Phil Huhta

Where do the Roots of American Democracy Lie?

Introduction

Contemporary Americans are fond of crediting the "founding fathers" for their ingenious work on the Constitution of the United States, and for creating the democratic system of government Americans enjoy today. But much of this praise of the "founding fathers" is misplaced. The framers of the Constitution did not believe they were creating a democratic form of government, nor did they want to. Instead they were concerned with creating a republican government that represented "the people," but did not necessarily provide for the direct participation of all groups and classes of people as voters and leaders. The framers of the Constitution were actually quite surprised by the democratic government and society that emerged soon after the Constitution was ratified.[1] Considering this, it is imperative to reexamine the Constitutional debate in order to determine who was truly responsible for American democracy.

After the Constitution was drafted, it was sent to each state for ratification. It took a few months, however, for the formal ratification debates to begin because, instead of merely submiting the Constitution to the state legislatures, each state was encouraged to organize a independent ratifying convention with special elected delegates. The public debate over the Constitution, however, began almost as soon as the last delegates filed out of the convention hall in Philadelphia. Before and during the ratifying conventions, which assembled at different times depending on the state, an outpouring of letters, editorials, pamphlets, and

---

[1] Gordon S. Wood. *The Radicalism of The American Revolution*. (New York: Random House Inc., 1993). See also, Jack N. Rakove. *Original Meanings: Politics and Ideas in the Making of the Constitution*. (New York: Random House Inc.), 1997. Jackson Turner Main. *The Antifederalists: Critics Of The Constitution 1781-1788*. (New York: W.W. Norton & Company, 1961). George Brown Tindall and David E. Shi. *America: A Narrative History* (New York: W.W. Norton, 1996),

other literature debating the merits and demerits of the Constitution circulated throughout society. This literature provides a wide-ranging and comprehensive analysis of the relationship between people and government, and, when coupled with records of the ratifying debates, reveals much about the political ideology of the two principle groups embroiled in the constitutional debate: Federalists and Anti-Federalists. The Federalists, the group to which most of the "founding fathers" belonged, supported the new Constitution, and the Anti-Federalists, the side often ignored in contemporary reflections, opposed it.[2] The Federalists won the debate, and hence they get the credit for the democracy that emerged soon thereafter.

A careful examination of the Constitutional debate, however, reveals that neither Federalists nor Anti-Federalists were directly responsible, or even expected, the sort of democracy that had developed by the early eighteen hundreds. Neither Federalists nor Anti-Federalists were explicitly democratic. In fact, the word democracy itself was rarely used in the debate.[3] But even though neither side was entirely democratic, is it possible to least determine who was most sympathetic to democratic principles? Though it is dangerous to answer without including proper qualifiers, the answer is ultimately yes. While Federalists and Anti-Federalists did not usually speak about "democracy" per se, they did speak about rights, freedom, and representation, and by analyzing such concerns, it becomes relatively clear that Anti-Federalists were most concerned with democratic principles.[4] Contrary to popular conceptions, our founding fathers, mostly Federalists, were not responsible for, or even overtly sympathetic to, the democratic orientation of the early nineteenth century. It

---

vol. I. Bernard Bailyn. *The Ideological Origins of the American Revolution* (New York: Random House, 1993 revision).
[2] Ibid.
[3] Main, *The Antifederalists*, p. 169.

was the Anti-Federalists, the losing side so often ignored, who were most sympathetic to democratic principles.[5] While the Anti-Federalists cannot claim direct responsibility for the democratic government and society that had developed by the early nineteenth century, they were aligned closer than the Federalists to this democratic attitude.

Many constitutional historians have produced stellar scholarship regarding the ideological attitudes of the Revolutionary era, but my analysis of democratic roots is most explicitly informed by the excellent contemporary scholarship of Gordon S. Wood and Jack N. Rakove. These two Pulitzer Prize winning scholars have sought to provide a synthesis of the vast array of revolutionary and constitutional scholarship produced in the last half of the twentieth century. They have synthesized specific political, social, and especially ideological inquiries into holistic studies designed to capture the radicalism and meaning of revolutionary ideas.[6]

The social radicalism of the revolutionary period is analyzed by Gordon Wood in *The Radicalism Of The American Revolution.* Gordon Wood eloquently articulates the radical social effect of conflating and synthesizing ideological ideas, revealing how it led ordinary farmers, artisans, and laborers to reject an entire way of life. To examine this transformation, Wood traces the evolution of America from a monarchical society, to a republican society, and finally to a democratic society. Each of these political systems, according to Wood, was not just a form of government or an ideological idea, but rather a culture of its own. Ideological ideas pervaded and shaped the sociological orientation of society, affecting how people lived their lives. When enlightenment ideas of equality and liberty emerged, various social groups interpreted them differently. This difference in interpretation of the underlying

---

[4] Ibid., pp. 119-186. See also Wood, *Radicalism.*
[5] Ibid.

ideology made it possible for working class people-- free-holding and tenant farmers, butchers, blacksmiths, and others not affected by the international trade-based economy --to understand the Constitution differently than the framers.[7] The sociological affect of ideological ideas accounts for the democracy of the early nineteenth century, and helps illustrate how a democratic government and society could have emerged against the will and intention of the constitutional framers. Wood's study, however, does not directly address the degree to which Anti-Federalists were aligned with the democratic spirit existing among backcountry people.[8]

While Gordon Wood explores the radicalism of applying literally the emerging tenets of a largely intellectual debate, Jack Rakove analyzes "original meaning" and interpretation of the Constitution in *Original Meanings: Politics and Ideas in the Making of the Constitution*. Like Wood, Jack Rakove does not adequately address the democratic sympathies of the Anti-Federalists, dwelling instead on the ideology and activity of the Federalists. Although he focuses too heavily on the Federalists, Rakove delves into the quagmire of original meanings, intentions, and interpretations, producing an excellent analysis of how to understand the Constitution. Rakove's work reveals how the meaning of the Constitution evolved in the course of discussion and implementation.[9] In the process, it implicitly undermines Bernard Bailyn's idea, articulated in *Ideological Origins of the American Revolution,* that the Constitution was a fulfillment of enlightenment ideas.[10] Instead Rakove views the Constitution as a significant marker around which the ongoing debate centers, and about which no definitive answer can be reached. The original intent can

---

[6] Wood, *Radicalism*, and Rakove, *Original Meanings*.
[7] Wood, *Radicalism.*
[8] Ibid.
[9] Rakove, *Original Meanings*.

not be confined to the document itself. The meaning of the Constitution, according to Rakove, developed through discussion in the ratifying debates and implementation. But Rakove fails to explicitly note how the Anti-Federalists affected the discussion.[11] In fact, Rakove's overt focus on the framers makes it imperative to apply his critical lens to the Anti-Federalists. The notion that discussion created the meaning of the Constitution makes it necessary to analyze the role Anti-Federalists played in the debate, and to draw connections between the Anti-Federalists and the democratic interpretation of the Constitution that emerged after ratification.

While Wood and Rakove provide holistic accounts of the social integration of political principles, and the process of interpreting the Constitution respectively, my methodology combines the spirit of these two ideas into a structural framework which reexamines the Constitutional debate. After noting how ordinary people responded to ideological ideas and how the meaning of the Constitution evolved, I was compelled to ask who was most aligned with this democratic interpretation? By examining the constitutional debate it became relatively clear that it was the often-ignored Anti-Federalists who were more sympathetic to democratic principles. While much scholarship has been done on the Constitutional era, very few scholars have adequately addressed the Anti-Federalists. This is evidenced by the fact that the forty-year-old scholarship of Jackson Turner Main remains the most important scholarship on the Anti-Federalists.

Jackson Turner Main's book, *The Anti-Federalists: Critics Of The Constitution 1781 –1788*, reassesses the constitutional debate in order to note how democratic Anti-Federalists

---

[10] Bailyn, *Ideological Origins*.
[11] Rakove, *Original Meanings*.

were and how they affected the final outcome of the Constitutional debate.[12] Main's analysis of the affect local circumstances had on decisions, the factors effecting a change of heart in some Anti-Federalists, and the alignment of the delegates reveals the Anti-Federalist impact on the outcome of the debate. But Main fails, however, to measure Anti-Federalist objections against the democratic society that develops from the Constitution. He does not analyze the evolution of meaning and ideas, nor does he extensively address the manner in which democratic discussion developed the meaning of the Constitution. Main is implicitly willing to say Anti-Federalist ideas died upon ratification, and hence he misses the opportunity to credit Anti-Federalists with becoming part of the side that introduced democracy into government.[13] Anti-Federalist principles did not die upon ratification, but rather their ideas permanently shaped how people understand the Constitution. Therefore it is important to reexamine the democratic spirit of the Anti-Federalists in order to show how they were aligned to the democratic spirit of the early nineteenth century.

During the Constitutional debate, Anti-Federalists articulated principles with a distinct democratic tenor. They were afraid that the Constitution created a national government with too much power, and that the language of the Constitution made it possible, even likely, for the rights of people to be usurped by future governments. This fear of governmental power caused Anti-Federalists to criticize nearly every facet of the Constitution. They were worried that state authority would be violated, and subsequently they wanted to make sure that the locus of power would remain in more local governments in which the people could participate directly. Anti-Federalists were especially concerned about the potential for the aristocracy to dominate government. The nature and power of the

---

[12] Main, *Antifederalists*.
[13] Ibid.

judiciary, the Senate, the President simply provided too many opportunities for corruption and aristocratic dominance. In the most democratic arm of the government, the House of Representatives, Anti-Federalists thought the representation was too scanty. And, above all, they worried over the fact that a bill of rights had been omitted in a government vested with such extensive power.[14] These Anti-Federalist objections to the Constitution reveal a concern with democratic principles.

It would be a stretch, however, to declare that all Anti-Federalists were pure ideological democrats. They were not. There were two basic groups of Anti-Federalists: those involved the international trade-based economy, and those who were not. The Anti-Federalist "gentlemen" of the ratifying conventions were a part of the former group, but they tried to speak for both. Anti-Federalists involved in the market economy tended not to be as afraid of a Federal government as their fellow countryman in the surrounding countryside because they recognized it was needed to address problems with commerce. In fact, commercial concerns eventually did convince some Anti-Federalists to switch sides against the will of their constituents, perhaps changing the overall outcome of the vote. Yet other Anti-Federalists with market interests remained opposed to the Constitution primarily on ideological grounds. The Anti-Federalists not involved in the market tended to oppose a federal government outright. Instead, they were adamantly in favor of local control. The Anti-Federalist gentlemen elected to the conventions favored local control like their fellows in the countryside, but they believed along with the Federalists that a Federal government with limited powers was necessary. Thus the primary difference between the two Anti-

---

[14] Herbert Storing, ed., *The Complete Anti-Federalist* (Chicago, 1981), 7 vols. And Merrill Jensen, John Kaminski, and Gaspare Saladino, eds., *The Documentary History of the Ratification of the Constitution* (Madison, Wis., 1976-), 10 vols.

Federalist factions was that the gentlemen Anti-Federalists of the cities were more sympathetic to a federal government than those in the outlying communities.

When the Anti-Federalist gentlemen of the cities realized that the new Constitution did not have sufficient limitations on its powers, however, they cried out in alarm much like the Anti-Federalists in the country.[15] They sounded like paranoid fanatics, causing some historians to believe, as Cecelia Kenyon has argued, that they were simply conservative "men of little faith."[16] But this is not the case. Their interpretation of republican ideas, usually a mere concern with representation and rights, was often more democratic: that is they wanted the representation to be more direct, and the locus of power to be local.[17] These concerns caused them to be especially critical of the Constitution that vested, in their eyes, far too much power in the new Federal government. They simply did not have confidence that ordinary people would be able to retain their inalienable rights. As it turned out, they were wrong. To the relief of the Anti-Federalists, the people were able to claim their rights, and in fact were able to participate directly in government, which was more than the Anti-Federalist gentlemen had hoped for, or thought necessary. The rights of ordinary people were protected in part because Anti-Federalist criticism, through discussion itself, nudged interpretation of the constitutional debate onto a more democratic path. While the Anti-Federalists cannot claim credit for the democracy of the early nineteenth century, their efforts did perhaps make it possible. Through the efforts of the Anti-Federalists interpretation of the Constitution only grew more democratic after ratification. By the early nineteenth century, a democratic government and society had indeed developed.

---

[15] Main, *Antifederalists*. See also Storing, *Complete Anti-Fed.*
[16] Celia Kenyon, "Men of Little Faith: The Anti-Federalists on the Nature of Representative Government," *William and Mary Quarterly*, 3rd ser., 12 (1955), pp. 3-43.
[17] Main, *Antifederalists*.

I. Democracy in the early 19th Century

Contrary to the fears and expectations of Anti-Federalists, democracy was indeed flourishing in the early eighteen hundreds. A distinctly democratic political and industrial energy had developed and was spreading rapidly. All sorts of previously underclass people were suddenly running for office. More people had the vote, and most of those who had it were voting. Free-holding farmers, artisans, local merchants, and laborers all declared that they deserved a place in government, and their fellows were rushing to the polls to vote them in. By 1825, universal suffrage had been attained by white males in all states except Virginia, Louisiana, and Rhode Island. Political office was no longer reserved for the most propertied elite. The principle of disinterest, which declared that those wealthy enough to be disconnected from the economy were the best equipped to serve because they would remain unaffected by self-interest, was destroyed. Politics had become a business in which wheeling and dealing ran rampant.[18] Tocqueville was correct in observing that the chains that had linked people in a monarchical society had been severed.[19] In the face of an egalitarian and industrious spirit, monarchialism was indeed rapidly dissolving, and democratic principles created by enlightenment ideas were flourishing[20]

Enlightenment ideas of equality had become quite popular with the fairly literate American populace that had studied the plethora of literature circulating during the Revolutionary era. Most people had wholeheartedly embraced the Declaration of

---

[18] Wood, *Radicalism*, 229-369. See also, Edward Countryman, *The American Revolution*. (New York: Hill and Wang, 1985).
[19] Marvin Zetterbaum, *Tocqueville and the Problem of Democracy* (Stanford, 1967), 59.
[20] Wood, *Radicalism*.

Independence.[21] They had believed in the enlightenment theory espousing new ideas about equality, inalienable human rights of life, liberty, and the pursuit of property and happiness. Eventually, they began to interpret these enlightenment cries of equality in a very literal, liberal, and down homesy way. It was not abstract theory to them like it was for Gentlemen; it was literal truth.[22] No longer would somebody like the Boston Shoemaker John Twelves Hewes stand on John Hancock's porch with his hat respectfully doffed, trembling in fear of speaking to his social superior.[23] People had traditionally depended on the great men in their locale for assistance, but now they were more inclined to deal with their problems on their own. The monarchical bonds of patronage were simply not as constraining as they had historically been.

No longer was society constrained by the bonds of a hierarchical society governed by principles of benevolence and patronage. From what had formerly been a monarchical society, that is a society rigidly divided and informed by class, developed a much less ordered society. Prior to the popularization of enlightenment ideas politicians were supposed to be disinterested aristocrats with large land holdings. But now the principle of disinterest was dissolving. People no longer believed that those not involved in the market place could know what was best for them. Aristocrats who did not labor directly for their economic gain, or who did not engage in farming or butchering, could not know what ordinary people faced in their daily routine. Aristocrats did not experience economic foibles in the same way that farmers did, and hence the seed of distrust was sown. In addition, the leisurely life was no longer seen as virtuous because it afforded the opportunity for reflection and study. Studying

---

[21] Gary Wills, *Inventing America: Jefferson's Declaration of Independence* (Garden City, NY: DoubleDay & Company, Inc., 1978).
[22] Rakove, *Original Meanings*. And Wood, *Radicalism*.

was laudable, but one had to do more than that, or else he was accused of slothfulness andevil.[24] No longer did people believe that the elite knew what was best for everybody else. No longer would webs of patronage restrain ordinary farmers, butchers, and blacksmiths from political participation outside of their local communities.[25] Instead people believed they could make it on their own, and principles of equality, opportunity, commerce, work, and competition were in place.[26]

People entered and began competing in the marketplace because they believed that their life condition and economic status was a function of their individual effort, not some preexisting moral and social code. The enlightenment and the resulting republicanism, the idea that government depended on the superior will of the represented people, had taught that ordinary people were as equal and had as much potential as their social superiors, and thus they began asserting themselves. Ordinary people believed it was time to take charge of their economic fate in the face of hard times. People were constantly moving, pushing deeper into the backcountry and crowding along waterways and into cities in search of the resources and market access necessary for their individual success.[27] As more and more people began working harder to improve their condition of life and their economic status, an industrial energy was born. It became important to work, and to be industrious. Everywhere was heard the cry for labor and commerce. A new individualist and competitive spirit was born. Whether you worked with your hands or your mind did not matter. All labor was equally

---

[23] Countryman, *American Revolution*, p.
[24] Wood, *Radicalism,* pp. 229-369.
[25] T. H. Breen, *Tobacco Culture: The Mentality of the Great Tidewater Planters on the Eve of Revolution* (Princeton, N.J.: Princeton University Press, 1985).
[26] Wood, *Radicalism*, pp. 229-369.
[27] Bernard Bailyn, *The peopling of British North America :an introduction* (New York: Vintage Books, 1988).

virtuous and necessary: it was part of the American struggle for upward mobility, progress, property, and happiness.[28]

As result of this competition, 'rugged individualism,' and struggle for upward mobility, "people increasingly felt so disconnected from one another and so self-conscious of their distinct interests that they could not trust anyone different or far removed from themselves to speak for them in government. American localist democracy grew out of this pervasive mistrust."[29] People trusted and voted for those closest to them, and, when this happened, a "consciously pluralistic, ethnic, interest-group politics" had emerged.[30] Every group felt they needed to be included in government at the local level to make sure that their interests were not supplanted by the interest of those with a stronger voice in government. Eventually people began to trust themselves to serve in higher levels of government instead of relying on their social superiors.[31]

While aristocratic sorts were not initially very supportive of ordinary people serving in government, the trustworthiness of ordinary people became a common assumption, and it assumed an aura of sophistication that was based on more than their simplicity and naivete. In a monarchical society, the common people were regarded as "but little superior to the untutored herd," but in the republic they were, as Cato wrote, "'the best judges, whether things go ill or well with the Publick, for they were the Publick."[32] Within their communities, they were moral barometers, measuring the level of satisfaction among the people, and gradually upper class people begin to trust their judgment. With the onset of

---

[28] Wood, *Radicalism*, pp. 229-369
[29] Wood, *Radicalism*, 245.
[30] Ibid.
[31] Ibid., 229-369.
[32]Charles S. Hyneman and Donald S. Lutz, eds., *American Political Writing during the Founding Era*, 1760-1805 (Indianapolis, 1983), Vol. I, pp. 700.

political change, trust in ordinary people grew because they demonstrated a clear understanding of moral principles in a time when confusion ran rampant. Ordinary people became accurate judges of the state of public affairs, and were celebrated by aristocratic people like Thomas Jefferson. "State a moral case to a ploughman and a professor," said Jefferson, "echoing Trenchard and Gordon's 'Cato'; the former will decide it as well, and often better than the latter, because he has not been led astray by artificial rules."[33] The judgement of ordinary people was now respected not only in judging the state of their own lives, but also in evaluating moral conditions in the lives of others. Public opinion became the authority that directed government and politics. People had clearly begun to trust their own judgement, and so had others. Within this trust, this positive valuation of the judgement of ordinary people, notions of equality were expressed.[34]

People, because of enlightenment ideas, their own industrial energy, and the newfound faith aristocratic people had in them, began to believe they were they were equal to aristocratic sorts in a very literal way. "Ordinary Americans came to believe that no one in a basic down-to-earth and day-in-and-day-out manner was really better than anyone else. That was equality as no other nation has ever quite had it."[35] In the words of John Adams, the "certain Airs of Wisdom and Superiority" of the aristocracy and its "Scorn and Contempt and turning up of the Nose" was suddenly less popular than the reconciling notion of basic, folksy equality.[36] Benjamin Rush, a renowned aristocrat, heartily declared: "human nature is the same in all ages and countries, and all the differences we perceive in its characters in respect to virtue and vice, knowledge and ignorance, may be accounted for from climate,

---

[33] Boyd et al., eds., *Papers of Jefferson*, vol. XII, p. 15., quoted in Wood, *Radicalism*, p. 240.
[34] Wood, *Radicalism, pp. 229-369.*
[35] Ibid., 234.

country, degrees of civilization, forms of government, or accidental causes."[37] In other words, Rush asserted there was no intrinsic difference between people. If people changed their circumstances, they could experience upward mobility and acquire an upper class position. They were capable of serving in government. Even James Madison, though he had severe doubts about the moral capabilities of the people,[38] acknowledged a role for ordinary folk in government when he declared that ordinary people must have enough "virtue and intelligence to select men of virtue and wisdom" or "no theoretical checks, no form of government, can render us secure."[39] No longer would ordinary people be "ridden like horses, fleeced like sheep, worked like cattle, and fed and cloathed like swine and hounds."[40] It was suddenly popular to embrace an absolute equality. Republicanism had initiated a new respect for the common sense of common people. Ordinary people were believed to have a clear and simple, but not simplistic, view of life that benefited them in the eyes of the gentry. Ordinary folk interpreted these changing evaluations of themselves as evidence that they too should be directly represented in government. As ordinary people began asserting themselves in government, they took with them their own specific interests.[41]

With the integration of ordinary people into government, interest became an essential characteristic of government. Minute local interests, often including those of the elected official himself, were brought into government. Parties had formed, and partisanship was a legitimate part of government. These new practices made it possible for ordinary people to

---

[36] Taylor et al., eds., *Papers of John Adams*, vol. I, pp. 42, 179, 167-168, 71, quoted in Wood, *Radicalism*, p. 237.
[37] David Freeman Hawke, *Benjamin Rush: Revolutionary Gadfly* (Indianapolis, 1971), 107.
[38] Drew McCoy, *The Last of the Fathers*, (Cambridge: Cambridge University Press, 1989).
[39] Jonathan Elliot, ed., *The Debates of the State Conventions on the Adoption of the Federal Convention* (Philadelphia, 1896), vol. III, pp. 536-537, quoted in Wood, Radicalism, 234-235.
[40] Ibid.
[41] Wood, *Radicalism*, p. 294. See also Rakove, *Original Meanings*.

enjoy greater participation in government and politics. The government was built upon trust, and people now trusted only those similar to themselves.[42] This phenomenon is revealed in the composition of the congressional delegation from Philadelphia and the surrounding area. These Pennsylvanians, wrote Benjamin Latrobe in 1806,

> sent to congress not one man of letters. One of them indeed is a lawyer but of no eminence, another a good Mathematician, but when elected he was a Clerk in a bank. The others are plain farmers. From the next county is sent a blacksmith, and from just over the river a Butcher. Our state legislature does not contain one individual of superior talents. The fact is, that superior talents actually excite distrust, and the experience of the world perhaps does not encourage the people to trust men of genius. . . . This government of what may be called, an unlettered majority, has put down even that ideal rank which manners had established, excepting in our great cities depending on commerce and crowded with foreigners, where the distinction between what is called the Gentleman, and others still subsists, and produces circles of association separate from each other. . . . In Philadelphia even this distinction has almost disappeared, those who expect it having early excluded themselves from the present race of well dressed men and women.[43]

The insertion of the "unlettered majority" into politics reveals the extent to which ordinary people distrusted "gentlemen." Ordinary people now understood themselves to be equal, and they also believed there was virtue in being ordinary. They took ideas of equality and opportunity further than either the Federalists or the Anti-Federalists expected by running for and acquiring leadership positions. No minute local interest group, whether it consisted of butchers, blacksmiths, farmers, or clerks, was willing to trust and vote for anyone who was not similar to themselves, and could thus understand the challenges they confronted. Instead, they voted for their own kind. This insertion of interest into government was supported by Jefferson's notion "that the public good is best promoted by the exertion of each individual seeking his own good in his own way."[44] This egalitarian

---

[42] Ibid.
[43] Margherita Marchione et al., eds., *Philip Mazzei: Selected Writings and Correspondence* (Prato, Italy, 1983), 439. Benjamin Latrobe to Philip Mazzei, Dec. 19, 1806.
[44] Wood, *Radicalism*, p. 296.

principle of individual assertion characterized the democratic spirit of the early nineteenth century, and introduced interest into government.

Interest in government became an accomplished fact when office-holders were offered salaries. The economic state of affairs and the increasing role for government simply made it too difficult to run a plantation or a law office while holding political office. One could not do both well, and therefore some people thought representatives should be paid to ease this burden. People are paid for all their other services, people reasoned, and so why not pay them for serving in government? The argument for not paying them was, of course, clear. Paying elected officials would introduce interest into government, and attract the wrong sorts of men. Limiting office-holding to those who did not have to work or did not need pay, however, excluded the poor and middling ranks from leadership roles; this enabled aristocratic despotism, which ordinary folk were working so hard against, to dominate. The argument against paying officials was still deeply rooted in the notion that government ought to consist only of the best people, and that indeed some people were better than others. Those opposed to political salaries were still convinced that volunteerism created more virtuous leadership.[45]

The notion that representatives would somehow be made more virtuous by volunteerism drew the ire of John Adams who declared "every public man should be honestly paid for his services;" only then would "offices would be founded on justice, not gratitude."[46] Adams believed that "offices in general ought to yield as honest a subsistence, and as clear an independence as professions, callings, trades, or farms."[47] In other words,

---

[45] Ibid., pp. 271-305.
[46] Adams , ed., *Works of John Adams*, vol. IX, pp. 538-542, 543-544, quoted in Wood, *Radicalism*, 290. Adams to John Jebb, on September 10th 1785.
[47] Ibid. Adams to John Jebb on September 25th.

officeholders needed to earn a living like everybody else. This was a democratic idea that made it possible for ordinary people to compete with their social superiors for elected office. When office-holding had been characterized by volunteerism and disinterest, there was no way ordinary people could afford to run for office. But once officials were offered salaries, the playing field was leveled for all who wished to participate in government. People who had formerly been involved only within their communities could now participate in government generally. Providing salaries for elected officials is a demonstration of how remarkably democratic society had become, and it also solidified a role for interest in government by providing the opportunity for ordinary people to participate in government at all levels.[48]

Clearly, Anti-Federalist declarations that ordinary people would not tolerate infringements on their rights were right, but their fears that it would take an aristocratic dominance of government to stimulate them into action had been wrong. Ordinary people did not wait for aristocrats to dominate them. They had been involved at the local level, but, when they perceived problems with the representation of their interests at the state level, and eventually at the Federal level, they took action. Ordinary people begin to expand their political participation from their local communities to all levels of government. No longer would they depend on the aristocracy to solve their problems. The Constitution did not deny them a place in government, and they simply assumed that, as equals of aristocratic sorts, they were entitled to serve in government. People had fought hard for the rights they earned during the revolution, and they were not about to relinquish them.[49] Perhaps they had listened to the Anti-Federalist rhetoric regarding the role of the aristocracy and decided that

---

[48] Wood, *Radicalism*, pp. 227-305.

they would assert themselves before that happened. In any case, as one analyzes the constitutional debate, it becomes clear that Federalists thought aristocrats would continue to act virtuously in government, and, in contrast, Anti-Federalists feared future corruption. While Anti-Federalists involved in the debate did not think the direct participation of ordinary people was absolutely necessary, they were not at all comfortable with an aristocratic dominance of government. The Constitutional debate oozes with Anti-Federalist criticism and fear of the aristocracy's influence in government. This fear of the aristocracy began right from the beginning with the process of ratification.

---

[49] Ibid.

II. The Ratification Process: Fears of an Aristocratic Conspiracy

The Constitutional debate was loaded with Anti-Federalist concern over the role of the aristocracy in government, and this concern began with the manner in which the Constitution had been drafted, the way it was to be ratified, and the arguments that the Federalists made to procure support for it. While the aristocratic class was not as large or powerful as it was in Britain,[50] it certainly was a political force to be reckoned with. During the debate over the merits and demerits of the Constitution, the potential role for the Aristocracy in the government became the prevailing and most pervasive concern of the Anti-Federalists.[51] The Anti-Federalists feared that the Constitution reeked of aristocratic influence and possible corruption. The ever-perceptive and cryptic Patrick Henry had even refused to attend the convention in Philadelphia because, according to American folklore, he "smelt a rat."[52] Whether Henry actually said that or not is irrelevant. It is clear, however, that many Anti-Federalists believed the whole constitution-making process reeked of aristocracy. The Anti-Federalists feared that the structure of the proposed government provided ample opportunity for the aristocracy to assume a domineering a role in government. Had the Constitution provided greater representation, a better balance of power, and included a bill of rights, many Anti-Federalists might have tolerated the fashion in which it was crafted. But since nearly every facet of the Constitution represented an opportunity for aristocratic dominance of government, most Anti-Federalists were more inclined to criticize the aristocratic influences driving its construction. Anti-Federalist criticism regarding the

---

[50] Bailyn, *Peopling*.
[51] *Complete Anti-Fed., I. 3-14.*
[52] Richard B. Bernstein, *Are We To Be A Nation: The Making of the Constitution* (Cambridge, MA: Harvard University Press, 1987), p. 183.

aristocratic nature of the Constitution began with the manner in which the Constitution was drafted, the ratification method chosen, and the arguments and strategies used by the Federalists to procure support for it.[53]

The manner in which the Constitution had been created was particularly irksome to the Anti-Federalists. The delegates to the Philadelphia convention had been appointed by the state legislatures for the express purpose of amending the Articles of Confederation to address international trade and commerce. Instead, they had locked themselves behind closed doors, swore vows of secrecy, and began drafting a new constitution. This behavior reeked of conspiracy and impropriety to many Anti-Federalists.[54]

In his editorial to the New York Journal on November 24, 1787, "A Citizen" outlines the original purpose for calling the convention, the process of drafting a constitution, and the origins of the authority for doing so.[55] The convention was called by the respected legislatures upon recommendation by the Continental Congress to amend the Articles of Confederation. It was not to create a new constitution. The state legislatures did not have the power to authorize the constitutional delegates to abridge the state constitutions. It was not reasonable for the state legislatures to grant authority to the constitutional delegates that they themselves did not have. Therefore, "A Citizen" and many Anti-Federalists alleged, the new constitution was created illegally. And through this action, a precedent for *extending* the powers granted to government bodies had been set. The esteemed and virtuous "Gentlemen" who framed the Constitution had, like many other government officials previously, over-

---

[53] Main, *Antifederalists.*

[54] Rakove, *Original Meanings*, pp. 163-202. See also Bernstein, *Nation*, pp. 199-242. Merrill Jensen, John Kaminski, and Gaspare Saladino, eds., *The Documentary History of the Ratification of the Constitution* (Madison, Wis., 1976-), 10 vols.

stepped their legal bounds. It is no wonder then that the Anti-Federalists feared a similar sort of power grab could occur in the new government, especially since the Constitution was deliberately vague in the powers it vested in the Federal Government. What really facilitated the fears of Anti-Federalists, however, was the fact that the members of the Constitutional convention had not represented the interests of everybody in the Confederation, and that they had conducted their business in secret. "A Citizen" articulated this point when he declared that the constitutional convention consisted of an "imperfect representation of the people, both as to numbers and descriptions."[56] The "small" number of representatives for each state were "principally taken from commercial cities, and composed chiefly of merchants, practitioners of the law, and judicial officers."[57] Nearly half of the delegates were lawyers or other sorts of judicial officials. This elite group of people had "shut their doors against their fellow citizens, and laid themselves under obligations of secrecy."[58] The illegality, secrecy, and extension of power caused Ant-Federalists to declare that the aristocratic government was acting as many other corrupt governments in other nations had in the past. In drafting the Constitution, the authority of the state legislatures had been extended. Commercial interests were over-represented, and the people had not been allowed to witness the proceedings. The precedent for the aristocracy acting beyond their authority had been set, and this gave rise to the Anti-Federalist fears about an aristocratically dominated government. The arguments and strategies the Federalists used to procure support for the Constitution further perpetuated these Anti-Federalist fears.

---

[55] *Complete Anti-Fed*, VI, p. 45-48. "A Citizen" responding to "Median" in the November 24,
[56] Ibid., p. 46.
[57] Ibid.
[58] Ibid.

The Federalist framers were, for the most part, unrepentant about illegally creating a new constitution, and to the alarm of many Anti-Federalists, they unabashedly advocated for a hasty adoption of the Constitution, refusing to entertain the proposed amendments from the states until after the Constitution had been ratified as a whole.[59] The primary Federalist ratification argument in favor of a hasty adoption was that the prevailing economic crisis warranted it. According to the Federalists, the future of the confederation depended on immediate commercial reform, and the power to enact this reform lay in the new Constitution.[60]

The Federalist argument that economic conditions threatened national security and made immediate ratification necessary, is articulated by "A True Friend" in a letter to *Virginia Independent Chronicle*. In the course of our short existence as an independent confederation, we have not seen "our agriculture, our commerce flourish, our happiness and our inward tranquility increase, our reputation and our credit enlarge and extend itself abroad."[61] Instead we have noticed how "our evils have accumulated," placing our existence in danger.[62] The existence of the independent states was threatened because we continued to consume British tea, beer, china, potatoes, cheese, salt beef, candles, and butter. Consuming the very goods Continental soil and industry could produce as well enabled Britain to continue to dominate their former colonies. It was "very obvious" to "A True Friend" that the states had "enjoyed none of the great advantages, which independence promised," and instead was being "deprived of the assistance, advances and credit, which the metropolis, used to sell us so dear, and which all nations would be so eager to offer us" because current

---

[59] *Doc. Hist.*, IX, p. 850. "James Monroe: Some Observations on the Constitution."
[60] Rakove, *Original Meanings,* pp. 163-202
[61] Ibid.
[62] Ibid.

commercial policy made it difficult for creditors in the metropolitan areas and in foreign nations to find "a part of the immense profits."[63] Current commercial policy made it difficult to make money in the loan business at a time when credit and loans were needed. This problem was caused by a lack of uniform commercial policy among the confederated states, and a lingering allegiance to Britain.

The lack of "a fixed and combined plan of commerce for the thirteen states analogous to that of other nations" had, according to "A True Friend" enabled British traders to make individual state economies dependent on trade with Britain, and then subsequently exploit the resulting competition between states for this trade. Because states had "passed acts to cross and oppose one another reciprocally," "European nations, and principally Great Britain, had "preserved all their advantages" and kept us "under the slavery of their prohibitive laws."[64] Despite the revolution for independence, the confederate states were still under the "prohibitive British influence."[65] According to the Federalists, this discombobulated trade policy created a precarious economy, which was leading to social and political unrest.

The economic situation was so serious, claimed Federalists, that a rebellious political energy had been unleashed that was dividing colonials socially. "A True Friend," presented this Federalist concern by asserting that

> Our public funds have fallen into contempt; our most sacred engagements loose the 4-5ths of their value, . . . the course of justice has been stopped by riotous mobs, . . . the public jails have been broken open; the office of titles and records has been burned. . . . The Planter accuses the merchant of being the cause of his distress; the latter complains of the former; the state is in confusion, and is threatened with total ruin.[66]

---

[63] Ibid., pp. 160-161.
[64] Ibid.
[65] Ibid., pp. 162.
[66] Ibid.

The economic situation had indeed inspired mob action, and people affected in the debt chain were pointing accusatory fingers at one another. Indeed people were dissatisfied with being saddled with debts, and this dissatisfaction was stimulating political action. But on the surface, this action was very similar to the mob action that had occurred traditionally in monarchical societies, including the colonies, when economic hardships arose, or when "the people" needed to express themselves.[67] That such action would occur in a more representative republican form of government was hardly surprising, nor was it necessarily an indication that the confederation was failing. After all, even "Shay's Rebellion," the largest and most famous uprising, had been easily stopped by government authorities.[68] But still Federalists feared this political energy. Why? In large part, the Federalists feared mob action because it suddenly had distinctly democratic political ramifications.

The Federalist fear of mob uprisings is important because such activity created democratically charged political energy that did not dissipate when the uprising was put down. This change in the effect of mob action was revealed clearly for the first time in "Shay's Rebellion." Daniel Shay, a Massachusetts's farmer, organized fellow farmers and friends to march on various government buildings in protest of the debts they were being forced to pay. The state legislature had not dealt with the problem despite the cries of the farmers, and thus the "Shayites" resorted to mob action. The physical part of the rebellion was put down easily enough, but what really disturbed aristocratic sorts was the resultant political energy. The next fall, the state legislature was dramatically transformed, and people more sympathetic to the interest of the farmers were elected. People had participated democratically in government in rural towns, farming communities, and counties, but their

---

[67] Countryman, *American Revolution*. See also Wood, *Radicalism*. Bernstein, *Nation*.
[68] Bernstein, *Nation*, pp. 92-97.

interests did not traditionally affect the state governments in such a dramatic and explicit fashion. The interests of small localized groups had not been so directly represented at the state level. Now they were. The Federalists were afraid of this democratic energy, and thus they wanted to quickly stabilize the economy in hopes of preventing the 'grazing multitude' from becoming involved in government.[69] The Federalists wanted no part of such riotous democratic energy because it threatened the notion of disinterested government. Therefore when the Federalists like "A True Friend" referenced the social disarray caused by economic problems, they were not necessary revealing their virtuous concern for the confederation. Instead they were trying to preserve the traditional social order, and this effort was definitely not democratic.

The Federalists tried to hide the true aristocratic source of their concern over the dissolving social order by saying it threatened the future of the confederation. The magnitude of social agitation induced by economic conditions simply made it too dangerous for the confederation to wait for a new convention that had the legal authority to create a new constitution, or even to attach amendments to the current one. According to "A True Friend" and the rest of the Federalists, the independence, longevity, and authority of the several states was in danger, and a new government with the power to provide uniform regulation of commerce and international trade was needed to attain freedom now and to ensure it for the future. Anyone who opposed the Constitution in lieu of such of such economic and social unrest, "A True Friend" declared, was a self-interested enemy of liberty and ought to be ignored.[70]

---

[69] Wood, *Radicalism,* p. 237.
[70] Doc. Hist., VIII, pp. 158-162.

The Federalists admitted that the Constitution was not a perfect document, but they tried to argue that economic conditions warranted prompt action. Instead of worrying about possible aristocratic dominance, one should recognize how hard the "venerable fathers" had worked to draft a constitution based on republican principles, and appreciate the economic benefits the new Constitution would inevitably bring. The Federalists declared that the framers of the Constitution, who were mostly Federalists themselves, had already created a government that confronted the most important economic problems while preserving the liberty inherent in a representative government.[71]

The Anti-Federalists, however, were not so sure liberties were protected in the new Constitution, and they were certain the economic conditions were not as serious as many Federalists claimed they were. Consequently, Anti-Federalists opposed a hasty adoption. They listened to Federalist descriptions of economic conditions in disbelief. Both Federalists and Anti-Federalists generally favored the establishment of a federal government to address problems of commerce, currency, debt, and international and interstate relations. Both agreed that the Articles of Confederation, which had united the separate colonies during the revolution and the few years thereafter, were no longer strong enough to deal with commercial problems. The Continental Congress needed to be able to impose tariffs, and regulate foreign trade, and something needed to be done to address the growing problem of indebtedness that trickled down from international merchants to planters to the small tenant farmers enjoying the benefits of patronage. The general consensus among all people was that the Articles of Confederation needed to be strengthened to deal with these issues; the Articles did indeed need amending. But since the framers had rushed off and created a whole new

---

[71] Rakove, *Original Meanings,* pp. 161-287.

constitution so hastily, Anti-Federalists wanted to move forward more cautiously with ratification. The economy was in bad shape, said many Anti-Federalists, but not bad enough to place hard won liberties in danger. They believed a hasty ratification process was designed to scare people into supporting the Constitution without considering what it did to their liberties. The Anti-Federalists were concerned about the ramifications of the Constitution, and they worried that the Federalists were rushing the process because they were trying to swindle the public out of their inalienable rights and liberties.

Many Anti-Federalists believed that, by exciting the people with possibility of getting out of debt, the Federalists hoped to entice supporters for the Constitution. In rushing to support it, the people would ignore real problems with the Constitution. Many Anti-Federalists, like the unknown author of a letter to the *Massachusetts Gazette* in February of 1788, understood this Federalist strategy within their perception of history. According to this Anti-Federalist writer, it "has been custom of tyrants and their dependents, in all ages . . . to shut the door against free inquiry," saying "now is the critical moment which must be seized, or all will be lost."[72] The Anti-Federalists did not think the economic situation demanded such hasty action, and therefore it did not make sense to risk changing their political "condition for the worse."[73] To ensure that this did not happen, this ghost writer said the people must approach the Constitution cautiously. It is the "fickle and ardent, in any community" that become "the proper tools for establishing despotick government. But it is deliberate and thinking men, [sic] who establish and secure governments."[74] It was imperative to consider the Constitution cautiously, and "inquire whether it will probably be a

---

[72] Doc. Hist., V, pp. 840-841. Letter to the Editor of the Massachusetts Gazette on February 1, 1788.
[73] Ibid.
[74] Ibid.

blessing or a curse to this people."[75] Because of the manner in which ratification was being rushed by Federalists, Anti-Federalists feared that it could turn out to be a curse. They hoped that people would ignore the economic situation when considering the Constitution, and they sought to undermine the Federalist argument that the Constitution would somehow alleviate the economic burden.

Implicit in the Federalist argument that economic conditions made immediate ratification necessary, is the notion that the Constitution would in fact address these problems. Eventually, through acts of congress, the Constitution would indeed help to stabilize the economy. But Anti-Federalists claimed that Federalists were over-stating the economic benefits. A "Plebian" was one such Anti-Federalist who saw the inherent fallibility of the Federalist argument for rapid ratification and against slowing the process with amendments. The Federalist argument that the Constitution would help solve economic problems was ridiculed by "A Plebian." According to "A Plebian," Federalists told people that, with the passage of the Constitution, "Commerce is to expand her wings, and bear our productions to all the ports in the world" and "Money is to pour into our country through every channel."[76] Such an explosion of commerce, the Federalist argument went, would supposedly stimulate the creation of industry and virtually eliminate debt and unemployment. In addition, said "A Plebian," the Federalists were postulating that "Arts and manufacturers [would] rear their heads, and every mechanic [would] find full employ."[77] And within such a flourishing economy, those with debts would "find [an] easy means to procure money to pay

---

[75] Ibid.
[76] *Complete Anti-Fed.*, VI, p. 139.
[77] Ibid.

them."[78] Even if they could not find a means to pay them, there was no real worry because "all our public debts are soon to be discharged" and "public burdens and taxes are to be lightened."[79] This overly optimistic view of the benefits of the Constitution is how Anti-Federalists like "A Plebian" interpreted Federalist arguments applauding the economic benefits of the new plan of government. By talking about economic benefits in such a manner, Federalists misled people, and Anti-Federalists like "A Plebian" rushed to illustrate this.

"A Plebian" and many other Anti-Federalists believed that amusing people with illusionary economic benefits caused people not to fully analyze the Constitution. False rhetoric about the economic benefits of the Constitution, "diverted . . . many honest and well meaning people . . . from contemplating its [the Constitution's] true nature, or considering whether it will not endanger their liberties, and work oppression."[80] According to "A Plebian," the Federalists hoped to procure support for the Constitution by embellishing the economic benefits. The small farmers who were so eager to get out of debt were susceptible to such claims. But the truth was, Anti-Federalists like "A Plebian" believed, that taxes and debts would have to be paid; and it would take time for the economy to strengthen. Anti-Federalists were confident that once people realized this, they would be adamantly in favor of amendments. As it was, however, people were clinging to any bit of hope regarding their economic situation, and hence they were all-too-ready to embrace the notion that Constitution would stabilize the economy, and enable it to flourish again. Anti-Federalists worked diligently to caution people that the economic benefits were not so rosy, and that if

---

[78] Ibid.
[79] Ibid.
[80] Ibid.

they supported the Constitution for economic reasons, they were falling prey to age-old government contrivances that ultimately induced people to sacrifice their liberty.

As they argued that Constitution could rob people of their inalienable rights, however, the Anti-Federalists had to be careful of not insulting the honorable gentleman who had framed and or supported the Constitution. Doing so would be a violation of the gentlemanly code of conduct, and would in essence result in political suicide.[81] Therefore the Anti-Federalists spoke cautiously about aristocratic corruption. Most often Anti-Federalists were forced to speak about the potential for future corruptibility. Anti-Federalists like "Agrippa" encouraged people considering the Constitution to be forward looking, and not to "sacrifice their liberty" in a state of "passion."[82] Anti-Federalists acknowledged the virtue of current leaders, but said we should not "flatter ourselves that we shall always have good men to govern us." If we are at all like other nations, said "Agrippa," "we shall have more bad men than good ones to exercise [the] extensive powers" inherent in the Constitution, and "that circumstance alone will corrupt them."[83] Gentlemen "fancy themselves the vicegerents of God," but in the new government "they will resemble him only in power" and will eventually "depart from his wisdom and goodness."[84] Even with the best of intentions and a virtuous core, gentlemen could not resist corruption according to "Agrippa." The Anti-Federalists believed that anybody, if given too much power, was likely to abuse it. Despite Anti-Federalist attempts to soften their claims about a potential for corrupt leadership,

---

[81] Main, *Antifederalists.*
[82] *Complete Anti-Fed.* , VI, p. 825. "Essay by *"Agrippa"*."
[83] Ibid.
[84] Ibid.

Federalists took such claims as an insult to the esteemed gentlemen who had crafted the Constitution.

When the Anti-Federalists raised the question of aristocratic influence and subsequent corruptibility, Federalists accused them of insulting the framers. Not only did the Federalists defend the honor of the "venerable fathers," they championed the constitutional endorsements of notable sages like Washington and Franklin as reasons why people should trust that the Constitution adequately protected their rights. This strategy of playing on patriarchal conceptions was effective for Federalists because people trusted that such venerable fathers were above corruption and self-interest. If such men were in favor of it Federalist reasoned, the fears of a aristocratic conspiracy to take over government must be absurd. If there was any evidence that the aristocracy could dominate the new government, such gentlemen would have sounded the alarm. Therefore Anti-Federalist fears were simply absurd. In fact, said Federalists with a tinge of sarcasm, they were probably opposed to the Constitution because they were either benefiting from current economic conditions, or enemies of liberty themselves.

"Amator Patriae," a Federalist, responding to the "The Republican Federalist," an Anti-Federalists who believed in federation but not the Constitution, expressed such criticism of the Anti-Federalists. He encouraged those deliberating on the plan not to be "led away by the artful logick of men . . . who, to say the best of them, wish to hide their vices in the map of publick enormities."[85] These Anti-Federalists, he believed, were simply inept paranoids who were not capable of virtuous leadership. These sorts of men, "Amator Patriae" continued, always "wait for an opportunity to raise 'their greatness on their country's ruin,"

and therefore people must reflect on the Constitution "candidly, dispassionately, and impartially" so that "party prejudices and local views" do not "sap the foundation of the fairest temple which was ever erected to the goddess of liberty."[86] With such glorious rhetoric, the Federalists defended the honor of the Framers. They thought it was lamentable that, in the words of an unknown correspondent to the *Massachusetts Gazette* on January 18, perfectly honorable gentlemen were "subject to the jeer of those who [stood] upon the punctilios of honour," opposing "the best plan that ever was calculated to establish the rights and privileges of a free people."[87]

Even George Washington, in a letter to Henry Knox on the fifteenth of October, got into act of slandering Anti-Federalists who dared oppose the new plan of government. The former General believed that "the major part of them [Anti-Federalists] it is to be feared will be governed by sinister and self important considerations on which no arguments will work conviction."[88] Through this attack on the credibility of most Anti-Federalists, Washington revealed that he thought most Anti-Federalists were self-interested and closed minded. Other Federalist, even more irritated than Washington, went further than merely questioning the integrity of Anti-Federalists.

The Anti-Federalists, seethed these Federalists bitterly, would ultimately suffer affliction because of their ill-considered opposition to the Constitution. A unknown correspondent to the *Massachusetts Gazette* expressed this Federalist anger. If the opponents are effective in thwarting ratification, he declared, "they will soon feel all those miseries they

---

[85] *Doc. Hist.*, V, p. 829. Editorial by Amator Patriae *Massachusetts Centennial* on January 19, 1788.
[86] Ibid.
[87] *Doc. Hist.*, V, p. 744. Correspondence to the Massachusetts Gazette on January 18th.
[88] *Doc. Hist.*, VIII, 56. Letter from George Washington to Henry Knox on October 15, 1787.

now affect to despise." And if they do not "give up those unjust pursuits in which they may be engaged," pursuits reaping economic benefits immorally, "they will soon be stopped in their career" and "consigned to infamy and reproach." Federalists were trying to establish a "Pillar" of liberty, and they believed that if it "should fall . . . instead of being fixed and established," those who "foolishly and ignorantly opposed its erection [would] be crushed under its ruins!" Federalists firmly believed that the framers had created a temple of liberty with the Constitution, and that anybody opposed to it must be an enemy of liberty. For their opposition, Federalists like Amator Patraie said of Anti-Federalists, "Mourn, ye! mourn, ye! for, by the multitude of your sins are ye doomed to affliction!"[89] With such rhetoric, Federalists staunchly defended the honor of the constitutional framers. There was, they claimed, no threat to liberty. The real threat to liberty, Federalists believed, lay in the economic and the opposition of the Federalists, not in the corruptibility of aristocratic sorts who would serve in government. Federalists continued to campaign tirelessly that economic conditions warranted immediate ratification, and that any fear of a loss of liberty should be assuaged by noting the venerable people who supported the Constitution.

The Federalist defense of their campaign strategies, however, did little to pacify Anti-Federalists. Anti-Federalists felt they had justifiable criticisms of the Constitution, and they did not think the failure of this constitution would prevent a second, more balanced, attempt to create a federal government. The notion that society would be ruined by a failure to ratify the Constitution, and that they would be somehow responsible for this chaos, was simply not logical in the eyes of the Anti-Federalists. It seemed absurd to Anti-Federalists that they were being castigated for simply daring to suggest that future leaders could be corrupted by

---

[89] *Doc. Hist.*, V, pp. 744-745. Correspondence to the Massachusetts Gazette on January 28th, 1788..

the extensive power vested in them. They were not arguing that current leaders were corrupt, they were merely arguing that the potential for corruptibility was strong. Considering the experience of people with government throughout history, it seemed inevitable that a government so heavily vested with power would become corrupt if there were not stringent checks and balances against it.[90] Anti-Federalists like "Ezra" knew of "no infallibility on earth," and should it be possibly to import some, "they would," through a "diversity of climate, and other occurring circumstances, . . . loose their infallibility, and become as other men."[91] In lieu of this understanding of the fallibility of humanity, Anti-Federalists thought it absurd to defend the honor of "gentlemen" so devoutly, and it was even more ridiculous to champion the names of respectable men to procure support for the Constitution.

Even as they ridiculed such campaign strategies, however, Anti-Federalists like "The Yeomanry of Massachusetts" remained confident that backcountry people would not be "be overborned by the weight of names, however revered. 'ALL MEN ARE BORN FREE AND EQUAL,'" and consequently "every man hath a natural and unalienable right to his own opinion" and "ought not to be stigmatized with the epithets of [the] tenacious and dogmatical" for asserting this right.[92] The principles of equality and freedom of speech were held dear by Anti-Federalists, and they rushed to defend them as Federalists chastised them for criticizing the gentlemen who had framed the Constitution.

As the Anti-Federalists critiqued the aristocratic influences in Federalists campaign strategies, they revealed their democratic sympathies. Anti-Federalists believed everyone

---

[90] *Complete Anti-Fed*, V, pp. 160-171. Essays by "Republicus."
[91] *Doc. Hist*,, V, p. 785. Editorial to the Massachusetts Centennial by "Ezra."
[92] Essay from the Yeomanry of Massachusetts published in the Massachusetts Gazette on January 25th, 1788. Doc. Hist., V, 803.

should be entitled to free expression and to the freedom of speech. They recognized that the economic argument posited by Federalists was faulty, even if they did not explicitly criticize the Federalists for fearing the democratic energy that was created from it. Anti-Federalists believed that the Federalist strategy of citing respectable names was designed to dissuade proper criticism, even if they did not note the degree to which such thinking adhered to monarchical conceptions of class. But most importantly, as they cried out against Federalists campaign strategies, Anti-Federalists expressed confidence in "the thinking of the yeomanry of the country."[93] They were confident that ordinary farmers would not be "cajoled out of their senses" by Federalist arguments.[94] "They are willing to have an energetick, federal government--but they are not willing to have one, which savors so strongly of aristocracy, as the present" one.[95] Anti-Federalists had confidence that ordinary people would reject the Constitution because it savored of aristocracy, and, had a popular vote been taken, they would have probably rejected it, and the Constitution would have been defeated. But all was not lost in the passage of the Constitution because ordinary people had more confidence in their rights then either Federalists or Anti-Federalists. Both of the latter two groups had thought it would take an encroachment on their rights to make ordinary people rebel, but in truth ordinary folks assumed they had the right to participate directly. Though Anti-Federalists had been wrong about what would motivate people to claim their rights, they were more comfortable with the outcome. The Anti-Federalist concern with the aristocratic nature of Federalist campaign strategies, and with free expression in the discussion, reveals the democratic tenor of their argument. They were not as confident as Federalists were that aristocrats could stay in touch, or that they were even currently aware of all the needs of their

---

[93] Ibid.
[94] Ibid.

social inferiors. Therefore Anti-Federalists wanted to impose limitations on them to make sure people were represented fully. Though Anti-Federalists were unduly worried that ordinary people would not stand up for themselves, they were still more democratic than Federalists because they recognized the skills of ordinary folk and explicitly wanted their interests represented. Indeed, Anti-Federalists were concerned about the aristocratic influence inherent in the manner in which the Constitution was drafted, the method chosen for ratification, and strategies used to procure support for it, and this concern over the aristocracy had democratic undertones.

These democratic undertones reverberated stronger when Anti-Federalists turned their attention to other aspects of the Constitution. Their fears of the aristocracy accompanied their concerns with the extent of powers vested in congress, inadequate representation in government, the lack of a bill of rights, and the deterioration of state rights. In nearly every facet of the Constitution, they saw opportunities for the aristocracy too assume too large a role in government, and thus they argued for local control. They wanted people closest to the people to make the decisions. Beginning with Shay's rebellion, this is what ordinary people were after. And Anti-Federalists were likewise more comfortable with placing the loci of power closer to the people in local and state governments.

---

[95] Ibid.

III. State Rights: An Argument for Local Authority

When Anti-Federalist analyzed the Constitution, one of their primary criticisms was that state authority, which kept the locus of power close to the people, was undermined. This was a particular concern because popular republican ideology held that state and local governments could best understand and represent the needs of the people.[96] Anti-Federalist embraced state government because they believed in its local emphasis. State government enabled more people to participated directly in government as leaders, or as vocal citizens and voters. A desire for local authority and for the involvement of more citizens was certainly democratic. It expressed confidence in the ability of people to govern themselves, and doubted that a distant government could accurately represent people because it would inevitably be dominated by aristocrats who could not fully understand local concerns. The new Constitution, Anti-Federalists believed, did not articulate a belief in the ability of people to govern themselves. It was concerned with representation, said Anti-Federalists, but it wrongly assumed that aristocratic representatives could speak for their whole districts. The Constitution had not created a federation of states in which the states retained authority, but rather it had produced a national government derived directly from the people.[97] The preamble to the Constitution said "we the people," and not "we the states" create this new Federal government, and this could only mean, thought Anti-Federalists, that the state

---

[96] Alpheus Thomas Mason, *The States Rights Debate* (Englewood Cliffs, N. J.: Prentice Hall, Inc., 1849), pp. 27-56.
[97] *Doc. Hist.*, V, 823-825. *Agrippa's* essay printed in the Massachusetts Gazette on the 29th of January, 1788

governments would eventually be robbed of their power.[98] A loss of state authority entailed a loss of locale, democratic control, and hence Anti-Federalists opposed it.

Federalists insisted that the Anti-Federalists fears that the Constitution created a national government which endangered state authority were ridiculous. They believed they had carefully deliberated over the Constitution, eventually producing a plan that created a Federal government with only a few national characteristics.[99] James Madison, regarded by many as "the father of the Constitution," carefully analyzed the Constitution in terms of the "foundation" of its ratification, the "origins" of its power, the "operation" of its power, the "extent" of its power, and its authoritative mode of introducing amendments" in Federalist 39, and concluded that "the proposed Constitution" was "neither a national nor a federal constitution; but a composition of both."[100] "In its foundation, it is federal, and not national," declared Madison, because each state had the opportunity to reject it via its supreme authority: the people.[101] The people, and not the legislatures, were the supreme authority of the states, and therefore the Constitution had been submitted to them Madison and the Federalists went on to say that the Constitution was "partly federal, and partly national" in the origins of its power.[102] The House was national because it was elected by the people, and the Senate and Executive were federal because they were elected by the states. In the "extent" of its powers, Madison declared the proposed Constitution was federal because "its

---

[98] Max Farrand, ed., *Records of the Federal Convention of 1787*, rev. ed. (New Haven, 1937 [reprinted 1966]), 4 vols.
[99] Main, *Antitfederalists.* See also See also Gordon S. Wood. *The Creation Of The American Republic, 1776-1787.* (New York: W.W. Norton & Company Inc., 1969).
[100] J. R. Poole, ed., *The American Constitution: For and Against: The Federalist and Anti-Federalist Papers* (New York, NY: Hill and Wang, 1987), p. 203. Federalists 39.
[101] Ibid., pp. 197-203.
[102] Ibid.

jurisdiction extends to certain enumerated objects only."[103] Finally, in its authority over amendments, it was "neither wholly federal, nor wholly national" because it depended on three forth of the states, and not just on a majority of the people like it would if it were national.[104] Madison's careful analysis of the National versus Federal question reveals that Federalists, acting within the prevailing republican tradition, had certainly sought to recognize state authority and to subsequently balance the power government.[105] They had attempted to craft a Federal government with some national characteristics, and they broke new ground as they did this. When Anti-Federalists declared that the Constitution was a national government which eroded state authority, Federalists insisted that the manner in which they blended Federal and National characteristics did indeed balance authority properly between the state governments and the new Federal one. Federalists remained confident that most powers would remain with state governments, and that the virtuous aristocracy would not make tyrannical use of the powers that they had been granted. Like Madison, they would cite just how carefully the orientation of the new government had been constructed. But Anti-Federalists rejected these Federalist claims because the power of the state government was not acknowledged explicitly in the Constitution. Furthermore, the strongest Federal components of the Constitution were also the branches that the aristocracy would be mostly likely to dominate. The Senate and the Executive were federal according to Madison and the rest of the Federalists, but these branches would inevitably be dominated by the aristocracy and thus would not represent the people anyway. The Anti-Federalists were not concerned with the state governments as an institution, but rather as a conduit for the representation of local and democratic interests. Therefore they wanted state authority

---

[103] Ibid.
[104] Ibid.

explicitly recognized and defended so that in the event of future corruption in the Federal government, state rights and the rights of the people would be protected. The claim here is not that Federalists deliberately wanted to destroy hard-won rights. They certainly wanted to defend the inalienable rights of people, but rather that Federalists were simply much less wary of putting these rights in danger than Anti-Federalists were. Anti-Federalists wanted the Federal orientation of the Constitution to be obvious, and when it was not, they feared a central and not a national government had been created.

The Constitution, insisted Anti-Federalists, created a national government, not the desired federal government. Anti-Federalists were opposed to a national government because, in adhering to prevailing ideological principles, they feared it was too far removed from the people, and undermined state and local authority. Instead they were in favor of a Confederation. A Federal government would be composed of states, and Federal power was checked by the superior state authority. Since representation in state legislatures inevitably came from smaller districts in which people were fairly well acquainted with each other, the interests of all people were represented better. And if these interests directed the behavior of the state legislatures, it would be difficult for a Federal government to infringe on the rights of the people. A national government, Anti-Federalists believed, would not be checked by state authority. Instead its power was derived directly from the people.[106] From a twentieth century standpoint, or even a mid nineteenth viewpoint, this appears to be democratic. But as "A Farmer" articulates in his essays published in the *Maryland Gazette*, Federalists and Anti-Federalists alike knew that only aristocratic sorts with enough name recognition and respect

---

[105] Jack N. Rakove. *Original Meanings.*
[106]Mason, *The State Rights Debate*, pp. 114-115. Letter by Elbridge Gerry to the Massachusetts Legislature.

would get elected to this more "dignified" national body.[107] The national government would be the more prestigious body because it would speak for the whole of the states and be recognized by foreign governments. Therefore it was inevitable that aristocrats and other influential people would be serve in this body.

These aristocratic sorts could not possibly understand minute local interests, and would be consumed by larger sectional concerns and foreign affairs. According to "A Farmer," aristocrats in the Federal government would be more "desirous of cutting a figure in history" than with meeting the specific needs farmers, butchers, and craftsmen in various localities.[108] A national legislature would not have the time to address road system in some backwoods county, nor could they understand the economic hardships that lower class people endured. National congressman simply would not have time to cater to their interests and concerns. Instead, larger issues would be at stake, and these issues would be of interest to large land owners, merchants, and those directly involved in the larger economy. In a national legislature, regional or sectional interests would conflate, and in the attempts to reconcile such large interests the more specific local interests within a region could not be adequately addressed.[109] Local interests would not be represented in a national government. In fact, the infusion of locale interest was specifically guarded against because Federalists wanted balanced government in which no specific interest, locale or regional, could dominate. A national government could not adequately serve the needs of a specific locale, and thus such distant control was treated with caution and suspicion. Within the popular understandings and social orientations of the time, a national government could not possibly

---

[107] Complete Anti-Fed., I, pp. 29-30. Essays by "A Farmer" printed in the *Maryland Gazette* during February, March, and April of 1788.
[108] Ibid.
[109] *Pole, For and Against*, 153. Federalist 10 by Madison.

be as democratic as Anti-Federalists wished it to be. Because it could not represent local interests, a national government would ultimately entail a failure of representation. This failure of representation, this failure of a national legislature to stay in touch with local people, could ultimately lead to corruption according to Anti-Federalists.

When criticizing the Constitution, Anti-Federalists feared that such a national government, with all its potential for a failure of representation and subsequent corruption, had been created. Anti-Federalists feared that the new government was indeed national and had been given too much power. Its power would reign supreme over the states and enable people disconnected with local problems to legislate over them, and in the process people would lose their right to representation. The state governments in which their representation was founded, would be ordered around by a superior national government.[110] It was evident to Anti-Federalists like "Agrippa" that "the new constitution proposes to delegate greater powers than are granted to our own [state] government[s]."[111] This need not have occurred. The problem with the Articles of Confederation was not that the state governments did "not have power enough" to give them, but rather that the power over commerce and international policy had simply not been given. The states, in competing against each other for foreign trade opportunities, had been "disposed to make a bad use of what power they [had]."[112] The result of this unfortunate use of state power was economic disarray. But Anti-Federalists were confident that a commercial agreement between states would fix the problem. The states simply needed to agree on how they would collectively use their power over commerce. The failure of the state governments to properly deal with international

---

[110] *Complete Anti-Fed*, V, pp.183-191. Essays by "The Impartial Examiner."
[111] *Doc. Hist.*, V, p. 825. Essays of *"Agrippa"* printed in *Massachusetts Gazette* on January 29, 1788.
[112] Ibid.

commercial policy is an example of how an improper use of power could create problems. To attempt to solve this problem by setting "up a government possess'd of much more extensive powers than the present, and subject to much smaller checks" was a poor way of dealing with the problem according to Anti-Federalists like "Agrippa."[113]

Anti-Federalists like "Agrippa" were concerned that the Federal government had greater powers than those given to either the state governments or to the Continental Congress. Furthermore, there were not sufficient checks on this power. It was not clear how the powers of the State and Federal governments were to balance. Another Anti-Federalist, Massachusettensis, expressed the balance of power concern when he said the Constitution "marks no distinction between separate state matters, and what would of right come under the controul of the powers ordained in a union of states."[114] Federalists, in refusing to specially delineate the respective powers of the state and federal governments, had made it possible for the Federal government to assume more power than it needed to deal commercial problems. It was "clear" to Anti-Federalists "that Congress [had] the right to make general laws providing for all acts, records, proceedings, and the effect thereof, in what are now called the states."[115] The powers granted to the Federal government were so extensive that Anti-Federalists questioned whether it was still "possible [for] any state act [to] exist, or [for] any publick business [to] be done, without the direction and sanction of Congress, or by virtue of some subordinate authority?"[116] Congress, it appeared to Anti-Federalists would have difficulty acting of its own volition, or in response to the needs of the people without

---

[113] Ibid.
[114] *Doc. Hist.*, V, p. 831. Essay by Massachusettensis printed in the *Massachusetts Gazette* on January, 29, 1788.
[115] Ibid.
[116] Ibid., p. 832.

consulting Congress because of the extensive powers granted to it. There simply did not appear to be "any independent state authority recognized in the plan," and if there was not, "how [could] there be a union of states?"[117] Anti-Federalists did not think the Constitution recognized any state authority, and therefore a "union" was not being created.

Not even in the process of ratification could any concern for state authority or semblance of a union be found. If the Constitution was truly creating a Federation of states, why could not "the states, in their present capacity, . . . ratify the original?"[118] The answer was, Anti-Federalists feared, that the Constitution was not establishing a Federation. "No state act can exist independent of the supreme authority of the state," said Massachusettensis, and therefore the new government was not a Federation of the states.[119] One could not find the "regular exercise and legal sanction of state power" anywhere in the Constitution. The states had been given the ability to amend it, but this could only "if Congress see[s] fit." Even then it would take "three fourths of the legislatures of the several states . . . [to] ratify amendments."[120] In truth, there was no State Authority recognized in the plan. Since "there is no [state] authority recognized either in the form of it, or in the mode fixed upon for its ratification," Massachutsettensis declared, it must be a National government.[121] Patrick Henry, the most prominent Anti-Federalist spokesman bolstered this declaration when he thundered in Virginia convention in Richmond: "states are the characteristics, and the soul

---

[117] Ibid.
[118] Ibid. p. 833.
[119] Ibid.
[120] Ibid.
[121] Ibid.

of a confederation. If the States be not the agents of this compact, it must be one great consolidated National Government of the people of all the States."[122]

The fact that state authority was not recognized or protected in the plan is an indication that this was indeed a national government. There was no state authority contained in the plan, and therefore it could not create a union of independent states. This was a dangerous proposition because state authority simply was not recognized, and hence Anti-Federalists feared that meant that Congress would have to be consulted in too many matters. The sudden inferiority of state governments was troublesome for Anti-Federalists because it meant that people were "property" subject to the control of the Federal Congress. The Federal Congress would abuse the state governments, and in the process demonstrate a "wanton, unrighteous use of congressional power."[123]

Anti-Federalists were deeply afraid of ignoring state authority because it was integral to a representative republic, and the new government, they believed, did not acknowledge state authority in its structure. Such a failure to properly acknowledge state authority was viewed as evidence that a national government, removed from the people, was to be created. This was not republican, and it was certainly not democratic. The Anti-Federalist concern with keeping the loci of power as close to the people as possible is evidence of their democratic spirit. This, and not merely an old allegiance to state rights, is why Anti-Federalists were so adamant that the new government be federal and not national. The Anti-Federalist concern for infringement on state authority was centered around a concern for the representation of people in government.

---

[122] Pole, *For and* Against, p. 116. Patrick Henry speaking to the Virginia Convention on July 4, 1788.

IV. Power and Representation

The Anti-Federalists concern over representation in the new constitution pervaded their evaluation of every branch. Once again they were afraid that the aristocracy could dominate government. Representation was the core of any democracy, and, true to form, the Anti-Federalists were critical of the extent of representation in the new government. The Federalists had worked hard to create a republican government that could accurately represent the will of the people. They had fought long and hard over the Virginia plan before making the 'great compromise' which balanced sectional interests and differences between large and small states. Yet despite all the time Federalists spent debating the orientation of each branch, particularly the two houses of Congress, Anti-Federalists were still unsatisfied with it. Anti-Federalists concerns began right from the top with president, which some considered a virtual monarch.[124] The senate, they declared, was clearly a vestibule for the aristocracy. And in the House of Representatives, there was only the "shadow of representation."[125] The Anti-Federalists spent most of their time talking about the House of Representatives, but they had important criticisms of the executive branch, the senate, and the judiciary as well.

The Anti-Federalist concern with the government itself started right from the top with role of the President. Not all Anti-Federalists addressed the role of the President extensively, but many thought he had been given too much power. He was a virtual elected king, claimed Philadelphiensis in his letter to the *Independent Gazetteer* on February 21, 1788, in whom

---

[123] *Doc. Hist.*, V, pp. 832-833. Essay by Massachusettensis printed in the *Massachusetts Gazette* on January, 29, 1788.
[124] *Complete Anti-Fed*, V, pp. 191-194. Essays by "The Impartial Examiner."

"power dangerous to a free people [was] vested."[126] Anti-Federalists were generally in favor of a plural executive so that the president would not resemble a monarch. Furthermore, they did not believe the President should have a veto power over the legislative branch. This was most certainly undemocratic, and resembled the power of the monarch to impose his will on his subjects. When the will of people was expressed in the legislature, said Anti-Federalists, it should not be subject to the approval of the President. That gave the executive too much power.[127]

Anti-Federalists concern with presidential power is also expressed in their calls for a council to assist the President. George Mason, one of the most widely recognized Anti-Federalists, second only to Patrick Henry, was the most forceful in lamenting the lack of a council that would advise and check the President. "The President of the United States has no constitutional council, a thing unknown in any safe and regular government."[128] Because of the failure to include a council, said Mason, the President will "be unsupported by proper information and advice; and will generally be directed by minions and favorites."[129] This was sure to be unrepresentative. If the President did not develop his own circle of favorites, he would likely "become a tool to the Senate."[130] Even if an official council was created sometime after the government was implemented, Mason continued, it would probably "grow out of the principal officers of the great departments" of state, and that would be "the worst and most dangerous of all ingredients for such a council in a free country" because council members "may be induced to join in any dangerous or oppressive measures, to

---

[125] Pole, *For and Again,* p. 127. George Mason speaking to the Virginia Convention.
[126] *Complete Anti-Fed*, III, p. 107.
[127] Ibid., V, pp. 161-167. Essays by "Republicus."
[128] *Pole, For and Against*, p. 127. George Mason speaking to the Virginia Convention.
[129] Ibid.
[130] Ibid., pp. 126-127.

shelter themselves, and prevent an inquiry into their own misconduct in office."[131] A council composed of departmental official would naturally seek to protect its own function in government, and would sometimes be inclined to offer inappropriate advice to the President. Generally, Anti-Federalists like Mason thought that if the council came from within government, it would naturally be ineffective in checking the powers of the president. To effectively limit the role of president so that he was responsive to the people, Anti-Federalists declared, either a plural executive or a presidential council was necessary.[132]

The Anti-Federalist concerns about the Senate were similar. It too was believed to have too much power. While Anti-Federalists liked the federal feature of the Senate in that it was a body elected by the states, they were dismayed that the elected terms were so long, and that such extensive powers, especially in foreign trade matters, were granted to it. This power was further compounded by the belief that it was truly an aristocratic arm of government, not designed to represent the whole people of a state, but rather the aristocratic conception of what was good for those people. The power of the Senate caused Anti-Federalists to fear that it was a vestibule for the aristocracy. George Clinton of New York was left asking "What is there left to resist and repel this host of influence and power?"[133] The answer for Anti-Federalists was: nothing.

George Mason was particularly critical of the role of the Senate. The Senate had the power of "altering money-bills," "originating appropriations of money, and the salaries of the officers of their appointment, in conjunction with the President," appointing ambassadors "and all their public officers," "making treaties," and "trying all impeachments."[134] This was

---

[131] Ibid.
[132] Ibid., pp. 125-128.
[133] *Complete Anti-Fed*, VI, p. 186. Speech by George Clinton to the New York Convention.
[134] *Pole, For and Against*, pp. 126-127.

simply to much power. Furthermore, Mason asserted, when these powers were combined with "their influence upon and connection with, the supreme executive, . . . their duration in office, . . . their being a constant existing body, almost continually sitting," and their status as "one complete branch of the legislature," the "balance in the government" would be destroyed.[135] The power of the Senate, said Mason, would enable Senators "to accomplish what usurpations they please, upon the rights and liberties of the people."[136] The power and aristocratic nature of the Senate, Anti-Federalists believed, destroyed any hope that a proper balance of government could be achieved. The Federalists framers conceived of the Senate as a gatekeeper, a source of protection against corrupt interest in government, but Anti-Federalists believed that in reality it was an aristocratic body which had the potential to encroach on the powers of the people.[137]

The Federalist framers had devised the judiciary to serve as a check on the usurpation of power by executive and legislative branches, but Anti-Federalists detected excessive power and influence in it as well. The judiciary had the power to interpret the meaning of the Constitution and to resolve legislative questions. The judiciary, said "Brutus," "are authorized to determine all questions that may arise upon the meaning of the constitution in law," and "to give the constitution a legal construction, or to explain it according to the rules laid down for construing a law. These rules give a certain degree of latitude of explanation."[138] Such latitude enabled them to explain, not just what the Constitution said, but also to articulate "the reasoning spirit of [the Constitution], without being confined to the

---

[135] Ibid.
[136] Ibid.
[137] *Complete Anti-Fed,* V, pp. 129-135. Essay by a "Georgian."
[138] *Pole, For and Against*, p. 60. Essays of "Brutus".

words or letter."[139] This authority, "Brutus" said, would enable them "to effect, in the most certain, but yet silent and imperceptible manner . . . an entire subversion of the legislative, executive, and judicial powers of the individual states. Every adjudication of the supreme court, on any question that may arise upon the nature and extent of the general government, will affect the limits of the state jurisdiction." [140] The authority of the state government would "be restricted" in the same "proportion" as the Federal government was to "enlarge the exercise of their powers."[141] With the power of interpretation, the judiciary could "mould the government, into almost any shape they please."[142] This was a dangerous degree of power. And this danger was compounded by the fact that only aristocratic sorts had the necessary education to provide the sort of judicial expertise that was needed to fully fulfill the role of the judiciary. The judiciary was the branch of government that ought to protect the rights of the people and the sanctity of the state government, but with its extensive powers it too was subject to aristocratic dominance and corruption. In neither the executive branch, the Senate, nor the judicial branch did Anti-Federalist find any protection of state authority, individual rights, or representation.

The one arm of government which did appear to be somewhat democratic in nature was the House of Representatives, but even in this branch, Anti-Federalist asserted, the "representation was too scanty." Richard Henry Lee, making one of the most blatantly democratic comments in the entire Constitutional debate, asserted that "the only check to be found in favor of the democratic principle in this system is, the house of representatives;

---

[139] Ibid.
[140] Ibid.
[141] Ibid., p. 61. Essays of "Brutus".
[142] Ibid., p. 63.

which I believe may justly be called a mere shred or rag of representation."[143] While Lee and the Anti-Federalists believed the House of Representatives was democratic in principle, the small number of representatives and the relative "disparity of power" in comparison to the Senate rendered it "of little effect to promote good, or restrain bad government."[144] Anti-Federalists were particularly concerned about the insufficient number of Congressmen to be elected to the House of Representatives. After listing the number of delegates granted to each state: three for New Hampshire, eight for Massachusetts, one for Rhode Island, five for Connecticut, six for New York, four for New Jersey, eight for Pennsylvania, one for Delaware, six for Maryland, five for North Carolina, three for Georgia, five for South Carolina, and ten for Virginia, a "The Federal Republican" declares: "the representation is too scanty. There is a certain corrective balance to be preserved, not only between different houses, but also between the members that compose the same house."[145] This corrective balance required more representation than the one Congressman for every thirty thousand constituents allocated by the Constitution. The necessary "spirit of [a] more accurate discussion" could not be kept alive "with such a paucity of members."[146] Anti-Federalists feared this lack of democratic discussion because it would prevent important concerns within a congressional district from being heard. To Anti-Federalists this bordered "on injustice" because "among thirty thousand people there must of necessity be a variety of classes, each having distinct and separate concerns, to which some respect would most certainly be due."[147] While it "would indeed be frivolous to attend to the most minute circumstantial

---

[143] *Doc. Hist.,* V, p. 62. Letter from Richard Henry Lee to Edmund Randolph on October 16, 1787.
[144] Ibid.
[145] Doc. Hist., V, pp. 835-836. A Review of the Constitution Proposed of the Late Convention by "A Federal Republican" in the *Pennsylvania Herald*, October 27, 1787.
[146] Ibid.
[147] Ibid.

divisions of interest," there had to be some larger and important concerns that could not be met by a single representative.[148] The "happiness" of people would be "intimately connected" to these concerns, and thus, within the common understanding of the Declaration of Independence which provided the right to "happiness," these concerns "should by all means be regarded."[149]

"The Federal Republican," along with most Anti-Federalists, believed the number of congressmen in the house of representatives to be too few to properly balance regional, class, and occupational interests. George Mason, one of the dissenting Framers from the "northern neck" of Virginia and the first Governor of Virginia after independence, believed that "in the House of Representatives there is not the substance, but the shadow only of representation; which can never produce proper information in the legislature, or inspire confidence in the people.--The [decisions] will, therefore, be generally made by men little concerned in, and unacquainted with their effects and consequences."[150] The bottom line for Anti-Federalists in the debate over representation is expressed by Richard Henry Lee when, in his October sixteenth letter to Edmund Randolph on the sixteenth of October, he declares that monarchy will likely be created. Mr. Lee denounces the Senate and the Executive as much too powerful. Both Randolph and Lee agree that "either a monarchy or aristocracy will be generated" by the Constitution which contains principles that are "highly and dangerously oligarchic."[151] There simply were not enough representatives allocated for the House to properly reflect the orientation of the represented society. Congressman would represent excessively large groups of people, and they could not possibly represent all their interests.

---

[148] Ibid.
[149] Ibid..
[150] *Pole, For and Against*, p. 12-128. Speech by George Mason to the Virginia Convention.

While Anti-Federalists recognized that not every minute faction of the population could be directly represented, they did strive for a more just balance. Although they wanted "the Aristocracy," as Arthur Lee wrote to Edward Rutledge, to "have its due weight yet," they would "never agree that "they shall trample upon the People." [152] Without a larger scale of representation, they were "persuaded that a due balance" was needed to " guard" against "the Aristocracy itself," or "otherwise it [would] soon run riot & lose itself in a despotism, as in Denmark & Sweden."[153] More representation was the way to provide the proper balance. James Madison, a Federalist who had argued for more representation during the constitutional convention at Philadelphia, agreed with the Anti-Federalists that more representation was necessary to create an appropriate balance of interests in the House of Representatives. Madison disagreed with him in typical Federalist fashion, however, on the purpose of this balance. For Madison, the balance of interests was designed to defend the system against majoritarian impulses in hopes of creating a more deliberative and reflective legislative process.[154] Pitting groups with clear differences against each other in Congress would, he believed, accomplish this. The "Federal Republican" was also hopeful that a properly balanced legislature would lead to a more accurate discussion, but he was less afraid of the majoritarian impulse. The "Federal Republican" wanted more people in government because it would give them a voice like the aristocracy already had, not because it might ultimately produce the "disinterested" rule of law that Madison and the Federalists were after. Such disinterestedness would prevent people from seeing their "happiness" procured by intelligent government action. Interest groups within congressional districts would be

---

[151] *Doc. Hist.*, V, 62. Letter from Richard Henry Lee to Edmund Randolph on October 16, 1787.
[152] *Doc. Hist.*, VIII, 131. Letter from Arthur Lee to Edmund Rutledge on October 29th, 1787.
[153] Ibid.
[154] Rakove, *Original* Meaning, pp. 35-56, 203-287. See also Complete *Anti-Fed.,* III, 71. Complete

denied their due influence in government. Anti-Federalists generally supported a reasonable degree of interest group politics because people deserved a voice in government.[155] This was democratic politics.

Anti-Federalists took these democratic ideas of interest group politics far beyond what Madison and the Federalist could stomach when they argued for the inclusion of the yeomanry in government. When Madison had argued for more representation, he was mostly talking about increasing the numbers of representatives, not increasing the diversity of groups to be represented. Anti-Federalists were for involving different groups of people in Congress. When some Anti-Federalists stretched the idea of interests in government to include Yeomen, or farmers, Madison and the Federalists were certainly disgusted. Anti-Federalists did so because they believed free-holding farmers could bring some useful tools into government. Melancton Smith of New York espoused this Anti-Federalist idea when he asserted that "by increasing the number of representatives, we open the door for the admission of the substantial yeomanry of your country; who, being possessed of the habits of economy, will be cautious of imprudent expenditures, by which means a greater saving will be made of public money than is sufficient to support them."[156] In other words, the cost of increasing the size of the legislature, which discouraged some from advocated for a large legislature, would be paid for by the increased frugality that the yeomanry would bring to it. Yes, increasing the size of the legislature would be costly, but the frugality that farmers would bring to the legislature would be more than pay for it according to Anti-Federalists. The idea of electing free-holding farmers to congress was, of course, very democratic. It

---

Anti-Fed., I, pp. 7-14.

[155] *Complete Anti-Fed*, V, pp. 172-199. Essays by "The Impartial Examiner."

[156] *Complete Anti-Fed.,* VI, p. 156. Melancton Smith speaking to Ratifying Convention of the State of New York on June 21st, 1788.

rankled with Federalists, and reveals the democratic tenor of the Anti-Federalists. Anti-Federalists wanted more representatives, not to prevent the dominance of any particular faction, but to defend, facilitate, and perpetuate the right of people to participate in government.

Melancton Smith continues by saying that the general government will take some responsibility from the state legislatures "as to render it less necessary to have them so numerous as they now are."[157] At first glance this appear to partially undermine the Anti-Federalist argument for state rights, and with it the argument made above (in the previous section) that their cry for state rights was democratic. But on a more careful review the idea is very democratic. Anti-Federalists wanted strong state authority in order to give people good representation in government, but if they were directly represented in this national government, which Anti-Federalists thought was inherently superior and would come to dominate representative politics, they would be represented to the highest offices in the land. Direct representation in Congress was purely democratic, and it would be efficient not to duplicate efforts by having excessively large state governments as well. Anti-Federalists wanted as little government as possible, but they also wanted to make sure there was plenty of representation in it. As long as the representation was clear and protected, the level and location of it was not so important. In any case, the Anti-Federalist idea of increasing representation to get yeomen involved in politics is indicative of the depth of their concern for the democratic principle of representation. Anti-Federalists wanted to ensure that all, or nearly all, voices were heard, regardless of whether the outcome produced the "disinterested" rule of law that Federalists like James Madison, Alexander Hamilton, and James Wilson were seeking.

Although Anti-Federalists were primarily concerned about the lack of representation in the House of Representatives, they also had some concerns about the powers granted to congress. These concerns were centered around two basic powers: taxation, and the control over elections. Taxation was it was feared would enable government to dominate people, and control over elections would ultimately enable corrupt representatives in future governments to solidify their place in government perpetually.

In a letter composed "To the FREEMEN of Virginia and published in the October 17th edition of the *Virginia Independent Chronicle*, Cato Uticensis argues against granting congress the power of excise taxes. He simply did not believe it was necessary. It could not, he argued, "arise from the desire of furnishing Congress with a sufficient revenue," because this could have been done with an "impost" that fell "sufficiently uniform on everyone" whenever ever revenues were needed.[158] If the impost failed to provide sufficient revenue, the "deficiency [could] be made up by requisitions to the states." There was no need, said "Cato Uticensis," to allow Congress to tax directly when an impost could have done the job, and the states could have made up the difference if it did not. "Cato Uticensis" concluded that the power of taxation must have been included to make governing the large republic easier. To ensure a harmonious republic, Cato Uticensis concluded, the aristocratic framers thought it was necessary to "bit our mouths with massive curbs, to break us, bridled with excise laws, and managed by excisemen, into an uniform, sober peace, and thus, gradually, tame the troublesome mettle of the freeman."[159]

---

[157] Ibid.
[158] *Doc. Hist.*, vol. VIII, pp. 73-74. Essay by Cato Uticensis printed in the October 17, 1787 of *Virginia Independent Chronicle.*
[159] Ibid.

The power of taxation was especially vexing to Anti-Federalists because it enabled the government to reach directly into the lives of the people. A government with the ability to easily raise money, was a government with too much power. Within this argument, arises again the notion of state rights. People believed that the states could provide solutions to revenue problems when they arose. "The power to borrow money is general and unlimited," said "Brutus", and this seemed unreasonable to Anti-Federalists.[160] When combined with additional congressional power of borrowing, the power to lay and collect taxes, duties, imposts, and excises meant, according to "Brutus," that Congress "may create a national debt, so large, as to exceed the ability of the country ever to sink."[161] The power of taxation was a significant power that Anti-Federalists found particularly irksome.

Concerns over economic powers granted to Congress did not stop with revenue-raising for some Anti-Federalists. "Agrippa," for example, was afraid that congress had too much power over trade. Although the Constitution had been drafted to deal with problems of commerce and trade, power in these areas needed to be regulated, or otherwise they could be used in negligent fashion. "Agrippa" celebrated the "spirit of industry and exertion, that is friendly to commerce," but feared that "unlimited power over trade . . . is exceedingly apt to injure it."[162] Federal power over commerce, he argued, is likely to produce "exclusive companies" which are "pretty much like an aristocracy in government, and produces nearly as bad effects." The problem with federal power of trade was that aristocrats in Congress would grant special privileges to certain companies who, because of "the greatness of their capital, [had] an undue influence on the government." Anti-Federalists thought that such big

---

[160] *Pole, For and Against*, p. 48. Essays of "Brutus".
[161] Ibid.
[162] *Doc. Hist.*, V, p. 798. *"Agrippa"* in a essay to the Massachusetts Gazette on January 25th, 1788

government interests ought to be guarded against as much as possible so that they did not dominate government. This was what "Brutus" was afraid of when he said the small number of representatives in of the House would allow for "bribery and corruption[163] "It is the object of government," said "Agrippa" "to protect" all interests, and not to allow some to corrupt government." The overriding Anti-Federalists concern was that if "exclusive privileges are given to any class, it will operate to the weakening of some other class connected with them." Because of the potential for exclusive companies to weaken the representation of other classes, and to make sure "the advantages of every class will be nearly equal," Anti-Federalists thought it best to allow "commerce . . . to take its own course.[164] The potential for the infusion 'exclusive' company interests into government made it even more possible that the aristocracy could dominate government, and subsequently the middling classes would be weakened because commerce laws would be designed to help the rich and not the poor.

The potential for corruption that Anti-Federalists saw in Congress regarding taxation and commercial policy also applied to the other major congressional power they found fault with: the power over elections. The Anti-Federalist fear of the aristocratic corruption stretched beyond fears that they would grant privileges to "exclusive" companies to the idea that aristocrats would use the power of elections to deliberately wheedle the people out of their liberties. The new system of government, which already favored the aristocracy, gave congress the power to change the time and place of elections. The fourth section of the first article of the constitution declares "that the times, places, and manner of holding elections for senators and representatives, shall be prescribed in each state by the legislature thereof: But

---

[163] Pole, *For and Against,* p. 49. Letter written by "Brutus" on Nov 29, 1787

the Congress may at any time by law, make or alter such regulations, except as to the places of choosing senators."[165] Many Anti-Federalists rejected outright all attempts to explain the meaning of this clause. "The Republican Federalist" was one such Anti-Federalist. He declared that "great ingenuity has been manifested in attempts to explain away the meaning and tendency of this fatal clause--a clause destructive of the small but best security which the people by the new system will have for preserving their liberties," but that none them were valid.[166] Federalists argued that the clause was designed to prevent individual states from denying the people their right to representation in the national government. States might do this they suggested if they became frustrated when working with Congress. "The Republican Federalist" thought that Federalist fear of state governments controlling elections was "an imaginary danger" used to "introduce a remedy which must inevitably deprive them of those rights."[167] Since state legislators do not "have any separate interest from the people," were also subject to federal laws, elected for less time, and might lose reelections if they defied the will of the people, it was not very plausible that they would risk offending the people by changing the time and place of elections.[168] Therefore the Federalist stance was nothing but, as "Ezra" declared, an "appearance of great tenderness for the rights of the people" because in reality there was nothing to their fears of corruption at the state level.[169]

The dependence of the state legislators, Anti-Federalists argued, makes it extremely difficult for state legislatures to tamper with the time and place of elections. Allowing the superior federal congress to regulate elections, however, would be without a check because

---

[164] Ibid.
[165] *Doc. Hist.*, V, p. 846. Essay of "The Republican Federalist" VI to the Massachusetts Centennial on February 2nd, 1788.
[166] Ibid.
[167] Ibid.
[168] Ibid.

congressmen would less worried about state authority than state legislators would be about Federal authorities. Anti-Federalists thought that if aristocratic influences in government became corrupt, Congress may try to coordinate in such a fashion as to easily procure their reelection. As "Ezra" asserts in a essay to the Massachusetts Gazette on the 25th of January, "suppose for instance, the place chosen for election, should be in the extreme eastern, or western borders of this Commonwealth--what will be the consequence? Why but a very small part of the people indeed will be represented."[170] Because they felt the risk for corruption was higher at the federal level, Anti-Federalists were also reluctant to give the federal government power over the time and place of elections. James Winthrop, an Anti-Federalist, summarized the Anti-Federalist objections to congressional power over elections when he declared that "by altering the time they may continue a representative during his whole life; by altering the manner, they may fill up the vacancies by their own votes without consent of the people; and by altering the place, all the elections may be made at the seat of the federal government." Because of their distrust of the aristocracy, Anti-Federalists objected to congressional control over elections. This fear represents class division, and, once again, their concern that all people would be represented fairly and equally.

The fear that an aristocratic congress may corruptly control elections is part of the larger Anti-Federalist concern with representation. They feared it would result in unequal representation in government, and hence it is part of their over-arching concern with democratic principles. Representation is a core democratic principle, and the Anti-Federalist over the function of the President, the Senate, the judiciary, and the house of representatives is an indication of the depth of their concern. Anti-Federalists may have thought they were

---

[169] *Doc. Hist.*, V, p, 786. "Ezra" to the Massachusetts Gazette on the 25th of January, 1788.

espousing republican principles, but the depth of their concern over representation in government indicates that it was more democratic than republican. They did not merely want representation. Because they were so afraid that aristocrats would dominate the new government and become corrupt because of the extensive powers invested in them, Anti-Federalists advocated for including the yeomanry in government. Direct participation of diverse groups of people was the one way in which adequate representation could be guaranteed. It was the one way rights could be protected. Rights were not protected by the executive, the senate, he judiciary, or the house. But most Anti-Federalists would have settled for something less than direct representation. They would not have been so critical of the Constitution if had included a bill of rights. A bill of rights would have ensured that individual liberties were protected, and this likely would have been enough to procure the support of most Anti-Federalists. But as the Constitution appeared during ratification, it did not contain a bill of rights, and this only enhanced the intensity of Anti-Federalist attacks on the Constitution.[171]

---

[170] Ibid.

[171] Mason, *The State Rights Debate*, p. 112-114. Luther Martin in a letter on March 21, 1788.

V. Rights and Equality: Where Are Our Rights Protected?

In lieu of the Anti-Federalists concerns over the lack of adequate representation in the new government, the omission of a bill of rights became very important. Underlying the concern over representation and all the rest of the Anti-Federalists criticisms of the Constitution, was the belief in the inalienable rights of mankind. These rights were of primary concern to Anti-Federalists, and thus their strongest objection to the proposed constitution was its lack of a bill of rights. Patrick Henry went as far as to assert that the lack of a bill of rights indicated that new revolution was being conducted. Henry declared that "the rights of conscience, trial by jury, liberty of the press, all . . . immunities and franchises, all pretensions to human rights and privileges," were "rendered insecure, if not lost, by" the creation of a new government.[172] Because some Anti-Federalists believed that Federalists were trying to effect another revolution which retracted the liberties that people had fought for in the Revolutionary War, they were particularly strident in their criticizing Federalists for omitting a bill of rights. In the waning days of the constitutional Convention itself, George Mason declared "that he would sooner chop of his right hand than put it to the Constitution" without it at the very least including a Bill of rights.[173] The Anti-Federalist criticism was so strong, Federalists, under the leadership of James Madison, ultimately

[172] Pole, *For and Against*, p. 117. A speech by Patrick Henry to the Virginia convention on June 5, 1788.
[173] Farrand, *Records*, II, p. 479.

promised to draft a bill of rights immediately upon ratification.[174] While the Constitution had many problems in the eyes of the Anti-Federalists, a bill of rights was an absolute necessity.

Bills of rights in the Anglo tradition, especially under the shadow of the Magna Carta, were believed to be the best guardian against the abuse of despotic government. They were symbols of a proper relationship between people and their governments. Under the influence of bills of rights, governments knew the extent of their powers, and did not bother the people with new experiments.[175] They were, said Thomas Jefferson, "what the people are entitled to against every government on earth, general or particular, & what no just government should refuse or resist on interference."[176] They soothed the relationship between the people and their governments. People, said a "Federal Farmer," "like to be express and explicit about their essential rights, and" do not like "to be forced to claim them on [the] precarious and unascertained nature of inferences and general principles" because then they would have to argue unnecessarily for them.[177] Without a Bill of rights, rebellion was the only recourse the citizens had against improper behavior by their government.[178] Bills of rights could be composed in a number of different ways. Generally, they could be composed of a set of directions or commands to their government, or they could a list of rights directed toward the people, reminding them of the liberties and rights that were theirs to preserve.[179]

---

[174] Jack N. Rakove, *Declaring Rights: A Brief History with Documents* (Boston: Bedford Books, 1998), p. 132.
[175] Ibid.
[176] Robert Rutland et al., eds., *The Papers of James Madison* (Chicago: University of Chicago Press, 1977), X, pp. 336-337.
[177] *Complete Anti-Fed., II, p. 324.* Letter XVI by a Federal Farmer written on January 20, 1788.
[178] *Doc. Hist.*, V, pp. 824-825. *"Agrippa"*.
[179] Rakove, *Declaring Rights*, p. 132.

While Anti-Federalists certainly wanted to give directions to government regarding the extent of its power, it was the latter form of a bill of rights that they believed was needed most. Within the structure of the Constitution, limitations were indeed needed, Anti-Federalists said, but it was absolutely imperative that it at least include an attached declaration of rights. Anti-Federalist believed that the Constitution should include a Bill of rights reserving the right to a trial by jury in civil and criminal cases, the right to council, the right to be secure against unreasonable search and seizure, the benefit of the writ of habeas corpus, the freedom of the press, the freedom of speech and assembly, the right to property, the right to protection against a standing army and quartering soldiers, free and frequent elections, and any other right demonstrating the freedom and liberty of the people.[180] Anti-Federalists were confident that it would not be difficult to enumerate them, and that doing so that would preserve the "political happiness" of the people. The government was vested with so much power that it seemed a rather necessary and simple matter to reserve rights. "Brutus", probably Robert Yates of New York, when considering the power of the government, asked: "ought not a government, vested with such extensive and indefinite authority, to have been restricted by a declaration of ought."[181] "Brutus" answered his own question in the affirmative, and then asserted that people arguing against a bill of rights were "willingly endeavoring to deceive, and to lead you into a state of vassalage."[182] The failure of framers to include a bill of rights, especially considering that it would have been so simple to do so, indicated for some Anti-Federalists like "Brutus" that the government was trying to in effect enslave its people. A declaration of rights, said Anti-Federalists like "Vox Populi,"

---

[180] *Doc. Hist.*, I, pp. . "Amendments Proposed to Congress" by Richard Henry Lee before the Constitution was sent to the states for ratification.
[181] *Complete Anti-Fed.,* II, p. 377. Essay II by "Brutus".
[182] Ibid.

was "necessary as a barricado to prevent [our government] from infringing on certain rights which the people did not mean should be at the disposal of our legislature."[183] A Bill of rights would protect a enslavement and usurpation of power; it would defend the people against possible corruption in government. Anti-Federalists simply could not understand why such simple declaration could not have been included. By not including a bill of rights, the framers and the rest of the Federalists wanted people to believe the reverse of what was popularly believed to be the relationship between the people and government.

Federalists argued that a declaration of rights was not necessary because the rights of the people were already articulated in the state governments, and that the Federal government did not have enough power granted to it to warrant a Bill of rights. James Wilson, in his famous speech on the lawn in front of the State House yard of Pennsylvania, popularized this Federal argument. Wilson declared "that in the former case [the state governments] everything which is not reserved is given, but in the latter [the Federal government] the reverse of the proposition prevails, and everything which is not given, is reserved."[184] Wilson argued that it was necessary to reserve rights in a state government because everything not reserved was given. This was the case because the state governments were vested with authority to address a wide array of specific and important tasks. The Federal government every power not expressly given was reserved. It was not needed to perform very many tasks, and therefore ought to be able to assume as much power as the state governments. The state governments were granted too many powers to listed, and therefore a Bill of rights enumerating the powers was typically attached to them. With the Federal government, it was far more efficient to list the powers granted because they were far less

---

[183] *Complete Anti-Fed.*, II, p. 48, Essay by Vox Populi.
[184] *Doc. Hist.*, II, 166. James Wilson's Speech in the State House Yard on October 6th, 1787.

numerous than the one's reserved. The premise of this argument is entirely democratic: that is that the people expressly give power to government, and that which they do not give, cannot be taken. The Anti-Federalists, however, believed the extent of power granted to congress necessitated a bill of rights. They were very much concerned with guarding against a usurpation of power. If there were not definite limits drawn, they argued, government would inevitably exert more influence over the people than they ought to.[185] While Federalists like Wilson believed the lack of a bill of rights to be evidence of the limited power of the federal government, Anti-Federalists were skeptical because of the extensive powers the Constitution granted to the various branches of government, and because it was a compact of the people.

Anti-Federalists remained unconvinced that the powers not granted to Congress were reserved, and thus they were afraid of usurpation of rights. Nowhere in the Constitution were the rights of the people enumerated and defended. The Constitution began in the name of the people, but was, in the words of "Agrippa," "a declaration of the relation which the different parts of government [had to] each other," and did "not in any degree imply security to the rights of individuals. . . . In all doubtful cases the decision [regarding power] is in favour of the government."[186] Since the Constitution began in the name of the people, favoring the government with power while failing to enumerate the rights of the people was simply unacceptable. The fact that the Constitution was crafted in the name of people made a bill of rights imperative for Anti-Federalists. If the matter was strictly between different levels of government, Wilson's notion of regarding the reservations of powers would have been

---

[185] *Complete Anti-Fed.*, II, pp. 106-109. An essay by Cato Utenicis titled: "To the Citizens of the State of New York."

[186] *Doc. Hist.*, II, 166. *"Agrippa's"* essay printed in the Massachusetts Gazette on the 29th of January, 1788. *Doc. Hist.*, V, 823-825.

justifiable and tolerable. Since the relationship to the people was a direct one, and hence the state governments could be subjugated to the will of the Federal government, it was logical that a bill of rights should be included.

Many Federalists, however, simply did not see a bill of rights as necessary and did not want it to slow the ratification process. Most Federalists like Alexander White believed that the people knew their rights, and that it was not likely that they would be given up easily. In a letter published in the Winchester Virginia Gazette, Alexander White asserts "A Bill of rights is only necessary, where the rights of different men or orders of men are uncertain, and is rather calculated to inform them to restrain. Paper chains are too feeble to bind the hands of tyranny or ambition." White saw the virtue of a bill of rights, but was confident that the people knew and would subsequently control their own destiny in a republic. According to Federalists, proceeding to enumerate these rights would lessen the status and validity of those rights not included. People would have trouble defending rights not specifically included against future despotic governments; rights not included would seem less sacred. Therefore it was safer to simply presume that people had all the rights and powers not specially granted to government. Including "a bill of rights, said Federalists like James Iredell, "is not only unnecessary, but would be absurd and dangerous."[187] But Anti-Federalists like the "Federal Farmer" noted that this argument was contradicted by the Constitution itself. Some powers were indeed expressly guarded against in the Constitution. For example, article 1, section 9 said "'No title of nobility shall be granted by congress.'"[188] Did this mean, questioned Anti-Federalists like a "Federal Farmer," that some powers not expressly given were somehow

---

[187] Rakove, *Declaring Rights*, p. 146. A speech by James Iredell quoted from *Proceedings and Debates of the Convention of North Carolina,* July 29, 1788 (North Carolina: Edenton, Hodge & Wills, 1789).

[188] *Complete Anti-Fed., II, pp. 323-330.* Letter XVI by a Federal Farmer written on January 20, 1788.

implied? The fact some powers that were not given were nevertheless specifically guarded against indicated that it would be wise to reserve at least some essential rights.[189] There was a hint of implied powers in the Constitution, said Anti-Federalists, and therefore it would wise to include a bill of rights even if the people did know them.

The Anti-Federalists, however, were less willing than Federalists to even risk a possible infringement on the rights of the people. They agreed that people knew their rights, but they believed it would be extremely difficult to take away power from government once it was determined that it had violated the rights of the people. There was no need to wait for this. The people had rights, and the Constitution ought to declare them so that the risk of a corrupt government could be diminished. The difficulty of retaking already granted powers is articulated in an address by "A Plebian." He advocates changes prior to ratification because his proposals limit the power of government. It would not make sense to delegate the authority and then attempt to retake it once it is abused. It is not "probable," "A Plebian" said, "that those who enjoy these powers will be so likely to surrender them after they have them in possession. . . . Common sense says--they will not.[190] It was important to "A Plebian" and other Anti-Federalists like Patrick Henry to attach a bill of rights in the form of amendments prior to ratification. That would be safe, proper, and democratic thing to do. Allowing the people to amend the Constitution prior to ratification was according to Henry "democratic."[191] Including a bill of rights prior to ratification was democratic in two ways: it would allow the people to participate more directly in the crafting of the Constitution, and it would (as would still be the case whenever it happened) preserve rights that had an inherent

---

[189] Ibid.
[190] *The Complete Anti-Fed.*, VI, 129.

democratic tenor. The Anti-Federalist concern with a bill of rights demonstrates the depth of their concern for justice and liberty.

Some Anti-Federalists demonstrated the depth of their for justice and liberty by attacking, not just the omission of a Bill of rights, but also the veiled references to slavery in the Constitution. These attacks reveal how broadly Anti-Federalists applied the concept of equality, and highlight the failure of the Constitution to establish the equality of all people. While it would take centuries to truly do so, some Anti-Federalists like "A Countryman" were already applying a literal interpretation of equality. The fact that the Constitution allowed the slave trade to continue for even a short time was an indication to "A Countryman from Duchess County" that the framers were "enemies to the Rights of Mankind," and that the Constitution had been "framed to deprive Millions of the human species of their natural Rights ."[192] The Constitution, in allowing the slave trade to continue, was infringing on inalienable human rights. The Anti-Federalists were applying enlightenment ideas of rights and equality to even the most lowly (within the social constructs of the time) people. This was equality as Federalists were not willing to apply it. The Federalist commitment to the inalienable rights articulated in enlightenment thought was simply not as deep as it was for Anti-Federalists. Anti-Federalists like "A Countryman From Duchess County," unlike Federalists, could clearly see that the slave "trade, if ever permitted, [would] entail eternal Infamy on the United States, and [of] all that they have ever said or done in Defence of Freedom.--Will it not be said, that the greatest Sticklers for Liberty, are its worst

---

[191] Pole, *For and Against*, p. 119. Patrick Henry speaking to the Virginia convention on June 5th, 1788.

Enemies?"[193] Anti-Federalists clearly believed that would indeed be said. The Constitution, as framed, was not as dedicated to principles of liberty and justice as it ought to be. It is rather ironic, as another "Countryman," believed to be Dewitt Clinton of New York, articulated, that "we are told by this new constitution, that one of its great ends, is to establish justice" when it allowed "one man [to] take another from his own country, and make a slave of him."[194] Anti-Federalists believed the slave trade was abominable and unjust, and because the Constitution implicitly endorsed it, it was unjust itself. In criticizing the slave trade, the two "Countryman" writers reveal a very literal and direct interpretation of equality. This application of principle of equality reveals the depth of Anti-Federalists concerns with democratic principles.

The Anti-Federalist concerns with the lack of a bill of rights and with the slave trade clauses reveals the depth of their concerns for democratic principles. A bill of rights, they believed, was needed provided limits to a government which had such extensive powers. The lack of representation, the aristocratic nature of the judiciary, Senate, and executive branches all made future corruption of possible. Consequently, a bill of rights especially guarding against a usurpation of power by government was necessary. When Anti-Federalists, in calling for such a bill of rights, demonstrated how literally they applied the enlightenment theory which necessitated one, they highlighted the depth of their feeling for democratic principles. A belief in a bill of rights and an interpretation of equality was directly aligned with the democratic spirit that emerged in the nineteenth century.

---

[192] *Complete Anti-Federalist,* VI, p. 51. The Letters of "A Countryman from Duchess County," published in the New York Journal between November of 1787 and February of 1788.
[193] Ibid.