

Constitution

Federalists vs. Anti-Federalists. It was the knock-down, drag-out political battle of the century. The 18th century, that is. And yet, almost miraculously, what resulted from that battle is one of the fundamental statements about what the United States is as a country and how we, the citizens, choose to be governed.

The Bill of Rights, the first 10 amendments to the Constitution, began as a political compromise to smooth passage of the new Constitution and became one of the clearest outlines of what it means to be an American citizen.

Delegates in Philadelphia, working to replace the Articles of Confederation with a new governing charter, finally crafted a Constitution outlining the basic structure of our government – three separate branches, all acting as a check on the power of the others. For some of the delegates, called Federalists, the new Constitution accomplished their main goal, setting up a sufficiently strong national, or federal, government to prevent abuses by state governments and to ensure the fledgling country's military and economic strength.

the required three-quarters of the states had approved them, and they officially became law.

The First Amendment is a perfect example of how the Bill of Rights combined protections for the “unalienable” rights of Americans with limits on the federal government's ability to interfere with people's everyday lives.

It reads, “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.” In short, citizens have the right to say what they want, write what they want, practice any religion they want, and spend time with whomever they want without government interference. Perhaps most importantly for the founders, citizens have the right to criticize the government.

The next nine amendments cover a lot of ground, including the right “to keep and bear arms,” freedom from “unreasonable searches and seizures,” citizens' rights during investigations, the right to a speedy and

Bill of Rights

by Eric M. David

For others, called Anti-Federalists, led by George Mason of Virginia and Elbridge Gerry of Massachusetts, the Constitution did not do enough to protect the rights of individuals and states from interference by a powerful national government. Having just fought for freedom from the powerful English monarchy, they had wanted the Constitution to sharply limit the influence that the government could exert over the states and to guarantee the rights of citizens.

The debate between the two groups took place in Philadelphia as well as in a series of New York newspaper articles, now known as “The Federalist Papers,” by leading Federalists James Madison, Alexander Hamilton and John Jay. The result was, in true American democratic style, a compromise.

The Anti-Federalists agreed to support the new Constitution without the explicit protections for individual rights they wanted only so long as Madison and the Federalists agreed to attach what Mason called a “Bill of Rights” providing those protections in the Constitution. Madison and the Federalists knew that without the promise of this Bill of Rights, the Constitution would likely never be ratified by the necessary nine states, so Madison set to work crafting amendments to the new Constitution.

Madison eventually came up with 12 amendments, though the states only approved 10, voting down the first two dealing with congressional pay and representation. On December 22, 1789, just six weeks after officially approving of the Constitution, North Carolina became the third state to approve the Bill of Rights, reflecting its strong Anti-Federalism. When Virginia voted to ratify the amendments on December 15, 1792,

fair trial and, if necessary, the right to punishment that is not “cruel and unusual.”

Madison's language was decidedly 18th century, and so for more than 200 years judges and scholars have debated about how best to apply the Bill of Rights to modern society. Does “freedom of speech” really mean total freedom? Are there certain kinds of speech that government can limit? Do individual citizens or militias have the right to bear arms? What is an “unreasonable” police search or “cruel and unusual” punishment?

All of these and others are complicated questions whose answers have changed over time, but the underlying truth of the Bill of Rights – that citizens have certain rights that the government cannot violate – has remained constant.

Newspaper Activity

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