

## Options in Brief

### Option 1: Unite Around the Constitution

Our nation is on the brink of anarchy. Our current plight has been brought upon us by the Articles of Confederation and the pettiness of the states. If we want to save our nation, we must immediately adopt the Constitution that was drafted in Philadelphia. The national government proposed in the Constitution will have the authority to act on behalf of all of our citizens. Our opponents are trying to frighten the public with groundless fears. But look seriously at what is being proposed. The Constitution puts forth a structure in which our nation will be governed by leaders of wisdom, experience, justice, and virtue. The record of so-called "democracy" in several states has proven the logic of this approach. We learned twelve years ago that we had to join together or perish. Today, we must follow the same path if we are to fulfill the destiny that Divine Providence has laid out for us.

### Option 2: Clearly Define Individual Rights

Beware the Federalist Constitution! The document that is being forced on the country is dangerously flawed. Let us step back and weigh the present situation. There is no crisis that demands an immediate response. We must calmly and deliberately go about revising the Constitution to establish a solid foundation for forming a more perfect union. We must carefully define and limit the authority we grant our government. We must add to the Constitution a bill of rights to safeguard the liberties of America's citizens. We should not take anything for granted. Even governments established in the name of liberty have been known to infringe on the liberties of the citizenry. With so much in doubt, we must not act in haste. The noble experiment we are carrying out on these shores demands that we strive for perfection.

### Option 3: Trust in the Common Citizen

Free citizens—defend your rights! The self-anointed aristocracy that gathered in Philadelphia last summer has devised a scheme to deprive Americans of their liberties. Are we to trade the liberty cap of the free citizen for the yoke of the serf? Never! The Federalists have whipped up fears of chaos to win support for their Constitution. In fact, they are concerned mainly with protecting their wealth and investments. The strong national government suggested by the Philadelphia convention would allow only a handful of wealthy men to participate in the affairs of the republic. Our political system must be grounded in the common citizen—not a privileged elite. The states are the proper defenders of the republican form of government. We must remember always that the only source of legitimate authority is the citizenry. We must not give away the rights we shed blood to gain.

## Option 1: Unite Around the Constitution

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Our nation is on the brink of anarchy. At home, the threat of rebellion and revolt hangs over us, while commerce is hamstrung by the tangle of laws and taxes imposed by the states. On our borders, foreign powers occupy our territory with little regard for our claims. In the capitals of Europe, we are mocked for our weakness and inability to pay our debts.

Our current plight has been brought upon us by the Articles of Confederation and the pettiness of the states. Fortunately, we finally have before us the means to escape from our predicament. If we want to save our nation, we must immediately adopt the Constitution that was drafted in Philadelphia.

The states have proven that they are incapable of promoting our national well-being. They have been unwilling to provide the national government the money necessary to pay America's debts and carry out the functions required of a nation. Seized by the popular forces of democracy, several have flooded their economies with worthless paper money, passed laws preventing creditors from collecting their debts, and thwarted commerce from neighboring states.

The national government proposed in the Constitution will have the authority to act on behalf of all of our citizens. The president will see that America's laws are enforced fairly and consistently. The Supreme Court will ensure that the Constitution becomes the standard by which the laws of the states are judged. The Congress will take measures to address the nation's problems and end the feuding among the states.

Of course, there are doubters. Some say that the United States is too large to be governed as a single state. To them we respond that the size of our republic will be turned to our advantage. In a nation so large and diverse, no region or narrow interest group will be able to dominate the national government and act contrary to the public good. The Constitution's division of power among the three components of the national government will also protect our freedoms and liberties. The executive, judicial, and legislative branches each have the authority to check the abuses and excesses of the others.

Our opponents are trying to frighten the public with groundless fears. They claim that the state governments will be abolished. In fact, the Constitution grants the states and the citizenry all of the powers not specifically assigned to the national government. They argue that the national government will take away the natural rights of life, liberty, and property. On the contrary, the very preamble of the Constitution emphasizes the importance of individual rights.

Finally, they cry "aristocracy!" But look seriously at what is being proposed. The Constitution puts forth a structure in which our nation will be governed by leaders of wisdom, experience, justice, and virtue. Elected officials in the executive and legislative branches will serve for limited terms, and may be voted out of office. The record of so-called "democracy" in several states has proven the logic of this approach. The Constitution makes way for men of high standing to take their rightful place in government.

The men who gathered in Philadelphia know what is best for the nation. They spent long hours deliberating the same issues that are now being raised. Rather than attack their motives, we should thankfully trust in their judgment. How many young states have had the benefit of a George Washington to guide them through their early years? Ancient Rome would have been blessed to have had such patriots. Do you imagine that they would somehow betray the best interests of our country?

We learned twelve years ago that we had to join together or perish. Today, we must follow the same path if we are to fulfill the destiny that Divine Providence has laid out for us. If we are to create a more perfect union, we must ratify the new Constitution.

## Beliefs and Assumptions Underlying Option 1

1. Men of wisdom, virtue, and experience should be responsible for guiding our young republic.

2. Governments controlled by the popular forces of democracy eventually slide into anarchy and civil war. Many of the states currently controlled by popular factions have already taken the first steps toward self-destruction.

3. Divine Providence has intended that our people—bound by language, custom, religion, geography, and values—form a strong, unified nation.

4. The central government should assume the powers necessary to effectively govern national affairs, leaving the remaining responsibilities in the hands of the states.

## Supporting Arguments for Option 1

1. Establishing a strong, central government will advance our foreign relations, allowing our nation to pay its debts, protect its citizens, and enforce the treaties America has signed with foreign countries.

2. The large, well-structured republic that has been proposed will block selfish interests from turning government to their own advantage at the expense of the common good.

3. A strong, central government will settle disputes among the states and prevent local uprisings, such as Shays's Rebellion, from erupting.

4. Checks and balances among the legislative, executive, and judicial branches of government will ensure that no individual or institution threatens the liberties of our citizens.

## From the Historical Record

## ★ Primary Documents

Newspaper essay by John Jay, New York lawyer

"It would be more to the interest of the people of America that they should be one nation, under one federal government than that they should divide themselves into separate confederacies and give to the head of each the same kinds of powers which they are advised to place in one national government.

"Independent America was not composed of detached and distant territories, but of one connected, fertile, wide spreading country.

Providence has been pleased to give this one connected country to one united people, a people descended from the same ancestors, speaking the same language, professing the same religion, attached to the same principles of government, very similar in their manners and customs, and who, by their joint counsels of arms and efforts, fighting side by side throughout a long and bloody war, have nobly established their general liberty and independence.

“The convention was composed of men highly distinguished by their patriotism, virtue and wisdom. They passed many months in cool uninterrupted and daily consultations; and finally, without having been awed by power, or influenced by any passions except love for their country, they presented and recommended to the people the plan produced by their joint and very unanimous counsels.”

Newspaper essay by Alexander Hamilton, New York lawyer

“If these states should be either wholly disunited or only united in partial confederacies, the subdivisions will have frequent and violent contests with each other. The causes of hostility are numerous. Some take their origin entirely in private passions and interests. If Shays had not been a desperate debtor it is much to be doubted whether Massachusetts would have been plunged into a civil war. The genius of a republic is pacific [peaceful]; the spirit of commerce has a tendency to soften the manners of men and to extinguish those inflammable humours which have so often kindled into wars. A firm Union will be of the utmost moment to the peace and liberty of the states as a barrier against domestic faction and insurrection....

“We have reached almost the last stage of national humiliation. There is scarcely any thing that can wound the pride, or degrade the character of an independent nation which we do not experience. Do we owe debts to foreigners and to our own citizens? These remain without any proper or satisfactory provision for their discharge. Have we valuable territories and important posts in the possession of a foreign power, which by express stipulations ought long since to have been surrendered? We have neither troops, nor treasury, nor government.... The price of improved land in most parts of the country is much lower than can be accounted for by the market and can only be fully explained by that want [lack] of private and public confidence [in the government and economy].

“We must extend the authority of the union to the persons of the citizens—the

only proper objects of government. Why has government been instituted at all? Because the passions of men will not conform to the dictates of reason and justice, without constraint.... We cannot expect that the persons entrusted with the administration of the [states] will execute the resolutions or decrees of the general authority. The reverse of this results from the constitution of human nature.”

Newspaper essay by James Madison, Virginia landowner

“Among the numerous advantages promised by a well constructed Union, none deserves to be more accurately developed than its tendency to break and control the violence of faction [interest groups]. The instability, injustice and confusion introduced into the public councils have been the mortal diseases under which popular [democratic] governments have everywhere perished. Our [state] governments are too unstable, the public good is disregarded in the conflicts of rival parties, and measures are too often decided, not according to the rules of justice, and the rights of the minority party, but by the superior force of an interested and over-bearing majority.

“The latent cause of faction is sown in the nature of man. The most common and durable source of factions has been the various and unequal distribution of property. Those who hold and those who are without property have ever formed distinct interests in society.

“The cause of faction cannot be removed; and relief is only to be sought in the means of controlling its effects. The two great points of difference between a Democracy and a Republic are, first, the delegation of the government, in the latter to a small number of citizens elected by the rest; secondly, the greater number of citizens and greater sphere of country, over which the latter may be extended....

“Extend the sphere [territory] and you take in a greater variety of parties and interests; you make it less probable that a majority of the whole will have a common motive to invade the rights of other citizens....

“Wherever the real power in government lies, there is the danger of oppression. In our

## Option 2: Clearly Define Individual Rights

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**B**eware the Federalist Constitution! The document that is being forced on the country is dangerously flawed. Like peddlers of shabby merchandise, the Federalists are concealing the defects of their goods, exaggerating the benefits, and insisting that you act immediately. The American people have more sense than that.

Almost all of us recognize that there are serious shortcomings in the present system. Almost all of us are frustrated that one or two states have thwarted efforts to strengthen the national government under the Articles of Confederation. That was why Congress and all but one of the states took steps to convene the gathering in Philadelphia. Indeed, the delegates were perhaps justified in going beyond their duties to draft a new Constitution. The document they produced is certainly worthy of consideration. But do these men, distinguished as they may be, possess a monopoly on wisdom? Are we to accept their judgement without question, as if they speak with the voice of God?

For a moment, let us step back and weigh the present situation. There is no crisis that demands an immediate response. We are not threatened with invasion. Yet we are told that we must rush to enact the proposed Constitution. The best approach is quite the opposite. We must calmly and deliberately go about revising the Constitution to establish a solid foundation for forming a more perfect union.

First, we must recognize that those who are given power over others frequently abuse it. This is human nature. Power tends to corrupt the soul. As citizens of these United States of America, we must carefully define and limit the authority we grant our government. In particular, we must guard against the dangers of placing a standing army in the hands of a powerful executive. From Caesar in ancient Rome to Cromwell in seventeenth century England, history contains many examples of military strongmen who have taken away the liberties of their people. We must learn from the misfortunes of the past. We cannot assume that our country's army will always be led by selfless patriots like George Washington.

Second, and most important, we must add to the Constitution a bill of rights to safeguard the liberties of America's citizens. Only a few short years ago, we took up arms to defend our rights as Englishmen. The most far-sighted leaders of our state governments have insisted that bills of rights be inserted into their state constitutions. Should not these same rights be guaranteed in our national Constitution? We should not take anything for granted. Even governments established in the name of liberty have been known to infringe on the liberties of the citizenry. The rights that we hold most dear—trial by a jury of our peers, freedom of worship, an unfettered press—must be clearly spelled out in our Constitution.

The Federalists admit that amendments to the proposed Constitution are needed. But they want you to first buy the goods and then address the problems. They argue that the document produced in Philadelphia is as fragile as a house of cards. Make one or two modifications, they warn, and the whole structure will come tumbling down. But consider the danger in their line of reasoning. The Federalists plan to establish a strong national government and then to immediately ask the officials at the head of our country to voluntarily reduce their powers. Should we expect such restraint from men in authority?

With so much in doubt, we must not act in haste. There is no more important task before the American people than the framing of a Constitution. We are a nation of laws, and our laws will derive their legitimacy from the wisdom of our Constitution. We will most likely not undertake this project again in our lifetimes. Let us craft the document that will govern America with the utmost precision. The noble experiment we are carrying out on these shores demands that we strive for perfection.

## Beliefs and Assumptions Underlying Option 2

1. Governments inevitably seek to increase their power at the expense of individual liberty.

2. Considering that these United States do not face an immediate crisis, we should move calmly and carefully to craft a constitution for our nation.

3. A bill of rights should be included in the national Constitution to protect individuals from the power of a strong, central government.

4. A standing army under the control of a strong government poses a threat to individual liberty.

## Supporting Arguments for Option 2

1. Including specific rights—such as freedom of religion, trial by jury, and freedom of the press—in the national Constitution will safeguard individual liberty.

2. Carefully balancing political power between the national government and the states will best protect the freedom and independence for which we have fought.

3. Building a strong consensus around the Constitution through compromise will ensure the success of our new national government.

4. Clearly defining the limits of government power will prevent the rise of a military dictatorship.

## From the Historical Record Primary Documents ★

*Newspaper essay* by "A Plebian," New York

"The plan [proposed Constitution] is defective. Some of the powers granted are dangerous; others not well defined. Amendments are necessary. Why then not amend it? Why not remove the cause of danger? The instrument is yet in the hands of the people; it is not signed, sealed, and delivered. The people have the power to give it any form they please. With regard to our public and national concerns, what is there in our condition that threatens us with any immediate danger? We are at peace with all the world."

*Newspaper essay* by "Brutus," New York

"Many instances can be produced in

which the people have voluntarily increased the powers of their rulers; but few, if any, in which rulers have willingly abridged [reduced] their authority. This is a sufficient reason to induce you to be careful, in the first instance, how you deposit the powers of government....The powers of the general [national] legislature extend to every case that is of the least importance—there is no thing valuable to human nature, nothing dear to freeman, but what is within its power.

"The common good, therefore, is the end [goal] of civil government.... But it is not necessary for this purpose that individuals should relinquish all their natural rights. Some are of such a nature that they cannot be

surrendered.... Others are not necessary to be resigned in order to attain the end for which government is instituted. Rulers have the same propensities as other men; they are as likely to use the power with which they are vested for private purposes, and to the injury and oppression of those over whom they are placed.... The peoples in all countries where any sense of freedom remains have fixed barriers against the encroachments of their rulers. The country from which we have derived our origin [Britain] is an eminent example of this. Their Magna Charta and bill of rights have long been the boast, as well as the security, of that nation.... This principle is a fundamental one in all the constitutions of our own states.

“For the security of life, in criminal prosecutions, the bills of rights of most of the states have declared that no man shall be held to answer for a crime until he is made fully acquainted with the charge brought against him; he shall not be compelled to accuse or furnish evidence against himself, the witness against him shall be brought face to face, and he shall be fully heard by himself or counsel. Are not provisions of this kind as necessary in the general government, as in that of a particular state?

“In the bills of rights of the states it is declared that a well regulated militia is the proper and natural defense of a free government—that as standing armies in time of peace are dangerous, they are not to be kept up, and that the military should be kept under strict subordination to, and controlled by the civil power. The same security is as necessary in this Constitution and much more so; for the general government will have the sole power to raise and to pay armies.”

*Resolution of the Massachusetts Ratifying Convention*

“It is the opinion of this Convention that certain amendments and alterations in the said Constitution would remove the fears and quiet

the apprehensions of many of the good people of the Commonwealth, and more effectually guard against an undue administration of the federal government.... That it be explicitly declared that all powers not expressly delegated by the aforesaid Constitution are reserved to the several states, to be by them exercised.... That no person shall be tried for any crime by which he may incur an infamous punishment, or loss of life, until he be first indicted by a grand jury.”

*Letter from (Thomas Jefferson), Virginia landowner, to James Madison*

“I do not like the omission of a bill of rights providing clearly and without the aid of sophisms for freedom of religion, against monopolies, the eternal and unremitting force of the habeas corpus laws, and trials by jury.... A bill of rights is what the people are entitled to against every government on earth, general or particular, and what no just government should refuse or rest on inference.... I hope therefore a bill of rights will be formed to guard the peoples against the federal government, as they are already guarded against their state governments in most instances.”

*Pamphlet by (Robert Whitehill), Pennsylvania landowner*

★ “It is the nature of power to seek its own increase, and thus the loss of liberty is the necessary consequence of a loose or extravagant delegation of authority. National freedom has been and will be the sacrifice of ambition and power; and it is our duty to employ the present opportunity in stipulating such restrictions as are best calculated to protect us from oppression and slavery.... In entering into the social compact, men ought not to leave their rulers at large, but erect a permanent land mark by which they may learn the extent of their authority, and the people be able to discover the first encroachments on their liberties.” ★

## Option 3: Trust in the Common Citizen

**F**ree citizens—defend your rights! For six years, we fought to throw off the tyranny of British rule. Now we face a new threat from within our borders. The self-anointed aristocracy that gathered in Philadelphia last summer has devised a scheme to deprive Americans of their liberties. They are telling us that the American people are incapable of self-government and that we must turn our public affairs over to the so-called “better classes.” Is this the freedom for which we shed blood? Are we to trade the liberty cap of the free citizen for the yoke of the serf? Never!

Look closely at the small circle of conspirators that assembled in Philadelphia. It is made up almost exclusively of rich merchants, investors, and lawyers. These were not the men who stood bravely at the Concord Bridge and Valley Forge. Few can plow a straight furrow or hold out hands calloused from honest work. And yet, these same men want us to bow to them as if they were Roman patricians.

The Federalists have whipped up fears of chaos to win support for their Constitution. In fact, they are concerned mainly with protecting their wealth and investments. The crises that they have manufactured are no more than the inevitable birth pangs of our new nation. The proposed Constitution is hardly the answer to our problems. The strong national government suggested by the Philadelphia convention would allow only a handful of wealthy men to participate in the affairs of the republic. Who else would be able to travel seven hundred miles to serve in Congress or seek justice in the national court?

Our political system must be grounded in the common citizen—not a privileged elite. There is no better guarantee of liberty than a democracy founded on the good judgment of independent small farmers. Political power must be widely dispersed to give the greatest number of our citizens an opportunity to participate in government. None of us is more than a few days journey away from our state capitals, even in Virginia and Georgia. The states are the proper defenders of the republican form of government.

In contrast to the state governments, there is little room in the proposed Constitution for the common man to express his views. At every turn, the popular voice of democracy is stifled. Only the representatives in the lower house would be chosen by the citizens at large. In the Senate, small states would be equal to large states in voting power. The plantation owners of the southern states have even insisted that their slaves be taken into account in determining representation.

Of particular danger is the clause which grants Congress the power “to make all laws which shall be necessary and proper” to fulfill its role. This is a blank check that the American people are expected to blindly sign. The delegates to the Philadelphia convention are asking us to turn over the rights that inspired our struggle for independence. Perhaps they should have reread the Declaration of Independence before drafting their Constitution.

What our would-be aristocrats in fact have in mind is a return to the Old World. Under the proposed Constitution, the president would conspire with the Senate to secure his re-election and rule with the authority of a king. Together, they would exercise their treaty-making power to impose their will on the entire nation. The national government would



grow rich on taxes, while the state legislatures would be starved of revenue. Should any of the states raise a cry of protest, the president would be quick to order a professional standing army to punish his critics. A military tyranny would be just over the horizon.

Our patriots did not give their lives to create such a government. On the contrary, the proposed Constitution is a slap in the face to the cause of liberty. We must remember always that the only source of legitimate authority is the citizenry. We must not give away the rights we shed blood to gain.

### Beliefs and Assumptions Underlying Option 3

1. Concentrated power inevitably attracts power-hungry men. The political foundation of our republic must rest on the good sense of the common citizen.

2. The hardships that presently afflict many of us are related to the effects of the War of Independence, not to the Articles of Confederation.

3. The territory of these United States is much too large and its people too diverse for a republican form of government to operate fairly and effectively.

4. Maintaining a balance of political power between a strong, central government and the states would be impossible. Eventually, the national government would deprive the states of their sources of revenue and authority.

### Supporting Arguments for Option 3

1. Protecting the power of state governments will thwart the ambitions of those seeking to impose a monarchy or an aristocracy on our nation.

2. A loose confederation will allow each state to develop along its chosen path and avoid regional conflicts on divisive issues, such as slavery and trade.

3. Dividing political authority among the states will ensure that the common citizen has greater access to power and will be more likely to participate in government.

4. Building our political system around the common citizen will elevate the character and virtue of those in whom we place our trust.

### From the Historical Record Primary Documents ★

★ Newspaper essay by "Philadelphensis," Pennsylvania  
 "The president general will be king to all intents and purposes [under the proposed Constitution], and one of the most dangerous kind.... He is vested with powers exceeding those of the most despotic monarch we know of in modern times. What a handsome return have these men made to the people of America for their confidence. Through the misconduct of these bold conspirators we have lost the most glorious opportunity that any country ever had to establish a free system of government. America under one purely democratic rule would be rendered the happiest and most

powerful in the universe, but under the proposed one, composed of an elective king and a standing army, officers by his sycophants, the starvelings of Cincinnati, and an aristocratic Congress of the well born, an iota of happiness, freedom, or national strength cannot exist."

Letter from (Thomas Jefferson), Virginia landowner, to James Madison

"The president seems a bad edition of a Polish king. He may be reelected from four years to four years for life. Reason and experience prove to us that a chief magistrate, so

continuable, is an officer for life. I wish that at the end of the four years they had made him [the president] ineligible a second time."

Newspaper essay by Elbridge Gerry, Massachusetts merchant

"The Constitution proposed has few, if any federal features, but is rather a system of national government.... However respectable the members may be who signed the Constitution, it must be admitted that a free people are the proper guardians of their rights and liberties—that the greatest men may err and that their errors are sometimes of the greatest magnitude."

Newspaper essay by George Mason, Virginia landowner

★ "The Senate with its great powers will destroy any balance in the government and enable them to accomplish what usurpations they please upon the rights and liberties of the people.... The judiciary is so constructed and extended as to absorb and destroy the judiciaries of the several states; thereby rendering law as tedious, intricate and expensive, and justice as unattainable, by a great part of the community, as in England, and enabling the rich to oppress and ruin the poor....

"By declaring all treaties supreme laws of the land, the Executive and the Senate have in many cases, an exclusive power of legislation.... By requiring only a majority to make all commercial and navigation laws, the five southern states (whose produce and circumstances are totally different from that of the eight Northern and Eastern states) will be ruined.... This government will commence in a moderate Aristocracy; it is at present impossible to foresee whether it will produce a monarchy or a corrupt oppressive Aristocracy."

Newspaper essay by Richard Henry Lee, Virginia landowner

"It must be admitted that our federal system [Articles of Confederation] is defective, and that some of the state governments are not well administered. But we attribute to the defects in our government many evils and em-

barrassments which are most clearly the result of the late war....

"It is the opinion of many great authors that a free elective government cannot be extended over large territories. One national government and general legislature alone can never extend equal benefits to all parts of the United States. Different laws, customs, and opinions exist in the different states.... It would be impossible to collect a representation of the parts of the country five, six, and seven hundred miles from the seat of government.

"The people of this country, in one sense, may all be democratic; but if we make the proper distinction between the few men of wealth and abilities, and consider them as the natural aristocracy of the country, and the great body of the people, the middle and lower classes, as the democracy in it, this federal representative branch [Congress] will have but very little democracy in it.

"When [and if] the people shall adopt the proposed Constitution, it will be their last and supreme act. Whenever this Constitution or any part of it shall be incompatible with the ancient customs, rights, the laws, or the state constitutions heretofore established in the United States, it will entirely abolish them and do them away.... Once power is transferred from the many to the few, all changes become extremely difficult; the government in this case being beneficial to the few, they will be exceedingly clever and adroit in preventing any measures which may lead to a change; and nothing will produce it, but great exertions and severe struggles on the part of the common people."

Newspaper essay by "Brutus," New York

"The legislature of the United States are vested with the great and uncontrollable powers of laying and collecting taxes, regulating trade, instituting courts...and other general powers. And are by this clause invested with the power of making all laws, proper and necessary, for carrying all these into execution. They may so exercise this power as entirely to annihilate all the state governments."