



Written by [Joe Wolverton, II, J.D.](#) on December 19, 2016

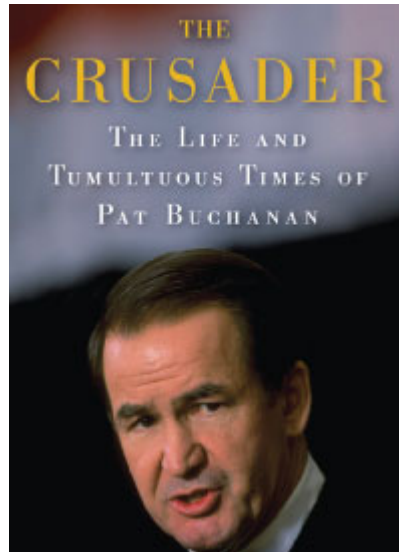
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## Historically Wrong, and Right

***Crossroads for Liberty: Recovering the Anti-Federalist Values of America's First Constitution***, by William J. Watkins, Jr, Oakland, California: Independent Institute, 2016, 336 pages, hardcover.

The first American constitution was an amazing and amazingly powerful pact that held together the disparate former colonies in a “firm league of friendship” that was strong enough to keep the states united in their war to restore their liberty and flexible enough to preserve the power of the states to govern themselves without the need for a consolidated national government, one like they had just driven from their shores.



This isn't quite the description of the Articles of Confederation published in high-school history textbooks or in the innumerable volumes of popular Founding Fathers biographies that regularly top best-seller lists and inspire Broadway blockbusters.

This is, however, the story — the true story — that is found in the pages of William J. Watkins, Jr.'s new book *Crossroads for Liberty: Recovering the Anti-Federalist Values of America's First Constitution*.

In this remarkable recasting of the strengths and weaknesses of the Articles of Confederation, Watkins paints a picture of patriotism that highlights the wisdom and foresight of a faction of Founders typically cast as losers in the struggle to establish “a more perfect union” and men who lacked faith in the promises of the promoters of a stronger central government. These men are known as Anti-Federalists.

### Anti-Federalists vs. Federalists

“Rather than men of little faith,” Watkins writes, “the Anti-Federalists were men of great faith.”

“Their faith, however, was in a concept of republicanism alien to us today. Indeed, one Anti-Federalist writer, chaffing at the anti- prefix attached to his cause, remarked that a more accurate designation for the opponents and proponents of the Constitution would be Republicans and Anti-Republicans,” Watkins explains.

Watkins' defense of the Anti-Federalists and their cause is not a case of iconoclastic zeal, but rather of the restoration of the republicanism of many of our country's earliest freedom fighters. Samuel Adams, Patrick Henry, and George Mason were all men of highest renown who served the cause of American liberty without reserve. They were also men who saw in the Constitution drafted at the convention in Philadelphia in 1787 a document that would destroy the states, swallow up the liberties of the people, and eventually permit the growth of an all-powerful central government that would surpass anything they'd ever faced in the British crown.

The Federalists — headed by James Madison, Alexander Hamilton, and George Washington — pushed



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for years before the “plenipotentiary convention” was finally gaveled to order in May 1787. There was a small convention of several states held at Mt. Vernon in 1785 and then another, more productive, gathering at Annapolis in 1786.

While neither of these preliminary conventions were well attended — both were all but completely ignored by state governments — the latter did result in a call from Congress to state legislatures to send delegations to Philadelphia to hammer out the regional disagreements that were plaguing the confederacy.

## **Sole and Express Purpose: Amend the Articles**

The precise language of the invitation sent from Congress to the states reveals the real intent of the meeting, as far as Congress was concerned.

This is the last paragraph from the report of the Continental Congress calling for the convention of the states held in Philadelphia and begun in May 1787: “Resolved that in the opinion of Congress it is expedient that on the second Monday in May next a Convention of delegates who shall have been appointed by the several states be held at Philadelphia for the sole and express purpose of revising the Articles of Confederation and reporting to Congress and the several legislatures such alterations and provisions therein as shall when agreed to in Congress and confirmed by the states render the federal constitution adequate to the exigencies of Government & the preservation of the Union.”

In 1787, the document known as the Articles of Confederation was the capital “C” Constitution of the United States. Article XIII of that Constitution mandated that regarding the making of changes to it: “Nor shall any alteration at any time hereafter be made in any of them; unless such alteration be agreed to in a Congress of the United States, and be afterwards confirmed by the legislatures of every State.”

When the constitutional convention met in Philadelphia in May 1787, that legally binding and constitutional provision was ignored. From the moment Edmund Randolph stood and proposed what was known as the “Virginia Plan,” the Constitutional Convention of 1787 became a “runaway convention” and the Articles were left on life support.

Advocates of the constitution claimed that the new charter was necessary to cure the defects of the Articles of Confederation and that without an entirely new constitution, the union would have dissolved, the states would have been left weak, and they would have fallen prey to the powerful forces of European monarchy who were waiting for the United States to splinter and succumb to sectionalism.

Furthermore, they pointed to the fact that the new constitution was strong where the old constitution was weak: taxing power, executive authority, and no unanimity clause hamstringing the progress of the “perpetual union.”

## **Could the Articles Have Been Saved by Amendments?**

If the problems the would-be constitution crafters had with the Articles of Confederation truly were Congress’ lack of taxing authority, the lack of executive power, and the impossibility of getting anything over the unanimity hurdle, couldn’t those issues have been resolved by amendment rather than by throwing the baby of state sovereignty out with the bathwater of state self-interest?

Here’s how Watkins frames the issue of the alleged mortal weaknesses of the Articles of Confederation: “Could the Articles have been revived to meet the exigencies of the union without destroying the self-



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government won in the Revolution? Thomas Jefferson and other republicans thought so. Writing in 1786, Jefferson described the Articles as a ‘wonderfully perfect instrument, considering the circumstances under which it was formed.’ He believed that three or four new articles could have been added to address the palpable defects of America’s first constitution.”

That’s not how the drama played out, however. The Articles of Confederation were thrown onto the scrap heap of history.

Of course, the Constitution drafted in Philadelphia in 1787 is a remarkable document and is a singular example of federalism that has been attempted but never replicated anywhere or anytime in the world since. This is likely due to the character and erudition of the men who helped compose the Constitution and who applied timeless principles of liberty in innovative ways.

The various provisions of the Constitution of 1787 create then check the legislative, executive, and judicial powers granted in it. No one man or group of men is given absolute authority, and when one man or group of men attempts to accumulate greater powers than are allotted to them, the Constitution cleverly pits one or more of the other branches against the would-be consolidators.

At least, that’s how it’s supposed to work.

## Lessons for Today

We are all witnesses that the Constitution isn’t quite the protection against despotism it was intended to be. In fact, it has become little more than a “parchment barrier” to the forces of statism and autocracy, which seem to grow stronger and stronger every passing election.

In *Crossroads for Liberty*, Watkins reminds readers that this dire predicament was predicted with remarkable accuracy by many of the Anti-Federalists. “Over and over they [the Anti-Federalists] predicted the inevitability of a puissant federal government under the Constitution. The *Federalist Papers* is celebrated for insights of political theory, but James Madison, Alexander Hamilton, and John Jay missed the mark more often than they hit it,” Watkins writes.

In fairness, Madison, Hamilton, Jay, Washington, and the rest of the Federalists would be shocked by the way the Constitution they supported has been wrested and twisted, unmoored from the anchor of enumerated and limited power to which it was meant to be firmly attached.

There is no way any of the men present in Philadelphia in the summer of 1787, no matter how ardent a nationalist, would have remained a single day at that convention had they known what a potent enemy of liberty the government they were founding would become. These were not men committed to destroying self-government, but they were men, many of them, who ignored the prescient and persistent warnings of those who opposed ratification of the document produced by the convention.

Americans interested in discovering the truth of the Articles of Confederation and in debunking the establishment detractors who claim it was unsalvageable could find no better place to start that journey than in Watkins’ *Crossroads for Liberty*. There, the reader will see the early days of the Republic in a new light and will come to know the names and opinions of the so-called Anti-Federalists who have been dropped into the footnotes of American history.

Finally, and most importantly, Americans who read Watkins’ book will come to understand that there was great wisdom in the Articles of Confederation — our first constitution — and the restoration of



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some of that wisdom might undo much of the damage that has been done to our Republic and to the principle of popular sovereignty upon which it was originally built.



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