

Section 2: Debate and Ratification

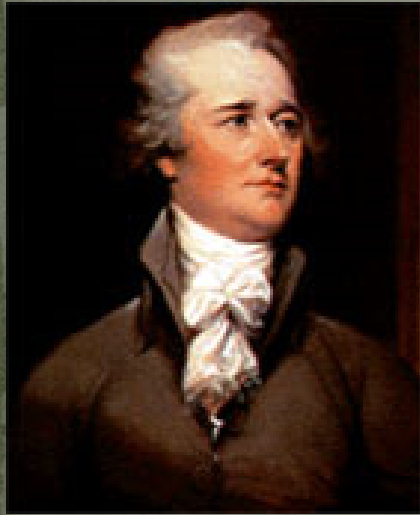
Objectives:

- Why opinions were divided about the proposed new Constitution?
- How the views of the Anti-Federalist differed from the Federalist?
- How the Bill of Rights enhanced the Constitution?

Federalists & Anti-Federalists

Anti-Federalists

Federalists



Alexander Hamilton

- Supported the Constitution
- Included many framers (Washington, Hamilton, Madison)
- Strongest in urban areas
- Supported by those in favor of a strong central government
- Supported by merchants, skilled workers, laborers

- Opposed the Constitution
- Included Patrick Henry, Samuel Adams, Richard Henry Lee
- Strongest in rural areas
- Opposed a strong central government
- Concerned the Constitution didn't include a bill of rights

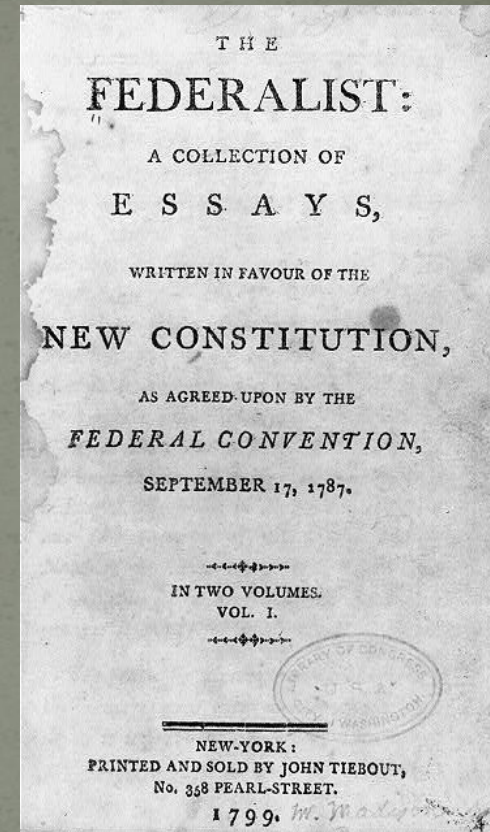


Patrick Henry

Federalists

- Alexander Hamilton, James Madison, and John Jay – under the pen name “Publius,” they wrote a series of 85 essays designed to win the support for the Constitution.
- Federalist Papers – over 7 months
 - Analyzed and explained the constitution to voters

“Nothing is more certain than the indispensable necessity of government, and it is equally undeniable, that whenever and however it is instituted, the people must cede to it some of their natural rights in order to vest it with requisite powers.” (Federalist [No. 2](#))



Antifederalists

- Published “*Letters from the Federal Farmer*” to explain that they believed individual freedoms needed to be protected

January 31, 1788, [Brutus noted](#) the apparently unlimited power of the Supreme Court:

They will give the sense of every article of the constitution, that may from time to time come before them. And in their decisions they will not confine themselves to any fixed or established rules, but will determine, according to what appears to them, the reason and spirit of the constitution. The opinions of the supreme court, whatever they may be, will have the force of law; because there is no power provided in the constitution, that can correct their errors, or control their adjudications. From this court there is no appeal. And I conceive the legislature themselves, cannot set aside a judgment of this court, because they are authorised by the constitution to decide in the last resort.

The compromise...

The Bill of Rights

Ratified December 15, 1791

Article I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Article II

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

Article III

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

Article IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Article V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any Criminal Case to be a witness against himself, nor be

deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Article VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining Witnesses in his favor, and to have the Assistance of Counsel for his defence.

Article VII

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise reexamined in any Court of the United States, than according to the rules of the common law.

Article VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

Article IX

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Article X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

*A reminder to be ever vigilant in the protection of these rights
Presented in loving memory of Cortiss Samont 1902-1995*

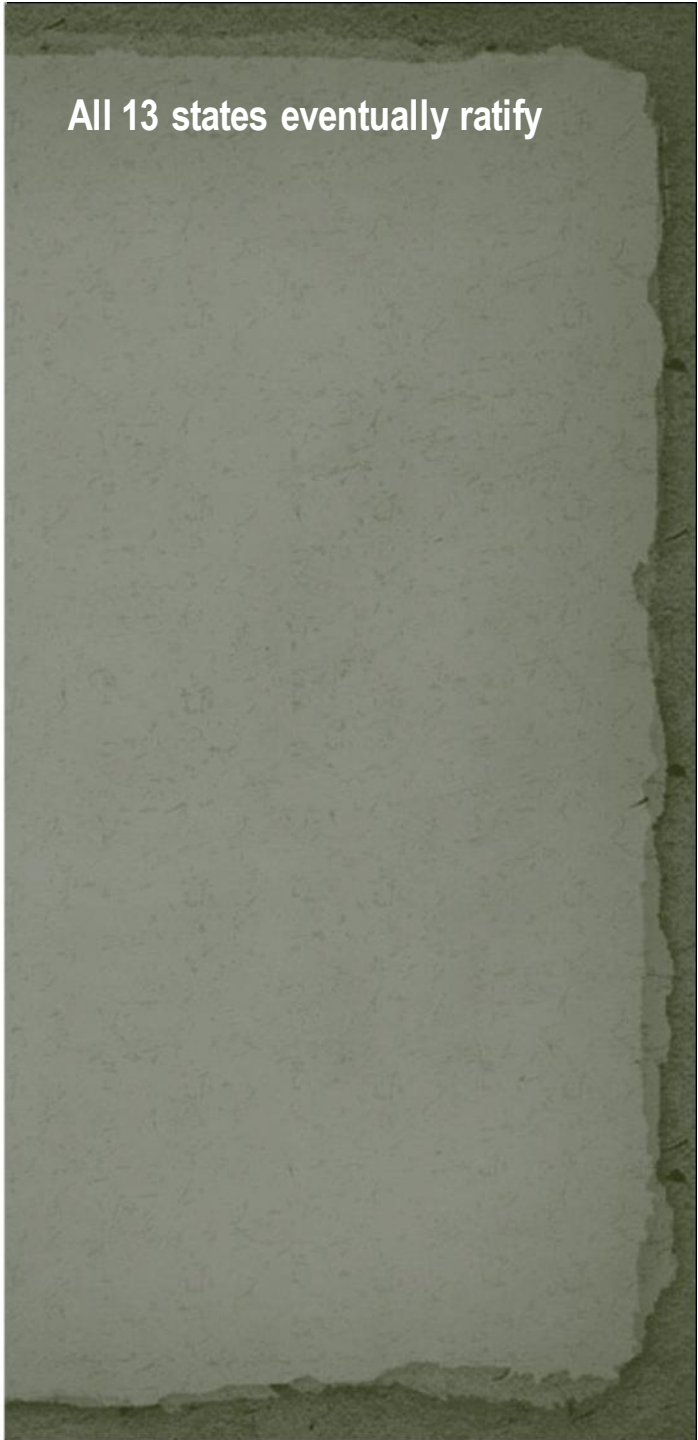
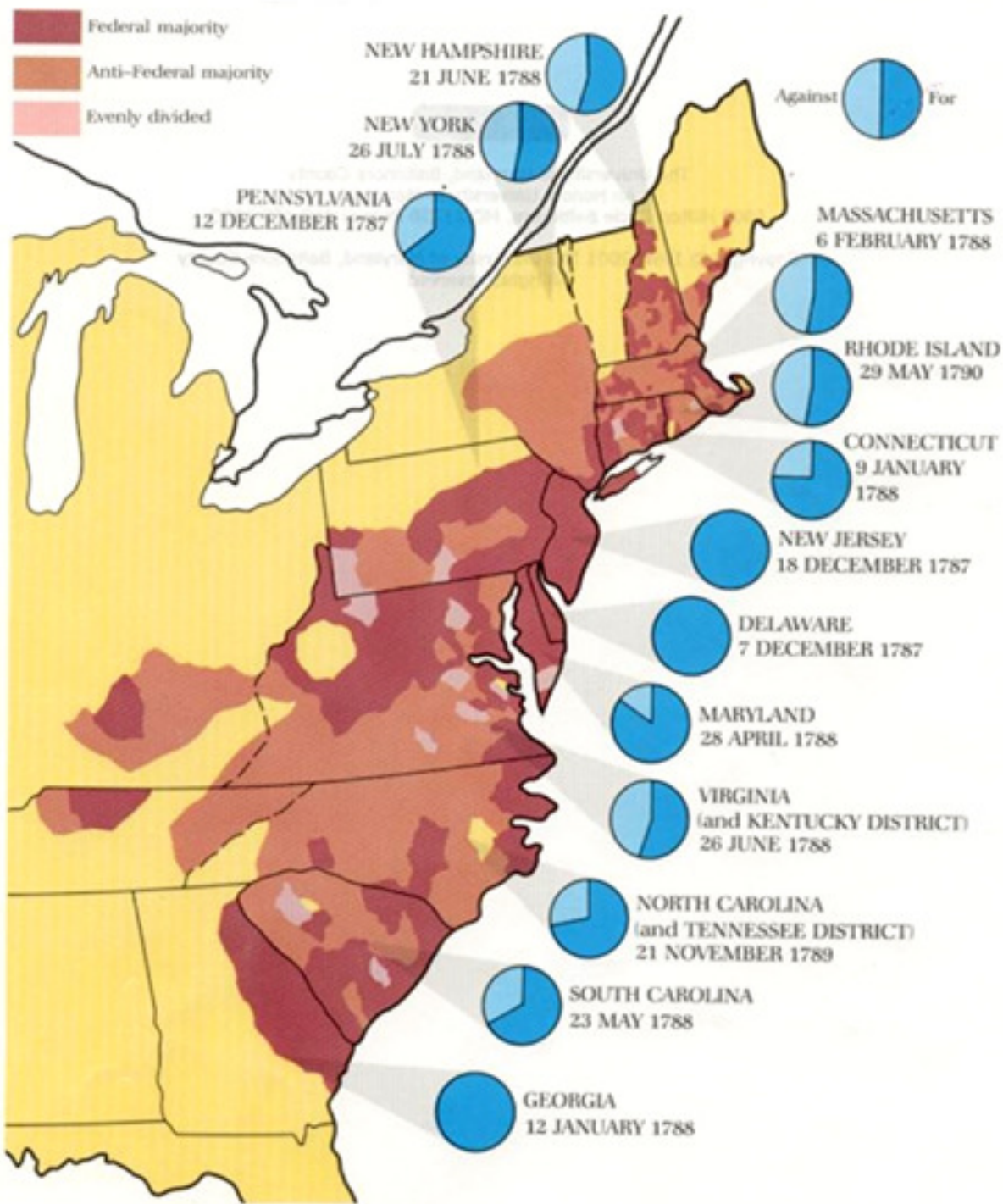
National Emergency Civil Liberties Committee
New York, NY 10010

The Bill of Rights



James Madison

- Written by James Madison
- Madison submitted 17 amendments; Congress reduced number to 12
- By Dec 15, 1791, enough states had ratified 10 amendments to make them apart of the Constitution.
- First Amendment guarantees “freedom of expression”
- Second and Third Amendments protect against military control
- Fourth through Eighth Amendments assure due process of law
- Ninth and Tenth Amendments protect popular control over government



All 13 states eventually ratify

Amending the Constitution (Article V)

Amending the Constitution

PROPOSAL

A Constitutional Amendment can be proposed in one of two ways:

1

By 2/3 of the members of both the House & Senate

(290 and 67)

2

At a Convention called by 2/3 of the States

(34)

RATIFICATION

After an Amendment is proposed, it must be ratified. This can be done in one of two ways:

1

By 3/4 of the State Legislatures

(38)

2

By 3/4 of ratifying conventions in the States

- So far, all amendments have been proposed by option #1
- All but the 21st amendment have been approved via option #1
- More than 11,000 amendments have been introduced but only 33 have been sent to states for ratification and only 27 have been ratified.

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