

Center *for the Study of the* American Constitution

NO.7: THE DEBATE BEGINS

The Constitutional Convention adjourned on 17 September 1787. Within two weeks, the national debate over the ratification of the new Constitution began in earnest with the publication of Antifederalist essays in Philadelphia and New York City. These essays ignited a print conflagration throughout the country that was not extinguished until the Constitution had been adopted by eleven of the thirteen states.

At the beginning of the national debate, Antifederalist writers usually took the lead, while Federalists responded. On 18 October 1787, the first of sixteen “Brutus” essays appeared in the *New York Journal*. The essay was probably written by Melancton Smith, a Dutchess County, N.Y., merchant who had moved to New York City in 1785, where he served as the primary adviser to New York Governor George Clinton. For almost a century, historians attributed the “Brutus” essays to New York Supreme Court Justice Robert Yates, but recent research indicates that Smith was the author.

Responding to the first “Brutus” essay, an apprehensive James Madison, then serving as a Virginia delegate to Congress in New York City, wrote that “a new Combatant, . . . with considerable address & plausibility, strikes at the foundation” of the new plan (to Edmund Randolph, 21 October 1787). It was the first “Brutus” essay that stimulated Alexander Hamilton to join with John Jay in starting the monumental series we know as *The Federalist*, which consisted of eighty-five newspaper essays published in New York City between 27 October 1787 and 28 May 1788 under the pseudonym “Publius.” (Madison soon joined the enterprise.) The introductions in the first numbers of “Brutus” and “Publius” express the importance of the political contest then facing the American people.

“Brutus” opened his first essay by alerting readers to “the present important crisis of our public affairs.” “The people . . . who are the fountain of all power” would determine “the happiness and misery of generations yet unborn.” “Brutus” admitted that the Articles of Confederation provided insufficient energy “to manage, in some instances, our general concerns.” Various attempts had been made “to remedy these evils, but none have succeeded.” Now, the people would decide whether the new Constitution proposed by the Philadelphia Convention was “calculated to preserve the invaluable blessings of liberty, to secure the inestimable rights of mankind, and promote human happiness.” If the Constitution was adopted and it provided “a lasting foundation of happiness, . . . generations to come will rise up and call you blessed.” But if the Constitution “will lead to the subversion of liberty—if it tends to establish a despotism, or, what is worse, a tyrannic aristocracy” that would destroy “this only remaining assylum for liberty . . . posterity will execrate your memory.” “Brutus” reminded Americans that “when the people once part with power, they can seldom or never resume it again but by force.” Consequently, this imperfect Constitution should not be adopted without first amending it. In introducing his objections to the Constitution, “Brutus” asked for “the candid and dispassionate attention” of his countrymen. “Brutus” would not address the lesser objections “of small moment.” Perfection, he admitted, was “not to be expected in any thing that is the production of man.” This new Constitution, however, “was defective in the fundamental principles—in the foundation upon which a free and equal government must rest.”

“Publius” also believed that Americans faced a crisis in which “nothing less than the existence of the UNION, [and] the safety and welfare” of the states were to be decided. “It has been frequently remarked,” “Publius” wrote, “that it seems to have been reserved to the people of this country, by their conduct and example, to decide the important question, whether societies of men are really capable or not, of establishing good government from reflection and choice, or whether they are forever des-

tinged to depend, for their political constitutions, on accident and force.” “The crisis, at which we are arrived” might well determine the answer to this question. “Publius” predicted that “a wrong election of the part we shall act, may, in this view, deserve to be considered as the general misfortune of mankind.”

“Publius” warned that the debate over the Constitution would let loose “a torrent of angry and malignant passions.” He told Americans to be wary of those who would frighten them about the dangers inherent in the Constitution. “An enlightened zeal for the energy and efficiency of government will be stigmatised, as the off-spring of a temper fond of despotic power and hostile to the principles of liberty.” But those who possess “an overscrupulous jealousy of danger to the rights of the people” often lurk behind a “specious mask.” It is usually forgotten “that the vigour of government is essential to the security of liberty.” “Publius” readily admitted that he favored the new Constitution because it offered “the safest course for your liberty, your dignity, and your happiness.” ■

BRUTUS I

NEW YORK JOURNAL, 18 OCTOBER 1787

To the CITIZENS of the STATE of NEW-YORK.

When the public is called to investigate and decide upon a question in which not only the present members of the community are deeply interested, but upon which the happiness and misery of generations yet unborn is in great measure suspended, the benevolent mind cannot help feeling itself peculiarly interested in the result.

In this situation, I trust the feeble efforts of an individual, to lead the minds of the people to a wise and prudent determination, cannot fail of being acceptable to the candid and dispassionate part of the community. Encouraged by this consideration, I have been induced to offer my thoughts upon the present important crisis of our public affairs.

Perhaps this country never saw so critical a period in their political concerns. We have felt the feebleness of the ties by which these United-States are held together, and the want of sufficient energy in our present confederation, to manage, in some instances, our general concerns. Various expedients have been proposed to remedy these evils, but none have succeeded. At length a Convention of the states has been assembled, they have formed a constitution which will now, probably, be submitted to the people to ratify or reject, who are the fountain of all power, to whom alone it of right belongs to make or unmake constitutions, or forms of government, at their pleasure. The most important question that was ever proposed to your decision, or to the decision of any people under heaven, is before you, and you are to decide upon it by men of your own election, chosen specially for this purpose. If the constitution, offered to your acceptance, be a wise one, calculated to preserve the invaluable blessings of liberty, to secure the inestimable

rights of mankind, and promote human happiness, then, if you accept it, you will lay a lasting foundation of happiness for millions yet unborn; generations to come will rise up and call you blessed. You may rejoice in the prospects of this vast extended continent becoming filled with freemen, who will assert the dignity of human nature. You may solace yourselves with the idea, that society, in this favoured land, will fast advance to the highest point of perfection; the human mind will expand in knowledge and virtue, and the golden age be, in some measure, realised. But if, on the other hand, this form of government contains principles that will lead to the subversion of liberty—if it tends to establish a despotism, or, what is worse, a tyrannic aristocracy; then, if you adopt it, this only remaining assylum for liberty will be shut up, and posterity will execrate your memory.

Momentous then is the question you have to determine, and you are called upon by every motive which should influence a noble and virtuous mind, to examine it well, and to make up a wise judgment. It is insisted, indeed, that this constitution must be received, be it ever so imperfect. If it has its defects, it is said, they can be best amended when they are experienced. But remember, when the people once part with power, they can seldom or never resume it again but by force. 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 their authority. This is a sufficient reason to induce you to be careful, in the first instance, how you deposit the powers of government. . . .

I beg the candid and dispassionate attention of my countrymen while I state these objections—they are such as have obtruded themselves upon my mind upon a careful attention to the matter, and such as I sincerely believe are well founded. There are many objections, of small moment, of which I shall take no notice—perfection is

not to be expected in any thing that is the production of man—and if I did not in my conscience believe that this scheme was defective in the fundamental principles—in the foundation upon which a free and equal government must rest—I would hold my peace.

PUBLIUS, THE FEDERALIST 1
NEW YORK INDEPENDENT JOURNAL,
 27 OCTOBER 1787

To the People of the State of New-York.

After an unequivocal experience of the inefficacy of the subsisting Fœderal Government, you are called upon to deliberate on a new Constitution for the United States of America. The subject speaks its own importance; comprehending in its consequences, nothing less than the existence of the UNION, the safety and welfare of the parts of which it is composed, the fate of an empire, in many respects, the most interesting in the world. It has been frequently remarked, that it seems to have been reserved to the people of this country, by their conduct and example, to decide the important question, whether societies of men are really capable or not, of establishing good government from reflection and choice, or whether they are forever destined to depend, for their political constitutions, on accident and force. If there be any truth in the remark, the crisis, at which we are arrived, may with propriety be regarded as the æra in which that decision is to be made; and a wrong election of the part we shall act, may, in this view, deserve to be considered as the general misfortune of mankind.

This idea will add the inducements of philanthropy to those of patriotism to heighten the sollicitude, which all considerate and good men must feel for the event. Happy will it be if our choice should be decided by a judicious estimate of our true interests, unperplexed and unbiased by considerations not connected with the public good. But this is a thing more ardently to be wished, than seriously to be expected. The plan offered to our deliberations, affects too many particular interests, innovates upon too many local institutions, not to involve in its discussion a variety of objects foreign to its merits, and of views, passions and prejudices little favourable to the discovery of truth.

Among the most formidable of the obstacles which the new Constitution will have to encounter, may readily be distinguished the obvious interests of a certain class of men in every State to resist all changes which may hazard a diminution of the power, emolument and conse-

quence of the offices they hold under the State-establishments—and the perverted ambition of another class of men, who will either hope to aggrandise themselves by the confusions of their country, or will flatter themselves with fairer prospects of elevation from the subdivision of the empire into several partial confederacies, than from its union under one government.

It is not, however, my design to dwell upon observations of this nature. I am well aware that it would be disingenuous to resolve indiscriminately the opposition of any set of men (merely because their situations might subject them to suspicion) into interested or ambitious views: Candour will oblige us to admit, that even such men may be actuated by upright intentions; and it cannot be doubted, that much of the opposition which has made its appearance, or may hereafter make its appearance, will spring from sources, blameless at least, if not respectable, the honest errors of minds led astray by preconceived jealousies and fears. So numerous indeed and so powerful are the causes, which serve to give a false bias to the judgment, that we upon many occasions, see wise and good men on the wrong as well as on the right side of questions, of the first magnitude to society. This circumstance, if duly attended to, would furnish a lesson of moderation to those, who are ever so much persuaded of their being in the right, in any controversy. And a further reason for caution, in this respect, might be drawn from the reflection, that we are not always sure, that those who advocate the truth are influenced by purer principles than their antagonists. Ambition, avarice, personal animosity, party opposition, and many other motives, not more laudable than these, are apt to operate as well upon those who support as upon those who oppose the right side of a question. Were there not even these inducements to moderation, nothing could be more illjudged than that intolerant spirit, which has, at all times, characterised political parties. For, in politics as in religion, it is equally absurd to aim at making proselytes by fire and sword. Heresies in either can rarely be cured by persecution.

And yet however just these sentiments will be allowed to be, we have already sufficient indications, that it will happen in this as in all former cases of great national discussion. A torrent of angry and malignant passions will be let loose. To judge from the conduct of the opposite parties, we shall be led to conclude, that they will mutually hope to evince the justness of their opinions, and to increase the number of their converts by the loudness of their declamations, and by the bitterness of their invectives.

An enlightened zeal for the energy and efficiency of government will be stigmatised, as the off-spring of a temper fond of despotic power and hostile to the principles of liberty. An overscrupulous jealousy of danger to the rights of the people, which is more commonly the fault of the head than of the heart, will be represented as mere pretence and artifice; the bait for popularity at the expense of public good. It will be forgotten, on the one hand, that jealousy is the usual concomitant of violent love, and that the noble enthusiasm of liberty is too apt to be infected with a spirit of narrow and illiberal distrust. On the other hand, it will be equally forgotten, that the vigour of government is essential to the security of liberty; that, in the contemplation of a sound and well informed judgment, their interest can never be separated; and that a dangerous ambition more often lurks behind the specious mask of zeal for the rights of the people, than under the forbidding appearance of zeal for the firmness and efficiency of government. History will teach us, that the former has been found a much more certain road to the introduction of despotism, than the latter, and that of those men who have overturned the liberties of republics the greatest number have begun their career, by paying an obsequious court to the people, commencing Demagogues and ending Tyrants.

In the course of the preceeding observations I have had an eye, my Fellow Citizens, to putting you upon your guard against all attempts, from whatever quarter, to influence your decision in a matter of the utmost moment to your welfare by any impressions other than those which may result from the evidence of truth. You will, no doubt, at the same time, have collected from the general scope of them that they proceed from a source not unfriendly to the new Constitution. Yes, my Countrymen, I own to you, that, after having given it an attentive consideration, I am clearly of opinion, it is your interest to adopt it. I am convinced, that this is the safest course for your liberty, your dignity, and your happiness. I affect not reserves, which I do not feel. I will not amuse you with an appearance of deliberation, when I have decided. I frankly acknowledge to you my convictions, and I will freely lay before you the reasons on which they are founded. The consciousness of good intentions disdains ambiguity. I shall not however multiply professions on this head. My motives must remain in the depositary of my own breast: My arguments will be open to all, and may be judged of by all. They shall at least be offered in a spirit, which will not disgrace the cause of truth. . . . ■



TEACHING TOOLS

Discussion Questions

1. For both “Brutus” and “Publius,” what makes this particular moment so critical in the history of the American people?
2. How would you characterize the opinions of “Publius” about those who might oppose ratifying the Constitution?
3. How would you characterize the manner in which “Brutus” and “Publius” treat their audiences?
4. What are the factors that each writer cites that will prevent an unbiased discussion of the Constitution? In your opinion, which author most accurately assesses the situation?
5. Do both writers clearly demonstrate personal opinions regarding the ratification of the Constitution?

Lesson Suggestions

I. Thinking about Rhetoric: Looking into the Tone of “Brutus” and “Publius”

1. Divide the class into groups of 3-5 students.
2. Half of the groups should read “Brutus.” Distribute charts (below) related to “Brutus” to these groups. The other groups should read “Publius.” Distribute charts related to “Publius” to these groups. Remind students that “Brutus” is Antifederalist and “Publius” is Federalist. As they read their document, they should be thinking about the tone of the author in the following respects:
 - a. the importance of the historical moment
 - b. the writer’s opinion of his readers
 - c. the writer’s opinion of his opponents

“Brutus” Charts

Assessing the Tone of the Author

The Historical Moment

As you read “Brutus,” look for words and/or phrases that reveal the writer’s opinion of the historical moment. List them under each heading as you come across them in the text.

Not Very Important

Somewhat Important

Very Important

Ultimate Importance

Not Very Important	Somewhat Important	Very Important	Ultimate Importance

The Writer's Opinion of His Readers

As you read "Brutus," look for words and/or phrases that reveal the writer's opinion of his readers. List them under each heading as you come across them in the text.

Disrespect	Respect	Admiration

The Writer's Opinion of His Opponents

As you read "Brutus," look for words and/or phrases that reveal the writer's opinion of his opponents. List them under each heading as you come across them in the text.

Hatred	Admiration	Fear	Acceptance	Disrespect	Respect

**"Publius" Charts
Assessing the Tone of the Author
The Historical Moment**

As you read "Publius," look for words and/or phrases that reveal the writer's opinion of the historical moment. List them under each heading as you come across them in the text.

Not Very Important	Somewhat Important	Very Important	Ultimate Importance

The Writer's Opinion of His Readers

As you read "Publius," look for words and/or phrases that reveal the writer's opinion of his readers. List them under each heading as you come across them in the text.

Disrespect

Respect

Admiration

Disrespect	Respect	Admiration

The Writer's Opinion of His Opponents

As you read "Publius," look for words and/or phrases that reveal the writer's opinion of his opponents. List them under each heading as you come across them in the text.

Hatred

Admiration

Fear

Acceptance

Disrespect

Respect

Hatred	Admiration	Fear	Acceptance	Disrespect	Respect

1. Each student should have time to share his/her findings with group members.
2. You may want to have the small groups report their findings to the class.
3. You may want to conclude the lesson by leading a discussion using the following questions:
 - a. In your opinion, how does each writer's view of the historical moment influence his treatment of readers and opponents?
 - b. In your opinion, which author, "Brutus" or "Publius," has a greater probability of winning people over to his side of the ratification debate?

II. Discovering a Poem: Reworking Prose into a Poem

1. Divide the class into two groups. Half of the class should be assigned to read “Brutus” and the other assigned to read “Publius.” Subdivide the “Brutus” and “Publius” groups into smaller groups of 2-3 students.
2. In their small groups students should pull words and/or phrases from the document and construct a poem. You may want to have students use various poetic approaches to creating their poems. (See examples immediately below.)

A Free Verse from “Publius”

accident and force

illiberal distrust

malignant passions

the loudness

the bitterness

minds led astray

reflection and choice

your liberty

your dignity

your happiness

the utmost importance

the safest course

A Limerick from “Brutus”

The moment at hand needs reflection.

No 'stution ought be considered perfection.

The future will feel

The misery or zeal

From our present and heated inspection.

3. After the groups have had time to work on their individual poems, you can have them share their work with the class.

III. Defining the Opposition: *Ad Hominem* Attacks in “Publius”

1. Divide the class into groups of 3-5 students. Half of the groups should have paragraph 4 of “Publius.” The other half should have paragraph 5.
2. Students should read their assigned paragraph. As they read their paragraph, they should list the ways in which “Publius” negatively labels and attacks those who oppose the Constitution. Students can use the charts below.

Paragraph 4 (excerpts)

Candour will oblige us to admit, that . . . men may be actuated by upright intentions; and it cannot be doubted, that much of the opposition which has made its appearance . . . will spring from sources, blameless at least, if not respectable, the honest errors of minds led astray by preconceived jealousies and fears. So numerous indeed and so powerful are the causes, which serve to give a false bias to the judgment, that we . . . see wise and good men on the wrong as well as on the right side of questions. . . . This circumstance . . . would furnish a lesson of moderation to those, who are ever so much persuaded of their being in the right, in any controversy. And a further reason for caution, in this respect, might be drawn from the reflection, that we are not always sure, that those who advocate the truth are influenced by purer principles than their antagonists. Ambition, avarice, personal animosity, party

opposition, and many other motives . . . are apt to operate as well upon those who support as upon those who oppose the right side of a question. . . . [N]othing could be more illjudged than that intolerant spirit, which has, at all times, characterised political parties. For, in politics as in religion, it is equally absurd to aim at making prose-lytes by fire and sword. Heresies in either can rarely be cured by persecution.

Ad Hominem Attack 1:

Ad Hominem Attack 2:

Ad Hominem Attack 3:

Ad Hominem Attack 4:

Ad Hominem Attack 5:

Ad Hominem Attack 6:

Paragraph 5 (excerpts)

A torrent of angry and malignant passions will be let loose. To judge from the conduct of the opposite parties, we shall be led to conclude, that they will mutually hope to evince the justness of their opinions, and to increase the number of their converts by the loudness of their declamations, and by the bitterness of their invectives. An enlightened zeal for the energy and efficiency of government will be stigmatised, as the off-spring of a temper fond of despotic power and hostile to the principles of liberty. An overscrupulous jealousy of danger to the rights of the people . . . will be represented as mere pretence and artifice; the bait for popularity at the expence of public good. It will be forgotten, on the one hand, that jealousy is the usual concomitant of violent love, and that the noble enthusiasm of liberty is too apt to be infected with a spirit of narrow and illiberal distrust. . . . [A] dangerous ambition more often lurks behind the specious mask of zeal for the rights of the people. . . . History will teach us, that the former has been found a much more certain road to the introduction of despotism, than the latter, and that of those men who have overturned the liberties of republics the greatest number have begun their career, by paying an obsequious court to the people, commencing Demagogues and ending Tyrants.

Ad Hominem Attack 1:

Ad Hominem Attack 2:

Ad Hominem Attack 3:

Ad Hominem Attack 4:

Ad Hominem Attack 5:

Ad Hominem Attack 6:

3. After the small groups have had time to discuss their findings, you may want them to share their findings with the class.
4. You could conclude the lesson by leading a discussion using the following questions:
 - a. How would you summarize “Publius” characterizations of the Constitution’s opponents?
 - b. Would you consider any of his characterizations as having gone too far?
 - c. In your opinion, how effective is it to label your opponents *before* you engage in a debate over differences of opinion as “Publius” has done in his essay?
5. As an extension activity, you may want students to look for modern examples of *ad hominem* attacks in the media. You could have them collect and present these for the class the following day.

Vocabulary**“Brutus”**

1. *benevolent*: generous
2. *feeble*: weak
3. *candid*: free from bias; blunt
4. *dispassionate*: detached, objective
5. *want of*: lack of
6. *inestimable*: invaluable
7. *solace*: comfort, relief
8. *despotism*: tyranny, repression
9. *assylum*: refuge, safety
10. *execrate*: denounce, curse
11. *momentous*: important
12. *obtruded*: become very important
13. *fundamental*: essential; of central importance

“Publius”

1. *unequivocal*: clear; no doubt
2. *inefficacy*: lack of power to produce desired end
3. *propriety*: decency, politeness
4. *inducements*: encouragements
5. *philanthropy*: generosity, charity
6. *solicitude*: concern
7. *innovates*: revolutionizes, transforms
8. *diminution*: decrease, reduction
9. *emolument*: payment, reward
10. *perverted*: corrupt
11. *aggrandize*: expand, magnify, exaggerate
12. *disingenuous*: dishonest, insincere
13. *preconceived*: predetermined
14. *avarice*: greediness; excessive desire for wealth
15. *laudable*: commendable, praiseworthy
16. *proselytes*: converts
17. *heresies*: false beliefs
18. *malignant*: evil, harmful
19. *declamation*: things spoken pompously
20. *invectives*: characterized by abuse or insight
21. *stigmatized*: labeled, branded
22. *overscrupulous*: excessively concerned
23. *concomitant*: an accompanying event
24. *artifice*: trickery
25. *illiberal*: intolerant, narrow-minded
26. *specious*: showy; deceptive attraction
27. *obsequious*: fawning attentiveness
28. *demagogues*: popular leaders preying on emotions
29. *ambiguity*: vagueness, doubt
30. *depository*: depths