The Federalist Debate

Learning Objectives. Students will be able to:
- Identify the arguments used by the Federalists and Anti-Federalists during the ratification debate
- Analyze excerpts from the Federalist Papers (#84) and Anti-Federalist Papers (#46)
- Describe the importance of the Bill of Rights in the ratification debate

Time Needed: One to Two Class Periods

Materials Needed:
- Student worksheets
- Projection Master

Copy Instructions:
- Reading (3 pages; class set)
- Activity (2 pages; class set)

STEP BY STEP

☐ ANTICIPATE by polling students on the following: Was the Constitution inevitable? Yes or No

☐ DISTRIBUTE the “Federalist Debate” reading pages to each student.

☐ READ through the first page with the class, discussing and clarifying as needed. See if their answer to the opening question has changed. If it has, discuss as a class why.

☐ ASK students to continue to read the following page. Ask students to think about alternative names for both groups and tell them you will come back to this at the end of the lesson for those who want to share.

☐ READ through the table as a class and discuss any areas of confusion. Explain that this is just the tip of the iceberg when it comes to the arguments from both sides.

☐ WORK through the “Informal Assessment: Who Agrees?” with the class. You can project the statements and reveal the answers as you go, or just read them aloud. Address any questions as needed.

☐ DISTRIBUTE the “Federalist Debate” activity pages to each student. Read through the instructions for the first excerpt. You may choose to lead the class through the primary source analysis together, or have students work through individually and share at the end.

☐ REPEAT the activity for the second excerpt, addressing any difficulty with vocabulary or content as needed.

☐ DISCUSS the new names you asked the students to think on earlier in the lesson. Have the students discuss and select the best alternative for each.

ADDITIONAL RESOURCE: FEDERALIST & ANTI-FEDERALIST ANALYSIS TEMPLATE
- Each set of state standards prioritizes some sections of the Federalist and Anti-Federalist Papers over others. iCivics has created a template for working with any of the sections, or excerpts, that you want to add to this lesson. We suggest you complete this lesson, using the excerpts as a starting point.
- If you want to have the students “discover” the side as they analyze the reading, just have them fill out the Source It section at the top of the page after you make the big reveal.
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.
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.

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.

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 Federalist Debate

<table>
<thead>
<tr>
<th>The Federalists</th>
<th>The Anti-Federalists</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Big Names:</strong> Alexander Hamilton, James Madison, John Jay (All writing under the name “Publius”)</td>
<td><strong>Big Names:</strong> Thomas Jefferson, George Mason, Patrick Henry, John Hancock</td>
</tr>
<tr>
<td><strong>Supporters:</strong> Property owners, wealthy merchants in Northern states, urban</td>
<td><strong>Supporters:</strong> Small farmers, shopkeepers, workers, rural</td>
</tr>
</tbody>
</table>

### Who should rule?
- 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.
- 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.

### Which plan is best?
- The New Constitution: a powerful central government, two houses in Congress, three branches with checks and balances, less direct and more representative democracy.
- The Articles of Confederation: strong state governments, weak central government, frequent elections and more direct democracy.

### What about my rights?
- The Constitution creates a central government with limited powers. There is no threat to individual rights. And each state constitution has its own bill of rights.
- A Bill of Rights is necessary to protect the rights of citizens. The proposed Constitution does not do enough.

### What about the states?
- States need to be organized under a larger, more powerful central government. New Constitution *shares* power with the states. And you can’t have a federal government without the states.
- The states should maintain their power and not lose that power to a central government. New Constitution will destroy the state governments.

### Power Tripping
- 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.
- 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.

### Role of the Courts
- 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.
- The Constitution creates a Supreme Court that is too strong—the justices don’t have to answer to anyone.
The Federalist Debate

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.)
The Federalist Debate

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 everything 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.)
# Informal Assessment: Who Agrees?

Directions. Reach each statement aloud. Have the class answer Federalist or Anti-Federalist, based on their understanding of both groups. You can have them respond as a chorus, sit (Federalist) and stand (Anti-Federalist), etc. Use each statement as an opportunity for a quick review if needed.

<table>
<thead>
<tr>
<th>Statement</th>
<th>View</th>
</tr>
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<tbody>
<tr>
<td>The Constitution gives too much power to the central government, overpowering the states.</td>
<td>Anti-Federalist</td>
</tr>
<tr>
<td>We must start with a fresh document, fixing the Articles of Confederation isn’t enough.</td>
<td>Federalist</td>
</tr>
<tr>
<td>The Constitution contains no Bill of Rights to protect individual liberties like freedom of speech, trial by jury, and the right against searches and seizures.</td>
<td>Anti-Federalist</td>
</tr>
<tr>
<td>A strong President is necessary to protect the country against foreign attack and make sure laws are carried out properly.</td>
<td>Federalist</td>
</tr>
<tr>
<td>The President created by the Constitution is really just a king.</td>
<td>Anti-Federalist</td>
</tr>
<tr>
<td>Nothing in the Constitution says the federal government has power to limit people’s freedoms in the first place.</td>
<td>Federalist</td>
</tr>
<tr>
<td>The Constitution says federal laws are “the supreme law of the land,” so the federal government could just take complete control.</td>
<td>Anti-Federalist</td>
</tr>
<tr>
<td>The Constitution forbids creating titles of nobility like “Duke” or “King,” so the government will always belong to the people.</td>
<td>Federalist</td>
</tr>
<tr>
<td>The Constitution is a Bill of Rights because it guarantees citizens a role in government.</td>
<td>Federalist</td>
</tr>
<tr>
<td>The United States is too large to have a central government. People won’t know their leaders and will lose control over the government.</td>
<td>Anti-Federalist</td>
</tr>
<tr>
<td>The Constitution already contains a few rights, so we may as well add a whole Bill of Rights.</td>
<td>Anti-Federalist</td>
</tr>
<tr>
<td>It will not be possible for the federal government to overpower the states because the states are a necessary part of the federal government.</td>
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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.

Excerpt One: Anti-Federalist #46

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?

Text Questions

1. What words does the author use to describe the powers in the Constitution?
   
   Undefined, unbounded, immense, unlimited

2. Does the Necessary and Proper Clause quoted in this excerpt comfort or upset the author? Why?
   
   Upset: it makes the Congress even more powerful than it’s previous long list of expressed powers

3. Does the author believe a Bill of Rights is necessary?
   
   Yes

4. Does the author trust the future members of Congress? Why does this matter?
   
   No, he does not trust members of Congress because they may not be wise/virtuous enough to protect our liberties.

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.)

   This author is an Anti-Federalist because he shows concern about the amount of power given to Congress, lack of power reserved to the states, and need for a Bill of Rights. He is also distrusting of the future members of Congress. [Students should be encouraged to use quotations from the excerpt in their response. They may also underline the evidence and draw a line to their explanation.]

Note to Teacher: This is an excerpt from Anti-Federalist Paper #46, “Where Then is the Restraint?” Authored by “An Old Whig” which appeared in November 1788
**Excerpt Two: Federalist #84**

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”?**
   
   unnecessary, dangerous

2. **What part of the Constitution is quoted in the first paragraph?**
   
   The Preamble

3. **Does the author believe there is a need for the addition of a bill of rights to the Constitution?**
   
   No

4. **Summarize two points of the author’s argument in your own words.**
   
   The Constitution is founded by the people, so there is no threat to their rights.
   
   The listing of rights might be taken as the only rights that people have.
   
   Why do we need to protect a set of rights, when the government isn’t given the powers to infringe?

**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.)**

   This author is a Federalist because he does not believe in the need for a Bill of Rights. He is also believes that the Constitution is enough to protect the people’s rights alone. [Students should be encouraged to use quotations from the excerpt in their response. They may also underline the evidence and draw a line to their explanation.]

**Note to Teacher:** This is an excerpt from Federalist Paper #84, “Certain General and Miscellaneous Objections to the Constitution Considered and Answered” Authored by “Publius” (Hamilton) which appeared in May 1788.
The Federalist Debate

Source It!
1. Title of text: ________________________________________________
2. Who do historians believe authored this text? __________________________
3. When and where was it published? _________________________________
4. Are you reading the whole thing, or a part? _________________________

Text Questions
1. What major principles of government are discussed? Circle all that apply.
   - Popular Sovereignty  - Limited Government  - Federalism  - Separation of Powers  - Checks & Balances
2. Summarize two main points of the author’s argument in your own words.
   Point One: ________________________________________  
   Point Two: ________________________________________

3. How might people who disagree with the message in this reading respond? (Look back to the lesson for ideas.)

Big Questions:
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.)