



Lesson 6.5: Should We Ratify?



Washington as Statesman at the Constitutional Convention, 1787  
Courtesy of ©Virginia Museum of Fine Arts



Lesson 6.5: Should We Ratify?

**ratify:** (verb) to make legal by signing or giving permission

Governments ratify treaties to end wars, people ratify constitutions to create governments, or labor unions ratify agreements to create new rules for their members.



Lesson 6.5: Should We Ratify?

Name \_\_\_\_\_

## Welcome to the New Hampshire Ratifying Convention!

Breaking news! EIGHT of the 13 states have ratified the U.S. Constitution. Only one more state needs to ratify for it to be legal. Four states have not yet ratified and seem unwilling to do so. This means that New Hampshire's vote on ratification will be historic and important. Will the Constitution become law? Will New Hampshire's vote be the one that adopts a new form of government?

You have a serious job.

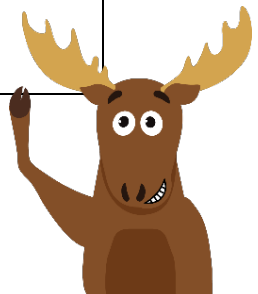
- First, you must carefully look at the claims and evidence about the ratification of the Constitution.
- Then, you must decide which claim is correct, based on the evidence.
- Finally, you must write a paragraph to persuade others of your claim. Give them the claim, the evidence, and your reasoning, explaining why the evidence supports your claim.

This seems like a lot, but we will do it a bit at a time.

When you have completed your writing, you will have a chance to meet with others to figure out how you will persuade the convention of your ideas. Work hard to understand the claims and the evidence—the future of the nation is at stake!

The evidence you are about to examine contains actual ideas from the writers in 1787 and 1788 who were trying to persuade the country. They did not write under their own names but instead shared "pen names" to hide their identities.

Question: Should we ratify the U.S. Constitution?	
Yes	No
<p><b>Claim:</b> The Constitution should be ratified. It is the best form of government for us because it is based on the agreement of the people. It will lead us well without having too much power.</p> <p><b>Writers called themselves:</b> Publius</p>	<p><b>Claim:</b> We should not ratify the Constitution. We are worried the federal (national) government will have too much power over the states. We are afraid it will take away people's rights.</p> <p><b>Writers called themselves:</b> Brutus and Centinel (among others)</p> <p><b>Actual writers:</b> Thomas Jefferson, Patrick Henry, John Hancock</p>





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<b>Actual writers:</b> James Madison, Alexander Hamilton, John Jay	
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Lesson 6.5: Should We Ratify?

Name \_\_\_\_\_ **Evidence 1, "No"**

**Question: Should we ratify the U.S. Constitution?**

**Centinel & Brutus claim:** No, we should not ratify the Constitution. We are worried the federal government will have too much power over the states. We are afraid it will take away people's rights.

**Evidence 1:** We know the plan is to create three branches of government with separate, balanced powers so that government can serve the common good. But, there has never been a successful government like this. The branches will compete for power even though they are supposed to work together. Three branches of government will always end in two of them uniting and destroying the third.

Centinel, October 5, 1787

1. Why is Centinel concerned about three branches of government?
2. Do you agree? Why or why not?
3. Does this evidence persuade you that their claim is correct? How much does it persuade you, on a scale of 1 to 10?



Not persuaded	Your number	Yes persuaded
1		10

**Important note:** This quote has been edited to make it easier for you to read.



Lesson 6.5: Should We Ratify?

**Evidence 2, "No"**

**Question: Should we ratify the U.S. Constitution?**

**Centinel & Brutus claim:** No, we should not ratify the Constitution. We are worried the federal government will have too much power over the states. We are afraid it will take away people's rights.

**Evidence 2:** The Constitution has something called the "supremacy clause." It says that the Constitution and any law made by the federal government is more powerful than state laws.

This government is supposed to be states coming together to make a fair and good government. However, the supremacy clause shows the Constitution is really about the federal government having power over the states. This will make the laws of the states useless and cancelled. This is not right.

Brutus, October 18, 1787

1. What does the supremacy clause say?
2. Why is Brutus concerned about it? Do you agree? Why?
3. Does this evidence persuade you that their claim is correct? How much does it persuade you, on a scale of 1 to 10?

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Lesson 6.5: Should We Ratify?

**Evidence 3, "No"**

**Question: Should we ratify the U.S. Constitution?**

**Centinel & Brutus claim:** No, we should not ratify the Constitution. We are worried the federal government will have too much power over the states. We are afraid it will take away people's rights.

**Evidence 3:** The Constitution has something called the "necessary and proper clause." It says that the federal government can make all laws it thinks are necessary and good in order to run the nation. For example, they can raise armies, collect taxes, spend the money, and control trade.

We are afraid the Constitution will get rid of the state governments. If the federal government can make ALL laws that are necessary and good for the nation, could the laws it makes get rid of the states? We believe yes.

Brutus, October 18, 1787

1. What is the "necessary and proper clause"?
2. Why does Brutus think it is a problem? Do you agree? Why?
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Lesson 6.5: Should We Ratify?

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**Centinel & Brutus claim:** No, we should not ratify the Constitution. We are worried the federal government will have too much power over the states. We are afraid it will take away people's rights.

**Evidence 4:** The only way we can be safe against a federal government having too much power is by creating a Bill of Rights to protect the rights of the people and the states. The federal government can make laws to take power away from the states and the people; this is dangerous to freedom.

We can hope that the federal government will be made up of good, fair people who wouldn't take rights, but how can we know what will happen in the future? Where is it written that their powers are limited? We must protect ourselves and our rights and make a Bill of Rights.

Antifederalist No. 46, Fall 1787

1. What does the Bill of Rights do?
2. Why does the writer think that it is needed? Do you agree? Why?
3. Does this evidence persuade you that their claim is correct? How much does it persuade you, on a scale of 1 to 10?

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Lesson 6.5: Should We Ratify?

**Evidence 1, "Yes"**

**Question: Should we ratify the U.S. Constitution?**

**Publius' claim:** The Constitution should be ratified. It is the best form of government for us because it is based in the agreement of the people. It will lead us well without having too much power.

**Evidence 1:** The Constitution limits power by splitting the government into three parts or branches. It does this because to put all powers in the same hands would create a dictatorship.

Publius, February 1, 1788

1. How does Publius say the Constitution limits power?
2. Why does Publius think three branches are necessary? Do you agree? Why?
3. Does this evidence persuade you that their claim is correct? How much does it persuade you, on a scale of 1 to 10?

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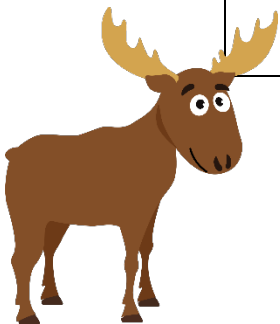
**Evidence 2:** The people are well protected because whatever laws Congress makes will also be for the political leaders and their friends. This is one of the strongest bonds that can connect rulers and the people together. It will keep the government from controlling the people too much.

Publius, February 19, 1788

1. How are the people and Congress connected, according to Publius?
2. Why does Publius think the people are protected from Congress' power? Do you agree? Why?
3. Does this evidence persuade you that their claim is correct? How much does it persuade you, on a scale of 1 to 10?

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Publius, February 1, 1788

1. What does Publius say the government will have?
2. Why does Publius think it is good for the government to have power divided and balanced? Do you agree? Why?
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**Evidence 4:** The powers given to the federal government by the Constitution are few and can't be changed. Also, the federal government will mostly deal with politics and money with other governments. The workings of the federal government will really be important in times of war and national danger.

The powers that are left to the states are many and unlimited. And the states' powers will be all about the everyday lives of the people. The workings of the state governments will be important in times of peace and safety.

Publius, January 26, 1788

1. Fill in the chart.

	Federal government	State government
Describe the powers		
What does it deal with?		
When is it important?		

2. What is Publius trying to say by comparing the state and federal governments? Do you agree? Why?

3. Does this evidence persuade you that their claim is correct? How much does it persuade you, on a scale of 1 to 10?

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Lesson 6.5: Should We Ratify?

Name \_\_\_\_\_ Answer Key: Possible responses **Evidence 1, "No"**

**Question: Should we ratify the U.S. Constitution?**

**Centinel & Brutus claim:** No, we should not ratify the Constitution. We are worried the federal government will have too much power over the states. We are afraid it will take away people's rights.

**Evidence 1:** We know the plan is to create three branches or parts of government with separate, balanced powers so that government can serve the common good. But, there has never been a successful government like this. The branches will compete for power even though they are supposed to work together. Three branches of government will always end in two of them uniting and destroying the third.

Centinel, October 5, 1787

1. Why is Centinel concerned about three branches of government?

**He is concerned because there has never been a successful government with three competing branches. He thinks two of the branches will always come together and ally against the third branch.**

2. Do you agree? Why or why not?

**I don't know. I think he's right to be concerned but if the writers of the Constitution think about this problem, maybe they can set things up so that it won't happen.**

3. Does this evidence persuade you that their claim is correct? How much does it persuade you, on a scale of 1 to 10?

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Lesson 6.5: Should We Ratify?

Answer Key: Possible responses

**Evidence 2, "No"**

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**Centinel & Brutus claim:** No, we should not ratify the Constitution. We are worried the federal government will have too much power over the states. We are afraid it will take away people's rights.

**Evidence 2:** The Constitution has something called the "supremacy clause." It says that the Constitution and any law made by the federal government is more powerful than state laws.

This government is supposed to be states coming together to make a fair and good government. However, the supremacy clause shows the Constitution is really about the federal government having power over the states. This will make the laws of the states useless and cancelled. This is not right.

Brutus, October 18, 1787

1. What does the supremacy clause say?

**It says that any law made in the federal government is more powerful than laws made in the states. The federal government will always matter more when thinking about what is against the law or ok under the law.**

2. Why is Brutus concerned about it? Do you agree? Why?

**He thinks that the power of the federal government to make the most important laws will make the state laws less or useless. I think this could be a problem. What is people in the federal government wanted to take state power away?**

3. Does this evidence persuade you that their claim is correct? How much does it persuade you, on a scale of 1 to 10?

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<b>1</b>		<b>10</b>

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Answer Key: Possible responses **Evidence 3, "No"**

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**Evidence 3:** The Constitution has something called the "necessary and proper clause." It says that the federal government can make all laws it thinks are necessary and good in order to run the nation. For example, they can raise armies, collect taxes, spend the money, and control trade.

We are afraid the Constitution will get rid of the state governments. If the federal government can make ALL laws that are necessary and good for the nation, could the laws it makes get rid of the states? We believe yes.

Brutus, October 18, 1787

1. What is the "necessary and proper clause"?

**It says that the federal government can make all the laws that are necessary for the government to run, even ones the writers of the Constitution hadn't thought of.**

2. Why does Brutus think it is a problem? Do you agree? Why?

**He is worried that they will make laws that get rid of the states. I guess that could happen, but I also think the necessary and proper clause is important because the writers never thought about the internet. What if the federal government needs to make a law about it? It should have the power to make laws that it needs to.**

3. Does this evidence persuade you that their claim is correct? How much does it persuade you, on a scale of 1 to 10?

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Answer Key: Possible responses **Evidence 4, "No"**

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Antifederalist No. 46, Fall 1787

1. What does a Bill of Rights do?

**A Bill of Rights lists the rights that the people and the states will always have. It protects the state and the people from the federal government.**

2. Why does the writer think that it is needed? Do you agree? Why?

**They think it's needed so that the federal government doesn't make laws that take power from the people and the state, so that they are protected in the future. I do agree that it's a good idea because you can't see the future and know what's needed—you can only protect yourself.**

3. Does this evidence persuade you that their claim is correct? How much does it persuade you, on a scale of 1 to 10?

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Lesson 6.5: Should We Ratify?

Answer Key: Possible responses **Evidence 1, "Yes"**

**Question: Should we ratify the U.S. Constitution?**

**Publius' claim:** The Constitution should be ratified. It is the best form of government for us because it is based in the agreement of the people. It will lead us well without having too much power.

**Evidence 1:** The Constitution limits power by splitting the government into three branches or parts. It does this because to put all powers in the same hands would create a dictatorship.

Publius, February 1, 1788

1. How does Publius say the Constitution limits power?

**He says that it limits power because there are three government branches instead of one. This makes it so the branches have to share power instead of one branch having too much.**

2. Why does Publius think three branches are necessary? Do you agree? Why?

**He is worried that if there was one branch of government it could have the unlimited power of a dictatorship. I do agree because if someone had the power to do anything they wanted, after a while they might decide it was ok to do things that weren't good for the country.**

3. Does this evidence persuade you that their claim is correct? How much does it persuade you, on a scale of 1 to 10?

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Lesson 6.5: Should We Ratify?

Answer Key: Possible responses **Evidence 2, "Yes"**

**Question: Should we ratify the U.S. Constitution?**

**Publius' claim:** The Constitution should be ratified. It is the best form of government for us because it is based in the agreement of the people. It will lead us well without having too much power.

**Evidence 2:** The people are well protected because whatever laws Congress makes will also be for the political leaders and their friends. This is one of the strongest bonds that can connect rulers and the people together. It will keep the government from controlling the people too much.

Publius, February 19, 1788

1. How are the people and Congress connected, according to Publius?

**The people and Congress are connected because whatever laws Congress makes will also impact them, their families, and their friends.**

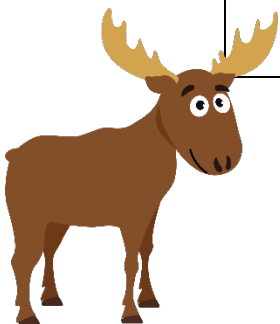
2. Why does Publius think the people are protected from Congress' power? Do you agree? Why?

**He thinks this protects the people because then there won't be laws that control the people or limit their liberty too much. I do agree. I wouldn't make a law that would impact my family badly.**

3. Does this evidence persuade you that their claim is correct? How much does it persuade you, on a scale of 1 to 10?

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Publius, February 1, 1788

1. What does Publius say the government will have?

**He says the government will have power divided among the branches of government. He says there will be limits and that the branches will watch each other to make sure power is balanced.**

2. Why does Publius think it is good for the government to have power divided and balanced? Do you agree? Why?

**He thinks this makes a government that is fair and balanced and not one with unlimited power. I think it's definitely a good idea to have power divided, but what if all of the branches decided to do something together that would hurt liberty and take a lot of power from the people? I'm not sure it's enough.**

3. Does this evidence persuade you that their claim is correct? How much does it persuade you, on a scale of 1 to 10?

Not persuaded	Your number	Yes persuaded
<b>1</b>		<b>10</b>

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Lesson 6.5: Should We Ratify?

Answer Key: Possible responses **Evidence 4, "Yes"**

**Question: Should we ratify the U.S. Constitution?**

**Publius' claim:** The Constitution should be ratified. It is the best form of government for us because it is based in the agreement of the people. It will lead us well without having too much power.

**Evidence 4:** The powers given to the federal government by the Constitution are few and can't be changed. Also, the federal government will mostly deal with politics and money with other governments. The workings of the federal government will really be important in times of war and national danger.

The powers that are left to the states are many and unlimited. And the states' powers will be all about the everyday lives of the people. The workings of the state governments will be important in times of peace and safety.

Publius, January 26, 1788

1. Fill in the chart.

	Federal government	State government
Describe the powers	<b>Few and can't be changed</b>	<b>Many and unlimited</b>
What does it deal with?	<b>Politics, money with foreign governments</b>	<b>Everyday lives of the people</b>
When is it important?	<b>In times of war and national danger</b>	<b>Peace and safety</b>

2. What is Publius trying to say by comparing the state and federal governments? Do you agree? Why?

**I think he's trying to say that the Constitution limits the federal government a lot by having fixed powers and being important more in times of war than when there is peace. I do think that the states matter more in the everyday lives of the people but it still seems like the federal government and their powers are important to people. It seems still very powerful to me.**

3. Does this evidence persuade you that their claim is correct? How much does it persuade you, on a scale of 1 to 10?

Not persuaded	Your number	Yes persuaded
<b>1</b>		<b>10</b>

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Lesson 6.5: Should We Ratify?

Name \_\_\_\_\_

## Decision Time!

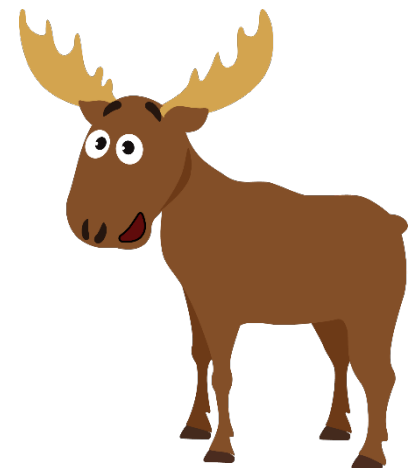
Decision time: Do you think we should ratify the U.S. Constitution?

If you are having trouble, use your numbers to help you decide. Look back at the evidence pages, find each number, and record below.

We SHOULD NOT ratify the Constitution.		We SHOULD ratify the Constitution.	
Evidence 1, "No" number:		Evidence 1, "Yes" number:	
Evidence 2, "No" number:		Evidence 2, "Yes" number:	
Evidence 3, "No" number:		Evidence 3, "Yes" number:	
Evidence 4, "No" number:		Evidence 4, "Yes" number:	
<b>Add up your "No" numbers:</b>		<b>Add up your "Yes" numbers:</b>	

Which number is higher? Do you think we should ratify the U.S. Constitution?

In order to be **PERSUASIVE** about your point of view, you need to make a **claim**, explain your three pieces of **evidence**, then give your **reasoning** telling why your evidence supports the claim, and finish with a concluding sentence. Once you have your ideas laid out, put them in a paragraph to submit to the New Hampshire ratifying convention. Use the "Claim, Evidence, Reasoning Paragraph HINT Sheet" to lay out your ideas.





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Name \_\_\_\_\_

### Rubric for CER Paragraph “Should We Ratify?”

	<b>Above Standard (4)</b>	<b>At Standard (3)</b>	<b>Approaching Standard (2)</b>	<b>Below Standard (1)</b>	<b>Self</b>	<b>Teacher</b>
<b>Claim</b>	Makes an accurate and complete claim	Makes an accurate but vague or incomplete claim	Makes an accurate but vague and incomplete claim	Does not make a claim, or makes an unrelated or incorrect claim		
<b>Evidence</b>	Includes 3 pieces of specific evidence, with quotes from sources	Includes 2 pieces of specific evidence, may include quotes from sources	Does not include specific evidence or only includes 1 piece of evidence	Does not provide evidence or only gives unrelated or vague evidence		
<b>Reasoning</b>	Includes 3 pieces of specific reasoning, each connected to evidence	Includes 2 pieces of reasoning, may be specific and connected to evidence	Does not include specific reasoning or only connects to one piece of evidence	Does not include reasoning or only gives unrelated or vague reasoning		
<b>Clarity and Creativity</b>	All writing is clear, persuasive, and creatively expresses ideas with conclusion	Writing is mostly clear, persuasive, and somewhat creative in expression with conclusion	Writing is not very clear or creative and is only partially persuasive, missing conclusion	Writing is not clear, persuasive, or creative in expression, missing conclusion		
<b>Effort and Time</b>	Effort is obvious. Paragraph is completed on time and has no spelling or grammar errors.	Effort is present. Project is completed on time and has few spelling or grammar errors.	Some effort is present, but more is needed. Project might be late and have spelling and grammar errors.	The product does not show significant effort. Project is late and contains spelling and grammar errors.		
<b>Comments:</b>					<b>Total of 20 points:</b>	



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## Claim, Evidence, Reasoning Paragraph HINT Sheet

The question: Should we ratify the Constitution?			
<b>Claim</b>	• Directly answers the question: choose one and circle it		
	We should ratify the U.S. Constitution.	<b>OR</b>	We should not ratify the U.S. Constitution.
<b>Evidence</b>	<ul style="list-style-type: none"><li>• The information that supports the claim</li><li>• Use three specific examples, like quotes or ideas from the text</li></ul>	List your three pieces of evidence here:	
	For example, <ul style="list-style-type: none"><li>• Brutus/Centinel/Publius argues that...</li><li>• The quote says that...</li><li>• The idea _____ supports this claim.</li></ul>		
<b>Reasoning</b>	<ul style="list-style-type: none"><li>• Explains why the evidence supports the claim</li><li>• Connects the evidence and claim</li></ul>	Explain your reasoning why the evidence supports the claim here:	
	For example, <ul style="list-style-type: none"><li>• Based on the evidence, we must decide... because...</li><li>• The quote supports the claim because...</li><li>• Brutus'/Centinel's/Publius' argument supports the claim because...</li><li>• This proves the claim because...</li></ul>		
Concluding sentence: What's your big idea?			



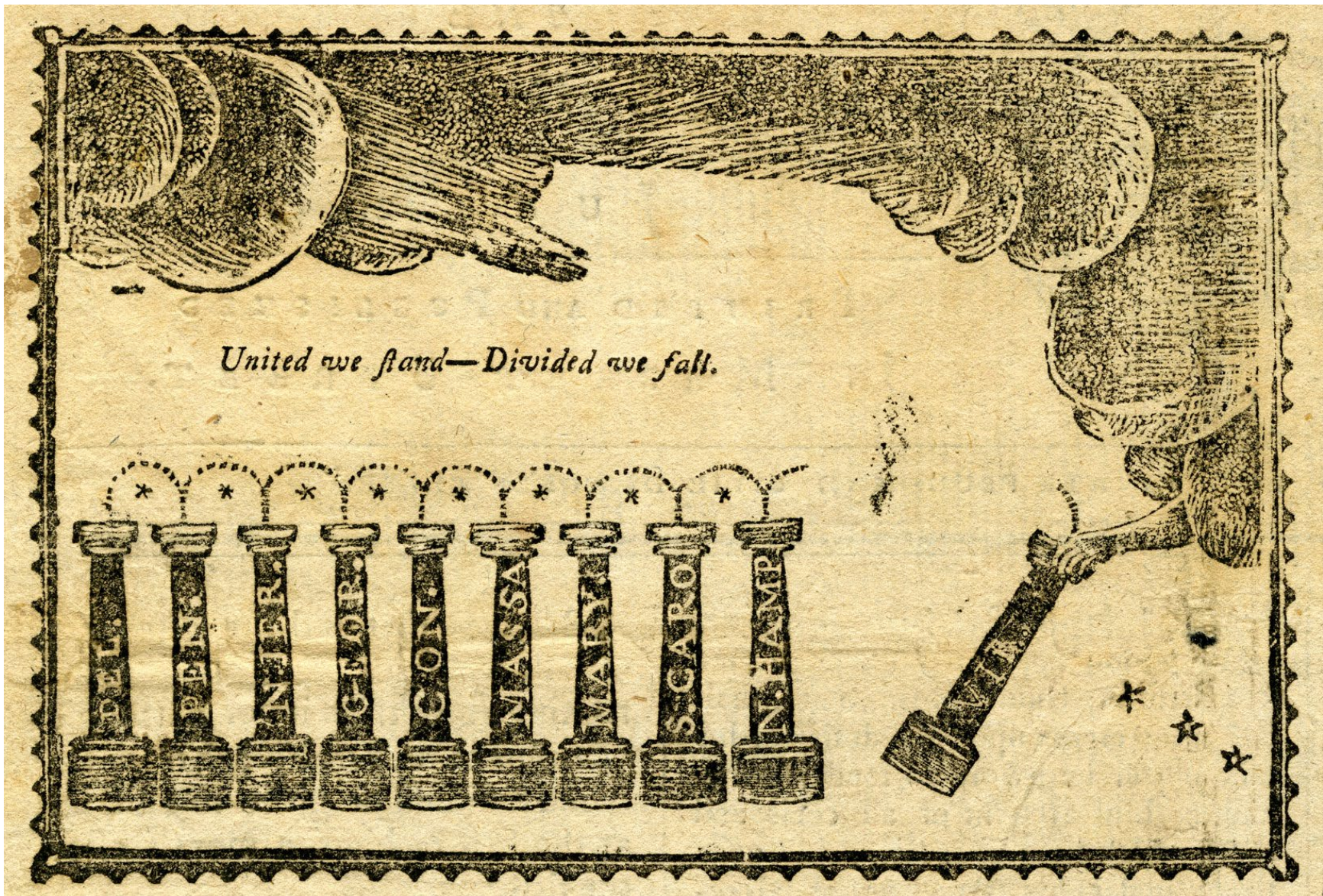
Write your complete C-E-R Paragraph below.

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.





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New Hampshire Becomes the Ninth State, 1788  
Source: New Hampshire Historical Society



# QUICK CONNECT

Take a close look at a primary source!

## ENCOUNTER

**What do you notice about the source?**

**What do you see?** List 10 things you notice about the source. Be specific!

**Senses:** Use your imagination. What would your five senses (sight, touch, smell, sound, and taste) tell you about the source?

**30 seconds:** Look at the source for 30 seconds, then close your eyes and describe it to a partner. Now open your eyes. What did you miss?

**Draw It:** Sketch the source on a piece of paper. Be sure to show details and label parts you find interesting.

## INVESTIGATE

**What do you think about the source?**

**Wonder:** What three questions would you ask the artist/author/creator about the source?

**Define:** What five adjectives would you use to describe the source? Why?

**Purpose:** How would people have used or interacted with this source?

**Audience:** Who would have been using this source? Why do you think this source was created?

## BUILD

**What does this source mean to you?**

**History:** How does this source help you understand people's lives in the past?

**Real life:** Is there a source you use today that is similar to this one? Describe how they are similar and different from each other.

**Changes:** How has looking closely at the source changed your thoughts of it? What did you first think about it? What do you think now?

**Caption:** What could a caption for this source say? Make sure to include ideas you think are interesting about the source.

## Want to learn more?

Check out the Analyze It! section for worksheets and guided questions that take you through different types of sources so you can learn to think like a historian.



Lesson 6.5: Should We Ratify?

Name \_\_\_\_\_

## Vocabulary Illustrations

There are two clauses in the U.S. Constitution that give the federal government the power to lead the nation. These clauses were the main concerns of people who were afraid the federal government would take too much power, so they argued for the Bill of Rights. Think about how you can show the clauses with drawing, either with definitions or examples.

### **necessary and proper clause**

Definition: (noun) A phrase in the U.S. Constitution that says that the federal government can make all laws it thinks are necessary and good in order to run the nation



Lesson 6.5: Should We Ratify?

**supremacy clause**

Definition: (noun) A phrase in the U.S. Constitution that says that the Constitution and any law made in the federal government is more powerful than state laws



Lesson 6.5: Should We Ratify?

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## Who Gets the Call?

Read the scenario and think about the different points of view. Answer the questions.

**Scenario:** At the Cooperative Middle School, cell phones are not allowed during school hours. Hayden knew her mother would call about whether she should take the bus that day so she left her phone on, although she meant to silence the ringer. However, when her mother called during social studies class, everyone heard it. Hayden's teacher took her phone and gave it to building administrator. Hayden and her mother have to go to the office after school to get the phone back.

**Administrator quote:** "School rules do not allow cell phones to be on during class hours. It is disruptive to students and teachers. Families can communicate through the office."

**Hayden's Mom quote:** "It was important to tell Hayden whether her grandmother could pick her up or if she should take the bus. We weren't sure she'd get the message through the office so I asked her to leave her phone on. I need to be able to communicate with my child."

1. What do you think? Who is right? Why?
2. The supremacy clause in the Constitution says that the rules of the Constitution and any law made by the federal government is more powerful than any state laws. How is this scenario an example of the supremacy clause? In the example, who is the states? Who is the federal government?
3. Do you agree with the supremacy clause? Why or why not?



Lesson 6.5: Should We Ratify?

Name \_\_\_\_\_ Answer Key \_\_\_\_\_

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**Hayden's Mom quote:** "It was important to tell Hayden whether her grandmother could pick her up or if she should take the bus. We weren't sure she'd get the message through the office so I asked her to leave her phone on. I need to be able to communicate with my child."

1. What do you think? Who is right? Why?

**Although I understand why her mom wanted Hayden to keep her phone on, Hayden was at the school. The school's rules need to be more important when someone is in school. The school can say whether someone should turn their phone off and not use it, especially since they have another way for families to communicate.**

2. The supremacy clause in the Constitution says that the rules of the Constitution and any law made in the federal government is more powerful than any state laws. How is this scenario an example of the supremacy clause? In the example, who is the states? Who is the federal government?

**This is like the supremacy clause because we had to decide whose rules Hayden had to follow. It's like deciding if I should follow state laws or federal government laws about driving. Hayden's mom is like the states and the school is like the federal government, because their rule was more important.**

3. Do you agree with the supremacy clause? Why or why not?

**I do agree with it. I think that if the laws disagree, there has to be a way to decide who is right. And if all the states are deciding different things, that will be confusing, so it should be the federal government who decides.**



Lesson 6.5: Should We Ratify?

Name \_\_\_\_\_

## James Madison Proposing the Bill of Rights

After 11 states ratified the Constitution, James Madison proposed amendments or changes to it, even though he was one of the writers who supported the Constitution. Read a part of his speech below then answer the questions.

I think Congress has a duty to the people to hear ideas about a bill of rights added to the Constitution. The public will see that we listen to their wishes. I also think that those of us who were in favor of the Constitution now have an opportunity to show people who were opposed to it that we care about liberty and good, fair government. I think it's a good idea that everyone knows no one wants to take away the liberty we fought so hard for. If we can write amendments that will not hurt the Constitution, we should do so.

We all know that, even though the Constitution was ratified, there were a lot of people dissatisfied with it. Those people are smart and patriotic and we should respect them for their concerns about liberty. They will support our government much more if we specifically declare the rights of mankind in amendments to the Constitution. It's important for national unity that both sides of the debate feel heard and respected.

I do agree now that the Constitution can be amended. The federal government really could abuse its power, so we should guard against that more carefully than we have done so far. We have something to gain, and, if we proceed with caution, nothing to lose.

I conclude that it will be good for the public's peace of mind as well as the stability of government if we should offer a declaration of the rights of the people to be added to our system of government.

James Madison to the First Congress  
June 8, 1789

This speech has been edited to make it easier for you to read.



Lesson 6.5: Should We Ratify?

**Reflection on James Madison's Speech to the First Congress**

1. What are three important ideas from his speech?
2. What specific reasons does he give for supporting the Bill of Rights?
3. If you had not wanted to ratify the Constitution because you were worried about the power of the government, what would you think about a pro-Constitution writer making this speech? Explain your thoughts.
4. Do you think Madison's view of the importance of unity in the nation is relevant today? Why or why not?







Lesson 6.5: Should We Ratify?

Name \_\_\_\_\_ Answer Key \_\_\_\_\_

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Lesson 6.5: Should We Ratify?

**Reflection on James Madison's Speech to the First Congress**

1. What are three important ideas from his speech?

**Three ideas are that congress should think about whether to add a bill of rights to the Constitution. Second, that since there were some people who were very against the Constitution, they should make sure to listen to them too for national unity. Third, that he does think now that the Constitution should be amended to make sure it doesn't abuse its power.**

2. What specific reasons does he give for supporting the Bill of Rights?

**He says that the people who wanted it are smart and he respects them. He says that caring about liberty is important and they should make sure the federal government doesn't abuse its power. It will make the public feel better and make government more stable.**

3. If you had not wanted to ratify the Constitution because you were worried about the power of the government, what would you think about a pro-Constitution writer making this speech? Explain your thoughts.

**I would feel better because even though I lost the debate, it's clear that the other side was listening to me. It's like even though they won and got the Constitution, they are now turning back around and giving us what we wanted too. It would make me feel like I wanted to be part of the new nation.**

4. Do you think Madison's view of the importance of unity in the nation is relevant today? Why or why not?

**I think it matters a lot today. Our country definitely has two sides that fight a lot about power and government. I wonder what would happen if the party in power made a big deal about listening to the party that wasn't in power? What would happen if the party in power gave the other side somethings that they wanted? We would feel a lot more like one nation.**



Lesson 6.5: Should We Ratify?

## Appendix: Original Quotes from Federalist and Antifederalist Authors

Antifederalist Original Quote	Edited for Students
<p><b>Centinel I (Pennsylvania) October 5, 1787</b></p> <p>Mr. Adams's sine qua non of a good government is three balancing powers, whose repelling qualities are to produce an equilibrium of interests, and thereby promote the happiness of the whole community. He asserts that the administrators of every government, will ever be actuated by views of private interest and ambition, to the prejudice of the public good; that therefore the only effectual method to secure the rights of the people and promote their welfare, is to create an opposition of interests between the members of two distinct bodies, in the exercise of the powers of government, and balanced by those of a third. This hypothesis supposes human wisdom competent to the task of instituting three co-equal orders in government, and a corresponding weight in the community to enable them respectively to exercise their several parts, and whose views and interests should be so distinct as to prevent a coalition of any two of them for the destruction of the third. Mr. Adams, although he has traced the constitution of every form of government that ever existed, as far as history affords materials, has not been able to adduce a single instance of such a government; he indeed says that the British constitution is such in theory, but this is rather a confirmation that his principles are chimerical and not to be reduced to practice. If such an organization of power were practicable, how long would it continue? not a day — for there is so great a disparity in the talents, wisdom and industry of mankind, that the scale would presently preponderate to one or the other body...</p> <p>Source: <i>Teaching American History</i> <a href="https://teachingamericanhistory.org/library/document/centinel-i/">teachingamericanhistory.org/library/document/centinel-i/</a></p>	<p>We know the plan is to create three branches of government with separate, balanced powers so that it can serve the common good. But, there has never been a successful government like this. The branches will compete for power even though they are supposed to work together. Three branches of government will always end in two of them uniting and destroying the third.</p> <p>Centinel I, October 5, 1787</p>



Lesson 6.5: Should We Ratify?

**Brutus I (New York) October 18, 1787**

It appears from these articles that there is no need of any intervention of the state governments, between the Congress and the people, to execute any one power vested in the general government, and that the constitution and laws of every state are nullified and declared void, so far as they are or shall be inconsistent with this constitution, or the laws made in pursuance of it, or with treaties made under the authority of the United States. — The government then, so far as it extends, is a complete one, and not a confederation. It is as much one complete government as that of New-York or Massachusetts, has as absolute and perfect powers to make and execute all laws, to appoint officers, institute courts, declare offences, and annex penalties, with respect to every object to which it extends, as any other in the world. So far therefore as its powers reach, all ideas of confederation are given up and lost.

It has authority to make laws which will affect the lives, the liberty, and property of every man in the United States; nor can the constitution or laws of any state, in any way prevent or impede the full and complete execution of every power given.

Source: *Teaching American History*  
[teachingamericanhistory.org/library/document/brutus-i/](https://teachingamericanhistory.org/library/document/brutus-i/)

The Constitution has something called the “supremacy clause.” It says that the Constitution and any law made in the federal government is more powerful than state laws.

This government is supposed to be states coming together to make a fair and good government. However, the supremacy clause shows the constitution is really about the federal government having power over the states. This will make the laws of the states useless and cancelled. This is not right.

Brutus I, Oct 18, 1787



Lesson 6.5: Should We Ratify?

**Brutus I (New York) October 18, 1787**

A power to make all laws, which shall be necessary and proper, for carrying into execution, all powers vested by the constitution in the government of the United States, or any department or officer thereof, is a power very comprehensive and definite, and may, for ought I know, be exercised in a such manner as entirely to abolish the state legislatures.

But what is meant is, that the legislature of the United States are vested with the great and uncontrollable powers, of laying and collecting taxes, duties, imposts, and excises; of regulating trade, raising and supporting armies, organizing, arming, and disciplining the militia, 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; and they may so exercise this power as entirely to annihilate all the state governments, and reduce this country to one single government.

Source: *Teaching American History*  
[teachingamericanhistory.org/library/document/brutus-i/](https://teachingamericanhistory.org/library/document/brutus-i/)

The Constitution has something called the "necessary and proper clause." It says that the federal government can make all laws it thinks are necessary and good in order to run the nation. For example, they can raise armies, collect taxes and spend the money, and control trade.

We are afraid the Constitution will get rid of the state governments. If the federal government can make ALL laws that are necessary and good for the nation, could the laws it makes get rid of the states? We believe yes.

Brutus I, Oct 18, 1787



Lesson 6.5: Should We Ratify?

**Antifederalist No. 46 by An Old Whig October 17, 1787**

The British act of Parliament, declaring the power of Parliament to make laws to bind America in all cases whatsoever, was not more extensive. For it is as true as a maxim, that even the British Parliament neither could nor would pass any law in any case in which they did not either deem it necessary and proper to make such a law, or pretend to deem it so. And in such cases it is not of a farthing consequence whether they really are of opinion that the law is necessary and proper, or only pretend to think so, for who can overrule their pretensions? No one; unless we had a Bill of Rights, to which we might appeal and under which we might contend against any assumption of undue power, and appeal to the judicial branch of the government to protect us by their judgments. This reasoning, I fear, is but too just. And yet, if any man should doubt the truth of it, let me ask him one other question: What is the meaning of the latter part of the clause which vests the Congress with the authority of making all laws which shall be necessary and proper for carrying into execution all other powers (besides the foregoing powers vested, etc., etc.)? Was it thought that the foregoing powers might perhaps admit of some restraint, in their construction as to what was necessary and proper to carry them into execution? Or was it deemed right to add still further that they should not be restrained to the powers already named? Besides the powers already mentioned, other powers may be assumed hereafter as contained by implication in this constitution. The Congress shall judge of what is necessary and proper in all these cases, and in all other cases -- in short, in all cases whatsoever. Where then is the restraint? How are Congress bound down to the powers expressly given? What is reserved, or can be reserved? Yet even this is not all. As if it were determined that no doubt should remain, by the sixth article of the Constitution it is declared that "this Constitution and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land, and the judges in every state shall be bound thereby, any thing in the Constitutions or laws of any State to the contrary notwithstanding." The Congress are therefore vested with the supreme legislative power, without control. In giving such immense, such unlimited powers, was there no necessity of a Bill of Rights, to secure to the people their liberties?

The only way we can be safe against a federal government having too much power is by creating a Bill of Rights. The federal government can make laws to take power away from the states and the people; this is dangerous to liberty. We can hope that the federal government will be made up of good, fair people who wouldn't take liberties, but how can we know what will happen in the future? Where is it written that their powers are limited? We must protect ourselves and liberties and make a Bill of Rights.

Antifederalist No. 46  
October 17, 1787



Lesson 6.5: Should We Ratify?

Is it not evident that we are left wholly dependent on the wisdom and virtue of the men who shall from time to time be the members of Congress? And who shall be able to say seven years hence, the members of Congress will be wise and good men, or of the contrary character?

Source: *Teaching American History*

[teachingamericanhistory.org/library/document/an-old-whig-ii/](https://teachingamericanhistory.org/library/document/an-old-whig-ii/)

Federalist Original Quote “Publius”	Edited for students
<p><b>Madison, Federalist #47 February 1, 1788</b></p> <p>The accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny.</p> <p>Source: <i>The Avalon Project, Yale Law School</i> <a href="https://avalon.law.yale.edu/18th_century/fed47.asp">avalon.law.yale.edu/18th_century/fed47.asp</a></p>	<p>The Constitution limits power by splitting the government into three branches. It does this because to put all powers in the same hands would create a dictatorship.</p>
<p><b>Madison, Federalist #48 February 1, 1788</b></p> <p>An ELECTIVE DESPOTISM was not the government we fought for; but one which should not only be founded on free principles, but in which the powers of government should be so divided and balanced among several bodies of magistracy, as that no one could transcend their legal limits, without being effectually checked and restrained by the others.</p> <p>Source: <i>The Avalon Project, Yale Law School</i> <a href="https://avalon.law.yale.edu/18th_century/fed48.asp">avalon.law.yale.edu/18th_century/fed48.asp</a></p>	<p>We fought for a fair and balanced government. We did not fight for a government with unlimited power. Our government will have power divided and balanced among the branches of government. There will be limits put in place so that each of the parts of government can help check and balance the other.</p>



Lesson 6.5: Should We Ratify?

**Madison or Hamilton, Federalist #57 February 19, 1788**

I will add, as a fifth circumstance in the situation of the House of Representatives, restraining them from oppressive measures, that they can make no law which will not have its full operation on themselves and their friends, as well as on the great mass of the society. This has always been deemed one of the strongest bonds by which human policy can connect the rulers and the people together. It creates between them that communion of interests and sympathy of sentiments, of which few governments have furnished examples; but without which every government degenerates into tyranny.

Source: *Library of Congress*  
[guides.loc.gov/federalist-papers/text-51-60#s-lq-box-wrapper-25493433](https://guides.loc.gov/federalist-papers/text-51-60#s-lq-box-wrapper-25493433)

The people are well protected because whatever laws Congress makes will also be for congresspeople and their friends. This is one of the strongest bonds that can connect rulers and the people together. It will keep the government from controlling the people too much.

**Madison, Federalist #45 January 26, 1788**

The powers delegated by the proposed Constitution to the federal government are few and defined. Those which are to remain in the State governments are numerous and indefinite. The former will be exercised principally on external objects, as war, peace, negotiation, and foreign commerce; with which last the power of taxation will, for the most part, be connected.

The powers reserved to the several States will extend to all the objects which, in the ordinary course of affairs, concern the lives, liberties, and properties of the people, and the internal order, improvement, and prosperity of the State. The operations of the federal government will be most extensive and important in times of war and danger; those of the State governments, in times of peace and security.

Source: *The Avalon Project, Yale Law School*  
[avalon.law.yale.edu/18th\\_century/fed45.asp](http://avalon.law.yale.edu/18th_century/fed45.asp)

The powers given to the federal government by the Constitution are few and fixed. Also, the federal government will mostly deal with politics and money with foreign government. The workings of the federal government will really be important in times of war and danger.

The powers that are left to the states are many and unlimited. And the states' powers will be all about the everyday lives of the people. The workings of the state governments will be important in times of peace and safety.





Lesson 6.5: Should We Ratify?

<b>Madison, First Congress <i>June 8, 1789</i></b> <b>Worksheet “Proposing Amendments to the Constitution”</b>	<b>Edited for students</b>
<p>I will state my reasons why I think it proper to propose amendments; and state the amendments themselves, so far as I think they ought to be proposed. If I thought I could fulfil the duty which I owe to myself and my constituents, to let the subject pass over in silence, I most certainly should not trespass upon the indulgence of this House. But I cannot do this; and am therefore compelled to beg a patient hearing to what I have to lay before you. And I do most sincerely believe, that if Congress will devote but one day to this subject, so far as to satisfy the public that we do not disregard their wishes, it will have a salutary influence on the public councils, and prepare the way for a favorable reception of our future measures. It appears to me that this House is bound by every motive of prudence, not to let the first session pass over without proposing to the State Legislatures, some things to be incorporated into the Constitution, that will render it as acceptable to the whole people of the United States, as it has been found acceptable to a majority of them. I wish, among other reasons why something should be done, that those who have been friendly to the adoption of this Constitution, may have the opportunity of proving to those who were opposed to it that they were as sincerely devoted to liberty and a Republican Government, as those who charged them with wishing the adoption of this Constitution in order to lay the foundation of an aristocracy or despotism. It will be a desirable thing to extinguish from the bosom of every member of the community any apprehensions that there are those among his countrymen who wish to deprive them of the liberty for which they valiantly fought and honorably bled. And if there are amendments desired of such a nature as will not injure the Constitution, and they can be ingrafted so as to give satisfaction to the doubting part of our fellow-citizens, the friends of the Federal Government will evince that spirit of deference and concession for which they have hitherto been distinguished.</p>	<p>I think Congress has a duty to the people to hear ideas about a bill of rights added to the Constitution. The public will see that we listen to their wishes. I also think that those of us who were in favor of the Constitution now have an opportunity to show people who were opposed to it that we care about liberty and good, fair government. I think it’s a good idea that everyone knows no one wants to take away the liberty we fought so hard for. If we can write amendments that will not hurt the Constitution, we should do so.</p> <p>We all know that, even though the Constitution was ratified, there were a lot of people dissatisfied with it. Those people are smart and patriotic and we should respect them for their concerns about liberty. They will support our government much more if we specifically declare the rights of mankind in amendments to the Constitution. It’s important for national unity that both sides of the debate feel heard and respected.</p> <p>I do agree now that the Constitution can be amended. The federal government really could abuse its power, so we should guard against that more carefully than we have done so far. We have something to gain, and, if we proceed with caution, nothing to lose.</p>



Lesson 6.5: Should We Ratify?

It cannot be a secret to the gentlemen in this House, that, notwithstanding the ratification of this system of Government by eleven of the thirteen United States, in some cases unanimously, in others by large majorities; yet still there is a great number of our constituents who are dissatisfied with it; among whom are many respectable for their talents and patriotism, and respectable for the jealousy they have for their liberty, which, though mistaken in its object, is laudable in its motive. There is a great body of the people falling under this description, who at present feel much inclined to join their support to the cause of Federalism, if they were satisfied on this one point. We ought not to disregard their inclination, but, on principles of amity and moderation, conform to their wishes, and expressly declare the great rights of mankind secured under this Constitution. The acquiescence which our fellow citizens show under the Government, calls upon us for a like return of moderation. But perhaps there is a stronger motive than this for our going into a consideration of the subject. It is to provide those securities for liberty which are required by a part of the community; I allude in a particular manner to those two States who have not thought fit to throw themselves into the bosom of the Confederacy. It is a desirable thing, on our part as well as theirs, that a re-union should take place as soon as possible. I have no doubt, if we proceed to take those steps which would be prudent and requisite at this juncture, that in a short time we should see that disposition prevailing in those States that are not come in, that we have seen prevailing in those States which have embraced the Constitution. But I will candidly acknowledge, that, over and above all these considerations, I do conceive that the Constitution may be amended; that is to say, if all power is subject to abuse, that then it is possible the abuse of the powers of the General Government may be guarded against in a more secure manner than is now done, while no one advantage arising from the exercise of that power shall be damaged or endangered by it. We have in this way something to gain, and, if we proceed with caution, nothing to lose.

I conclude that it will be good for the public's peace of mind as well as the stability of government if we should offer a declaration of the rights of the people to be added to our system of government.

James Madison to the First Congress  
June 8, 1789



Lesson 6.5: Should We Ratify?

I conclude, from this view of the subject, that it will be proper in itself, and highly politic, for the tranquility of the public mind, and the stability of the Government, that we should offer something, in the form I have proposed, to be incorporated in the system of Government, as a declaration of the rights of the people.

I find, from looking into the amendments proposed by the State conventions, that several are particularly anxious that it should be declared in the Constitution, that the powers not therein delegated, should be reserved to the several States. Perhaps other words may define this more precisely than the whole of the instrument now does. I admit they may be deemed unnecessary; but there can be no harm in making such a declaration, if gentlemen will allow that the fact is as stated. I am sure I understand it so, and do therefore propose it.

Source: *Teaching American History*

[teachingamericanhistory.org/resources/bor/madison\\_17890608/](https://teachingamericanhistory.org/resources/bor/madison_17890608/)