

The Federalist Debate

Name: _____

If at first you don't succeed...

Today's United States government is actually a second attempt at nation building after the Revolutionary War. The first was organized under an agreement among the states called the Articles of Confederation. It created a structure with a very weak central government, leaving individual states to hold most of the power. Delegates from each state would participate in the Congress of the Confederation—the only branch of the central government. There was no way to enforce the laws this congress wrote, nor was there any taxing power. No money meant no military for common defense. Depending on the kindness and generosity of each independent state government didn't result in much cooperation, and the young nation found itself floundering.



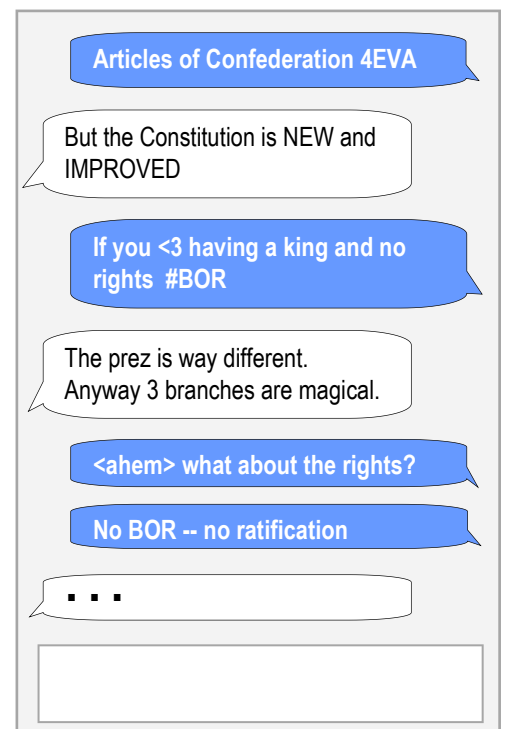
Try, try again!

In 1787, the second round of nation building began in Philadelphia at the Constitutional Convention. Rather than following the plan to fix the Articles, they decided to start from scratch. Three branches were proposed rather than one, and the central government became a power in its own right. States still had powers, but not like before. Although representatives from 12 of the 13 states participated in the drafting of the Constitution, ratification was by no means guaranteed. The rules stated that conventions in each of at least 9 of the 13 states needed to approve of the Constitution before it could become law. Those state conventions were made of "the people" and the people had to be convinced.

Rallying Ratifiers

Since we know how the story ends (spoiler alert: the Constitution was ratified in 1788), it's easy to look past how much drama and debate surrounded the newly proposed Constitution. Each state had its own reasons to support or oppose the new Constitution, but New York's debate fueled the best record we have of the reasons behind both sides. Anonymous letters to newspapers made arguments that were reprinted outside of the state, and discussed as widely as news could travel.

Try to imagine a comment thread, like we have today, where people debate online—only in 1787 this back and forth was drawn out over weeks and months. Supporters of the Constitution made a claim, opponents responded and added to the conversation, with supporters responding in turn. This slow motion "chat" has given us a unique insight into the ideas behind both sides of the ratification debate and a better understanding of how our government developed in its early years.



What's in a name?

If the **Federalists** were looking for a name that really represented their views, they might have been called the Centralists or Nationalists.

Anti-Federalists—that's the best they could come up with? In this case the Federalists took the first move and gave them the less than inspiring name.

In This Corner: The Federalists

Supporters of the Constitution called themselves Federalists, and the collection of arguments for ratification is referred to as The Federalist Papers. James Madison, Alexander Hamilton, and John Jay worked together under the fake name 'Publius' to create the 85 essays. Each one is numbered and addresses a different aspect, concern, or strength of the Constitution.

Generally, the Federalists argued that the government powers outlined in the Constitution were necessary to protect liberty and solve the problems experienced under the Articles of Confederation. Under the new Constitution, states were expected to give up some power for the good of the nation. They believed that the new plan did a fine job at outlining and limiting the powers of the new central government, and it reserved many powers for the states. Keeping it simple, the Constitution said what it needed to say about how things would work.

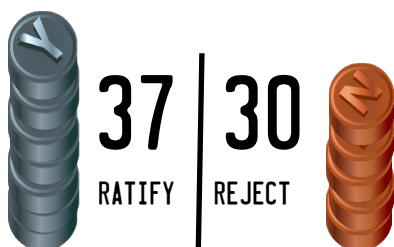
In the Other Corner: The Anti-Federalists

Those opposed to the new Constitution, the Anti-Federalists, responded with their own series of letters and essays arguing that the Constitution was a threat to liberty. These authors did not coordinate their efforts, and a variety of aliases were used.

The Anti-Federalists believed that the new Constitution would give the central government all the important governing powers, leaving little for the states. They saw specific elements of the Constitution to be especially threatening. The "Necessary and Proper" and "Supremacy" clauses were seen as loopholes that would allow for the central government to take even MORE power than directly stated. Anti-Federalists writers argued for a greater effort to limit the powers of the new federal government, protecting those of the states and individual rights. This effort included the call for a national Bill of Rights.

The **Necessary and Proper Clause** allows Congress to make any law necessary to help carry out the powers given to the federal government listed by the Constitution.

The **Supremacy Clause** states that the Constitution and the federal laws take precedence over any conflicting state or local laws.



The New York vote for ratification was the closest of all the states, with the Federalists squeaking by with a win.

Constitution + Bill of Rights = Ratification

Looking back, both groups were right—just in their own ways. The Federalists were focused on addressing the failures of the Articles of Confederation and had firsthand experience in creating the new Constitution to do just that. (Both Madison and Hamilton were present at the Constitutional Convention.) The Anti-Federalists focused further back to when the 13 colonies had to throw off the rule of an unlimited and abusive English government. They saw the new Constitution as an over correction, one that threatened state rule and the personal freedoms for which the American Revolution was fought. Both views wanted to avoid a tyrannical government under the British, but they couldn't agree on the best way to avoid it. Although the Federalists eventually won, the Anti-Federalists gained a small but important victory through the addition of the Bill of Rights.

The Federalist Debate

The Federalists	The Anti-Federalists
<p>Big Names: Alexander Hamilton, James Madison, John Jay (All writing under the name "Publius")</p> <p>Supporters: Property owners, wealthy merchants in Northern states, urban</p>	<p>Big Names: Thomas Jefferson, George Mason, Patrick Henry, John Hancock</p> <p>Supporters: Small farmers, shopkeepers, workers, rural</p>
<p>Who should rule?</p>	
<p>The elite are best prepared to govern for the rest of the nation. They did not trust the people to rule themselves, and envisioned a government at a distance from regular people.</p>	<p>They saw elites as corrupt, and wanted to include more people in the democratic process to balance it out. More elections more often could address this concern.</p>
<p>Which plan is best?</p>	
<p>The New Constitution: a powerful central government, two houses in Congress, three branches with checks and balances, less direct and more representative democracy</p>	<p>The Articles of Confederation: strong state governments, weak central government, frequent elections and more direct democracy</p>
<p>What about my rights?</p>	
<p>The Constitution creates a central government with limited powers. There is no threat to individual rights. And each state constitution has it's own bill of rights.</p>	<p>A Bill of Rights is necessary to protect the rights of citizens. The proposed Constitution does not do enough.</p>
<p>What about the states?</p>	
<p>States need to be organized under a larger, more powerful central government. New Constitution <i>shares</i> power with the states. And you can't have a federal government without the states.</p>	<p>The states should maintain their power and not lose that power to a central government. New Constitution will destroy the state governments.</p>
<p>Power Tripping</p>	
<p>The executive branch is important, and a president is necessary to enforce laws and conduct foreign policy. The Constitution sets up many limits on this positions' level of power and influence.</p>	<p>A president is basically an elected king. The Constitution gives this role too much power among the three branches. They doubted the peaceful transfer of power from one president to the next.</p>
<p>Role of the Courts</p>	
<p>The Supreme Court is the weakest branch; it can't pass laws or control the military. It's an appropriate part of the three branches and the proposed system of checks and balances.</p>	<p>The Constitution creates a Supreme Court that is too strong—the justices don't have to answer to anyone.</p>

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Digging into the Debate. The back and forth between the Federalists and Anti-Federalists covered many different topics, sometimes covering the same territory more than once. Read through these excerpts and answer the Text Questions and the Big Question for each.

1

Excerpt One: _____

After listing the numerous powers granted to Congress by the Constitution the author says:

My object is to consider that undefined, unbounded and immense power which is comprised in the following clause: "And to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States; or in any department or offices thereof." Under such a clause as this, can anything be said to be reserved and kept back from Congress? ...

In giving such immense, such unlimited powers, was there no necessity of a Bill of Rights, to secure to the people their liberties? 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?

2

Text Questions

1. What words does the author use to describe the powers in the Constitution?
2. Does the Necessary and Proper Clause quoted in this excerpt comfort or upset the author? Why?
3. Does the author believe a Bill of Rights is necessary?
Yes No
4. Does the author trust the future members of Congress? Why does this matter?

3

Big Question:

1. Is this author a Federalist or Anti-Federalist? How can you tell? (Use at least two pieces of the text to help you answer this.)

Excerpt Two: _____

The most considerable of the remaining objections is that the plan of the convention contains no bill of rights . . . [Bills of rights] have no application to constitutions professedly founded upon the power of the people, and executed by their immediate representatives and servants. Here, in strictness, the people surrender nothing; and as they retain every thing they have no need of particular reservations. "WE, THE PEOPLE of the United States, to secure the blessings of liberty to ourselves and our posterity, do ORDAIN and ESTABLISH this Constitution for the United States of America." . . .

I go further, and affirm that bills of rights, in the sense and to the extent in which they are contended for, are not only unnecessary in the proposed Constitution, but would even be dangerous. They would contain various exceptions to powers not granted; and, on this very account, would afford a colorable pretext to claim more than were granted. For why declare that things shall not be done which there is no power to do? Why, for instance, should it be said that the liberty of the press shall not be restrained, when no power is given by which restrictions may be imposed? . . .

Text Questions

1. What words does the author use to describe "bills of rights"?
2. What part of the Constitution is quoted in the first paragraph?
3. Does the author believe there is a need for the addition of a bill of rights to the Constitution?
Yes No
4. Summarize two points of the author's argument in your own words.

Big Question:

1. Is this author a Federalist or Anti-Federalist? How can you tell? (Use at least two pieces of the text to help you answer this.)