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Rough Draft

Federalist v. Anti-Federalists

The war for American independence formally ended in 1783; however, the final battle of the American Revolution continued to be waged until July, 1788. The battle was not between soldiers like Washington and Cornwallis, but between politicians like Yates and Hamilton. The battle was not on some grand field like Cowpens, but on paper and in the minds of a young United States of America. The battle was between the Federalists and the Anti-Federalists; their fight to establish the new American government. This paper will analyze the arguments of the Federalists and the Anti-Federalists, identify the strongest arguments of both parties, and determine the winner of the debate based on the merits discussed. The subsequent analysis begins with a look at the Articles of Confederation and the Constitution, followed by a discussion of each party's belief in the necessity of the Constitution. The analysis concludes with a look at the victor of the debate between Federalists and Anti-Federalists, as well as a breakdown of their strongest arguments.

Before the Constitution, the Articles of the Confederation held the position the Supreme Law of the land. The Articles created a loose confederation of 13 independent states that previously existed as colonies under Great Britain. The Articles left most of the power of governance to the states and only allowed a limited, weak central government. The colonies built this confederate government to establish a connection to one another but still retain the sovereignty of each state. Events following the war for independence revealed the weakness of the Articles. The government was denied the power to tax citizens, not allowing for the United States to collect money to pay off war debt or soldiers after the war, leading to issues like the Newburgh Conspiracy and the Barbary Pirates conflict. The Articles forced the government to rely on voluntary cooperation from the states to raise armies and navies for defense.¹ The

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inability of the government to enforce treaties or any laws passed by congress, along with the weaknesses discussed, concerned many Americans, such as Alexander Hamilton and James Madison, and led for a growing demand for change. Many of the Federalists saw the United States as having too little power and control under the Articles. A new solution, as the Federalists saw it, found its inception in 1787 where it was drafted and debated for the next year until ratification. This solution was the Constitution.

The Constitution created a consolidated government, a single supreme national government and weaker state governments, for a United States that would have significant power compared to the government under the Articles. This new form of governance, Madison argued in *Federalist No. 39*, would remain strictly republican in nature as no other form would comply "with the genius of the people of America; with the fundamental principles of the revolution."² Madison argued further in *Federalist No. 45* that the Constitution allowed states to retain much of their power based on several arguments. Firstly, the national government's powers were limited and defined within the Constitution while the rights and the powers of the states were not limited and undefined. Furthermore, the states' governments not only had significantly more employed members than the national government, but also had more direct influence because the state legislatures selected the Senators to represent their state at the national level.³ In *Federalist No. 51*, Madison explained that a strong Federal government must be able to control the governed as well as itself. He argued that the Constitution established a network of checks and balances so that "each (Branch of Government) may be a check on the other; that the private interest of every individual, may be a sentinel over the public rights."⁴ The Federalists believed that this Constitution was a necessary replacement to the Articles of Confederation. They argued

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the Constitution protected the rights of the states, limited the power of the federal government, but gave powers like taxation, the ability to maintain a military, and the ability to regulate trade. These powers in the hands of the national government allowed for the national government to take on the debts of the states that had not been paid off since the war and allowed the national government to be able to govern, which had been significantly limited by the national government's dependance on the states under the Articles.

The Federalists viewed the powers granted to the national government mentioned above as the Constitution's solution to problems that arose under the Articles of Confederation. Hamilton, in *Federalist No. 9*, cited a French Political Philosopher, Montesquieu, in his argument to create a "Confederate Republic, . . . a kind of assemblage of societies, that constitute a new one, capable of increasing by means of new associations, till they arrive to such a degree of power as to be able to provide for the security of the united body. A republic of this kind, able to withstand an external force, may support itself without any internal corruption." The Federalists believed that America would be stronger as a single Union rather than a confederation of states and would be able to protect itself from outside enemies if the states were united under a strong central government rather than held together by the alliance that the Articles created.⁵ In *Federalist No. 22*, Hamilton detailed the trade conflict between states who had established trade tariffs even when trading with neighbor states, and he argued the necessity of "Federal Superintendence" to regulate this costly trade commerce. In this essay, Hamilton continued to display concern for the national government's dependance on the states to muster troops for a national army and mentions the lack of quotas met during the war causing a shortage of manpower for the Continental Army. This system of requisition was seen by many Federalists

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as "a system of imbecility in the union, and of inequality and injustice among the members."

Hamilton continued that the American Empire needed to be based on the consent of the people but needed to be able to exercise its authority over the states when necessary.⁶ The Constitution provided the Federalists with a compromise between the ideals of 1776 and the need for a strong national government.

Contrariwise, the Anti-Federalists did not share such a positive view of the Constitution that was being debated in 1787. Unlike the Federalists, the Anti-Federalists supported the Articles that governed the country through its war for independence as well as granted significant power to the states. The Anti-Federalists believed change was not necessary and developed four distinct arguments as to the danger and problems with the proposed Constitution. Firstly, Anti-Federalists argued that a Bill of Rights needed to be added to the Constitution to explicitly state what rights could not be infringed upon by any branch of the government. The Pennsylvania Minority argued "the first consideration that this review suggests, is the omission of a Bill of Rights, ascertaining and fundamentally establishing those unalienable and personal rights of men, without the full, free, and secure enjoyment of which there can be no liberty."⁷ Anti-Federalists like James Wilson and Centinel shared this concern for a lack of explicit rights guaranteed to be protected for the citizens of the United States.^{8,9} Secondly, Anti-Federalists argued that the presidency created under the Constitution was too powerful, almost like a Monarchy. Patrick Henry intensely argued his concerns that if the President as the Commander in Chief was in control of the army, who was to stop the President from saying, "Away with your President, we shall have a King." Henry even felt the wording "we the people" felt like the beginning of a contract between a Monarch and his subjects, not a contract between states and a

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national government.¹⁰ Thirdly, Anti-Federalists believed the Constitution did little by way of the courts and would create an out of control Judicial Branch. Centinel declared “the objects of jurisdiction recited, are so numerous, and the shades of distinction between civil causes are oftentimes so slight, that it is more than probable that the state judicatories would be wholly superceded... the federal court, as the most powerful, would ever prevail.”¹¹ Both Centinel and the Pennsylvania Minority felt that, besides the appointment of judges and the difficult and unlikely process of impeachment, there existed no control of judicial power which could overturn any action taken by the states. They felt this threatened to leave the states and their judicial systems at the mercy of the national judicial system.¹² Lastly, the Anti-Federalists believed the Constitution would create a federal government too far away to be beneficial in local matters. Centinel argued “that the inhabitants in a number of larger states, who are remote from the seat of government, are loudly complaining of the inconveniences and the disadvantages they are subjected to on this account.” Anti-Federalists felt that there was not enough time for *one* national government to be able to manage and conduct the affairs of the entire country, and delegating the power of governance to states would allow for a better equipped set of bodies to manage local affairs.¹³

With the ratification of the Constitution in 1788, the Federalists were victorious in their debate for the Constitution with the Anti-Federalists. The need for a replacement to the Articles of Confederation laid the foundation for the Federalists’ victory. This being their strongest argument, the Federalists exploited and displayed the failures of the Articles and demonstrated how the Constitution would fix what the Articles could not. The Anti-Federalists found their strongest argument to be the need for a Bill of Rights, as this would be the only element of their

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argument to be included in the Constitution albeit after ratification of the original document. One could even argue that the Anti-Federalists were victorious with regards to obtaining a Bill of Rights created, but because this was not the only point to the Anti-Federalist argument, the party was defeated and disbanded by the end of 1788.

With their victory, the Federalists were able to get the Constitution ratified and were able to replace the weak Articles of Confederation with a new, strong constitution. While the Anti-Federalists found some success in their argument for a Bill of Rights, they were not able to prevent the Federalists from ratifying the Constitution. The Federalists victory in this last great battle of the American Revolution established the first Constitution to be adopted by a body of representatives elected by their constituents, that is implemented by a larger body of constitutional law, and has influenced the constitutions of many future nations.