# The Constitution and New Government

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Source: The Library of Congress
This poem, which is a celebration of the U.S. Constitution, was written by Francis Hopkinson in 1788 and printed by M. Carey of Pennsylvania. Hopkinson (1737–1791), a signer of the Declaration of Independence who represented New Jersey, later moved back to his home in Pennsylvania after the American Revolution. For a while, he served as a judge there, appointed by President George Washington. He wrote several other poems and works of satire. In 1788, he organized a “Grand Federal Procession” that was one of the largest parades for the Fourth of July in United States history up until that time.

As the summer of 1788 approached, some states had not yet ratified the Constitution. On June 21, New Hampshire became the ninth state to ratify, officially making the Constitution the law of the land. Virginia followed closely after that on June 25 and New York on July 26. This poem could be considered part of the Federalist propaganda to persuade those undecided citizens.
An Ode for the 4th of July, 1788

Directions: Read the poem and answer the following questions. Write your answers on a separate sheet of paper. (Hint: The lowercase s can sometimes look like the letter f.)

A N O D E

For the 4th of July 1788,

"Tis done! tis done! my Sons," she cries,
In War are valiant, and in Council wise;
Wisdom and Valour shall my rights defend,
And o'er my vall domain those rights extend.
Science shall flourish—Genius stretch her wing,
In native Strains Columbian Muses sing;
Wealth crown the Arts, and Justice clean her scales;
Commerce her ponderous anchor weigh,
Wide spread her sails,
And in far distant seas her flag display.

My sons for Freedom fought, nor fought in vain;
But found a naked goddess was their gain:
Good government alone, can save the Maid,
In robes of Social Happiness array'd.

Hail to this festival! all hail the day!
Columbia's standard on her roof display;
And let the People's Motto ever be,
"United thus, and thus united—FREE."

QUESTIONS

1. When was this poem written?

2. What do the last two lines in the poem mean?

3. What is the subject of the poem, and why is the subject important to American history?
The Constitution and New Government

The Articles of Confederation

Standard/Objective
Students will understand influences on the ideas established by the Constitution.

Analyzing the Primary Source
Ask students to study the original document and the text. Place students in small groups (about three students in each group). Divide the text into equal parts and give a different part to each group. Tell students to rewrite the text in their own language. Then, have each group read its rewritten text aloud. At the end of the reading, have students write a paragraph reflecting on what the Articles of Confederation is about.

Questions to ask:
- Describe the original document. Is it typed? Is it handwritten?
- Who created these notes?
- What was the place and date for these notes?
- Describe the purpose of these notes.
- Into what categories might these problems be classified?
- How might these grievances be summarized?

BACKGROUND INFORMATION
Shortly after the Second Continental Congress declared independence from Great Britain in 1776, Congress created a committee to write the nation’s first constitution. This document became the Articles of Confederation, which united the states into a loose union governed by a national Congress. However, Congress had minimal powers, restricted by states fiercely guarding their individual powers. Alexander Hamilton and the Continental Army realized Congress’ shortcomings when the nation experienced shortages during the revolution because Congress was unable to raise revenue.

During the 1780s, Hamilton pushed for a convention to amend the Articles several times, often writing articles in newspapers under the pen name The Continentalist. He played a prominent role at the Annapolis Convention of 1786, when several states met to discuss trade problems since Congress did not have the authority to regulate commerce.

The revolt by Massachusetts’ farmers, also known as Shays’s Rebellion, in 1786 made it apparent to many of the nation’s leaders that the nation had reached a crisis because of the inability of Congress to lead. For instance, according to the Articles, in order to pass a law, 9 of the 13 states had to approve, a difficult majority to obtain. There was no national court system, so state disputes (and there were many) went unresolved. Foreign nations did not know if they were dealing with one nation or 13 separate countries when it came to tariffs and trade. Most importantly, Congress did not have the power to tax and, as a result, was neither able to pay for its debts nor fund the military for defense. Finally, the Articles of Confederation did not specify whose powers were supreme, the state’s powers or the nation’s powers. In the summer of 1787, the states sent representatives to Philadelphia to revise the Articles. In the end, they produced an entirely new document, the U.S. Constitution.
The Articles of Confederation

**Directions:** Read Alexander Hamilton’s notes for a speech proposing a new plan of government. These notes were written in June 1787. The document can be read more clearly in the box on the left. Use the notes to answer the questions. Write your answers on a separate sheet of paper.

Objections to the present confederation
Entrusts the great interests of the nation to hands incapable of managing them—
All matters in which foreigners are concerned—
The care of the public peace: Debts
Power of treaty without power of execution
Common defense without power to raise troops, have a fleet—raise money
Power to contract debts without the power to pay—
—These great interests of the state must be well managed or the public prosperity must be the victim—
Legislates upon communities.
Where the legislatures are to act they will deliberate—
To ask money not to collect it and by an unjust measure
No sanction—

**Questions**

1. Choose one problem with the Articles of Confederation from Alexander Hamilton’s notes above. Using Hamilton’s notes and your knowledge of the Articles, explain why it was a problem for the United States. How was this issue addressed in the Constitution?

2. Colonel Alexander Hamilton fought in the Continental Army during the American Revolution, serving as an aide-de-camp for General George Washington. How might this experience have shaped his views about a new national government?
One of the great debates at the Constitutional Convention, once the legislative branch was agreed upon, revolved around the creation of the executive branch. This was especially important, because under the separation of powers principle, the executive branch can limit the power of the legislative branch.

While designing the office of the presidency, the greatest concern was to avoid the creation of a monarchy with unlimited powers, especially after what the states had experienced as colonies under George III. In Federalist 69, Alexander Hamilton contrasted the new office of the presidency with that of the king of Great Britain, pointing out how the new president was to be elected to a specific term and could be impeached, if necessary. The president did not have the power to make laws, but only to suggest, sign, or veto them.

The Virginia Plan originally proposed that the president be chosen through the national legislature, and this idea was debated at the Philadelphia Convention. Many representatives preferred the idea that local “electors” would choose the president. James Madison objected to the proposal that state legislatures choose the president because they might use this power to pressure the president to agree to their terms. As a result, the idea for the Electoral College was created. The rationale for the Electoral College was that since the Electors only met for the purpose of electing the president and were then dismissed, they would be less likely to become corrupted.
Excerpt from Article II of the U.S. Constitution

**Directions:** Use the excerpt and chart to answer the questions. Write your answers on a separate sheet of paper.

Excerpt from Article II of the U.S. Constitution

“The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice President, chosen for the same term, be elected, as follows:

Each state shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.”

<table>
<thead>
<tr>
<th>Opposing Viewpoints</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Manner of election</strong></td>
</tr>
<tr>
<td><strong>Length of term in office</strong></td>
</tr>
<tr>
<td><strong>Number of terms</strong></td>
</tr>
</tbody>
</table>

**QUESTIONS**

1. Name one way in which the two sides of this issue compromised.

2. The Electoral College was created during this compromise. Do you think the Electoral College works well today? Why or why not?
**Standard/Objective**
Students will understand influences on the ideas established by the Constitution.

**Analyzing the Primary Source**
Have students study the map and the summaries for congressional representation. Divide the class into two groups. Have one group write a short reflection on what the country would be like today if the Virginia Plan had been decided upon. Have the other group write a short reflection of what the country would be like today if the New Jersey Plan had been chosen. Then, ask the questions below.

**Questions to ask:**
- What branch of government is described here?
- How is representation determined in the Senate? In the House of Representatives?
- What style of map is this?
- In what ways is this map different from a modern map of the United States?
- Why were these plans named for states?
- Compare and contrast these ideas to those in the Articles of Confederation.

**BACKGROUND INFORMATION**

Arriving in Philadelphia in May 1787, James Madison had prepared an alternative government plan to the Articles of Confederation. His plan, the Virginia Plan, was proposed to the convention and immediately caused a stir. Many representatives realized that they were no longer there to revise the Articles of Confederation. This plan was entirely new, for it created a stronger national government with three separate branches. The national government would now have more power than ever before.

The Virginia Plan distributed power in the two-house national legislature by granting states with higher populations more representation. But smaller states objected to the Virginia Plan because many of their state powers had been reduced, and since they had smaller populations, they would lose even more power. Most delegates agreed that Congress needed additional power, such as the power to regulate trade and to tax. The New Jersey plan, presented by William Paterson from the same state, kept most of the organization of powers for the states as the Articles of Confederation dictated. Its main component was a one-house legislature with equal representation for the states. Instead however, the delegates approved the Great Compromise, which created a bicameral legislature; one house with proportional representation, thus giving larger states more power, and one house with equal representation and equal powers. It was decided that population would determine representation and also how much each state should be taxed. Additionally, to distinguish between the national and state powers, Congress’s powers were enumerated in Article 1, Section 8. The powers of the states were denied, such as no longer allowing individual states to conduct their own affairs with foreign countries as explained in Article 1, Section 10.
Congressional Representation

Directions: Use the text in the boxes below and document to answer the questions. Write your answers on a separate sheet of paper.

**Virginia Plan**—
all congressional representation based on the population of states; supported by the large states

**New Jersey Plan**—
all states should have equal congressional representation regardless of population; supported by the small states

**Great Compromise (the Connecticut Plan)**—
two houses of Congress; Senate has equal representation, with two senators for each state; House of Representatives varies; based on population

1. Name two states that would have supported the Virginia Plan.
2. Give one good reason why the smaller states would not support the Virginia Plan.
James Madison’s original Virginia Plan included proportional representation in both houses of Congress. However, as part of the Great Compromise, only one of the two houses of Congress would be based on population. Yet, counting a state’s population to determine its number of representatives presented another dilemma for the members of the Philadelphia Convention. Were slaves to be included in the population count? If they were, some states would have an advantage over those states who had taken steps to eradicate slavery. Thus, slavery also entered the debate, though most of the delegates tried to avoid discussing it.

In 1783, Congress had proposed an amendment to the Articles of Confederation that proposed to determine taxation by a state’s population. This amendment included a three-fifths ratio whereby three out of every five slaves counted as one vote. The amendment failed to pass, however; many of the same participants in that debate were present in Philadelphia in 1787. The three-fifths federal ratio was resurrected in the summer of 1787, and after much debate, became the solution to the proportional representation issue in Congress; however, it was not without controversy. Because of the inflated numbers, the compromise gave slave states a slight advantage in the House of Representatives and also in the election of the president through the Electoral College. At the time though, many believed slavery was a dying institution, and the proportional representation issue would not be a permanent problem. Some historians argue that the compromise created a slave-power conspiracy. The three-fifths compromise remains the source of much debate in the history of United States slavery.

The Constitution and New Government

The Three-Fifths Compromise

Standard/Objective

Students will understand influences on the ideas established by the Constitution.

Analyzing the Primary Source

Distribute copies of the primary source document and have students work with partners to analyze the document. Tell them to summarize the meaning of all the numbers in five minutes. Have students explain what they believe this chart is about. Then, ask the discussion questions. As a follow-up, have students debate the two sides of the issue presented in this document.

Questions to ask:

• What type of document is this?
• What is the subject of this document?
• Who is the audience for this document?
• Describe the purpose of the document.

• What are the connections between this document and the U.S. Constitution?
• What are the most important things about this document?

BACKGROUND INFORMATION

James Madison’s original Virginia Plan included proportional representation in both houses of Congress. However, as part of the Great Compromise, only one of the two houses of Congress would be based on population. Yet, counting a state’s population to determine its number of representatives presented another dilemma for the members of the Philadelphia Convention. Were slaves to be included in the population count? If they were, some states would have an advantage over those states who had taken steps to eradicate slavery. Thus, slavery also entered the debate, though most of the delegates tried to avoid discussing it.

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The Constitution and New Government

The Three-Fifths Compromise

Directions: Answer the following questions about this document and information. Write your answers on a separate sheet of paper.

Census Population Count from 1800

<table>
<thead>
<tr>
<th>Territory</th>
<th>Whites</th>
<th>Free Slaves</th>
<th>Total</th>
<th>fintage</th>
</tr>
</thead>
<tbody>
<tr>
<td>North East Division</td>
<td>2,675,240</td>
<td>33,350</td>
<td>2,708,590</td>
<td></td>
</tr>
<tr>
<td>South East Division</td>
<td>3,304,768</td>
<td>57,007</td>
<td>3,361,775</td>
<td></td>
</tr>
<tr>
<td>Western Division</td>
<td>822,160</td>
<td>2,707</td>
<td>824,867</td>
<td></td>
</tr>
<tr>
<td>Total 1st October 1800</td>
<td>6,702,168</td>
<td>93,064</td>
<td>6,795,232</td>
<td></td>
</tr>
<tr>
<td>Total 1st October 1790</td>
<td>3,177,080</td>
<td>59,533</td>
<td>3,236,613</td>
<td></td>
</tr>
<tr>
<td>Increase</td>
<td>3,525,088</td>
<td>93,531</td>
<td>3,618,616</td>
<td></td>
</tr>
<tr>
<td>Rate of increase percent</td>
<td>11.14</td>
<td>1.77</td>
<td>11.41</td>
<td></td>
</tr>
<tr>
<td>Total 1st October 1800, after above</td>
<td>5,305,436</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

U.S. Territory occupied by Indians, square miles:
- Atlanta in Georgia: 10,000
- On Western Waters: 440,000

Source: The Library of Congress

Southern States
- large percentage of the population were slaves
- favored counting slaves as part of a state’s population
- opposed counting slaves for taxation

Northern States
- small percentage of the population were slaves
- opposed counting slaves as part of a state’s population
- favored counting slaves for taxation

QUESTIONS

1. How many total slaves lived in the states in October 1800?

2. Give one reason why the southern states wanted to count slaves as part of the population. Explain your answer.
Standard/Objective
Students will understand the Bill of Rights and various challenges to it.

Analyzing the Primary Source
Divide students into pairs and have each pair analyze one of the documents. Students should then share their responses with their partners. Use the questions listed below. As a follow-up, have students write a paragraph on whether they would have supported John Jay or Patrick Henry during the ratification debates over the Constitution.

Questions to ask:
- Who wrote this document?
- What type of document is this?
- Who is the audience?
- When and where was it written?
- For what purpose was it written?
- What is the author’s point of view?
- What question would you like to ask this author?
- What risks did the person take in writing this document?

BACKGROUND INFORMATION

The campaign to persuade the states to approve the new Federal Constitution began almost as soon as the ink dried. The Federalists immediately began their robust propaganda campaign, which included numerous newspaper articles. The Anti-Federalists did their best to react, but they started late, and their lack of organization gave their opponents a clear advantage.

For many Anti-Federalists, the consolidated national government under the Constitution seemed to be a break from the principles they had fought for in the Revolution. For them, the Federalists supported a government remarkably similar to the monarchy which they had once defeated. John Jay reacted to the request by many that the new Constitution outlined a bill of rights to protect individual liberties from the possible tyranny of this new, more imposing government. John Jay, future governor of New York and Chief Justice of the Supreme Court, argued that the Anti-Federalist complaint made little sense, since the New York state constitution had no bill of rights, either. Besides, he added, there was no need for protection of rights from a tyrannical monarch, because there was no longer a monarch and the president would not become one.

Patrick Henry, famous for his “Give me liberty or give me death!” speech of 1776, refused to attend the Constitutional Convention because he was suspicious of the planned activities. He regretted that the states had lost so much power in the new Constitution. He worried that the new Constitution gave too much power to leaders who might not be as honest as necessary. “What, then?” he asks. “Will citizens’ rights and liberties disappear?” The Federalists argued that if citizens had the power to remove leaders who show poor judgement from office, their rights and liberties would remain secure.
**Bill of Rights**

**Directions:** Use the documents and the facts below to answer the questions. Write your answers on a separate sheet of paper.

<table>
<thead>
<tr>
<th>Federalists</th>
<th>Anti-Federalists</th>
</tr>
</thead>
<tbody>
<tr>
<td>Complaints are also made that the proposed Constitution is not accompanied by a bill of rights; and yet they who make these complaints know, and are content, that no bill of rights accompanied the Constitution of this state (New York). In days and countries where monarchs and their subjects were frequently disputing about prerogative and privileges, the latter then found it necessary, as it were, to run out the line between them, and oblige the former to admit, by solemn acts, called bills of rights, that certain enumerated rights belonged to the people, and were not comprehended in the royal prerogative. But, thank God, we have no such disputes; we have no monarchs to contend with, or demand admissions from.</td>
<td>It is on a supposition that your American governors shall be honest that all the good qualities of this government are founded; but its defective and imperfect construction puts it in their power to perpetrate the worst of mischiefs should they be bad men; and, sir, would not all the world blame our distracted folly in resting our rights upon the contingency of our rulers being good or bad? Show me that age and country where the rights and liberties of the people were placed on the sole chance of their rulers being good men without a consequent loss of liberty! I say that the loss of that dearest privilege has ever followed, with absolute certainty, every such mad attempt.</td>
</tr>
</tbody>
</table>

—John Jay, 1788

—Patrick Henry, 1788

<table>
<thead>
<tr>
<th>Federalists</th>
<th>Anti-Federalists</th>
</tr>
</thead>
<tbody>
<tr>
<td>• favored a stronger central government with powers to tax for national revenue and conduct foreign affairs on behalf of all the states</td>
<td>• favored a weaker federal government to protect states’ rights and individual liberties</td>
</tr>
<tr>
<td>• urged states to ratify the Constitution</td>
<td>• urged states not to ratify the Constitution as it was</td>
</tr>
<tr>
<td>• felt that no Bill of Rights was needed because the Constitution already limited federal power</td>
<td>• insisted that a Bill of Rights was needed</td>
</tr>
</tbody>
</table>

**QUESTIONS**

1. Choose one of the quotations above and describe what it means.

2. In what ways did the Anti-Federalists try to preserve what they thought the nation had fought for in 1776?
BACKGROUND INFORMATION

This document is a voting record kept by Thomas Jefferson. It shows the ratification of the amendments to the United States Constitution that eventually became the Bill of Rights. The Anti-Federalists had agreed to ratify the Constitution, but only on the condition that a bill of rights be added later. James Madison, elected to the first United States Congress representing Virginia, pushed through the House of Representatives 17 proposed amendments. Only 12 passed through the Senate and were sent to the states for approval. However, by the time three-fourths of the states had approved them, as required, only ten amendments remained.

Upon further examination, the document indicates that ten states approved the first article. However, there was now a total of 14 states, because Vermont had joined the Union on January 10, 1790. This meant that 11 states were necessary to approve the amendments. Just to the left of the initials for New York is a small letter v for the new state of Vermont. The states of Massachusetts, Connecticut, and Georgia show no voting record because they either had not ratified the amendments or did not notify President Washington that they had done so. Thomas Jefferson, as secretary of state, delivered the official notice of the amendments’ ratification to the states. The Bill of Rights was officially ratified on December 15, 1791.

The first proposed amendment deals with limiting the congressional district size and the second proposed amendment specifies that any change in the congressional representatives’ compensation could not take effect until after an election. These two original amendments did not pass. The third proposed amendment then became the first amendment regarding freedom of speech.
Directions: Use the document and the background information to answer the questions. Write your answers on a separate sheet of paper.

Record of Voting on the Amendments to the United States Constitution

<table>
<thead>
<tr>
<th>Article</th>
<th>Affirmative</th>
<th>Negative</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>RI</td>
<td>NY, NC, SC</td>
</tr>
<tr>
<td>II</td>
<td>RI</td>
<td>NY, NC, SC</td>
</tr>
<tr>
<td>III</td>
<td>RI</td>
<td>NY, NC, SC</td>
</tr>
<tr>
<td>IV</td>
<td>RI</td>
<td>NY, NC, SC</td>
</tr>
<tr>
<td>V</td>
<td>RI</td>
<td>NY, NC, SC</td>
</tr>
<tr>
<td>VI</td>
<td>RI</td>
<td>NY, NC, SC</td>
</tr>
<tr>
<td>VII</td>
<td>RI</td>
<td>NY, NC, SC</td>
</tr>
<tr>
<td>VIII</td>
<td>RI</td>
<td>NY, NC, SC</td>
</tr>
<tr>
<td>IX</td>
<td>RI</td>
<td>NY, NC, SC</td>
</tr>
<tr>
<td>X</td>
<td>RI</td>
<td>NY, NC, SC</td>
</tr>
<tr>
<td>XI</td>
<td>RI</td>
<td>NY, NC, SC</td>
</tr>
<tr>
<td>XII</td>
<td>RI</td>
<td>NY, NC, SC</td>
</tr>
</tbody>
</table>

Background Information: Above is a Record of Voting on the Amendments (called Articles at that time) to the United States Constitution. Three-fourths of the states had to approve it for the amendment to take effect.

Questions

1. How many proposed amendments were sent for approval by the states?

2. Which states are absent on this voting record? Pick one missing state and give a reason it might not be listed on the document.

3. Did the second proposed amendment pass? How do you know?
**Document-Based Question Task**

**Historical Context**

The members of the Constitutional Convention of 1787 forged compromises to address controversial issues facing the new nation, including the issues of representation in Congress, how to choose a president, and issues surrounding slavery. The Constitution remains a flexible, living document that continues to guide the nation today.

**Directions:** Using the documents and your knowledge of the Constitution, write a well-organized essay using the prompt below. The essay must include an introduction, supporting paragraphs, and a conclusion.

Chose at least three conflicts that arose during the creation of the Constitution of the United States from the list below. Explain how each conflict was resolved.

- whether to amend the Articles of Confederation or create a new document
- how to elect a president
- the Great Compromise
- the Three-Fifths Compromise
- whether or not to include a Bill of Rights

To get a score of 4 out of 4:

- Address all key issues of the assigned task.
- Incorporate specific details that prove an understanding and knowledge of this topic.
- Demonstrate an understanding of the key issues through accurate analysis of at least three of the primary source documents.
- Include information from the primary source documents in your essay.
- Draw on relevant outside information to support your argument.
- Express ideas clearly, including an introduction that is more than a restatement of the Historical Context provided above.
- Present an effective, persuasive conclusion that summarizes what you have proven in the essay.
An Ode for the 4th of July, 1788 (page 175)
1. The poem was written on July 4, 1788.
2. Explanations will vary but may include that Americans worked together to win freedom and establish a good government, and they must continue to work together to remain free and have a successful government.
3. July 4th (or Independence Day) is the subject of the poem, and the Declaration of Independence signifies the beginning of the American nation.

The Articles of Confederation (page 177)
1. Answers will vary.
2. Answers will vary, but may include that Hamilton had experience serving under a capable general; he saw firsthand that a leader needs power to do his job successfully; he related his experience to the issue of the president’s power.

Excerpt from Article II of the Constitution (page 179)
1. Answers will vary, but may include that they compromised on the length of term in office. The president would serve a four-year term.
2. Answers will vary.

Congressional Representation (page 181)
1. States with the largest populations included Virginia, North Carolina, South Carolina, Massachusetts, New York, and Pennsylvania supported the Virginia Plan.
2. Smaller states felt that they would lose more power under the Virginia Plan because of the small populations in their states.

The Three-Fifths Compromise (page 183)
1. Slaves numbered 894,345.
2. Answers will vary, but may include that if slaves were counted, southern states would have more representation in the House of Representatives.

Bill of Rights (page 185)
1. Student interpretations of the quotations may differ. The students should associate the quotation with the information that is given below the charts. The Federalists believed that the Constitution already protected the rights of individuals, so they believed the document should be ratified as is. The Anti-Federalists were afraid that the government would become too powerful and would infringe on the rights of the individual. They did not want to ratify the Constitution unless it included a Bill of Rights.
2. The Anti-Federalists wanted to secure the liberties of the people and they thought this would best be accomplished through local and state governments. They saw the creation of the federal government as a return to the strong, centralized power of the British which they had fought during the American Revolution. This is why the compromise of demanding a bill of rights was so important. If they were to agree to a federal constitution, then it must contain a bill of rights which stated what the central government could not do and what powers the states would still retain.