

## Module 2: The Constitution

### Topic 3 Content: The Ratification Debates

#### Introduction



**Demi Tracy:** The United States' Constitution was not a widely accepted document upon its initial drafting. There were intense public debates between those who supported it and those who opposed it. Here with more information is Rick Henri.

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#### The Impact



**Rick Henri:** The date is September 1787. The Constitutional Convention has just adjourned with a draft of the Constitution. The final step before ratification is the approval of the American people. Before we look at the ensuing debates, we will briefly review some of the philosophies of Montesquieu.

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#### Montesquieu

## Montesquieu

Executive

“...By the second, he makes peace or war, sends or receives embassies, establishes the public security, and provides against invasions...”

*The Spirit of Laws, 1748*

Judicial

“...By the third, he punishes criminals, or determines disputes that arise between individuals...”

*The Spirit of Laws, 1748*



Montesquieu

**Rick Henri:** One of the main characteristics shared by the Virginia Plan, the New Jersey Plan, and the final draft of the Constitution was the separation of powers. The European thinker Montesquieu supported this idea in his work, *The Spirit of Laws*.

“...In every government there are three sorts of power: the legislative; the executive in respect to things dependent on the law of nations; and the executive in regards to matters that depend on the civil law...”

He outlined the responsibilities of these three sorts of power. Discussing legislative power, he said:

“...By virtue of the first,...the magistrate enacts temporary or perpetual laws, and amends or abrogates those that have already enacted...”

He continued with executive power:

“...By the second, he makes peace or war, sends or receives embassies, establishes the public security, and provides against invasions...”

He then also discussed judicial power:

“...By the third, he punishes criminals, or determines disputes that arise between individuals...”

Montesquieu argued that if any of these powers were combined, it could lead to harsh laws, punishments, or other unfair treatment. Therefore it was better to separate these powers into different branches of government. These ideas resonated with the Founding Fathers.

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#### Federalists vs. Anti-federalists

Federalists	Anti-federalists
<ul style="list-style-type: none"><li>• Supported the ratification of the U.S. Constitution.</li><li>• Wanted a federal system with a strong national government.</li></ul>	<ul style="list-style-type: none"><li>• Opposed the ratification of the U.S. Constitution.</li><li>• Wanted a confederate system with strong regional governments.</li><li>• Wanted to protect states' rights.</li></ul>

**Rick Henri:** In order to be enacted, the Constitution had to be ratified by 9 of the thirteen states. Those that supported the ratification of the U.S. Constitution were known as Federalists. Those who opposed the ratification of the U.S. Constitution were known as Anti-federalists.

The Federalists supported a federal system with a strong national government. Anti-federalists wanted a confederate system with stronger regional power in the state governments. They wanted to protect states' rights and believed that central government established by the Constitution would be far too powerful.

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**The Federalist Papers**



**Rick Henri:** Debates ensued between the Federalists and the Anti-federalists in the press. John Jay, Alexander Hamilton, and James Madison collaborated to write a series of essays defending the U.S. Constitution. The essays, known as *The Federalist Papers*, were published in *The New York Independent Journal* beginning in October 1787. The trio authored 85 essays under the pen name Publius, in honor of one of the founders of the Roman republic.

James Madison authored several *Federalist Papers*, including *Federalist Paper Number 47*. In these excerpts, ideas similar to those put forth by the European philosopher Montesquieu are echoed:

“...The accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, a few, or many... may justly be pronounced the very definition of tyranny...”

“...The preservation of liberty requires that the three great departments of power should be separate and distinct...”



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#### The Bill of Rights

### The Bill of Rights

- James Madison drafted the Bill of Rights.
- It protected the rights of the individual and reserved some power at the state level.
- While drafting the Bill of Rights, Madison was inspired by several documents.
- He was called the “**Father of the Constitution**” due to his role in drafting, ratifying, and writing the Constitution and the Bill of Rights.
- The Constitution went into effect on June 21, 1788, when New Hampshire ratified it.
- Rhode Island was the final state to ratify the Constitution in 1790.



**Rick Henri:** In an attempt to alleviate some of the concerns of the Anti-federalists, the Bill of Rights was drafted by Virginian and Federalist James Madison. This document explicitly protected the rights of the individual and reserved some power at the state level. When Madison authored the Bill of Rights, he took inspiration from several documents, such as the Virginia Statute for Religious Freedom, the Virginia Declaration of Rights, the English Bill of Rights, and even the Magna Carta. James Madison would be called the “Father of the Constitution” due to his role in drafting the document, ratifying the document, and writing the Bill of Rights.

After several compromises, alterations, and the Bill of Rights, the Constitution officially went into effect on June 21, 1788, when New Hampshire became the 9<sup>th</sup> state to ratify the document. Rhode Island was the final state to ratify the Constitution in 1790.

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**Ending of Episode**



**Demi Tracy:** Thank you Rick. James Madison's nickname, the "Father of the Constitution," was certainly well deserved. We appreciate you joining us for today's episode. Enjoy your day, America.