



Written by [Joe Wolverton, II, J.D.](#) on April 18, 2011

Federalists, Anti-Federalists, and State Sovereignty

The Articles of Confederation were an attempt by America's titans of political thought to protect the rights the new nation had earned by fighting and winning the War for Independence. They proclaimed to all the world that these rights were "unalienable" and the new government formed by the Articles of Confederation would be the nation's first endeavor at empowering a national government with the authority to do formally what the Continental Congress had done on an ad hoc basis since 1775.



Congress approved the Articles of Confederation in 1777, and they were finally ratified by the states in 1781. Weaknesses in the Articles quickly became noticeable to the political theorists determined to combine education, theory, ancient examples, and Yankee pragmatism into successful statecraft. Madison, Washington, and others realized that this first American constitution did not provide sufficient infrastructure to support the supernal "city on a hill" that they had toiled to construct. Great Britain, France, Spain, and other European powers would not respect the sovereignty and natural rights of the United States if she had no united voice in matters as fundamentally "national" as treaty making, commercial pacts, and defense; and under the present compact (the Articles of Confederation), she was indeed mute on such matters.

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In response to the impotency of the national government and with an eye toward improving the basic flaws in the Articles of Confederation, there was a call to the state legislatures to send delegates to a convention to be held in Annapolis in September of 1786. Ironically, most states did not send delegates to this convention whose chief aim was to improve cooperation by the states and increase the national government's ability to compel obedience to federal decrees. The one successful accomplishment of the Annapolis Convention was the call for another convention to be held in Philadelphia in May 1787.

The Convention of May 1787 was attended by delegates of all states except Rhode Island. The improved attendance at this Convention perhaps was the result of an increasing sense of desperation animated by



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Congress' helplessness and concomitant inability to effectively act in response to the debacle known as Shay's Rebellion, which had occurred during the intervening winter. The design of this Convention was to increase the power of the national government under the Articles of Confederation; however, the Articles of Confederation would die on the operating table.

The last clause of the Articles was probably the source of the inoperable internal bleeding. The last article of the Articles of Confederation states:

Every state shall abide by the determinations of the United States in Congress assembled, on all questions which by this confederation are submitted to them. And the articles of this confederation shall be inviolably observed by every State, and the Union shall be perpetual; nor shall any alteration be agreed to in a Congress of the United States and be afterwards confirmed by the Legislatures of every State.

The Articles could only be amended by absolute unanimity among the several states. At this point in the development of the confederation of the states, they agreed on very little and unanimity was impossible in even the simplest of matters and beyond all imagination in any matter of import. The bells that tolled over Philadelphia on May 25, 1787 signaled the death of the first American constitution.

It can be said that from the ashes of the Articles of Confederation a phoenix arose in the form of a mighty eagle, emblem of the new American Republic. The Convention of 1787 took the weaknesses of the Articles and transformed them into the strengths of a new Constitution.

On September 17, 1787, the convention that has come to be known as the Constitutional Convention ended. Thirty-nine delegates, representing 12 of the 13 states (Rhode Island was still obstinately absent), signed the Constitution. Given the unbearable climate, it can be said that the metal of the sword of the American state was refined in the nearly disabling heat of the long, hot Pennsylvania summer.

Near the end of this blistering season of historical importance, precisely on September 18, the Congress voted to send the proposed Constitution to the legislature of each state. Congress instructed (actually, as it was yet functioning under the Articles of Confederation, the proper verb would be "asked") the states to convene a convention to decide whether to approve (ratify) or reject the proposed Constitution. The magic number for ratification would be nine — nine states would have to ratify the Constitution for it to inarguably receive the imprimatur of the "consent of the governed," thus endowing it with the distinction of being the sovereign and supreme law of the United States of America.

Within 10 days of the conclusion of the Constitutional Convention of 1787, a letter was printed in the *New York Journal* urging the people of that state to reject the new compact. The author of the letter used the pseudonym "Cato"; however, many believed that Governor George Clinton of New York was the man behind the Latin disguise. This letter was the genesis of a series of letters aimed at convincing the people of the states (chiefly New York and Virginia) to either ratify or reject the product of the Philadelphia Convention.

The authors of the letters advocating rejection of the Constitution wrote under several noms de plume: "Federal Farmer," "Brutus," the previously mentioned "Cato," "Centinel," and "John DeWitt" among others. Some opponents of the new Constitution, such as Revolutionary War hero Patrick Henry and the brilliant orator Melancton Smith, chose not to sail under disguised colors and boldly delivered impassioned speeches in the state conventions. Whether author or orator, the men associated with the movement to reject the ratification of the new Constitution came to be known as [Anti-federalists](#). This



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was not a moniker they would have chosen for themselves and indeed they never referred to themselves by this title.

Those who worked in favor of ratification of the national compact resulting from the Constitutional Convention took upon themselves the name [federalists](#). “Federal” was a popular name and by adopting it as a title, the supporters of the new Constitution framed the debate in light very favorable to themselves. Letters in answer to the anti-federal letters were written and published in four New York newspapers under the pseudonym “Publius.” “Publius” was a classical Latin title thinly veiling the identity of the true authors: Alexander Hamilton, James Madison, and John Jay. These essays appeared three or four times a week between October 27, 1787 and April 2, 1788.

Throughout the fall of 1787 and until the early summer of 1788, the letters of “Publius,” “Cato,” “Brutus,” and the rest appeared in newspapers in New York and Philadelphia and were reprinted throughout the country. The ratification conventions were called and the arguments for and against were heard and discussed in this dramatic milieu of parchment warfare. One by one the states began to report the decisions of their conventions.

Delaware, New Jersey, and Georgia were the first to ratify followed by Connecticut, Pennsylvania, and Massachusetts. These first six were followed by Maryland and South Carolina. The ratification hung in the balance until New Hampshire voted to ratify on June 21, 1788, becoming the ninth and deciding state. The two largest states, Virginia and New York, ratified soon after and they were followed much later by North Carolina in November 1789 and reluctant Rhode Island in May 1790, a full two years after Delaware entered the new union.

It should be well understood that federalist and anti-federalist alike favored limited government that acted according to the will of the people. The difference between these parties (although they would not have described themselves as partisans) was one of degree: The federalist favored a stronger, more dynamic national government while the anti-federalists desired a union where the states would be the dominant force in the federal configuration. Curiously, these differences became more marked in the years that followed the ratification of the Constitution and the resulting fissure that appeared eventually ripped the fabric of the union in two pieces: North and South.

In 2011, over 200 years since the Constitutional Convention, the debate continues over the future of this Republic. Shall we empower the states with broader influence or should the national government be given greater sway over the lives of the people? Will the states and the citizens thereof stand boldly in defense of their natural sovereignty and resist the near-constant encroachments of a federal authority gathering all power unto itself? Or will the federal government be permitted to succeed in its often unchallenged march toward absolute abolition of state sovereignty.

Regardless of their disagreements at the founding of our nation, even a perfunctory study of the participants in the historical events briefly outlined in this essay would unquestionably reveal that none of these men, from the fiercest federalist to the most ardent anti-federalist, could have anticipated the size and scope of the power wielded by the national government they once debated.



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