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## **Anti-Federalists Speak**

### **Property vs. Democracy in 1787**

by Richard Grossman

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People who look beyond the corporate press can find tons of informed opposition to the corporate global production and trade agreements of the 1990s. Similarly, if we look, we can find many perceptive critics of the US constitution in 1787-88. Loosely labeled "Anti-Federalists," they contested the peddling of the constitution by Washington, Hamilton, Madison, Jay and other Federalists fresh from the Philadelphia convention at Independence Hall. And guess what? They sound very much like today's critics of the North American Free Trade Agreement (NAFTA), the Multilateral Agreement on Investment (MAI), and the World Trade Organization (WTO), and of corporate domination in general.

The fact is, more people than most of us ever heard about in school discussed, critiqued, debated -- and opposed -- the many undemocratic features of the US constitution.

But they lost.

Men of property had come out of the Revolution in good shape. About 10% of the white population controlled half of the country's wealth. Many had converted paper profits from war-time contracting and profiteering into land, mortgages, goods, and government securities.[1] According to Howard Zinn, these wealthy planters and merchants thought they had it made: "The inferior position of blacks, the exclusion of Indians from the new society, the establishment of supremacy for the rich and powerful in the new nation -- all this was already settled in the colonies by the time of the Revolution. With the English out of the way, it could now be put on paper, solidified, regularized, made legitimate, by the Constitution of the United States . . ."[2]

But they soon discovered that the successful revolution against England had triggered challenges to rigid class structures and to authority in general. Rebellions by farmers, workers and debtors -- many of whom were Revolutionary War veterans -- began sprouting in Massachusetts, Rhode Island, New Hampshire, North Carolina and elsewhere. By blocking sheriffs from auctioning debtor's property, taking up arms, closing court houses, claiming former Crown lands, running for office and trying to vote, these men were resisting the 18th Century version of today's "structural adjustment."

In 1787, George Washington wrote: "Comotions of this sort, like snow-balls, gather strength as they roll, if there is no opposition in the way to divide and crumble them." And:

"There are combustibles in every State, to which a spark might set fire." [3] He and other Federalist founders set in motion a process to create a new central government powerful enough to keep order, but accessible and flexible enough to attract the support necessary from less-wealthy white farmers, merchants and artisans in each of the 13 states (Washington's "divide and crumble" strategy).

Anti-Federalists publicized the underlying fear of Federalist constitution writers: as was increasingly apparent in village squares and legislatures, in newspapers and across the culture, the revolution had encouraged democratic thought and action. Joyce Appleby described the implications of this trend:

"A large proportion of adult white men held land, voted, and engaged in debates on issues elsewhere considered the province of officials. Foreign visitors in the 18th century invariably commented on the vitality of public discussions and on the political confidence of ordinary men. Had the states been left with the economic powers they had before the ratification of the constitution, the momentum of popular politics would not have been checked. Never having lost the normal scope of legislative power, the states could more easily have maintained the traditional connection between the government and the economy . . ." [4]

Anti-Federalists saw the landed gentry and commercial men of property mobilizing against the leveling spirit of the Revolution. They saw Madison's and Hamilton's propaganda machines building support for a plan of government which would reverse the popular politics that had been unleashed in the states. Less unified and focused than the Federalists, they nevertheless responded with speeches, articles, pamphlets and organizing.

Here are brief selections from Anti-Federalist thought:

### **I. Who had written the constitution, and who were working so hard to rush the states to ratification?**

"In many of the states, particularly in this and the northern states, there are aristocratic jundos of the well-born few, who had been zealously endeavoring since the establishment of their constitutions, to humble that offensive upstart, equal liberty; but all their efforts were unavailing, the ill-bred churl obstinately kept his assumed station." [5]

"Take the word Federalism directly or indirectly, and it amounts neither to more nor less in its modern acceptance than a conspiracy of the Well-born few, against the sacred rights and privileges of their fellow citizens." [6]

### **II. What were Federalist organizing and public relations tactics?**

"The idea of destroying ultimately, the state government, and forming one consolidated system, could not have been admitted -- a convention, therefore, merely for vesting in congress power to regulate trade was proposed . . . September 1786, a few men from the middle states met at Annapolis, and hastily proposed a convention to be held in May, 1787, for the purpose, generally, of amending the confederation . . . still not a word was said about destroying the old constitution, and making a new one -- The States still unsuspecting, and not aware that they were passing the Rubicon, appointed

members to the new convention, for the sole and express purpose of revising and amending the confederation -- and, probably, not one man in ten thousand in the United States, till within these ten or twelve days, had an idea that the old ship was to be destroyed, and he put to the alternative of embarking in the new ship presented, or of being left in danger of sinking. The States, I believe, universally supposed the convention would report alternations in the confederation, which would pass an examination in congress, and after being agreed to there, would be confirmed by all the legislatures, or be rejected . . ."[7]

"While the gilded chains were forging in the secret conclave, the meaner instruments of the despotism without were busily employed in alarming the fears of the people with dangers which did not exist, and exciting their hopes of greater advantages from the expected plan than even the best government on earth could produce. . . . While every measure was taken to intimidate the people against opposing it, the public papers teemed with the most violent threats against those who should dare to think for themselves, and tar and feathers were liberally promised to all those who would not immediately join in supporting the proposed government, be it what it would."[8]

"We are now told . . . that we shall have wars and rumours of wars, that every calamity is to attend to us, and that we shall be ruined and disunited forever, unless we adopt this constitution. Pennsylvania and Maryland are to fall upon us from the north, like the Goths and Vandals of old; . . . the Indians are to invade us with numerous armies on our rear . . . and the Carolinians, from the South, (mounted on alligators, I presume) are to come and destroy our cornfields, and eat up our little children! . . . These, sir, are the mighty dangers which await us if we reject -- dangers which are merely imaginary, and ludicrous in the extreme!"[9]

### **III. Behind their "We the people . . ." generalities, what were the real intentions of the Federalists?**

"What does this proposed Constitution do? It changes, totally changes the form of your present government. From a well-digested, well-formed democratic, you are at once rushing into an aristocratic government . . ."[10]

"The real effect of this system of government, will therefore be brought home to the feelings of the people, through the medium of the judicial power . . . The opinions of the supreme court, whatever they may be, will have the force of law; because there is not power provided in the constitution, that can correct their errors, or controul their adjudications. From this court there is no appeal . . . I mean, an entire subversion of the legislative, executive and judicial powers of the individual states . . ."[11]

"There are no well-defined limits of the Judiciary Powers, they seem to be left as a boundless ocean, that has broken over the chart of the Supreme Lawgiver 'thus far shalt thou go and no further.' And as they cannot be comprehended by the clearest capacity, or the most sagacious mind, it would be an Herculean labor to attempt to describe the dangers with which they are replete."[12]

#### **IV. What kind of nation would result?**

"Upon an attentive examination [of the Constitution] you can pronounce it nothing less, than a government which in a few years, will degenerate to a compleat Aristocracy, armed with powers unnecessary in any case to bestow . . . and which in its vortex swallows up every other Government upon the Continent. In short, my fellow citizens, it can be said to be nothing less than a hasty stride to Universal Empire in this Western World, flattering, very flattering to young ambitious minds, but fatal to the liberties of the people . . ."[13]

"Large and consolidated empires may indeed dazzle the eyes of a distant spectator with their splendour, but if examined more nearly are always found to be full of misery . . . We accordingly find that the very great empires have always been despotick."[14]

". . . the progress of a commercial society begets luxury, the parent of inequality, the foe to virtue, and the enemy to restraint; and that ambition and voluptuousness aided by flattery, will teach magistrates, where limits are not explicitly fixed to have separate and distinct interests from the people . . ."[15]

"The great easily form associations; the poor and middling class form them with difficulty. If the elections be by plurality, -- as probably will be the case in this state, -- it is almost certain none but the great will be chosen, for they easily united their interests: the common people will divide, and their divisions will be promoted by the others. There will be scarcely a chance of their united in any other but some great man, unless in some popular demagogue, who will probably be destitute of principle. A substantial yeoman, of sense and discernment, will hardly ever be chosen . . ."[16]

"We are told the objects of Section 9 are slaves, and that it is inserted to secure for the southern states the right of introducing negroes for twenty-one years to come, against the declared sense of the other states to put an end to an odious traffic in the human species, which is especially scandalous and inconsistent in a people, who have asserted their own liberty by the sword, and which dangerously enfeebles the districts wherein the laborers are bondsmen. The words, dark and ambiguous, such as no plain man of common sense would have used, are evidently chosen to conceal from Europe, that in this enlightened country, the practice of slavery has its advocates among men in the highest stations . . . Has not the concurrence [at the convention] of the five southern states to the new system, been purchased too dearly by the rest . . ."[17]

#### **V. What did the Anti-Federalists offer as alternative ways of thinking?**

"What, sir, is the genius of democracy? . . . whenever any government shall be found inadequate, or contrary to those purposes, a majority of the community hath an indubitable, unalienable, and indefeasible right to reform, alter, or abolish it, in such . . . manner as shall be judged most conducive to the public weal. This, sir, is the language of democracy -- that a majority of the community have a right to alter government when found to be oppressive. But how different is the genius of your new Constitution from this? How different from the sentiments of freemen, that a contemptible minority can prevent the good of the majority!"[18]

"And while we are willing to establish a government adequate to the purposes of the Union, let us be careful to establish it on the broad basis of equal liberty." [19]

"What have you been contending for these ten years past? Liberty? What is liberty? The power of governing yourselves." [20]

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Alas, we have not found advocates among Anti-Federalists for including women, Native peoples, African Americans, indentured servants, or other species and places, in We the People, with equal rights and equal opportunity to shape the democratic life of communities and the nation. But this does not negate that fact that many people across the 13 states read the Federalists' words with care, scrutinized their tactics, recognized the foundation for a universal commercial empire run by a relative few, and raised a great hue and cry.

Anti-Federalists were not perfect. But they saw the Federalist founders for what they were. Nowadays, wealth flows from global corporations richer than most counties to men of property who have fixed their gaze upon the whole Earth. In the US, the richest 2.7 million people are still in good shape: the top 1 percent -- possess "as many after-tax dollars" as the bottom 100 million people. "More than 90% of the increase" in national income belongs "to the richest 1 percent of householders." [ 21 ] This wealth defines elections, lawmaking, education, thought, life and death.

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The constitution, writes Herbert Storing, editor of a 7 volume edition of Anti-Federalist thought, "did not settle everything. It did not finish the task of making the American polity." This is not what most lawyers, judges, politicians, educators and editors say, but is what millions and millions of people mobilizing against corporate assaults need to believe. We will never "finish the task," but the job of every generation is to pick up the struggle. And a clear leg up over 1787 is that the classes of people which the constitution, the Supreme Court and the culture had defined as property or non-existent are now legal persons -- thanks to generations of their own vigorous political movements.

Over the last half-century, this majority has been organizing mostly defensive struggles against corporate violence. These have been necessary, difficult and valiant struggles -- closing toxic dumps, preserving forests, saving and creating jobs, raising the minimum wage, decreasing toxic chemicals, winning right-to-know, limiting budget cuts, ad infinitum . . .

But isn't it time to raise our aspirations? Anti-Federalists clearly answer YES. They encourage people to move beyond getting great corporations to cause a little less harm; beyond getting labor and environmental side agreements added to a corporate global constitution.

And they help people who wish to challenge governance by today's corporate men of property to understand the rules yesterday's propertied elite cemented into place.

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Peter Kellman and Virginia Rasmussen contributed to this article.

### Sources:

- Cecelia M. Kenyon, editor, *The Antifederalists*, Indianapolis: Bobbs-Merrill Company, Inc., 1966.
- Herbert J. Storing, "What the Anti-Federalists Were For," in *The Complete Anti-Federalist*, 7 volumes, Chicago: University of Chicago Press, 1981.
- Jonathon Elliot, editor, *The Debates in the Several State Conventions on the Adoption of the Federal Constitution*, NY: Burt Franklin Reprints, 1974 (reprint of 1988 edition).
- Paul L. Ford, ed., *Pamphlets on the Constitution of the US Published During its Discussion By the People, 1787-1788*, NYC: Da Capo Press, 1968 (a republication of the first edition, Brooklyn, 1888).

### Endnotes

1. Nettels, in Andrew Hacker, *The Triumph of American Capitalism*, New York: Columbia University Press, 1940, p. 182.
2. Howard Zinn, *A People's History of the United States*, New York: Harper & Row, 1980, pp. 88-89.
3. Letters to Colonel Humphries and to General Knox, in Theophilus Parsons, "*The Political, Personal, and Property RIGHTS of a Citizen of the United States: How to Exercise and How to Persevere Them*," Hartford: S. S. Scranton and Company, 1875, p. 20.
4. Joyce Appleby, "The American Heritage: The Heirs and the Disinherited," *Journal of American History*, volume 74, number 3, December 1987.
5. "Centinel," (thought to be Samuel Bryan), Pennsylvania, in Kenyon p. 17.
6. "One of the Well-Born Conspirators," Pennsylvania, in Storing, volume 3, p. 195.
7. "The Federal Farmer," Richard Henry Lee, Virginia, Ford p. 285.
8. "The Dissent of the Minority of the Convention of the State of Pennsylvania to their Constituents," Pennsylvania, in Kenyon, p. 31.
9. William Grayson, Virginia, in Kenyon p. 281-2.
10. James Lincoln, South Carolina, in Kenyon p. 184.
11. Robert Yates, New York, in Kenyon p. 335.
12. Mercy Otis Warren, "*On the New Constitution And on the Federal and State Conventions by a Columbian Patriot*," Boston 1788. Massachusetts Historical Society, The Mercy Warren Papers.
13. "John De Witt," Massachusetts, in Kenyon p. 104-5.

14. "Agrippa" (John Winthrop?), Massachusetts, in Kenyon p. 133.
15. "Cato," (George Clinton), New York, in Storing "What Were..." p. 75.
16. Melancton Smith, New York, in Kenyon p. 384.
17. Samuel Bryan, Pennsylvania, in Kenyon p. 23; [background note by Zinn: "For the purpose of uniting the thirteen states into one great market for commerce, the northern delegates wanted laws regulating interstate commerce, and urged that such laws require only a majority of Congress to pass. The South agreed to this, in return for allowing the trade in slaves to continue for twenty years..." -- *op. cit.* p. 97].
18. Patrick Henry, Virginia, in Kenyon p. 246-7.
19. Melancton Smith, New York, in Kenyon p. 389.
20. James Lincoln, South Carolina, in Kenyon p. 184
21. *New York Times*, 5 September 1999.

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*By What Authority*, the name of our publication, is English for *quo warranto*. *Quo warranto* is the sovereign's command to halt continuing exercise of illegitimate privileges and authority. Evolved over the last millennium by people organizing to perfect a fair and just common law tradition, the spirit of *By What Authority* animates people's movements today.

We the people and our federal and state officials have long been giving giant business corporations illegitimate authority. As a result, a minority directing giant corporations privileged by illegitimate authority and backed by police, courts and the military, define the public good, deny people our human and constitutional rights, dictate to our communities, and govern the Earth. *By What Authority* is an unabashed assertion of the right of the sovereign people to govern themselves. A publication of the Program on Corporations, Law and Democracy.

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