

**Rejecting the Constitution**  
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Although the Constitution is often celebrated for its ratification at the Philadelphia Convention of 1787, not everyone approved of its passage, and scholars and public memory often overlook the dissenters. Perhaps one reason support for the Constitution was so overwhelming at the convention is because those who gathered there were, for the most part, politicians who thought through issues at a national rather than statewide or local level. Only three members present at the end of the Philadelphia Convention refused to sign the Constitution, although others walked out before it ended.

Focusing on the three non-signers and the two dissenters who walked out reveals some of the different arguments of the soon-to-be-labeled Anti-Federalists. The spectrum varies from those who favored a strong central government but disagreed on the logistics of the Constitution to those who completely rejected any sort of national government, even if the document had amendments to protect people's liberties. Historian Jackson Turner Main contends that one major reason the Anti-Federalists lost in the battle over the Constitution was because they themselves did not agree on the issues—unlike the Federalists who were in more accord and therefore formed a stronger coalition. From the almost-Federalist Edmund Randolph to the staunch opposition by Anti-Federalists Robert Yates and John Lansing, almost as many arguments existed against the Constitution as there were Anti-Federalists.

**Edmund Randolph**

Edmund Randolph, sitting governor of Virginia, had participated in the Annapolis Convention of 1786, which led to the Philadelphia Convention of 1787. A distant relative of Thomas Jefferson, Randolph had served in the Continental Army during the Revolutionary War and also in the Continental Congress. At the Philadelphia Convention, he played a major role by introducing the Virginia Plan. However, at the end of the convention, he refused to sign the Constitution because he believed it did not have enough checks and balances. Although he is often criticized for switching sides by later supporting the approval of the Constitution in the Virginia Ratifying Convention, Randolph consistently espoused a strong central government, unlike most other opponents of the Constitution.

In a letter, which was never sent but was published as a pamphlet and later republished in newspapers around the country, Randolph clarified his positions. He believed that the Confederation should be abandoned, complaining that the Articles of Confederation were too weak in their power over the military, taxation, and commercial issues. . The object of the Union was to protect against foreign and domestic aggression as well as to promote commercial interests. The national government, he believed, should be superior to all the state governments, and it must be consolidated, otherwise “disunion or partial confederacies” would result. Preserving the Union should be the driving force of all political action. His ideology sounded much more like that of the Federalists than the Anti-Federalists.

Randolph did not sign the Constitution at the Philadelphia Convention after the convention rejected his motion to give the states power to amend the document. “The states-conventions should be at liberty to amend, and that a second Convention should be

holden to discuss the amendments, which should be suggested by them,” he argued. He then described his rationalization more fully: If the state conventions could not amend the Constitution, then they were forced to either accept or reject it as a whole. Being given no other alternative, if the Constitution was approved, then “it was in some measure forced upon them.”

What is distinctive about Randolph as an opponent of the Constitution is that he viewed it as an obstacle to a more powerful central government: “If the Constitution was to be submitted to the people, to be wholly adopted or wholly rejected by them, they would not only reject it, but bid a farewell to the union. This formidable event I wished to avert, by keeping myself free to propose amendments, and thus, if possible, to remove obstacles to an effectual government.” Randolph, unlike the Anti-Federalists, wanted a strong national government, but he worried that the inflexibility of the Constitution’s ratification process would bar that goal.

Despite this and other reasons for opposing the Constitution, Randolph still agreed with what it was trying to accomplish. He disagreed only on certain aspects of its structure. As he noted, “The most fervent prayer of my soul is the establishment of a firm, energetic government.” He cautioned that “the most inveterate curse, which can befall us, is a dissolution of the union; and that the present moment, if suffered to pass away unemployed, can never be recalled.” He perceived “the union, as the rock of our salvation.” Therefore, he concluded even if the amendments were not passed after the best possible effort to obtain them, then “I will, as an individual citizen, accept the constitution; because I would regulate myself by the spirit of America.”

## **Elbridge Gerry**

Elbridge Gerry represented Massachusetts in the Continental Congress from 1776 to 1780, and he signed the Declaration of Independence as well as the Articles of Confederation, but he refused to sign the Constitution. During the convention, he chaired the committee that worked out the compromise between the two parts of the legislative branch. However, at the end of the convention, Gerry remained unsatisfied with the Constitution. He explained that the United States was neither one nation, nor different nations, and thus should not be under a government that followed either concept too much. The Constitution, he feared, was written as if the United States was one nation.

Gerry was neither like Randolph in calling for an energetic central government, nor was he like the more ardent Anti-Federalists, who called for a weak federation of sovereign states. Gerry was a moderate Anti-Federalist, as well as moderate in his tone. In a letter he wrote to the Massachusetts Legislature soon after the Philadelphia Convention closed, he expressed his objections to the proposed Constitution, yet he urged moderation, open exchange of ideas, and compromise. This letter was widely circulated, published in newspapers throughout the country.

In the letter, Gerry felt that since “the liberties of America were not secured by the system, it was my duty to oppose it.” His chief objections were abundant: (1) there was “no adequate provision for a representation of the people,” (2) there was “no security for the right of election,” (3) some of the powers of the legislature were “ambiguous, and others indefinite and dangerous,” (4) the “Executive is blended with and will have undue influence over the Legislature,” (5) the judicial branch was going to be “oppressive,” (6)

foreign treaties, which became law in the United States, could be made by the President and two-thirds of only a “*quorum* of the Senate,” (7) and there was no bill of rights.

Gerry did not wish to continue the union under the Articles of Confederation, nor did he think that amendments to it would be helpful. However, given the restrictions that had originally been placed on the Philadelphia Convention, Gerry did not “conceive that these powers extended to the formation of the plan proposed.” Still, he believed that the proposed Constitution had “great merits” and all it needed was “proper amendments.” Although the proponents of the Constitution assured citizens that its provisions for amendments would address problems as they arose, Gerry argued that it would be wiser to amend it before ratification rather than after it. Gerry rhetorically asked, “Should a *free* people adopt a form of Government, under conviction that it wants amendment?”

### **George Mason**

The drafter of the Virginia Declaration of Rights and of the Virginia Constitution, George Mason, was once perceived by his contemporaries as one of the most able and powerful statesmen in the United States. While he played a significant role in the Philadelphia Convention of 1787, he chose not to sign the Constitution. His objections were circulated amongst his friends in manuscript, and they were eventually published in newspapers around the country. Many responses were written to Mason’s objections, in part because of his prominence. Unlike Randolph and Gerry, Mason more fervently opposed the Constitution, and he did not show signs of moderation, as he believed strongly that liberties were in danger under the Constitution.

Mason's primary objection was the lack of a "Declaration of Rights." He complained that the "Enjoyment of the Benefits of Common-Law" by the people was not secure, such as the liberty of the press and trial by jury in civil cases. Mason especially did not like the power given to the chief executive and the Senate, especially where they intersected – for example with the ability to appoint ambassadors and all public officers, to make treaties, and to try all impeachments. He did not like the blur between the executive and legislative branches through the President and the Senate. He argued that the President should have a constitutional council, which he believed should be made up of two representatives each from the "Eastern," "Middle," and "Southern" states – each appointed by the House of Representatives. Moreover, he disliked the exclusive position of Vice President, "who for want of other Employment, is made President of the Senate; thereby dangerously blending the executive and legislative Powers." It also gave one state an advantage in the Senate. Finally, "By declaring all Treaties supreme Laws of the Land, the Executive and the Senate have in many Cases, an exclusive Power of Legislation." His concerns were exacerbated by his belief that Senators could hold office for too long, contributing to a government that would "commence in a moderate Aristocracy."

### **Robert Yates and John Lansing**

The ardent Federalist Alexander Hamilton, along with the Anti-Federalists Robert Yates and John Lansing, represented the state of New York at the Philadelphia Convention of 1787. Yates was a justice of the New York Supreme Court, and Lansing had participated in the Continental Congress and was serving in the New York Assembly.

Yates and Lansing were so unsatisfied by the Philadelphia Convention that they walked out before it was over. They wrote to the Anti-Federalist George Clinton, governor of New York, explaining their objections. The letter was later republished around the country during the ratification period of the Constitution.

Primarily, Yates and Lansing believed that the Philadelphia Convention had exceeded its authority: “The limited and well-defined powers under which we acted, and which could not, on any possible construction, embrace an idea of such magnitude, as to assent to a general constitution, in subversion of that of the state.” They believed that they, along with Hamilton, had been “appointed for revising the articles of confederation, and reporting amendments to the same.” However, Yates and Lansing made clear, “We should have been equally opposed to any system, however modified, which had in object the consolidation of the United States into one government.” Unlike Randolph and Gerry, Yates and Lansing were not moderate in their opposition, and they felt a crisis was at hand. Thus, they were unwilling to compromise.

Secondarily, Yates and Lansing were convinced that a government that covered such vast territory as the United States was not practicable. They argued that “a general government, however guarded by declaration of rights, or cautionary provisions, must unavoidably, in a short time, be productive of the destruction of the civil liberty of such citizens who could be effectually coerced by it.” Thus, they did not believe a bill of rights was enough, as did many other Anti-Federalists, including Mason. They thought a central government would bring infringements on liberty. Yates and Lansing claimed that with the members of a general government being seated so far from their constituents, the

representatives would be unaware of their constituents' needs, and would therefore make unwise laws.

Yates and Lansing were “against any system of consolidated government,” and their opposition to the Constitution was fierce. Finally, the two fervent Anti-Federalists explained their action of walking out of the Philadelphia Convention, rather than trying to stay and fix it. “Before we left the convention, its principles were so well established as to convince us, that no alteration was to be expected to conform it to our ideas of expediency and safety. A persuasion, that our further attendance would be fruitless, and unavailing, rendered us less solicitous to return.”

(Quotations found in letters published in Herbert Storing, ed., *Objections of Non-Signers of the Constitution and Major Series of Essays at the Outset*, volume 2 of *The Complete Anti-Federalist*.)

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A popular historian, Raffi Andonian has appeared over 100 times on ABC-NBC-FOX-CBS TV stations nationwide and also produces and hosts his own streaming TV show that aims to challenge the present by inquiring about the past. He has authored 3 Amazon best-selling books, and he has a bachelor's and a master's degree in history and another master's degree in historic preservation. He has recently spoken at Oxford, Cambridge, and NASDAQ, and he began his career leading programs at the Gettysburg battlefield, the Martin Luther King Jr. childhood home, and in Los Alamos where the atomic bomb was created.

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