

THE DAILY CALLER

On Constitution Day, remember the Anti-Federalists

Trevor Burrus
09/17/2013

On September 14, 1787, the delegates to the Constitutional Convention got a little rowdy. Joining a group of elite militiamen who staged a party in honor of George Washington, the 55 men, delegates and militiamen together, drank 54 bottles of Madeira, 60 bottles of claret, 50 bottles of “old stock,” and ample amounts of other spirits. The final bill included an additional fee for “breakage.”

They certainly had something to celebrate. In three days they would sign the Constitution. Today is the 226th anniversary of the signing, and it is a good time to reflect on the document and the men who created it.

Yet, if we want to understand that monumental event, we should not reflect on it using the myths that have sprung up around the convention or that have been manufactured by leftist historians. The Constitution’s existence and ratification was not foreordained, and to think so is to eschew a deeper understanding of the times.

In particular, we should remember the Anti-Federalists. Those men, the opponents of the Constitution, are generally demonized by leftist historians who view centralization as synonymous with progress. The resisters to the Constitution are generally regarded as knuckle-dragging philistines who doggedly held onto antiquated ideas and resisted “modernity,” an epithet with which modern conservatives should sympathize.

But the Anti-Federalists were far from obstructionist cavemen. In fact, they offered some of the best and most prophetic critiques of the Constitution. To see why, however, we must remember the context in which the Constitution was written.

By the fall of 1786, when James Madison and others met in Annapolis, Maryland and decided that a convention would be held in Philadelphia beginning in May of the next year, many people believed that the newly formed United States teetered on the edge of anarchy. The Articles of Confederation were unworkable, they believed, and a stronger, more energetic central government was needed.

To understand late-Eighteenth century America and the Articles of Confederation, it is useful to look at Europe. The Articles of Confederation were more a treaty than a constitution. Treaties preserve the sovereignty of every individual member, treat every signatory country as one unit

regardless of population, and hold no power over members without their consent. Treaties, such as the Treaty of Rome that created the initial European Economic Community, allow nations to work together for common purpose, but do not turn them into a unified whole.

Unification is useful, but it has its limits. The nations of Europe are a fractured bunch with different cultures, languages, and interests. Unification can help some things, but, particularly for tiny nations like Luxemburg, unification can destroy local interests that are more closely aligned to the people. The Anti-Federalists were no more reactionary than those who believe, rightly, that the EU in Brussels should have no power over Luxemburg's welfare state, Germany's manufacturing laws, and the Netherlands' drug laws.

First and foremost, the Constitution is a unifying, centralizing document. It was a “big government” solution to the problems of the day. Those who refused to sign the Constitution, or to attend the convention at all, such as Patrick Henry, were appalled by the act of centralization carried out that summer in Philadelphia. Upon declining his invitation to the convention, Henry famously said, “I smell a rat in Philadelphia tending toward monarchy.”

That summer in Philadelphia, 55 men tried to walk a tightrope between destructive unification on one hand, and unworkable decentralization on the other.

Did they succeed, or were the Anti-Federalists correct? In many ways, they were.

Anti-Federalist George Clinton, described the “Federal City” prescribed in the Constitution — the ten square miles that would become Washington, D.C. — as inevitably becoming the “asylum of the base, idle, avaricious, and ambitious.” Gee, glad that didn't happen.

Luther Martin, the Anti-Federalist who stayed the longest at the convention, warned that “the national government will someday call up militia members from any particular state without its permission and send them upon remote and improper services.” Dodged a bullet there.

Anti-Federalist “Brutus,” most likely Robert Yates, thought the Necessary and Proper Clause, which gives Congress the ability to extend its power beyond the small list of enumerated powers, would eventually “annihilate all the State governments, and reduce this country to one single government.” On this he was surely correct.

Yates's prescience was particularly astute as to why the national government would, in time, steamroll over the state governments: “it will be found that the power retained by individual States, small as it is, will be a clog upon the wheels of the government of the United States; the latter, therefore, will be naturally inclined to remove it out of the way.” Obamacare has only been the latest iteration of this tendency.

The Anti-Federalists offered wisdom at a time, like all times, when immediate solutions were suggested to fix pressing problems but the long-term, negative effects of those solutions were ignored or downplayed. They looked further into the future than most Federalists and saw a federal government inevitably increasing in size and scope. They knew that each time the federal government reached for some power out of its grasp the argument would be made that the

new power was needed in order to make the existing powers work better. They also know that there would be no end to such arguments.

Constitution Day is always a good day to reflect on our founding document. But don't forget the wisdom of those who opposed it.