

Ratification and the Bill of Rights

On September 17, 1787, after 16 weeks of deliberation, the finished Constitution was signed by 39 of the 42 delegates present. Franklin, pointing to the half-sun painted in brilliant gold on the back of Washington's chair, said:

I have often in the course of the session ... looked at that [chair] behind the president, without being able to tell whether it was rising or setting; but now, at length, I have the happiness to know that it is a rising, and not a setting, sun.

The convention was over; the members "adjourned to the City Tavern, dined together, and took a cordial leave of each other." Yet a crucial part of the struggle for a more perfect union remained to be faced. The consent of popularly elected state conventions was still required before the document could become effective.

The convention had decided that the Constitution would take effect upon ratification by conventions in nine of the 13 states. By June 1788 the required nine states had ratified the Constitution, but the large states of Virginia and New York had not. Most people felt that without their support the Constitution would never be honored. To many, the document seemed full of dangers: Would not the strong central government that it established tyrannize them, oppress them with heavy taxes, and drag them into wars?

Differing views on these questions brought into existence two parties, the Federalists, who favored a strong central government, and the Antifederalists, who preferred a loose association of separate states. Impassioned arguments on both sides

were voiced by the press, the legislatures, and the state conventions.

In Virginia, the Antifederalists attacked the proposed new government by challenging the opening phrase of the Constitution: "We the People of the United States." Without using the individual state names in the Constitution, the delegates argued, the states would not retain their separate rights or powers. Virginia Antifederalists were led by Patrick Henry, who became the chief spokesman for back-country farmers who feared the powers of the new central government. Wavering delegates were persuaded by a proposal that the Virginia convention recommend a bill of rights, and Antifederalists joined with the Federalists to ratify the Constitution on June 25.

In New York, Alexander Hamilton, John Jay, and James Madison pushed for the ratification of the Constitution in a series of essays known as *The Federalist Papers*. The essays, published in New York newspapers, provided a now-classic argument for a central federal government, with separate executive, legislative, and judicial branches that checked and balanced one another. With *The Federalist Papers* influencing the New York delegates, the Constitution was ratified on July 26.

Antipathy toward a strong central government was only one concern among those opposed to the Constitution; of equal concern to many was the fear that the Constitution did not protect individual rights and freedoms sufficiently. Virginian George Mason, author of Virginia's Declaration of Rights of 1776, was one of three delegates to the Constitutional Convention who had refused to sign the final document because it did not enumerate individual rights. Together with Patrick Henry, he campaigned

vigorously against ratification of the Constitution by Virginia. Indeed, five states, including Massachusetts, ratified the Constitution on the condition that such amendments be added immediately.

When the first Congress convened in New York City in September 1789, the calls for amendments protecting individual rights were virtually unanimous. Congress quickly adopted 12 such amendments; by December 1791, enough states had ratified 10 amendments to make them part of the Constitution. Collectively, they are known as the Bill of Rights. Among their provisions: freedom of speech, press, religion, and the right to assemble peacefully, protest, and demand changes (First Amendment); protection against unreasonable searches, seizures of property, and arrest (Fourth Amendment); due process of law in all criminal cases (Fifth Amendment); right to a fair and speedy trial (Sixth Amendment); protection against cruel and unusual punishment (Eighth Amendment); and provision that the people retain additional rights not listed in the Constitution (Ninth Amendment).

Since the adoption of the Bill of Rights, only 17 more amendments have been added to the Constitution. Although a number of the subsequent amendments revised the federal government's structure and operations, most followed the precedent established by the Bill of Rights and expanded individual rights and freedoms.

1. When was the finished Constitution signed by 39 of the 42 delegates present?

2. The Federalists favored a strong central government.
 - a. True
 - b. False
3. The Antifederalists preferred a loose association of separate states.
 - a. True
 - b. False

4. Who led Antifederalists in Virginia, a constituency of back-country farmers who feared the powers of the new central government?

5. Which of the following did **not** contribute to the series of essays known as *The Federalist Papers*?
 - a. Alexander Hamilton
 - b. James Madison
 - c. John Adams
 - d. John Jay
6. Collectively, the first ten amendments to the Constitution are known as what?

7. Which amendment guarantees freedom of speech, press, religion, and the right to assemble peacefully, protest, and demand changes?

8. Which amendment guarantees protection against unreasonable searches, seizures of property, and arrest?

9. Which amendment guarantees due process of law in all criminal cases?

10. Which amendment guarantees the right to a fair and speedy trial?

11. Which amendment guarantees protection against cruel and unusual punishment?

12. Which protection in the Bill of Rights do you believe is most important, and why?

