyone in a destitute, non-functional economy. The first and foremost consideration in the adoption of any constitution should be the creation of a healthy environment in which the nation can conduct its business. In that regard, judgment of the document proposed by the Philadelphia convention should be withheld until that document’s future impact on business and trade is considered.

The lifeblood of the American colonial economy is and has long been imports and exports. It was, in fact, the interference with that trade that helped to bring on the recent war between the American colonies and the British Crown. Nothing set forth by the proposed constitution should, in any way, interfere with the ability of the business community to flourish.

We colonists fought the recent war with borrowed money, much of it borrowed from the colonists themselves in the form of war bonds. Now many of the colonies, which now consider themselves independent states, are in dire economic straits because of their inability to generate the revenue to repay those bonds to the bondholders/investors who supported the American war effort. Foreign business interests do not know whether to deal with individuals, the individual state governments, or the Continental Congress that oversees our current confederacy. As particularly exemplified in the Chesapeake Bay situation, foreign business interests do not know the trading rules often from trip to trip when sending goods to the various states in the American states.

We agree that the Articles of Confederation are inadequate to provide the assurances the business community needs to function efficiently as a serious trading partner in the world (and that we surely must be to survive as a nation). However, the document as written might seem to be overly broad in the power it grants to Congress to regulate credit, commerce, and monetary and fiscal policy. There can be no question of the government’s power to regulate, but there can also be no question as to the limits of that power.

The health of the nation depends on the health of the economy. When the economic engine is functioning properly, it benefits all of society, particularly in the availability of jobs and increased government revenues in the form of import tariffs. We think this does require a national government with enough strength to guarantee the safety of the nation’s people and their right to pursue all those rights that liberty affords. We also do not want to see a return of British mercantilist policies that so damaged our pre-war economy, so in that regard, what the government can and cannot do in the area of economic regulation should be enumerated in intimate detail.

Beliefs and Assumptions Underlying Option 4

1. Under any form of government, the nation will not function at its best without the
success of business.

2. As was seen in the recent war, it was interference with that business that led to conflict.

3. The first duty of a government is the safety of its people. After that, it should create the proper atmosphere in which business can be conducted.

**Supporting Arguments for Option 4**

1. Business is at the heart of the successes of the British, the Dutch, and the French economies over the course of their recent histories. If we hope to emulate our major trading partners, our government should do everything it can to foster the health of the national economy.

2. The success of the large traders will mean that success will naturally flow to the smaller traders, and the entire economy, whether blacksmith, farmer, or international businessman, will benefit. Hence, this point of view cannot be called selfish.

3. Only with a relatively strong national government can these aims be realized. The patchwork of rules and regulations under the Articles of Confederation and the several states is a complicated tangle that impedes business success.

**From the Historical Record**

The prosperity of commerce is now perceived and acknowledged by all enlightened statesmen to be the most useful as well as the most productive source of national wealth, and has accordingly become a primary object of its political cares.

Alexander Hamilton, Federalist No. 12

Without a guaranty, the assistance to be derived from the Union in repelling those domestic dangers which may sometimes threaten the existence of the State constitutions, must be renounced. Usurpation may rear its crest in each State, and trample upon the liberties of the people, while the national government could legally do nothing more than behold its encroachments with indignation and regret. A successful faction may erect a tyranny on the ruins of order and law, while no succor could constitutionally be afforded by the Union to the friends and supporters of the government. The tempestuous situation from which Massachusetts has scarcely emerged, evinces that dangers of this kind are not merely speculative. Who can determine what might have been the issue of her late convulsions, if the malcontents had been headed by a Caesar or by a Cromwell? Who can predict what effect a despotism, established in Massachusetts, would have upon the liberties of New Hampshire or Rhode Island, of Connecticut or New York?

Alexander Hamilton, Federalist No. 21
Money is, with propriety, considered as the vital principle of the body politic; as that which sustains its life and motion, and enables it to perform its most essential functions. A complete power, therefore, to procure a regular and adequate supply of it, as far as the resources of the community will permit, may be regarded as an indispensable ingredient in every constitution. From a deficiency in this particular, one of two evils must ensue; either the people must be subjected to continual plunder, as a substitute for a more eligible mode of supplying the public wants, or the government must sink into a fatal atrophy, and, in a short course of time, perish.

Alexander Hamilton, Federalist No. 30

These materials are included in what will be a ten-day unit concerning the Constitutional debate. The details of that program are again based on the *Choices* format with adaptations for the purposes of this essay.
DAY ONE

In the previous unit, students learned the events surrounding the early years of the United States under the Articles of Confederation, the reasons behind the 1787 constitutional assembly in Philadelphia, and the provisions included in the proposed document that the convention eventually approved. The new unit concerns only the ratification process, a lesson that will include the strong case set forth by the Federalists in getting the U.S. Constitution approved. In addition, it also covers the point in question in this essay—the role of the Antifederalists in the eventual inclusion of the Bill of Rights in the U.S. Constitution by 1791.

The lesson begins with an examination of the timeline from the approval of the proposed Constitution in Philadelphia in September, 1787, to its eventual approval by the state of Rhode Island in May of 1790. Students receive a copy of the timeline (see appendix) and can also reference the timeline on the class webpage. The teacher presents the discussion as part of a PowerPoint presentation (see appendix) which is also available on the class webpage. Students take notes on the information as it is presented.

The teacher outlines the Choices format and the four points of view in the ratification debate. The teacher also explains the responsibilities of each group, including gathering information on the group’s point of view, the other groups’ points of view, and the format of the presentations and question and answer sessions on Days Four, Five, and Six. The teacher tells each group that the assignment is to put together a ten- to fifteen-minute presentation for Day Four that will put forward the best case for that group’s point of view on the Constitution’s ratification. The teacher tells the class that each student’s
grade depends on their preparation, leadership, and the quality of their questions and responses.

Students are responsible for reading the section of the chapter that includes the re-written section of the ratification history. Students also receive a list of terms appropriate to the subject matter (see appendix). Students should find and record relevant information about each term and be prepared to answer questions on the term list and to turn in their completed list as an assignment on Day Three.

## DAY TWO

The class begins with the designation of each of the point-of-view groups, ideally consisting of four to five students. The teacher re-explains the four points of view to the entire class before allowing the groups to get together to discuss their particular point of view. The teacher also re-explains the format for presentations to the “committee” on Day Four.

In each group, the students begin the preparation for those ten- to fifteen-minute presentations, using their textbooks and the internet to find out as much about their points of view as they can. The presentations can include visual aids if the group chooses, including a Power Point containing audio and/or video. In addition to their presentations, the students try to gather as much information about the points of view of the other groups. With this information, students can prepare questions for the presenters in the other groups as well as prepare responses and/or rebuttals when they make their own presentations. The teacher assesses each student’s performance based on the quality of
the student’s questions, both individually and as a part of the group, and on the student’s leadership within each group, all of which the teacher observes during the course of the unit. During the discussion, the teacher circulates among the groups to observe the performances of each student. The teacher should suggest that the students communicate in their groups outside of class since the time they will have in class will not be adequate to do a thorough job on preparing for their presentations and for questioning the other groups.

The teacher reminds students that their terms are due the next day and that they will have time to work in their groups during the class.

**DAY THREE**

The teacher goes over the items on the term list with the students. The students mark and correct their terms as they are discussed. At the conclusion of the discussion of the terms, the students turn in their assignments to the teacher. The teacher returns the assignments on Day Four.

After the review of the terms, the students break up into their point-of-view groups and continue work on their preparations until the end of class. As on Day Two, the teacher circulates among the groups to observe the performance of each student during the discussions. The teacher reminds the student groups that each will be making their presentations to the rest of the class on Day Four. The students need to tell the teacher if there are any special preparations or equipment, such as a projector or easel, needed for their presentations.
DAY FOUR

The point-of-view groups make their ten- to fifteen-minute presentations to the rest of the class. The students in the other groups should take notes to give them ideas for questions on Day Five and Day Six. In addition, the teacher reminds the students that their notes are considered part of the homework for the unit and are assessed as part of the students’ grades. The students turn in a copy of their notes to the teacher on Day Six.

After the presentations are completed, the teacher reminds the students that each group will face fifteen minutes of questions from a panel consisting of a member of each group and the teacher. Each group prepares questions for their panel representative to use during the question and answer sessions.

DAYS FIVE AND SIX

Each point-of-view group faces the panel’s questions and tries to convince the panel that its particular point of view is the right one. The panel questions each group for fifteen to twenty minutes. Two groups face the panel on each day. During the questions, the other students continue to take notes and try to find points they can use in the larger class discussion on Day Seven. The teacher reminds the students that on Day Seven the students participate in a “big circle” discussion on the ratification debate in the context of the times as well as a discussion of the presentations from the previous three days.
DAY SEVEN

The teacher arranges the chairs in the room in a circle and leads a discussion of the “testimony” presented during the previous two days. The group will address in particular three questions:

- How serious were the problems facing the fledgling United States under the Articles of Confederation?
- What were the strengths and weaknesses of the proposed constitution, particularly in light of the debate of the previous two days?
- How would the proposed constitution affect the students individually?

At the end of the discussion, the teacher assigns the student an essay of at least one page, word processed and double spaced, on how the students would handle the situation with the proposed constitution, particularly addressing the question of a bill of rights. In the paper, the students might examine whether there is another way to go to take care of the problems on the new nation. The paper is turned in just before the test over the unit on Day Nine. In addition, the students should assemble some of their ideas to discuss in both small groups and big groups on Day Eight in class. The teacher advises the students to work on the paper tonight and not put it off until the night before test.

DAY EIGHT

The teacher divides the students into their original small groups to discuss some of the ideas that members of each group are including in their papers. The members of the groups assemble their ideas and try to come up with a consensus to present to the
class as a whole. After about fifteen minutes, the class re-assembles in a circle, and each group begins presenting its ideas. Students debate the pros and cons of those ideas and try to come to a consensus on those ideas, particularly whether any of the four positions has more merit than the others.

The students will bring questions to class tomorrow for the test review. The teacher gives the test on Day Ten. The teacher reminds the students that their short papers are due in class on Day Nine.

**DAY NINE**

The teacher collects the essays due today. The teacher presents an outline of the information covered in the class discussion during the previous eight days. The teacher also reminds the students of the format of the test that includes twenty multiple-choice questions, two short answers, and the choice of two of three essays. After the review of the outline, students ask questions of the teacher for the review.
DAY TEN

The students take the test over the ratification debate. The actual test follows.

AMERICAN HISTORY
THE RATIFICATION OF THE CONSTITUTION

Multiple Choice Questions (2 points each)

1. In The Federalist #10, Federalist James Madison contends that the solution to controlling factions is
   A. strong laws restricting organizational activities of fringe groups
   B. a strong two-party political system
   C. a government with the power remaining with the states
   D. a large country with a strong establishment, so that factious elements can exist but not bring down the existing order
   E. having a government with a strong legislature and a weak executive

2. “It may essentially tend to advance the interests of the union, if the States, by whom they have been respectively delegated, would themselves concur, and use their endeavours to procure the concurrence of the other States, in the appointment of Commissioners, to meet at Philadelphia on the second Monday in May, 1787, to take into consideration the situation of the United States, to devise such further provisions as shall appear to them necessary to render the constitution of the Federal Government adequate to the exigencies of the Union.”

   This statement was issued at the September, 1786, meeting of various state representatives known as
   A. the Continental Congress
   B. Shays’ Rebellion
   C. Bacon’s Rebellion
   D. the Annapolis Convention
   E. the Articles of Confederation

3. The individual considered to be the “Father of the Constitution” was
   A. James Madison
   B. Alexander Hamilton
   C. William Paterson
   D. John Knox
   E. George Washington

4. The Federalist essays presented strong and convincing arguments for
   A. adopting the Constitution of 1787
B. keeping the Articles of Confederation  
C. creating a military form of government  
D. becoming a federated state within the British empire  
E. adopting the Bill of Rights as a single unit  

5. The Federalist faction in the ratification debate advocated approval of the proposed U.S. Constitution in 1787 and 1788 for all of the following reasons EXCEPT

A. it would allow the national government to impose taxes  
B. it would allow the national government to mediate or adjudicate disputes between and among states  
C. it guaranteed individual freedoms for citizens such as freedom of speech and religion  
D. it would give the national government the power to conduct foreign policy, including the execution of treaties with foreign governments  
D. the national government would have the power to deal with domestic insurrection, such as Shays’ Rebellion  

6. “The house of assembly (the House of Representatives,) which is intended as a representation of the people of America, will not, nor cannot, in the nature of things, be a proper one—sixty-five men cannot be found in the United States who hold the sentiments, possess the feelings, or are acquainted with the wants and interests of this vast country.”

--“Brutus” (believed to be New York judge Robert Yates)  
November, 1787, “Essay III”

In this quote, the Antifederalist “Brutus” argues that, under the new constitution,  

A. the opinions of all of the citizens will not be represented in the proposed Congress  
B. all Americans would not have the right of freedom of speech  
C. the members of the House of Representatives could vote to regulate interstate commerce  
D. the number of members of the House of Representatives should be increased to 125  
E. members of the House of Representatives should have had a wide variety of life experiences before serving  

7. Backers of the proposed constitution did not stop their campaign to get all of the thirteen states to ratify the document, even after the ninth state voted yes, because  

A. the rules required the approval of all thirteen states for the document to go into effect  
B. the two largest states, New York and Virginia, had not yet ratified, and their approval was needed for the new country to work  
C. James Madison would not consider the Constitution legitimate until his native
Virginia voted to approve
D. the proposed constitution did not contain a bill of rights
E. the Federalists particularly wanted the approval of Rhode Island because of its vibrant fishing industry

8. The Antifederalist faction in the ratification debate fought the approval of the proposed U.S. Constitution in 1787 and 1788 for all of the following reasons EXCEPT

A. the new nation created by the proposed constitution would be too big to be governed as a republic
B. too much power would be concentrated in the hands of the national government
C. the government would be in the hands of a power elite out of touch with the average person
D. the proposed constitution would create a national judiciary system
E. there was no clear list of the rights of individual citizens

9. “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…. You must first enable the government to control the governed; and in the next place, oblige it to control itself.”

In this quote from The Federalist #51, Federalist James Madison writes that the national government under the proposed constitution would not become corrupt because of

A. the rules allowing for the selection of the House of Representatives by popular vote
B. the creation of an internal affairs division in the U.S. government
C. the system of checks and balances included in the proposed constitution
D. the government’s power to put down domestic insurrections
E. the honorable individuals who would hold the positions of power in the new US government

10. “Every man of reflection must see, that the change now proposed, is a transfer of power from the many to the few, and the probability is, the artful and ever active aristocracy, will prevent all peaceable measures for changes, unless when they shall discover some favourable moment to increase their own influence.”

Letters from the Federal Farmer IV, “Federal Farmer,” (probably Richard Henry Lee of Virginia), October 1787

In this passage, the Antifederalist “Federal Farmer” writes against ratification of the proposed constitution because

A. the document does not contain a bill of rights
B. the wealthy and powerful would have too much control of the government
C. too much power would be concentrated in the judicial branch
D. the states would hang on to too much power
E. the new government would not have the power to impose taxes

11. The Federalists got the votes they needed to ratify the Constitution in New York and Virginia in large part because

A. Federalist lobbyists bribed members of both ratification conventions
B. Federalists promised Antifederalists that the new government created by the Constitution would adopt a bill of rights
C. a revolt broke out in New Jersey that the national government could not control
D. the French declared war on the United States
E. Virginia and Maryland threatened to go to war with each other because of a dispute over the collection of import tariffs

12. James Madison decided to support the inclusion of a bill of the rights in the Constitution for all of the following reasons EXCEPT

A. it would provide him with an answer to his critics in his campaign for Congress in Virginia
B. he feared the Antifederalists would be successful in calling a second constitutional convention if a bill of rights were not included
C. he was an outspoken advocate for the right of freedom of speech
D. he wanted a bill of rights to be composed by Congress, not be a constitutional convention
E. it would give the new government legitimacy even among its Antifederalist opponents

13. The outspoken Antifederalist orator who fought the ratification of the proposed constitution in numerous speeches at the Virginia ratifying convention was

A. Richard Henry Lee
B. George Washington
C. John Adams
D. James Madison
E. Alexander Hamilton

14. In assembling the list of amendments to be included in the proposed bill of rights for the U.S. Constitution, James Madison drew heavily on

A. the 1215 Magna Carta
B. the 1775 Virginia Declaration of Rights
C. The Federalist essays
D. the 1688 English Bill of Rights
E. the letters of “Brutus,” 1787
15. One of Madison’s original proposed, then rejected, amendments was adopted in 1992 as Amendment 27. That amendment

A. prohibits double jeopardy for persons accused of crimes
B. sets the national voting age at 18
C. prohibits members of Congress from raising their salaries until an election has occurred
D. restricts presidents to two terms
E. allows the president to appoint a new vice-president if there is a vacancy in that office

Provide a short answer definition for each of the following as it relates to the unit on the ratification of the U.S. Constitution (2 points each)

- republic
- faction
- Antifederalist
- Alexander Hamilton
- Federal
- Patrick Henry
ESSAYS (29 points each) Answer two of the following three essays. Please include a thesis statement in your essays and support your theses with appropriate arguments.

1. What was it that prompted the calling of the Constitutional Convention in 1787? In your answer, you should include at least two, if not more, compelling reasons why these men dumped the existing system for a radically new form of government.

2. Why was James Madison finally convinced that the Constitution should have a bill of rights? Why did the Antifederalists try to make the inclusion of a bill of rights such an important issue?

3. Discuss the ratification debates in Massachusetts, Virginia, and New York in light of the Antifederalist influence on the debate. How did those debates help to change the eventual nature of the U.S. Constitution?
Conclusion

One of the most popular destinations for tourists visiting Washington, DC, is the newly-remodeled National Archives on Pennsylvania Avenue, just down the street from the White House. It is a uniquely American experience to enter the high-ceilinged room where the original Declaration of Independence, United States Constitution, and the Bill of Rights are on display for viewing. One almost gets the feeling that the documents are sacred in the literal sense of the word, i.e., that they deserve the reverence usually given to the holy books of a particular faith. That is not surprising given the nature of the civics education most Americans receive. That education tells us that our laws and our country itself sprang forth from the words on the pieces of paper in that room and the actions of the men who signed on the bottom line.

This thesis seeks to give credit where credit is due and how this oversight might be remedied through adjusting the high school history and/or government curricula to include more information about the role of the Antifederalists during the ratification of the U.S. Constitution. This thesis shows clearly that the Antifederalist role was critical in forcing the backers of the Constitution to make concessions to the Antifederalist faction. In political parlance, this practice is known as “throwing a bone” to the other side to peel off enough votes to get your own proposal passed. This sort of compromise is the way our political system works. Given the reverence reserved for the Bill of Rights in our history, it seems somehow ironic that the Bill of Rights became a political “bone” during this debate. However, since that is the way the system works, the Antifederalists deserve the acknowledgment as the prime movers behind the adoption of the document containing a significant portion of the individual rights we hold as Americans.
This thesis also shows that the individual usually regarded as “the father of the Constitution” was, in fact, initially an opponent of the Bill of Rights. James Madison became the document’s author only after its adoption in the summer of 1789 was a foregone conclusion. Madison showed tremendous political foresight and adeptness in crafting the proposals that would eventually become the Bill of Rights. Some might accuse him of the old political ploy of seeing a parade and jumping in front of it in order to appear to be leading it. However, other viewers might see that situation as plain and simple political acumen. Madison had no shortage of that, but this thesis asks that we acknowledge that the Antifederalists did, too.

This thesis does not ask for a radical re-write of American high school history textbooks, as many who insist on either excluding or including wide philosophical points of view hope to do. It asks instead for an adjustment to include more about the key role played by Antifederalists in the whole discussion surrounding the ratification of the U.S. Constitution and the Bill of Rights in the period 1787-89. Language included in state and national history education standards allows and even encourages the teaching of this information to high school students. The lesson plans included in this thesis provide one way to bring all of the points of view, including the points of view of the Antifederalists, into the overall discussion of the period surrounding the approval and adoption of the U.S. Constitution.

Our schools, whether public, private, or parochial, have a tremendously important role in laying the foundation of our political, governmental, and political system in this country. It is imperative that we have the educated electorate the Founders felt was necessary for the proper functioning of our republic. What we teach our students needs
to be as accurate and as thorough as it can possible be, and that should include an increased emphasis on the Antifederalists. In addition, schools need to increase the overall study of the Constitution, how it came about, and importantly what is in it, in order to fulfill their roles as the instructors of how to participate in our political system. However, in the process, please give proper respect and historical acknowledgment to those eighteenth-century contrarians, those forgotten founding fathers who gave us the Bill of Rights as part of our national DNA, those men who showed us that debate and compromise are good things—the Antifederalists.
Appendix I

This appendix includes a reproduction of page from one of the lessons included in *The Choices for the 21st Century Education Program* produced by the Watson Institute for International Studies at Brown University in Providence, Rhode Island. This lesson is entitled, “A More Perfect Union: American Independence and the Constitutional,” Fifth Edition, published in 2005. The lesson plan outlined in the paper draws on the format included in this *Choices* lesson, though the lesson plan in the paper adds a fourth point of view to the three mentioned here. For more information, see www.choices.com on the internet.
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The Choices for the 21st Century Education Program develops curricula on current and historical international issues and offers workshops, institutes, and in-service programs for high school teachers. Course materials place special emphasis on the importance of educating students in their participatory role as citizens.

The Choices for the 21st Century Education Program is a program of the Thomas J. Watson Jr. Institute for International Studies at Brown University.

Thomas J. Biersteker
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A More Perfect Union: American Independence and the Constitution is part of a continuing series on international public policy issues. New units are published each academic year and all units are updated regularly.

Visit us on the World Wide Web — www.choices.edu
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The Choices for the 21st Century Education Program is a program of the Watson Institute for International Studies at Brown University. Choices was established to help citizens think constructively about foreign policy issues, to improve participatory citizenship skills, and to encourage public judgment on policy issues.

The Watson Institute for International Studies was established at Brown University in 1986 to serve as a forum for students, faculty, visiting scholars, and policy practitioners who are committed to analyzing contemporary global problems and developing initiatives to address them.

The Great Debate: Ratifying the Constitution of 1787

Eleven days after the Philadelphia convention ended, Congress recommended that the final draft of the Constitution be submitted to the thirteen states. Although the convention delegates had gone well beyond the scope of their instructions, Congress raised no objections to their proposal.

Congress also approved the controversial procedure suggested by the convention for ratifying the Constitution. According to the Articles of Confederation, the individual state legislatures should have voted on the Constitution. The convention delegates, however, called on each state legislature to assemble a state convention for the purpose of voting on the Constitution. The method for selecting the delegates was to be decided by the states.

Several states reacted quickly, organizing state conventions and approving the draft Constitution with little debate. The Delaware convention unanimously accepted the Constitution on December 6, 1787. A few days later, supporters of the Constitution in Pennsylvania rushed the document through the ratification process before their opponents could present their case. Within a month, New Jersey, Georgia, and Connecticut also approved the Constitution.

What were the issues in the ratification debate?

By early 1788, however, fierce debates on ratification were already underway in the states of New York, Massachusetts, and Virginia. Four central issues stood out.

* Were the security and prosperity of the United States threatened by the shortcomings of the Articles of Confederation?

* Were the delegates to the Philadelphia convention justified in drafting a new Constitution, rather than following their instructions to revise the Articles of Confederation?

* Did the powers granted to the national government under the proposed Constitution pose a threat to individual liberty and the rights of the states?

* Should amendments guaranteeing individual rights be added to the Constitution to prevent the abuse of power by the national government?

In theory, the Constitution could have taken effect with the approval of nine of the thirteen states. In fact, rejection of the document by a major state would have forced a new round of negotiations, and might very well have sunk attempts to form a stronger national government.

The Philadelphia convention had conducted its deliberations in secret. Nonetheless, the public quickly entered the ratification debate. Both sides expressed their opinions with conviction.

Supporters of the Constitution viewed the document as a means for rescuing the country from the shortcomings of the Articles of Confederation. They expected that the Constitution would win the backing of America’s most prominent citizens. Opponents, however, found much to criticize. They saw in the Constitution a threat to their liberties and an attempt to create a dominant aristocracy in American society.

“These lawyers, and men of learning, and moneyed men, that talk so finely, and gloss over matters so smoothly, to make us poor illiterate people swallow down the pill, expect to get into Congress themselves; they expect to be the managers of the Constitution, and get all the power and all the money into their own hands, and then they will swallow up all of us little folks, like the great whale.”

—Opponent of the draft Constitution

The ratification debate hardened the political divisions in American society. The Federalists, who had been behind the drive to draft a new Constitution, now faced a well-defined opposition, known as the “Anti-
Federalists.”

The Anti-Federalists were in fact supporters of confederation, or even a loose form of federalism. The Federalists were best described as “nationalists” because they favored a strong national government.

The Federalists and Anti-Federalists engaged in a war of words in America’s newspapers. Not since the months just before the outbreak of the War of Independence had the temperature of American politics reached such heights. As the ratification battle raged in early 1788, three distinct positions emerged.
Options in Brief

Option 1: Unite Around the Constitution
Our nation is on the brink of anarchy. Our current plight has been brought upon us by the Articles of Confederation and the pettiness of the states. If we want to save our nation, we must immediately adopt the Constitution that was drafted in Philadelphia. The national government proposed in the Constitution will have the authority to act on behalf of all of our citizens. Our opponents are trying to frighten the public with groundless fears. But look seriously at what is being proposed. The Constitution puts forth a structure in which our nation will be governed by leaders of wisdom, experience, justice, and virtue. The record of so-called “democracy” in several states has proven the logic of this approach. We learned twelve years ago that we had to join together or perish. Today, we must follow the same path if we are to fulfill the destiny that Divine Providence has laid out for us.

Option 2: Clearly Define Individual Rights
Beware the Federalist Constitution! The document that is being forced on the country is dangerously flawed. Let us step back and weigh the present situation. There is no crisis that demands an immediate response. We must calmly and deliberately go about revising the Constitution to establish a solid foundation for forming a more perfect union. We must carefully define and limit the authority we grant our government. We must add to the Constitution a bill of rights to safeguard the liberties of America’s citizens. We should not take anything for granted. Even governments established in the name of liberty have been known to infringe on the liberties of the citizenry. With so much in doubt, we must not act in haste. The noble experiment we are carrying out on these shores demands that we strive for perfection.

Option 3: Trust in the Common Citizen
Free citizens—defend your rights! The self-anointed aristocracy that gathered in Philadelphia last summer has devised a scheme to deprive Americans of their liberties. Are we to trade the liberty cap of the free citizen for the yoke of the serf? Never! The Federalists have whipped up fears of chaos to win support for their Constitution. In fact, they are concerned mainly with protecting their wealth and investments. The strong national government suggested by the Philadelphia convention would allow only a handful of wealthy men to participate in the affairs of the republic. Our political system must be grounded in the common citizen—not a privileged elite. The states are the proper defenders of the republican form of government. We must remember always that the only source of legitimate authority is the citizenry. We must not give away the rights we shed blood to gain.
Option 1: Unite Around the Constitution

Our nation is on the brink of anarchy. At home, the threat of rebellion and revolt hangs over us, while commerce is hamstrung by the tangle of laws and taxes imposed by the states. On our borders, foreign powers occupy our territory with little regard for our claims. In the capitals of Europe, we are mocked for our weakness and inability to pay our debts.

Our current plight has been brought upon us by the Articles of Confederation and the pettiness of the states. Fortunately, we finally have before us the means to escape from our predicament. If we want to save our nation, we must immediately adopt the Constitution that was drafted in Philadelphia.

The states have proven that they are incapable of promoting our national well-being. They have been unwilling to provide the national government the money necessary to pay America's debts and carry out the functions required of a nation. Seized by the popular forces of democracy, several have flooded their economies with worthless paper money, passed laws preventing creditors from collecting their debts, and thwarted commerce from neighboring states.

The national government proposed in the Constitution will have the authority to act on behalf of all of our citizens. The president will see that America's laws are enforced fairly and consistently. The Supreme Court will ensure that the Constitution becomes the standard by which the laws of the states are judged. The Congress will take measures to address the nation's problems and end the feuding among the states.

Of course, there are doubters. Some say that the United States is too large to be governed as a single state. To them we respond that the size of our republic will be turned to our advantage. In a nation so large and diverse, no region or narrow interest group will be able to dominate the national government and act contrary to the public good. The Constitution's division of power among the three components of the national government will also protect our freedoms and liberties. The executive, judicial, and legislative branches each have the authority to check the abuses and excesses of the others.

Our opponents are trying to frighten the public with groundless fears. They claim that the state governments will be abolished. In fact, the Constitution grants the states and the citizenry all of the powers not specifically assigned to the national government. They argue that the national government will take away the natural rights of life, liberty, and property. On the contrary, the very preamble of the Constitution emphasizes the importance of individual rights.

Finally, they cry “aristocracy!” But look seriously at what is being proposed. The Constitution puts forth a structure in which our nation will be governed by leaders of wisdom, experience, justice, and virtue. Elected officials in the executive and legislative branches will serve for limited terms, and may be voted out of office. The record of so-called “democracy” in several states has proven the logic of this approach. The Constitution makes way for men of high standing to take their rightful place in government.
The men who gathered in Philadelphia know what is best for the nation. They spent long hours deliberating the same issues that are now being raised. Rather than attack their motives, we should thankfully trust in their judgment. How many young states have had the benefit of a George Washington to guide them through their early years? Ancient Rome would have been blessed to have had such patriots. Do you imagine that they would somehow betray the best interests of our country?

We learned twelve years ago that we had to join together or perish. Today, we must follow the same path if we are to fulfill the destiny that Divine Providence has laid out for us. If we are to create a more perfect union, we must ratify the new Constitution.

**Beliefs and Assumptions Underlying Option 1**

1. Men of wisdom, virtue, and experience should be responsible for guiding our young republic.

2. Governments controlled by the popular forces of democracy eventually slide into anarchy and civil war. Many of the states currently controlled by popular factions have already taken the first steps toward self-destruction.

3. Divine Providence has intended that our people—bound by language, custom, religion, geography, and values—form a strong, unified nation.

4. The central government should assume the powers necessary to effectively govern national affairs, leaving the remaining responsibilities in the hands of the states.

**Supporting Arguments for Option 1**

1. Establishing a strong, central government will advance our foreign relations, allowing our nation to pay its debts, protect its citizens, and enforce the treaties America has signed with foreign countries.

2. The large, well-structured republic that has been proposed will block selfish interests from turning government to their own advantage at the expense of the common good.

3. A strong, central government will settle disputes among the states and prevent local uprisings, such as Shays’s Rebellion, from erupting.

4. Checks and balances among the legislative, executive, and judicial branches of government will ensure that no individual or institution threatens the liberties of our citizens.

**From the Historical Record**

*Newspaper essay by John Jay, New York lawyer*

“It would be more to the interest of the people of America that they should be one nation, under one federal government than that they should divide themselves into separate confederacies and give to the head of each the same kinds of powers which they are advised to place in one national government.

“Independent America was not composed of detached and distant territories, but of one connected, fertile, wide spreading country.

Providence has been pleased to give this one connected country to one united people, a people descended from the same ancestors, speaking the same language, professing the same religion, attached to the same principles of government, very similar in their manners and customs, and who, by their joint counsels of arms and efforts, fighting side by side throughout a long and bloody war, have nobly established their general liberty and independence.
"The convention was composed of men highly distinguished by their patriotism, virtue and wisdom. They passed many months in cool uninterrupted and daily consultations; and finally, without having been awed by power, or influenced by any passions except love for their country, they presented and recommended to the people the plan produced by their joint and very unanimous counsels."

Newspaper essay by Alexander Hamilton, New York lawyer

"If these states should be either wholly disunited or only united in partial confederacies, the subdivisions will have frequent and violent contests with each other. The causes of hostility are numerous. Some take their origin entirely in private passions and interests. If Shay's had not been a desperate debtor it is much to be doubted whether Massachusetts would have been plunged into a civil war. The genius of a republic is pacific [peaceful]; the spirit of commerce has a tendency to soften the manners of men and to extinguish those inflammable humours which have so often kindled into wars. A firm Union will be of the utmost moment to the peace and liberty of the states as a barrier against domestic faction and insurrection...."

"We have reached almost the last stage of national humiliation. There is scarcely any thing that can wound the pride, or degrade the character of an independent nation which we do not experience. Do we owe debts to foreigners and to our own citizens? These remain without any proper or satisfactory provision for their discharge. Have we valuable territories and important posts in the possession of a foreign power, which by express stipulations ought long since to have been surrendered? We have neither troops, nor treasury, nor government.... The price of improved land in most parts of the country is much lower than can be accounted for by the market and can only be fully explained by that want [lack] of private and public confidence [in the government and economy]."

"We must extend the authority of the union to the persons of the citizens—the only proper objects of government. Why has government been instituted at all? Because the passions of men will not conform to the dictates of reason and justice, without constraint.... We cannot expect that the persons entrusted with the administration of the [states] will execute the resolutions or degrees of the general authority. The reverse of this result from the constitution of human nature."

Newspaper essay by James Madison, Virginia landowner

"Among the numerous advantages promised by a well constructed Union, none deserves to be more accurately developed than its tendency to break and control the violence of faction [interest groups]. The instability, injustice and confusion introduced into the public councils have been the mortal diseases under which popular [democratic] governments have everywhere perished. Our [state] governments are too unstable, the public good is disregarded in the conflicts of rival parties, and measures are too often decided, not according to the rules of justice, and the rights of the minority party, but by the superior force of an interested and over-bearing majority.

"The latent cause of faction is sown in the nature of man. The most common and durable source of factions has been the various and unequal distribution of property. Those who hold and those who are without property have ever formed distinct interests in society.

"The cause of faction cannot be removed; and relief is only to be sought in the means of controlling its effects. The two great points of difference between a Democracy and a Republic are, first, the delegation of the government, in the latter to a small number of citizens elected by the rest; secondly, the greater number of citizens and greater sphere of country, over which the latter may be extended...."

"Extend the sphere [territory] and you take in a greater variety of parties and interests; you make it less probable that a majority of the whole will have a common motive to invade the rights of other citizens...."

"Wherever the real power in government lies, there is the danger of oppression. In our
[state] governments the real power lies in the majority of the community, and the invasion of private rights is chiefly, not from acts of government contrary to the sense of its citizens, but from acts in which government is the mere instrument of the majority of citizens."
Option 2: Clearly Define Individual Rights

Be aware the Federalist Constitution! The document that is being forced on the country is dangerously flawed. Like peddlers of shabby merchandise, the Federalists are concealing the defects of their goods, exaggerating the benefits, and insisting that you act immediately. The American people have more sense than that.

Almost all of us recognize that there are serious shortcomings in the present system. Almost all of us are frustrated that one or two states have thwarted efforts to strengthen the national government under the Articles of Confederation. That was why Congress and all but one of the states took steps to convene the gathering in Philadelphia. Indeed, the delegates were perhaps justified in going beyond their duties to draft a new Constitution. The document they produced is certainly worthy of consideration. But do these men, distinguished as they may be, possess a monopoly on wisdom? Are we to accept their judgement without question, as if they speak with the voice of God?

For a moment, let us step back and weigh the present situation. There is no crisis that demands an immediate response. We are not threatened with invasion. Yet we are told that we must rush to enact the proposed Constitution. The best approach is quite the opposite. We must calmly and deliberately go about revising the Constitution to establish a solid foundation for forming a more perfect union.

First, we must recognize that those who are given power over others frequently abuse it. This is human nature. Power tends to corrupt the soul. As citizens of these United States of America, we must carefully define and limit the authority we grant our government. In particular, we must guard against the dangers of placing a standing army in the hands of a powerful executive. From Caesar in ancient Rome to Cromwell in seventeenth century England, history contains many examples of military strongmen who have taken away the liberties of their people. We must learn from the misfortunes of the past. We cannot assume that our country’s army will always be led by selfless patriots like George Washington.

Second, and most important, we must add to the Constitution a bill of rights to safeguard the liberties of America’s citizens. Only a few short years ago, we took up arms to defend our rights as Englishmen. The most far-sighted leaders of our state governments have insisted that bills of rights be inserted into their state constitutions. Should not these same rights be guaranteed in our national Constitution? We should not take anything for granted. Even governments established in the name of liberty have been known to infringe on the liberties of its citizenry. The rights that we hold most dear—trial by a jury of our peers, freedom of worship, an unfettered press—must be clearly spelled out in our Constitution.

The Federalists admit that amendments to the proposed Constitution are needed. But they want you to first buy the goods and then address the problems. They argue that the document produced in Philadelphia is as fragile as a house of cards. Make one or two modifications, they warn, and the whole structure will come tumbling down. But consider the danger in their line of reasoning. The Federalists plan to establish a strong national government and then to immediately ask the officials at the head of our country to voluntarily reduce their powers. Should we expect such restraint from men in authority?
With so much in doubt, we must not act in haste. There is no more important task before the American people than the framing of a Constitution. We are a nation of laws, and our laws will derive their legitimacy from the wisdom of our Constitution. We will most likely not undertake this project again in our lifetimes. Let us craft the document that will govern America with the utmost precision. The noble experiment we are carrying out on these shores demands that we strive for perfection.

**Beliefs and Assumptions Underlying Option 2**

1. Governments inevitably seek to increase their power at the expense of individual liberty.

2. Considering that these United States do not face an immediate crisis, we should move calmly and carefully to craft a constitution for our nation.

3. A bill of rights should be included in the national Constitution to protect individuals from the power of a strong, central government.

4. A standing army under the control of a strong government poses a threat to individual liberty.

**Supporting Arguments for Option 2**

1. Including specific rights—such as freedom of religion, trial by jury, and freedom of the press—in the national Constitution will safeguard individual liberty.

2. Carefully balancing political power between the national government and the states will best protect the freedom and independence for which we have fought.

3. Building a strong consensus around the Constitution through compromise will ensure the success of our new national government.

4. Clearly defining the limits of government power will prevent the rise of a military dictatorship.

**From the Historical Record**

*Newspaper essay by "A Plebian." New York*

“The plan [proposed Constitution] is defective. Some of the powers granted are dangerous; others not well defined. Amendments are necessary. Why then not amend it? Why not remove the cause of danger? The instrument is yet in the hands of the people; it is not signed, sealed, and delivered. The people have the power to give it any form they please. With regard to our public and national concerns, what is there in our condition that threatens us with any immediate danger? We are at peace with all the world.”

*Newspaper essay by "Brutus." New York*

“Many instances can be produced in which the people have voluntarily increased the powers of their rulers; but few, if any, in which rulers have willingly abridged [reduced] their authority. This is a sufficient reason to induce you to be careful, in the first instance, how you deposit the powers of government.... The powers of the general [national] legislature extend to every case that is of the least importance—there is no thing valuable to human nature, nothing dear to freeman, but what is within its power.

“The common good, therefore, is the end [goal] of civil government.... But it is not necessary for this purpose that individuals should relinquish all their natural rights. Some are of such a nature that they cannot be
surrendered.... Others are not necessary to be resigned in order to attain the end for which government is instituted. Rulers have the same propensities as other men; they are as likely to use the power with which they are vested for private purposes, and to the injury and oppression of those over whom they are placed.... The peoples in all countries where any sense of freedom remains have fixed barriers against the encroachments of their rulers. The country from which we have derived our origin [Britain] is an eminent example of this. Their Magna Charta and bill of rights have long been the boast, as well as the security, of that nation.... This principle is a fundamental one in all the constitutions of our own states.

“For the security of life, in criminal prosecutions, the bills of rights of most of the states have declared that no man shall be held to answer for a crime until he is made fully acquainted with the charge brought against him; he shall not be compelled to accuse or furnish evidence against himself, the witness against him shall be brought face to face, and he shall be fully heard by himself or counsel. Are not provisions of this kind as necessary in the general government, as in that of a particular state?

“In the bills of rights of the states it is declared that a well regulated militia is the proper and natural defense of a free government—that as standing armies in time of peace are dangerous, they are not to be kept up, and that the military should be kept under strict subordination to, and controlled by the civil power. The same security is as necessary in this Constitution and much more so; for the general government will have the sole power to raise and to pay armies.”

Resolution of the Massachusetts Ratifying Convention

“It is the opinion of this Convention that certain amendments and alterations in the said Constitution would remove the fears and quiet the apprehensions of many of the good people of the Commonwealth, and more effectually guard against an undue administration of the federal government.... That it be explicitly declared that all powers not expressly delegated by the aforesaid Constitution are reserved to the several states, to be by them exercised.... That no person shall be tried for any crime by which he may incur an infamous punishment, or loss of life, until he be first indicted by a grand jury.”

Letter from Thomas Jefferson, Virginia landowner, to James Madison

“I do not like the omission of a bill of rights providing clearly and without the aid of sophisms for freedom of religion, against monopolies, the eternal and unremitting force of the habeas corpus laws, and trials by jury.... A bill of rights is what the people are entitled to against every government on earth, general or particular, and what no just政府 should refuse or rest on inference.... I hope therefore a bill of rights will be formed to guard the peoples against the federal government, as they are already guarded against their state governments in most instances.”

Pamphlet by Robert Whitehill, Pennsylvania landowner

“It is the nature of power to seek its own increase, and thus the loss of liberty is the necessary consequence of a loose or extravagant delegation of authority. National freedom has been and will be the sacrifice of ambition and power; and it is our duty to employ the present opportunity in stipulating such restrictions as are best calculated to protect us from oppression and slavery.... In entering into the social compact, men ought not to leave their rulers at large, but erect a permanent landmark by which they may learn the extent of their authority, and the people be able to discover the first encroachments on their liberties.”
Option 3: Trust in the Common Citizen

Free citizens—defend your rights! For six years, we fought to throw off the tyranny of British rule. Now we face a new threat from within our borders. The self-anointed aristocracy that gathered in Philadelphia last summer has devised a scheme to deprive Americans of their liberties. They are telling us that the American people are incapable of self-government and that we must turn our public affairs over to the so-called “better classes.” Is this the freedom for which we shed blood? Are we to trade the liberty cap of the free citizen for the yoke of the serf? Never!

Look closely at the small circle of conspirators that assembled in Philadelphia. It is made up almost exclusively of rich merchants, investors, and lawyers. These were not the men who stood bravely at the Concord Bridge and Valley Forge. Few can plow a straight furrow or hold out hands calloused from honest work. And yet, these same men want us to bow to them as if they were Roman patricians.

The Federalists have whipped up fears of chaos to win support for their Constitution. In fact, they are concerned mainly with protecting their wealth and investments. The crises that they have manufactured are no more than the inevitable birth pangs of our new nation. The proposed Constitution is hardly the answer to our problems. The strong national government suggested by the Philadelphia convention would allow only a handful of wealthy men to participate in the affairs of the republic. Who else would be able to travel seven hundred miles to serve in Congress or seek justice in the national court?

Our political system must be grounded in the common citizen—not a privileged elite. There is no better guarantee of liberty than a democracy founded on the good judgment of independent small farmers. Political power must be widely dispersed to give the greatest number of our citizens an opportunity to participate in government. None of us is more than a few days journey away from our state capitals, even in Virginia and Georgia. The states are the proper defenders of the republican form of government.

In contrast to the state governments, there is little room in the proposed Constitution for the common man to express his views. At every turn, the popular voice of democracy is stifled. Only the representatives in the lower house would be chosen by the citizens at large. In the Senate, small states would be equal to large states in voting power. The plantation owners of the southern states have even insisted that their slaves be taken into account in determining representation.

Of particular danger is the clause which grants Congress the power “to make all laws which shall be necessary and proper” to fulfill its role. This is a blank check that the American people are expected to blindly sign. The delegates to the Philadelphia convention are asking us to turn over the rights that inspired our struggle for independence. Perhaps they should have reread the Declaration of Independence before drafting their Constitution.

What our would-be aristocrats in fact have in mind is a return to the Old World. Under the proposed Constitution, the president would conspire with the Senate to secure his re-election and rule with the authority of a king. Together, they would exercise their treaty-making power to impose their will on the entire nation. The national government would
grow rich on taxes, while the state legislatures would be starved of revenue. Should any of the states raise a cry of protest, the president would be quick to order a professional standing army to punish his critics. A military tyranny would be just over the horizon.

Our patriots did not give their lives to create such a government. On the contrary, the proposed Constitution is a slap in the face to the cause of liberty. We must remember always that the only source of legitimate authority is the citizenry. We must not give away the rights we shed blood to gain.

Beliefs and Assumptions Underlying Option 3

1. Concentrated power inevitably attracts power-hungry men. The political foundation of our republic must rest on the good sense of the common citizen.

2. The hardships that presently afflict many of us are related to the effects of the War of Independence, not to the Articles of Confederation.

3. The territory of these United States is much too large and its people too diverse for a republican form of government to operate fairly and effectively.

4. Maintaining a balance of political power between a strong, central government and the states would be impossible. Eventually, the national government would deprive the states of their sources of revenue and authority.

Supporting Arguments for Option 3

1. Protecting the power of state governments will thwart the ambitions of those seeking to impose a monarchy or an aristocracy on our nation.

2. A loose confederation will allow each state to develop along its chosen path and avoid regional conflicts on divisive issues, such as slavery and trade.

3. Dividing political authority among the states will ensure that the common citizen has greater access to power and will be more likely to participate in government.

4. Building our political system around the common citizen will elevate the character and virtue of those in whom we place our trust.

From the Historical Record

Newspaper essay by "Philadelphensis," Pennsylvania

“The president general will be king to all intents and purposes [under the proposed Constitution], and one of the most dangerous kind.... He is vested with powers exceeding those of the most despotic monarch we know of in modern times. What a handsome return have these men made to the people of America for their confidence. Through the misconduct of these bold conspirators we have lost the most glorious opportunity that any country ever had to establish a free system of government. America under one purely democratic rule would be rendered the happiest and most powerful in the universe, but under the proposed one, composed of an elective king and a standing army, officers by his sycophants, the starvelings of Cincinnati, and an aristocratic Congress of the well-born, an iota of happiness, freedom, or national strength cannot exist.”

Letter from Thomas Jefferson, Virginia landowner, to James Madison

“The president seems a bad edition of a Polish king. He may be reelected from four years to four years for life. Reason and experience prove to us that a chief magistrate, so
continuable, is an officer for life. I wish that at
the end of the four years they had made him
[the president] ineligible a second time.”

Newspaper essay by Elbridge Gerry, Massachusetts
merchant

“The Constitution proposed has few, if
any federal features, but is rather a system of
national government.... However respectable
the members may be who signed the Constitu-
tion, it must be admitted that a free people
are the proper guardians of their rights and
liberties—that the greatest men may err and
that their errors are sometimes of the greatest
magnitude.”

Newspaper essay by George Mason, Virginia landowner

“The Senate with its great powers will
destroy any balance in the government and
enable them to accomplish what usurpations
they please upon the rights and liberties of the
people.... The judiciary is so constructed
and extended as to absorb and destroy the judi-
cirates of the several states: thereby rendering law
as tedious, intricate and expensive, and justice
as unattainable, by a great part of the commu-
nity, as in England, and enabling the rich to
oppress and ruin the poor....

“By declaring all treaties supreme laws of
the land, the Executive and the Senate have
in many cases, an exclusive power of legisla-
tion.... By requiring only a majority to make
all commercial and navigation laws, the five
southern states (whose produce and circum-
stances are totally different from that of the
eight Northern and Eastern states) will be
ruined.... This government will commence in
a moderate Aristocracy; it is at present im-
possible to foresee whether it will produce
a monarchy or a corrupt oppressive Aristoc-

Newspaper essay by Richard Henry Lee, Virginia land-
owner

“It must be admitted that our federal sys-
tem [Articles of Confederation] is defective,
and that some of the state governments are
not well administered. But we attribute to the
defects in our government many evils and em-
barrassments which are most clearly the result
of the late war....

“It is the opinion of many great authors
that a free elective government cannot be
extended over large territories. One national
government and general legislature alone
can never extend equal benefits to all parts
of the United States. Different laws, customs,
and opinions exist in the different states.... It
would be impossible to collect a representa-
tion of the parts of the country five, six, and
seven hundred miles from the seat of govern-
ment.

“The people of this country, in one sense,
may all be democratic; but if we make the
proper distinction between the few men of
wealth and abilities, and consider them as
the natural aristocracy of the country, and the
great body of the people, the middle and lower
classes, as the democracy in it, this federal
representative branch [Congress] will have but
very little democracy in it.

“When [and if] the people shall adopt the
proposed Constitution, it will be their last and
supreme act. Whenever this Constitution or
any part of it shall be incompatible with the
ancient customs, rights, the laws, or the state
constitutions heretofore established in the
United States, it will entirely abolish them and
do them away.... Once power is transferred
from the many to the few, all changes become
extremely difficult; the government in this
case being beneficial to the few, they will be
exceedingly clever and adroit in preventing
any measures which may lead to a change; and
nothing will produce it, but great exertions
and severe struggles on the part of the com-
mon people.”

Newspaper essay by "Brutus," New York

“The legislature of the United States are
vested with the great and uncontrollable pow-
ers of laying and collecting taxes, regulating
trade, instituting courts...and other general
powers. And are by this clause invested with
the power of making all laws, proper and
necessary, for carrying all these into execution.
They may so exercise this power as entirely to
annihilate all the state governments.”
Appendix II


Both the Omaha Public Schools and Brownell-Talbot College Preparatory School use and have used various editions of The American Nation in the Modern Era by Paul Boyer, et al. for their regular, non-honors history classes. Dr. Boyer received his Ph.D. from Harvard University in 1966 and is professor emeritus of history at the University of Wisconsin—Madison. He has been associated with this and other American history textbooks since the early 1990’s. Most notably, he is also the author of The Enduring Vision high school history textbook, written for AP and honors courses and published by Houghton Mifflin.

The discussion of the Constitution and its ratification occurs in Chapter One of the book, entitled “The New Nation.” The authors begin discussion of the details of the Constitution’s ratification under the subhead, “The Constitutional Convention.” The authors summarize the entire convention and its issues in seven short paragraphs on one page. There is a portrait of James Madison inserted beside the text with the caption, “James Madison helped draft Virginia’s state constitution before he served as a member of the Continental Congress.” On the next page, the authors tell us the convention debated the control of commerce and whether the states or the Congress would have control. Then they tell us the Constitution received thirty-nine of the forty-two votes from the convention delegates.

The authors call the next subhead “Federalists and Antifederalists.” The Federalists, they say, were “wealthy merchants, planters, and lawyers” who supported “a
strong national government,” “a sound currency,” and “property rights.” The authors identify Alexander Hamilton, John Jay, James Madison, and John Marshall. A quote from Madison’s *The Federalist #51* follows, justifying the need for a new national government. After the quote, they include the reference to Massachusetts farmer Jonathan Smith’s quote from the ratification debate in which he says the proposed constitution was “a cure for these disorders” such as Shays’ Rebellion.

In the next paragraph, the authors define the Antifederalists as fearing a national government. They identify Samuel Adams, John Hancock, Patrick Henry, and George Mason as Antifederalists. The authors say the Antifederalists demanded a bill of rights be added to the new constitution. They also claimed that the document was undemocratic because of the indirect election of the president and the appointment of senators.

At this point, the authors include a short quote from Antifederalist New York governor George Clinton writing an opinion essay as “Cato” claiming that the new constitution would “be dangerous to your liberty and happiness.” The next paragraph tells us of *The Federalist* essays by Madison, Hamilton, and Jay being published to answer the Federalist critics of the proposed constitution. The paragraph also includes a sentence that said the Federalists promised to include a bill of rights in the new constitution. As a result, the authors tell us the Constitution received approval by nine states and, as a result, went into effect.

Two brief quotes from *The Federalist #10* and *The Federalist #51* by Madison concerning factions and the system of checks and balances appear in an inset. The authors pose the question above the two quotes, “In Madison’s view, how will the Constitution create a ‘well-constructed’ Union?”
In the next chapter, entitled “Constitution Handbook,” the authors discuss the inclusion of the first ten amendments to the Constitution in a subhead called “The Bill of Rights.” However, they only mention the amendments that offer protections to those accused of crimes. Nowhere do they discuss the Ninth and Tenth Amendments that return some amount of power to the states.

**Strengths:** The authors include the short quote from Cato’s essay and identify some of the Antifederalists involved in the debate. It includes the observation that the Antifederalists feared a too-powerful national government that would be created by the proposed constitution. It also says the Federalists promised a bill of rights in order to get the Constitution ratified.

**Weaknesses:** The text observes that Madison, Hamilton, and Jay answered Antifederalist critics with eighty-five essays that came to be known as *The Federalist* with only one short quote from among of the hundreds of published Antifederalist essays. The authors also fail to include the association of the publication of *The Federalist* essays with the ratification debate in New York. They fail to discuss the close votes in Massachusetts, New York, and Virginia. They also fail to discuss Madison’s role in actually composing the Bill of Rights, particularly the inclusion of the Ninth and Tenth Amendments as concessions to the Antifederalists and his change of heart of a bill of rights as the debate proceeded.

Dr. Andrew R.L. Cayton of the history department at Miami University in Oxford, Ohio, heads up the writing team for America: Pathways to the Present from Pearson/Prentice Hall. Dr. Cayton’s title is “distinguished professor” at Miami. In addition to his books on the history of the Midwest and articles in numerous scholarly history journals, his reviews of history books have appeared in the New York Times, the Los Angeles Times, and the Washington Post. The Omaha Public Schools and Millard Public Schools in Omaha, Nebraska, use and have used this book for their regular, non-honors history classes. The book reviewed here is the 2005 edition from Millard North High School.

The relevant discussion of the ratification period appears in Chapter Two of this text, “Balancing Liberty and Order” under the subhead “The Battle Over Ratification,” and is one of the shorter treatments of the period among all of the books reviewed here. The authors begin by explaining that special convention would consider the proposed constitution because the “Framers of the Constitution” feared it would be voted down by state legislatures who thought the states would lose too much of their power. The authors introduce the Federalists, who they say wanted a strong national government, and the Antifederalists who felt the proposed document threatened states’ rights and the rights of individuals.

The text lists George Washington, James Madison, and Alexander Hamilton as prominent Federalists. The text follows with a discussion that Federalists Madison, Hamilton, and John Jay composed The Federalist essays that appeared in New York
newspapers in 1787 and 1788 under the pseudonym *Publius*. *The Federalist* essays receive the authors’ praise for being the “most sophisticated” discussion of the new governmental ideas included in the proposed constitution.

The authors tell us the Antifederalists followed the leadership of “older revolutionaries, such as Patrick Henry,” and that the Antifederalists felt the proposed document was “a betrayal” of the revolution since the president in the new government would be nothing but a king. At this point, the authors include an excellent line to explain the divergent points of view for each side that reads, “While the Federalists feared the people more than the government, the Antifederalists feared government more than the people.” The authors do point out that the Federalists came into the debate in a stronger position than their opponents. They were very well organized against the continuation of the Articles of Confederation and in favor of the Constitution they had approved. The Antifederalists were together only in their opposition and were not in contact with each other in the different states. The authors also tell us the Federalists had the best endorsement for the Constitution available, Revolutionary War general George Washington. The authors then tell us the debates occurred in the various states, finally passing in the “heavily populated” state of Virginia and New York after “loud debates and quiet maneuvers.”

In the next paragraph, the authors write that the Federalists won because they had included “several amendments” to “protect citizens’ rights.” They tell us Congress proposed twelve amendments and the states ratified ten of them that are now known as the Bill of Rights. The text says some of the ideas came from the 1689 English Bill of Rights. The authors also include a sentence that Hamilton had argued against
amendments in *The Federalist #84*, saying the amendments were unnecessary and follow with Thomas Jefferson’s endorsement of a bill of rights in one of his letters to Madison. At this point, “facing overwhelming pressure for the Bill of Rights, the Federalists gave in.”

If nothing else, the text is chronologically out of order and could lead to confusion on the part of the reader as to which action led to which action. When and where did the Federalists “give in?” What did Patrick Henry and his colleagues do to bring about the change of heart on the part of the Federalists? There is also no mention of the inclusion of the Ninth and Tenth Amendments as compromise concessions to the Antifederalists in order to gain enough votes to get the Constitution approved. This book is one of the best examples that shows the disregard that so many of these book have for the role of the Antifederalists during the period.

The Papillion/LaVista School district uses *The History of the United States* by Daniel Boorstin and Brooks Mather Kelley with Ruth Frankel Boorstin, published by Prentice Hall as its text for its regular US History classes. The reviewed here is the 2007 edition of the text though the Papillion/LaVista high schools are still using the 1999 edition. This text brings with it the prestige of Dr. Daniel Boorstin who was not only an eminent American history but also something of a history celebrity before his death in 2004 at age 89. Dr. Boorstin’s accomplishments included a Rhodes scholarship, a British law degree, a 25-year career as a professor of history at the University of Chicago, six years at the Smithsonian Institution's National Museum of History and Technology, and twelve years as the Librarian of Congress. His name remained on the text after his death, though his wife, Ruth, who served as his editor for many years, continued to work with the book. Boorstin’s partner, Brooks Mather Kelley, wrote a history of Yale University in addition to his work on the textbook.

In the text, the authors begin discussion of the relevant period in the book’s Chapter Three, Section Five, “The States Ratify.” The second paragraph states that the state legislatures “might not have made an impartial decision” because the legislatures would lose power under the proposed constitutions and that the document needed the approval of nine of the thirteen states to go into effect.

At this point, the authors introduce the Federalists, who supported the new constitution, and the Antifederalists who feared the new national government would destroy liberty since it did not contain a bill of rights similar those in state constitutions.
The authors credit both sides with being “well-meaning” and say the outcome was not certain. Only “hard work and a number of political tricks” put into effect by the Federalists gained the approval of the required number of states. For example, the authors say the Federalist purchased Antifederalist newspapers in Pennsylvania to prevent the Antifederalist message from being disseminated. The proposed constitution quickly won approval there and in four other states.

The authors then concentrate on the ratification debate in Massachusetts where the Antifederalists “seemed to be in the majority.” The Federalists get credit for having “the cleverest politicians” on their side. The text says the Federalists (none of them is named) promised the popular John Hancock, the ratification convention’s presiding officer, the governorship of the state if he would support the Constitution and offer a set of amendments “to guard citizens’ rights.” (None of the proposed Massachusetts amendments is included in the text.) He agreed, the text says, and the document won approval. The authors also credit the Massachusetts amendments with helping to win approval of the Constitution, with amendments included, in South Carolina and New Hampshire.

New Hampshire’s approval gave the Federalists the nine states they needed for the Constitution to go into effect, but the authors tell us the Federalists needed the large and influential states of Virginia and New York for the new government to work. The text names Patrick Henry and George Mason as effective Antifederalists in Virginia, but that the support of the proposed constitution by the popular and respected George Washington helped to win approval by close vote, but with amendments suggested.
The authors then turn to New York where they tell us *The Federalist* essays by James Madison, Alexander Hamilton, and John Jay, which they call “brilliant propaganda,” “helped turn the tide” in New York though the authors fail to mention where New Yorkers read these essays in local newspapers. The authors credit the news of Virginia’s approval and the efforts of Alexander Hamilton at the New York convention for the close vote in favor of the Constitution.

The authors then tell us the Federalists promised a bill of rights, and that, without that promise, the Constitution might not have won approval. They suggest that the inclusion of a bill of rights at the start of the debate would have made the approval process easier. In the next chapter, James Madison gets the credit for introducing the bill of rights, but makes no mention of the significance of Amendments Nine and Ten in the Federalist political fight with their opponents.

In a 2002 review of *Magruder’s American Government* in *Slate Magazine* at slate.com, book reviewer Rob Walker calls the high school civics and government textbook “the 800-pound” gorilla in that particular textbook category in American publishing. Oregon State University political science professor Frank Abbott Magruder published the first edition in 1917, and Oregon State’s professor emeritus William A. McClenaghan inherited the text upon Magruder’s death in 1949. Pearson/Prentice Hall claims a 70% share of the high school government textbook market with this book. It is certainly popular in Omaha. The Omaha Public Schools, Papillion-La Vista Schools, Ralston Public Schools, Westside Public Schools, and Brownell-Talbot College Preparatory School either currently use *Magruder’s* or have used it in the recent past. This review looks at the 2006 edition. (Walker, slate.com)

*Magruder’s* covers the constitutional period in Chapter Two, Section Four, entitled “Creating the Constitution.” The text begins by praising the delegates to the Philadelphia convention, citing Thomas Jefferson’s quote referring to the delegates as “demi-gods.” The author says the delegates were men of “wealth and prestige” who had impressive records of public service, many having fought in the American Revolution and later served in the Continental Congress. The author mentions that some prominent leaders did not attend, including Patrick Henry, Samuel Adams, John Hancock, and Richard Henry Lee.

The next two pages of the text relate the debate between the large and small states over Congressional representation and the eventual compromises over the creation of the
House and Senate, how slaves were counted for representation in the House, and the
taxing of exported tobacco. The text says that the delegates did agree on the need for the
creation of a national government with a separation of powers among the government’s
different parts. The author then tells us that the delegates drew on the writings of
European political philosophers William Blackstone, John Locke, Jean Jacques
Rousseau, and the Baron de Montesquieu in putting together their ideas for how the new
government should work.

The text then begins Section Five of Chapter Two, “Ratifying the Constitution.”
The author tells us of the two opposing factions in the constitutional debate, the
Federalists and the Antifederalists. The “most active and most effective” Federalists,
says the author, were James Madison and Alexander Hamilton. Patrick Henry, Richard
Henry Lee, John Hancock, and Samuel Adams led the opposition, according to the text.
The author tells us the Federalists said that the problems facing the states could only be
resolved by approving the proposed constitution. The Antifederalists went after “nearly
every part of the new document.” The author says the centralization of power and the
lack of a bill of rights received the most criticism, and he includes Patrick Henry’s quote
calling the document “the most fatal plan that could possible be conceived to enslave a
free people.”

Two quick paragraphs recount the ratification of the proposed constitution by the
first nine states, but the text adds that the new nation needed the approval of both New
York and Virginia or the “new government could not hope to succeed.” The author
praises the great debate at the Virginia convention that included Federalists James
Madison, Governor Edmund Randolph, and future Supreme Court Chief Justice John
Marshall, as well as Antifederalists Henry, James Monroe, Richard Henry Lee, and George Mason. The author cites the support of non-delegates George Washington and Thomas Jefferson in the Constitution’s approval in the debate. On the same page, the text includes a chart listing each state, the date each state voted to approve, and the convention’s vote count.

On the next page, the author discusses the New York ratification convention and the efforts by Madison, Hamilton, and John Jay to persuade delegates with a series of opinion pieces published in New York newspapers, a series that came to be known as The Federalist. The author praises the essays as “excellent political commentary” and “among the best political writings in the English language.” With a brief mention that the new government began soon after the Virginia and New York votes, the chapter comes to an end.

The next chapter, Chapter 3, is called “The Constitution.” The chapter discusses the amendments in the Bill of Rights and the procedure by which amendments are added, but only briefly discusses how and why the first ten amendments became part of the Constitution in 1791. The text mentions only that “people, including Thomas Jefferson, had agreed to support the Constitution only if a list of the basic rights held by the people were added to it immediately.”

In an inset on the next page, the author includes portions of an exchange of letters between Thomas Jefferson in Paris, France, and James Madison in Virginia discussing the addition of a bill of rights to the Constitution. The letters go to the root of the debate, but the author fails to tie them into the context of his narrative or that the bill of rights
was a promise to the Antifederalists in exchange for their support at any point during the constitutional debate.

In fact, the narrative fails to mention any of the writings of the Antifederalists. The author does include the complete text of *The Federalist #10* and *#51* by James Madison, and *The Federalist #78* by Alexander Hamilton in the book’s appendix. Both Madison and Hamilton appear in the text as writing *The Federalist*. He also includes excerpts from Antifederalist Richard Henry Lee’s *Letters from the Federal Farmer to the Republican*, Antifederalist Luther Martin’s speech against the Constitution in the Maryland legislature in November, 1787, and excerpts from an essay written by Pennsylvania Antifederalists William Findley, Robert Whitehill, and John Smilie entitled *The Address and Reasons for Dissent of the Minority of the Convention of the State of Pennsylvania to their Constituents*. However, the author makes no mention of the Antifederalist writings either in the text or as a cross-reference to the appendix.

Most importantly, the author makes no direct connection between the opposition activities of the Antifederalists and adoption of the Bill of Rights, or even Madison’s role in writing the amendments that placated the Antifederalist objections. To his credit, the author does include in the appendix some of the essays from the Antifederalist writers. However, without looking through the appendix, the reader would not know they were included in the book.

The Papillion-LaVista Public Schools use Houghton Mifflin’s American Government: Institutions and Policies by James Q. Wilson and John J. Dilulio, Jr., in their AP Government classes. The latest edition being used by the schools is the 10th edition published in 2006. Both Wilson, of UCLA and Pepperdine, and Dilulio, from the University of Pennsylvania, are conservative academics that are not only accomplished teachers and writers, but also are and have been active in the shaping of public policy.

The 78-year-old Wilson’s works include examinations of morality in marriage, urban renewal in Los Angeles, and inner city crime in Los Angeles. He served on several national commissions over the course of his career as well as serving on the boards of State Farm Insurance and the RAND Corporation and the Board of Academic Advisors for the American Enterprise Institute. In 2003, President George W. Bush awarded him the Presidential Medal of Freedom for his life’s work.

Dilulio, 50 and a Democrat, currently teaches political science at Penn. His works appear in numerous academic journals and the publications of the Brookings Institute. His particular fields of expertise are juvenile crime and faith-based public service providers. He has also written opinion-editorial pieces for the *New York Times*, *Wall Street Journal*, and *Washington Post*. President George W. Bush appointed him the first director of his White House Office of Faith-Based Initiatives shortly after his administration began, one of the few Democrats in the Bush White House. However, Dilulio resigned in August of 2001 and returned to Penn after his work in the office was criticized by both conservatives and liberals. He publicly criticized Bush’s staffers for
their interference in the program, calling them “Mayberry Machiavellis.” Today he remains a proponent of faith-based programs of public service.

This book is not without controversy. None of the controversy went to the portion of the text to be examined here. However, in the interest of transparency, one group criticized some of the book’s content. The Center for Inquiry, a liberal advocacy group based in Amherst, New York, that promotes “science, reason, and freedom of inquiry,” published a scathing criticism of the textbook in 2008 for its treatment of global warming, school prayer, same-sex marriage, and freedom of religion. Wilson dismissed the criticisms as “cherry-picking” sentences and says that he, a Republican, and Dilulio, a Democrat, balance their treatment of government and politics in the book.

The authors discuss the ratification debate in Chapter Two of the book called “The Constitution,” under the subhead, “The Constitution and Liberty.” They identify the Federalists as backers of the Constitution, but says they should be more accurately called “nationalists.” Their opponents, say the authors, were the Antifederalists and should be more accurately called “states’ righters.” They explain that the Philadelphia convention delegates bypassed the original process for amending The Articles of Confederation by calling for ratification conventions, a move the authors call technically illegal.

The text explains that the Antifederalists had a variety of objections to the proposed constitution, but that they felt the country would be too large for a republican form of government since it would be “too distant” from the people it governed. They objected the possibility that Congress would impose taxes, the US Supreme Court might overrule states, and that the government would maintain a standing army. Here, the
authors praise the Antifederalists for their foresight since the fears they had all came to pass. The national government needed more controls in place to restrict its power, said the Antifederalists, and that should include a bill of rights.

At this point, the authors mention the efforts of James Madison to counter these arguments in *The Federalist #10* and *The Federalist #51*, which are included in the book’s appendix and cross-referenced in the text. The authors fail to mention the context of the New York ratification debate for Madison’s writings in the regular text. Instead, they include a two-page feature that discusses the New York debate and the points Madison makes in the two previously-mentioned essays.

The authors then discuss some of the reasons why the Federalists did not include a bill of rights in the original constitution. They contend that the Federalists thought they had covered personal liberties and point to the inclusion of the right of *habeas corpus* and prohibitions of bills of attainder and *ex post facto* laws. They also tell us the Federalists thought the rights were covered by bills of rights in the various states.

As the conventions began, the authors tell us, the Constitution won easy approval in the first several states. But, the backers of the proposed document got a yes vote in Massachusetts only after promising the inclusion of a bill of rights. The authors tell us that Patrick Henry argued against the debate in Virginia as a thunderstorm raged outside the hall and that the Constitution won approval by ten voted. They add that New York then approved the Constitution only after New York City threatened to secede from the rest of the state.

In the next paragraph, the authors conclude their discussion of the Bill of Rights, saying that Madison introduced nineteen amendments to fulfill “the promise of a bill of
rights. The text says many of the amendments were based on the existing Virginia bill of rights. The last sentence mentions the addition of the Fourteenth Amendment that “extended many of the guarantees of the Bill of Rights to cover state governmental action.”

The writer of this essay taught for the 2007-08 and 2008-09 school years at Mary Institute and St. Louis Country Day School (MICDS), a college preparatory school in St. Louis, Missouri. In the high school social studies curriculum at MICDS, the AP Government teacher spoke very highly of *A People and A Nation* as a great book for her students. Dr. Mary Beth Norton heads up the academic team that oversees the book. She teaches history at Cornell University in New York, where she has been on the history faculty since 1971. Houghton Mifflin Company’s college textbook division, recently absorbed by Cengage, publishes *A People and A Nation*. It is not uncommon for high school courses to use college texts for AP courses because of the more challenging nature of the course work.

The ratification debate appears in the book’s Chapter Seven, “Forging a National Republic.” The discussion begins under the subhead, “From Crisis to Constitution.” The authors begin by stating that the delegates to the 1787 Philadelphia convention were “men of property” and all wanted reform or else they would not have been there. The authors also portrays the delegates as mostly college-educated, and educated in America. About a dozen delegates, the text says, carried out most of the convention’s work, including Virginia James Madison who the authors say deserves the title “Father of the Constitution.”

The authors justify this praise with Madison’s political resumé, previously serving in the Virginia legislature and the Continental Congress. He also wrote, say the authors, an extensive paper on confederacies and republics that he published just before the
Philadelphia convention began in the spring of 1787. They go on to discuss how the proposed constitution came together and won approval in September, 1787.

The discussion of the ratification debate begins under the subhead, “Opposition and Ratification.” The authors mention that “every newspaper in the country” published the text of the proposed document, so that everyone had a chance to read it and form an opinion. The text calls the backers of the proposed constitution “the Federalists,” men who said the nation need not be afraid of the proposed constitution’s strong central government because “good men drawn from the elite” would be making the decisions.

The authors tell us the Federalists successfully put the term “the Antifederalists” on their opponents in order to cast them “in a negative light.” The fear of a too-powerful national government that might abuse its authority was their big issue, according to the text. The authors identify Samuel Adams, Patrick Henry, and Richard Henry Lee as Antifederalists and include small farmers concerned with taxes, and “backcountry Baptists and Presbyterians” or, in other words, rural religious conservatives, in the Antifederalist coalition. However, the authors say the Antifederalists pushed the lack of a bill of rights as the biggest part of their agenda.

The text mentions the Antifederalist essays, *Letters of a Federal Farmer*, as suggesting which rights should be included in a bill of rights and goes on to quote Thomas Jefferson’s letter to James Madison during the ratification debate, urging the inclusion of a bill of rights in the proposed constitution.

The next paragraph recounts the easy votes the first five states that considered the Constitution and adds that the Massachusetts debate was much closer since many Antifederalists had been elected to the ratifying convention. The document won
ratification by a very close vote, only because the convention recommended the inclusion of a bill of rights. The text goes on, telling of the close vote to approve the Constitution in Virginia despite the fiery oratory of Antifederalist Patrick Henry, and only with the addition of a recommendation of a bill of rights.

The authors then tell us of the debate in New York and the efforts by Madison, Hamilton, and Jay to argue for the Constitution in The Federalist essays. Once again, it was the promise of a bill of rights that helped the Federalists to eke out a three-vote victory. The chapter makes no reference to any specific essays in The Federalist series, and no essays from either the Federalist or Antifederalist writers appear in the book’s appendix.

In the book’s Chapter Eight, “The Early Republic: Conflicts at Home and Abroad,” the authors tell the reader that James Madison, newly elected to the First US House of Representatives from Virginia, wrote and presented nineteen Constitutional amendments to the House to “respond to amendments proposed in state ratifying conventions.” The text then goes over the ten that were approved by the states, including comments that their adoption “defused” Antifederalist opposition. The authors mention specifically that the Ninth and Tenth Amendments made sure unspecified rights and powers remained with the states and the people.

Westside High School in Omaha uses the sixth edition of *America’s History* written by a team led by the University of Maryland’s James A. Henretta, et al., published by Bedford/St. Martin’s Press, in its AP US History course. Bedford/St. Martin’s Press publishes mostly college level textbooks though some of its books are used in Advanced Placement high school courses. Dr. Henretta is a long-time faculty member at Maryland and has written extensively on early American history in addition to his work in other textbook projects with Bedford/St. Martin’s Press. One of his colleagues, David Brody, is history professor emeritus at the University of California at Davis and has written extensively about the labor movement in the United States, and his other co-author, Lynn Dumenil, is a professor of history at California’s Occidental College and writes on cultural, political, and social history in the 20th century.

The book begins its discussion of the constitutional era in Chapter Seven, “The New Political Order, 1776-1800, telling us that the proposed constitution was a “controversial document” from the start. The push for a new constitution arose, the book says, because of the efforts of a “nationalist faction” that advocated a stronger central government to deal with debts, taxes, and tariffs. The authors write that the nationalists, particularly George Washington, Benjamin Franklin, Robert Morris, and John Adams, feared the collapse of the nation’s international credit if the government did not have the power to impose taxes and collect revenue. They add that bondholders feared that the individual states would pass laws to delay or eliminate the repayment of legally-held bonds.
These fears and Shays’ Rebellion in Massachusetts prompted the series of meetings that culminated in the 1787 Philadelphia convention, purportedly called to revise the existing Articles of Confederation. During the recounting of how the Constitution was constructed during that summer of 1787, the authors include the first discussion of protest against the consolidation of power in a national government. In fact, they insert in an inset excerpts from a letter from New York delegates Robert Yates and John Lansing to New York governor George Clinton, telling him why they were leaving the convention. In the introduction to the letter, the authors call the views of these two men “Antifederalist,” the first use of the phrase in the book.

“[We also] entertained an opinion that a general government, however guarded by declarations of rights, or cautionary provisions, must unavoidably, in a short time, be productive of the destruction of the civil liberty of such citizens who could be coerced by it.” (Henretta, 203)

After covering the approval of the proposed constitution by the Philadelphia convention, the authors begin the ratification story in the subhead “The People Debate Ratification.” They write that the mostly nationalist Continental Congress “winked” at the convention delegates’ decision to submit the proposed document to ratification conventions rather than to the more populist state legislatures. The authors claim the nationalists seized the political initiative, calling themselves “Federalists,” and began an organized media campaign of newspaper articles and pamphlets in order to get the Constitution approved.

The Antifederalists, the authors tell us, opposed the Constitution for different reasons. They point to New York Governor Clinton who feared his state would lose power to a national government and to rural farmers who feared the economy would be run by “merchants and creditors (who) would produce a new aristocracy.” The text
includes the quote from farmer Amos Singletary during the Massachusetts ratification convention, worrying about “These lawyers and men of learning and monied men” getting too much power, though the text does not name Singletary or say that it was from the Massachusetts debate. The authors also include a quote from New York Antifederalist Melancton Smith expressing similar fears and add the Antifederalist concern of the lack of a bill of rights.

The text also includes a paragraph that says that “well-educated Americans” familiar with the writings of French political philosopher Montesquieu feared the proposed huge size of the new country with quotes from James Winthrop of Massachusetts and Virginia’s Patrick Henry who said the new government would “recreate the worst features of British rule: high taxes, an oppressive bureaucracy, a standing army, and a great and mighty president.”

The next two paragraphs cover the publication of The Federalist essays by James Madison, Alexander Hamilton, and John Jay in which these writers sing the praises of the separation of powers and the system of check and balances included in the Constitution. The authors say Madison specifically answered the “too large for a republic” argument in The Federalist #10, in which Madison says the new large republic would also protect against individual factions in the country.

The authors then discuss the events at the individual ratification conventions. The Federalists won the early debates with little opposition with the first real test of the proposed constitution coming in Massachusetts. The text says Massachusetts was “a hotbed of Antifederalist sentiment,” citing well-known public figures Samuel Adams and John Hancock, as well as backers of Massachusetts foreclosure protester Daniel Shays, as
opponents. The authors write that the Federalists won only after promising that the new national government “would consider a national guarantee of individual rights.”

The authors tell us New Hampshire’s approval of the Constitution in 1788 gave the Federalists the required nine states to put the Constitution into action, but they realistically needed Virginia and New York for the Constitution to work. The authors give the writers of *The Federalist* essays the credit for persuading the Antifederalist delegates in both states with “their superb rhetorical skills” and securing narrow votes for approval. The authors write that those votes brought to an end “the Antifederalist agitation and that the Antifederalists who opposed the Constitution agreed to participate in the new government. They quote Patrick Henry saying he would “submit as a quite citizen” and fights for amendments to the new constitution. However, the text says that forty-four Federalists won election to the First Congress, but only eight Antifederalists won seats. The authors add that the Federalists kept their promise and adopted a bill or rights in the First Congress. The text specifically mentions the Tenth Amendment limiting the power of the national government and reserving powers to the states.

Houghton Mifflin’s The American Pageant by Stanford University’s David M. Kennedy, et al., is a popular text for Advanced Placement and honors classes. The Omaha Public Schools, and particularly OPS’ Central High School, uses this text in its AP US History course as does Ralston High School and Brownell-Talbot College Preparatory School. The book’s Chapter Nine discusses the Constitutional period. As part of the period’s study and particularly the ratification debate, it includes a two-page (162-163) discussion of the differing views on the nature of the American Revolution.

Was it a fight for liberty, for self-government, and against British tyranny, or was it a populist revolt against a British-allied elite class in the American colonies? These are interesting questions to consider when discussing the role the Antifederalists would play in the Constitutional debate.

The authors discuss the nature of the delegates to the 1787 Philadelphia convention as

“young (the average age was forty-two) but experienced statesmen. Above all, they were nationalists, more interested in preserving and strengthening the young Republic than in further stirring the roiling cauldron of popular democracy.” (Kennedy, 179)

They add that all were well off in life with not a single member from the working classes or debtor groups. The delegates to the convention, they write, sought to ensure the security of their property and way of life against the “mobocracy.” The authors cite this particular fear as the reason for the creation of the electoral college, the indirect means included in the US Constitution by which American choose their president.
The discussion moves along to a sub-heading called “The Clash of the Federalists and the Antifederalists.” It begins telling the reader that the convention delegates set up the rules for ratifying the proposed constitution as “an appeal over the heads of the Congress…and over the heads of the legislatures that had chosen its members.” (Kennedy, 182). The book calls the debate that ensued one of the hottest in the history of the country. It is here that the text says that a group called the Antifederalists opposed the stronger central government in the proposed constitution and that those in favor on the document were known as the Federalists.

The authors call the Antifederalists “a motley crew” of those who wanted states to hold on to their power as well as rural residents and those in the poorer classes who feared they would be forced to pay off their debts immediately. The authors list Samuel Adams, Patrick Henry, and Richard Henry Lee as prominent Antifederalists. In the subsequent discussion of the debate, the authors tell us the Antifederalists objected to the loss of the sovereignty of the states and the lack of the inclusion of a bill of rights. The authors include a map on p. 184 showing, in color shadings, areas of the United States where Federalist and Antifederalist majorities resided in 1787-88.

As the discussion turns to ratification debate, the authors do tell us that approval of the new constitution in Massachusetts occurred because of Federalist promises of the inclusion of a bill of rights as constitutional amendments in the First Congress. The text reports that Massachusetts voted narrowly to ratify the new document.

On page 185 of the text, the authors begin a new subhead, “The Four Laggard States,” to discuss in particular the debates in Virginia and New York. On the same page the authors include short quotes from Antifederalists Lee, referring to the proposed
constitution as providing “elective despotism,” and Henry, who wonders whether the people actually have any checks on the government under the new document. On page 187, the authors include the quotes from Jonathan Smith and Amos Singletary during the Massachusetts debate, included in the discussion of the history of the Antifederalists earlier in this thesis.

As the authors begin discussion of the ratification debate in New York, they mention the series of essays by Alexander Hamilton, John Jay, and James Madison that would become known as *The Federalist* and particularly mentions Madison’s *The Federalist #10* as refuting the argument against the use of a republican form of government in so large a country. They tell us the essays were published in newspapers, but they make no mention of any essays written by the constitution’s opponents. The text goes on to tell us that Virginia and New York voted narrowly to ratify the new constitution and that North Carolina and Rhode Island did not ratify until after the first George Washington administration was underway in 1789 and 1790.

In the next chapter, “Launching the New Ship of State,” the authors include a subhead, “The Bill of Rights,” that discusses the Federalists making good on their promise to include a list of rights as amendments to the new constitution. The authors tell us Madison undertook the task himself. The authors specifically mention Madison’s inclusion of the Ninth Amendment “to guard against the danger that enumerating such rights might lead to the conclusion that they were only ones protected.” Madison included the Tenth Amendment, they say, to give some of the government’s power back to the states as a gesture to the Antifederalists.
The authors do not include complete essays from either The Federalist or from any of the Antifederalist writers in the book’s appendix. At the end of Chapter Nine, the book includes, though, a brief discussion of the two points of view on the nature of the US Constitution, advanced by Charles Beard in 1913 and by Gordon Wood in 1969. In a “Varying Viewpoints” segment called “The Constitution: Revolutionary or Counterrevolutionary?”, the authors tell us that Beard believed those who sought the new constitution did so to protect their economic interests and that the debate over ratification was a class struggle. Wood argued, the authors write, that the US Constitution was instead a bold experiment that was “the fulfillment, rather than the repudiation, of the most advanced ideas of the Revolutionary era.” (Kennedy 189)

Of all the books here examined, *The American Pageant* is the only one that comes close to giving a fair treatment of the Antifederalist role in the ratification debate. Remember, though, that this book is used in AP and honors classes as well as college US history courses, not as a text in regular high school courses.
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Textbooks Reviewed and Cited


