



If Men Were Angels: Teaching the Constitution With the *Federalist Papers*

Overview

This lesson explores the *Federalist Papers*. First, students engage in a discussion about how they get information about current issues. Next, they read a short history of the *Federalist Papers* and work in small groups to closely examine the text. Then, each small group presents its ideas to the class as a catalyst for further, large-group discussion. Finally, students work in small groups to research a Federalist or Anti-Federalist and role-play this person in a classroom debate on the adoption of the Constitution. Writing activities follow that allow students to use their understanding of the history and significance of the *Federalist Papers*.

Objectives:

Students will be able to:

- Identify the Articles of Confederation and explain why it failed.
- Explain the argument over the need for a bill of rights in the Constitution and James Madison's role in securing its adoption by the first Congress.
- Describe the political philosophy underpinning the Constitution as specified in the *Federalist Papers*.
- Discuss the ideas of the leading Federalists and Anti-Federalists on several issues in a classroom debate.

Materials

Handout A: The Federalist Papers (one for each student)

Handout B: Short Biographies (one for each student)

Handout C: Debate: Federalist vs. Anti-Federalist (one for each student)

Standards Addressed

National U.S. History Standard 8: Understands the institutions and practices of government created during the Revolution and how these elements were revised between 1787 and 1815 to create the foundation of the American political system based on the U.S. Constitution and the Bill of Rights. Level III (Grade 7-8) (1) Understands events that led to and shaped the Constitutional Convention (e.g., alternative plans and major compromises considered by delegates, the grievances of the debtor class and the fears of wealthy creditors involved in Shay's Rebellion, the accomplishments and failures of the Articles of Confederation) (2) Understands arguments over the necessity of a Bill of Rights (e.g., Anti-Federalist arguments for its inclusion in the Constitution) and Madison's role in securing its adoption by the First Congress.

California History-Social Science Standard 8.2: Students analyze the political principles underlying the U.S. Constitution and compare the enumerated and implied powers of the federal government. (4) Describe the political philosophy underpinning the Constitution as specified in the *Federalist Papers* (authored by James Madison, Alexander Hamilton, and John Jay) and the role of such leaders as Madison, George Washington, Roger Sherman, Gouverneur Morris, and James Wilson in the writing and ratification of the Constitution.

COMMON CORE STANDARDS ADDRESSED: (For Parts C, D, E, and F)

Reading Standards for Literacy in History/Social Studies

Key Ideas and Details RH.6-8.1, 2, 3

Integration of Knowledge and Ideas RH.6-8.7

Range of Reading and Level of Text Complexity RH.6-8.10

Speaking & Listening Standards for English Language Arts

Comprehension and Collaboration SL.8.1.A-D

COMMON CORE STANDARDS ADDRESSED: (For Optional Writing Activities #1 and #2)

Writing Standards for Literacy in History/Social Studies

Text Types and Purposes WHST. 6-8.1.A–E; WHST.6-8.2.A–F
Production and Distribution of Writing WHST.6-8.4–6
Research to Build and Present Knowledge WHST.6-8.7–9
Range of Writing WHST.6-8.10

COMMON CORE STANDARDS ADDRESSED (For Extended Writing Activity)

Text Types and Purposes WHST.6-8.3
Production and Distribution of Writing WHST.6-8.4,5,6
Research to Build and Present Knowledge WHST.6-8.7–9
Range of Writing WHST.6-8.10

Preparation

You might arrange time for students to do research in the library or in the computer lab (if you have Internet connections).

Vocabulary

amendment	Articles of Confederation	Constitution
delegates	Federalist Papers	government
Independence	Philadelphia	Revolutionary War
separation of powers		

Procedure

A. Focus Discussion

To help students understand that public issues are still debated in the media (as they were back when the *Federalist* was written), engage students in a brief discussion about how they get information on political issues. Questions to raise:

What is meant by the term “political” or “public” issue?

ANSWER: *Students should be able to explain that governmental, social, and cultural topics can have national interest. For example, public figures might express political opinions on Twitter that become controversial and newsworthy.*

What are some of the most hotly debated political issues today?

ANSWER: *Students should mention current issues. Accept reasonable responses.*

How can you find out about these issues?

ANSWER: *From school, parents, friends, and the media: television, radio, newspapers, magazines, the Internet, and social media.*

What do you think is the best way to get *reliable* information on these issues? Why?

ANSWER: *Accept any reasoned response. Look for students suggesting sources that present balanced views of controversies, or the pros and cons of issues.*

B. Pre-Reading: The Federalist Papers

1. Link the focus activity to the *Federalist Papers* by explaining that even our Constitution was once an object of intense political debate. Give students the following background:

During the Revolutionary War, the colonists had to set up a new government. The first government was set up under the Articles of Confederation. This document created a weak government. This was what Americans wanted because of their experiences with the British government. They wanted a government that would not take away their freedom. But the government under the Articles of Confederation was too weak. So delegates met in Philadelphia at the Constitutional Convention. They wrote a new Constitution that created a stronger government. People at the time debated whether the Constitution should be adopted. Much of this debate took place in the newspapers. Two delegates from the Continental Convention, Alexander Hamilton and James Madison, and diplomat John Jay wrote articles in New York newspapers favoring the Constitution. These articles were later published in book form and called the *Federalist Papers*.

2. Tell students that they are going to read about the *Federalist Papers*. As they read, they need to look for:
 - Why historians and other people today think the *Federalist Papers* is so important.
 - Two key ideas about our Constitution and government that the *Federalist Papers* explains.
3. Distribute **Handout A: The Federalist Papers** to each student and explain that, after they read, they will examine and discuss the key ideas in the *Federalist Papers* and why this document is considered so important.

C. Small-Group Activity: Examining the Text

This activity is a significant preparatory step designed to fully engage students in the background reading on the *Federalist Papers* (Handout A). The work that students do here should lead to a more productive, dynamic large-group discussion.

OPTION A

1. Separate students into small groups and assign one question to each group from the questions listed and numbered under **For Discussion and Writing** on Handout A.
2. Ask students to write a detailed answer to the question by closely examining the text and using at least one direct quote to support.
3. Students should be prepared to present their ideas during the class discussion that follows this activity.

OPTION B

1. Separate students into small groups and assign one question to each group from the questions listed and numbered under **For Discussion and Writing** on Handout A.
2. Ask students to make a poster that incorporates key ideas from the text and uses one supporting quote. They should also create a visual symbol that illustrates the significance of their information.
3. Students should be prepared to present their poster to the class during the discussion that follows this activity.

Group Questions for Part C (Small-Group Activity)

The following questions appear under **For Discussion and Writing** on Handout A.

1. What was the Articles of Confederation? Why did it fail? How did its failure lead to the writing of the Constitution?
2. What are the main differences between the Articles of Confederation and the later Constitution in terms of the Executive Branch, Judicial Branch, Legislative Branch, Passing a Law, and Power over States and Individuals (the first five items on the chart)?
3. What are the main differences between the Articles of Confederation and the Constitution in terms of Amending, Raising an Army, Taxing, Controlling Trade, and the Bill of Rights (the last five items on the chart)?
4. What was the *Federalist Papers*? Who were the authors and how was their work published?
5. What did Hamilton consider three main goals of government? Why did Madison believe government was necessary, and also why it needed checks?
6. What were the three basic ideas behind the Constitution expressed in the *Federalist Papers*? How did the Constitution set up a strong government that preserved freedom?
7. Hamilton said that judges need an “independent spirit.” What did he mean? What were the arguments for and against a republic?
8. Why did the Anti-Federalists oppose the Constitution? What do you think was their strongest point? Why?
9. Why did the Federalists oppose a bill of rights? Do you agree? Explain. How did the Bill of Rights get added to the Constitution? What are some examples of rights that were protected?
10. Why do people today think the *Federalist Papers* is important? What other changes to the Constitution have been made since the Bill of Rights was added?

D. Whole-Class Discussion

Lead students in a discussion based on the reading to determine if they understand the key ideas expressed the *Federalist Papers* and why it is considered so important.

Structure the discussion around each small group’s focus question and presentation of material. This way, students have the opportunity to both lead part of the overall discussion and to contribute to other students’ ideas.

1. **Presentation.** Ask Small Group #1 to present its work in order to initiate discussion of the topic and to focus students on the text.
2. **Discussion.** Expand and reinforce ideas from Small Group #1 with a whole-class discussion to develop understanding and to provide an opportunity for student questions.
3. **Continue.** Repeat the Presentation and Discussion steps above for each of the remaining Small Groups #2 through #10.

NOTE: You may want to ask students to either take notes during each group presentation or to write a question for each group to deepen focus and act as a catalyst for further discussion

Teacher Guide for Federalist Group Presentations and Discussion

1. What was the Articles of Confederation? Why did it fail? How did its failure lead to the writing of the Constitution?

ANSWER: *The Articles of Confederation was a document that set up the first government of the United States. The government created by the Articles was too weak. It did not have power to collect taxes, regulate trade, or even draft soldiers into an army. Delegates from the 13 states met in Philadelphia in 1787 to discuss a new national government that would be stronger but would retain freedom for the people.*

2. What are the main differences between the Articles of Confederation and the Constitution in terms of the Executive Branch, the Judicial Branch, the Legislative Branch, Passing a Law, and Power over States and Individuals?

3. What are the main differences between the Articles of Confederation and the Constitution in terms of Amending, Raising an Army, Taxing, Controlling Trade, and the Bill of Rights?

ANSWER (for questions 2 and 3): *Use the chart as a guide here (“Comparing the Articles of Confederation and Constitution”). There are many differences, e.g., Congress was the only branch of government under the Articles vs. three branches under the Constitution. Have students point out all the differences and focus on how little power the government had under the Articles. Because this government had so little power, people did not demand a bill of rights under it, but they did for the Constitution.*

4. What were the *Federalist Papers*? Who were the authors and how was their work published?

ANSWER: *The Federalist Papers were articles written in New York newspapers in support of the proposed Constitution. They were written by James Madison, Alexander Hamilton, and John Jay. These three men wrote 85 essays for New York newspapers. One of these New York papers published the essays as a book so that people outside the area could read them.*

5. What did Hamilton consider three main goals of government? Why did Madison believe government was necessary and why it needed checks on it?

ANSWER: *As Hamilton stated in Federalist Paper, No. 23, the three goals of government were: (1) to allow “common defense” for domestic order and national protection from outsiders; (2) to provide control of trade between states and other countries; and (3) to permit interaction with “foreign countries.” Madison said that government was necessary because mankind is flawed. Government needed checks to control its own power. “If men were angels,” Madison said, “no government would be necessary.”*

6. What were the three basic ideas behind the Constitution expressed in the *Federalist Papers*? How did the Constitution set up a strong government that preserved freedom?

ANSWER: *The Constitution created a strong national government, yet one that preserved freedom in three main ways:*

(1) It set up a federal form of government, which listed the powers of the national government and reserved all other powers to the states. (2) It separated the powers of the national government by dividing it into three branches, each with a separate function. The legislature makes the laws, the executive enforces them, and the judicial branch interprets them. (3) It set up a republican form of government, a representative government accountable to the people.

7. Hamilton said that judges need an “independent spirit.” What did he mean? What were the arguments for and against a republic?

ANSWER: *Hamilton meant that judges should be free from politics so that they can interpret the law and judge cases on their own merits. This would protect the Constitution. Some people believed that the country was too large for a republic and its size would allow special interests to control the government. Madison countered these concerns by emphasizing that a large republic would be less likely to be dominated by special interests because none would have a majority. A large republic would ensure that multiple special interests would balance each other out.*

8. Why did the Anti-Federalists oppose the Constitution? What do you think was their strongest point? Why?

ANSWER: *The Anti-Federalists thought that the Constitution created a government that was too strong and would infringe on people’s freedom. Accept any reasoned response to the opinion question.*

9. Why did the Federalists oppose a bill of rights? Do you agree? Explain. How did the Bill of Rights get added to the Constitution? What are some examples of rights that were protected?

ANSWER: *The Federalists believed that they had created a limited government that would not infringe on anyone’s rights. Therefore they believed a bill of rights was unnecessary. Accept any reasoned response to the opinion question.*

ANSWER: *Some states agreed to ratify the Constitution only if a bill of rights were added to it. Madison made sure this promise was kept. He was a member of the first Congress, and he drew up proposed amendments to the Constitution. Ten of these amendments were passed by Congress and ratified by the states. They are known as the Bill of Rights.*

ANSWER: *Some of these rights include freedom of speech, freedom of religion, and right to a jury trial.*

10. What other changes to the Constitution have been made since the Bill of Rights was added? Why do people today think the *Federalist Papers* is important?

ANSWER: *The 13th Amendment outlawed slavery. Women were given the right to vote when the 19th Amendment was adopted. The 17th Amendment allowed citizens of each state to elect their own senators. Presidents were limited to two terms in office after the 22nd Amendment was adopted in 1951.*

ANSWER: *The Federalist Papers is important for two reasons:*

(1) Its publication helped the U.S. Constitution get adopted.

(2) It gives the best explanation of what the drafters were thinking when they wrote the Constitution.

E. Small-Group Activity: Federalist vs. Anti-Federalist Debate

1. Explain that students are going to get a chance to role play the discussions and debates over the Constitution between the Federalists and Anti-Federalists.
2. Divide the class into six groups. Distribute **Handout B: Short Biographies** to each student. Assign each group one of the following Federalists or Anti-Federalists: James Madison, Alexander Hamilton, John Jay, George Mason, Patrick Henry, or Richard Henry Lee.
3. Distribute **Handout C: Debate: Federalist vs. Anti-Federalist** to each student. Review the instructions on the handout. Give students time to absorb the material and prepare for the debate. If you have chosen to allow them to do further research, give them time to research their assigned person. (You should also decide whether students should be given credit for—or be allowed to wear—costumes at the debate.)
4. When the day for the debate arrives, be sure to have students introduce their characters. You have several options for the debate:
 - a. Divide them into six groups, pose the questions to the class, and allow any member from the group to speak for the group.
 - b. Call up one person from each group to form a panel to discuss one of the questions in front of the class.
 - c. Form new groups, each with one of the Federalists and Anti-Federalists. Pose the questions to the groups and have students discuss them in their small groups.

F. Debriefing the Debate

1. Engage the whole class in a discussion about the role play. Questions to raise:
 - What was the best argument you heard someone make?
 - Based on the arguments you heard today, would you have favored or opposed the Constitution? Why?
2. Engage the class in a discussion reviewing the lesson.
 - Questions to raise:

What were the arguments over putting a bill of rights in the Constitution?

ANSWER: The Constitution did not include a bill of rights. The Anti-Federalists demanded a bill of rights to protect the newly won rights of Americans. The Federalists said a bill of rights was not necessary because the new government had limited power and did not have the power to violate anyone's rights.

How did a bill of rights get added to the Constitution?

ANSWER: Two states, Virginia and New York, refused to ratify the Constitution until they were promised that a bill of rights would be added to it. In the first Congress, James Madison saw to it that this promise was kept. He wrote proposed amendments and pushed them through Congress. Ten amendments were ratified by the states and they are known as the Bill of Rights.

The *Federalist Papers* tells of three main ways that the Constitution set up a strong government that preserved freedom?

ANSWER: The three main ways are:

(1) It set up a federal form of government. It listed the powers of the national government and reserved all other powers to the states. This put a check on the power of the national government.

(2) It also checked the power of the national government by separating its powers. It divided the government into three branches, each with a separate function. The legislature makes the laws, the executive enforces them, and the judicial branch interprets them.

(3) It set up a republican form of government, a representative government accountable to the people.

G. Optional Writing Activities

1. Quick-Write

Use the following quick-write as a prewriting activity for an expository essay on the same topic:

In 1787, I would have been a Federalist (or Anti-Federalist) because . . .

2. Expository Essay

3. Use this prompt for the expository essay assignment: Discuss the advantages of either Federalism or Anti-Federalism. Include at least three specific strengths of either view.
4. Students may write either a three- or five-paragraph essay for this prompt.
 - a. The three-paragraph essay would include an introduction with thesis statement, a body paragraph discussing the three strengths of either Federalism or Anti-Federalism, and a conclusion.
 - b. The five-paragraph essay would include an introduction with thesis statement, a body paragraph for each Federalist or Anti-Federalist strength, and a conclusion.
 - c. In either the three- or five-paragraph essay, students should use textual evidence (details, examples, and supporting quotes) in each body paragraph.

3. Extended Writing Activity

1. First, students research current political figures, paying close attention to whether they hold views closer to the Federalists or Anti-Federalists of the late 18th century. Then, students choose two current political figures, one with Federalist-like views and one with Anti-Federalist-like views.
2. Next, they research both political figures to become knowledgeable about the specifics of their ideas.
3. Finally, students write a dialogue between these two contemporary figures in script form to reflect the differences in their political philosophies. The script should begin with an introductory paragraph setting the mood and introducing the reader to the circumstances, time, and place of the fictional meeting. At the end of the dialogue, the script concludes with a paragraph summarizing significant areas of divergence between these two figures.
4. Instruct students to use their research to craft dialogue that consists of paraphrased material, direct quotes, and their own created language.

NOTE: This extended activity can be done individually, with partners, or in small groups.

Handout A

The Federalist Papers

If men were angels, no government would be necessary. – James Madison

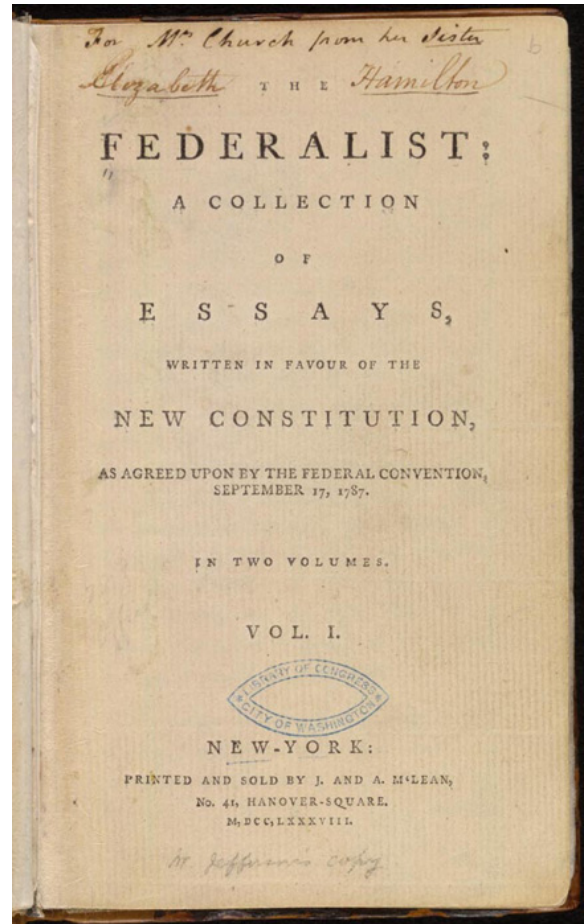
During the Revolutionary War, Americans set up a new national government. They worried that a strong central government might crush their rights as had the British government. They wanted something new, so they drew up a plan of government called the Articles of Confederation. Each state approved it.

This document created a national government that had little power. The government could not raise taxes, nor could it control trade among the states. It could not even draft soldiers into an army. Each state was only loosely bound to the others.

When the war ended in 1783, it seemed that the United States might break into 13 separate countries. The United States was in debt, and trade among the states was difficult.

By 1787, something had to be done. Delegates from the 13 states met in Philadelphia. Many wanted a new national government. It had to be strong enough to hold together the new nation, but it could not be too strong. It must not take away their freedom.

Over the summer, the delegates wrote a new plan for government: the Constitution. The delegates signed the Constitution on September 17, 1787. The Constitution would be the “law of the land,” but first it had to be approved by nine of the 13 states. The signers knew that approval of the Constitution would not be easy since many people opposed it. People in every state talked about one question: Should they accept the new Constitution?



Title page of the first collection of *The Federalist Papers* (Wikimedia Commons)

Hamilton, Jay, and Madison

Just days after the new Constitution was signed, many New York newspapers began to attack it. They said that the new Constitution took away the rights Americans had won in the Revolution.

Alexander Hamilton was a lawyer from New York who had helped write the Constitution, and he was the only delegate from New York who signed it. The others had refused to sign, because they agreed with the critics in the newspapers. Hamilton feared that New York might not approve the Constitution and decided to write essays arguing with the critics.

Hamilton wanted a strong central government. He even favored one stronger than the one outlined in the new Constitution. But Hamilton supported the Constitution as a great improvement over the Articles of Confederation. In October 1787, he published his first essay defending the Constitution. He signed it using the Roman name “Publius.” (Political writers then often used pen names.) Hamilton soon asked two other men, James Madison and John Jay, to write articles. They also used the name “Publius.”

James Madison is sometimes called the Father of the Constitution. He played a major role at the Constitutional Convention. As a delegate from Virginia, he kept notes of the talks and wrote much of the Constitution. John Jay had helped negotiate the Treaty of Paris, which ended the Revolutionary War, but had not helped write the Constitution. He was serving as secretary of foreign affairs, a diplomatic office, when Hamilton asked him to help write the essays.

Hamilton, Madison, and Jay wrote 85 essays for the New York papers. The essays drew much praise, and many people outside of New York wanted to read them. One New York newspaper printed the essays as a book (in two volumes) called *The Federalist*. By this time, most people knew that "Publius" was actually Hamilton, Jay, and Madison.

The Federalist was also called the *Federalist Papers*. It helped convince New Yorkers that the Constitution was a good model for a new government. Today, the *Federalist Papers* helps us understand what the writers of the Constitution had in mind when they drafted that amazing document 200 years ago.

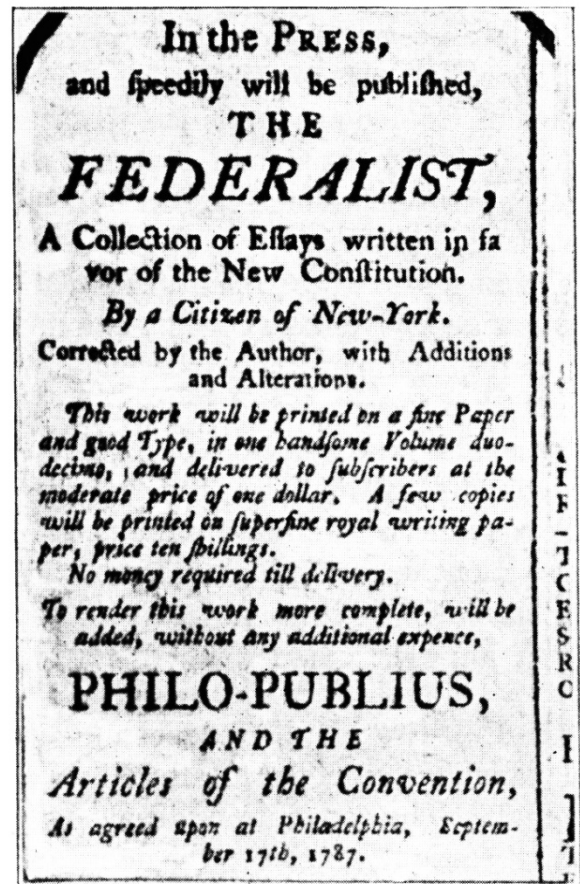
What *The Federalist Papers* Said

The *Federalist Papers* addressed issues about the Constitution. In Federalist Paper, No. 23, Hamilton listed the main goals of government. One was "common defense." This meant keeping law and order at home and protecting the nation from "external attacks." Another big goal was to control trade between states and with other nations. A third goal was dealing with "foreign countries."

In Federalist Paper, No. 51, Madison told why government is needed. "If men were angels, no government would be necessary." He then explained why government needs checks on it. "If angels were to govern men," no checks would be needed. "In framing a government which is to be administered by men over men," he continued, "the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself." In other words, government had to have power, but not too much power.

The *Federalist Papers* explained how the Constitution set up such a government. Much of the *Federalist Papers* explained three basic ideas behind the Constitution:

1. The Constitution separates the powers of the national government.
2. The Constitution creates a federal form of government.
3. The Constitution sets up a republic.



Advertisement for *The Federalist*, 1787, using the pseudonym "Philo-Publius" (Wikimedia Commons)

Comparing the Articles of Confederation and Constitution

The Articles of Confederation set up the first government of the United States. The Constitution was written to replace this government with a new government. The Federalists supported the Constitution. The Anti-Federalists opposed it. Here is a comparison of the governments set up by the two documents.

	Articles of Confederation	Constitution
Executive Branch	No executive branch.	President elected by electoral college. Has checks on legislative and judicial branches.
Judicial Branch	No judicial branch. Each state had its own court system.	System of federal courts headed by the U.S. Supreme Court. (Each state still had its own court system.)
Legislative Branch	Congress. Each state had 1 vote. The Congress elected a president to preside over Congress.	Two houses of Congress: Senate: Each state has two senators. House of Representatives: Membership based on the population of the state.
Passing a Law	Nine of the 13 states must vote in favor of it.	A majority in each house must pass it and the president must sign it.
Power over States and Individuals	Had power over states only. Thus it created a federal government.	Had power over states and individuals. Thus it created both a federal <i>and</i> national government.
Amending	To change the Articles, every state had to agree.	Two ways to change the Constitution: (1) Passed by b of both houses of Congress and : of the state legislatures. (2) Constitutional Convention called by b of state legislatures.
Raising an Army	No power to raise an army. Could only ask states to send soldiers.	Power to raise an army.
Taxing	No power to tax. Could only ask states for tax money.	Power to tax.
Controlling Trade	No power to control trade between the states or with other nations.	Power to control trade.
Bill of Rights	None.	None in original document. The first 10 amendments to the Constitution make up the Bill of Rights.

Separation of Powers

The Constitution puts many checks on government. One is called the **separation of powers**. Congress, the president, and the courts have separate powers. Congress makes laws, the president carries them out, and the courts say what the laws mean. In Federalist Paper, No. 47, Madison told why the powers of government should be separated. He said: Putting “all powers . . . in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny.” In other words, giving one person or group all the power will unjustly take away other people’s freedom.

Federalism

Another check on government is **federalism**. The Constitution lists the powers of the national government and reserves all other powers for the states. This dual system of state and national governments is known as federalism. As Madison explained in Federal Paper, No. 46, the federal system lets state governments, which are closer to the people, meet the “personal interests of the people.” The states also serve to check the power of the federal government.

A Republic

The *Federalist Papers* emphasized that the Constitution created a republic. A republic is a representative democracy, which is a system in which people elect those who govern them. A republic relies on the consent of the governed. In Federalist Paper, No. 39, Madison defined a republic as a government that gets its powers from the people and is run “by persons holding their offices . . . for a limited period, or during good behavior.”

Madison went on to point out that the Constitution follows these rules. The people directly elect the members of the House of Representatives and indirectly choose the president and senators. (Under the Constitution, Senators were elected by the state legislatures. The president was elected by the Electoral College.)

The Constitution set the terms for president (four years), senator (six years), and member of Congress (two years). It gave federal judges life terms (as long as they show “good behavior”).

In Federalist Paper, No. 78, Hamilton explained why judges should serve such long terms. He said that the courts must protect the Constitution, and life terms for judges will give them an “independent spirit.” Judges must know that they don’t have to agree with Congress or the president to keep their jobs. “This independence of the judges,” Madison wrote, “is equally requisite to guard the Constitution and the rights of individuals”

Many thinkers believed that a republic could not work in a large country. They thought it could only work properly in states or cities where people knew the community and could work for the common good. In a large country, they argued, the government is far from the people, and special interests, or factions, would take over.

In Federalist Paper, No. 10, Madison responded that large republics actually prevented special interests from taking over. Madison said that in a large republic, “. . . you take in a greater variety of . . . interests; you make it less probable that a majority . . . will have a common motive to invade the rights of other citizens” In other words, in a large republic, the special interests balance each other out.

The *Federalist Papers* stressed that the Constitution was setting up a government that would preserve freedom. The new government would be strong enough to protect the nation, but it would not be too strong as to take away people’s freedom. Its powers would be limited and checked through federalism and the separation of powers. It also would be a republic, based on the consent of the governed.

The Anti-Federalists

Those opposed to the Constitution were called the Anti-Federalists. They also wrote essays in New York newspapers. They, too, used Roman pen names: “Brutus” and “Cato” and some others.

They made several points.

First, they said that Congress, the president, and the courts would have too much power, more power than the old British government. The British had crushed American freedom. They said the government created by the Constitution would also.

Second, they wanted the states to keep their power. They thought that only small governments, close to the people, could insure freedom. A strong national government would not listen to the people.

Third, they said that the Constitution should have a bill of rights.

This last point struck a chord. Many people wanted a bill of rights. They had just fought a war to be free and did not want the new government to take away their rights.

In Federalist Paper, No. 84, Hamilton said that a bill of rights was not needed. He said the new government would not have the power to abuse people's rights. He asked: Why say "that things shall not be done which there is no power to do?"

Approval of the Constitution

By June 1788, most states had approved the Constitution. But several states still had not. The two biggest states, New York and Virginia, were still debating. To get these states to approve the Constitution, the Federalists promised that a bill of rights would be added to it. With this promise, the states approved the Constitution.

James Madison was elected to Congress from Virginia. When the first Congress met in 1789, he saw it as his duty to add a bill of rights to the Constitution. He drafted proposed amendments to the Constitution. Congress passed 10 of the amendments, and these amendments are called the Bill of Rights. They list many rights: freedom of speech, freedom of religion, right to a jury trial, and many other rights that Americans today still think are important to a free society.

The Constitution was not perfect. It did not outlaw slavery. This was not done until after the Civil War when the 13th Amendment was added. The Constitution also did not give women the right to vote. This was not done until after World War I when the 19th Amendment was adopted.

Over the years, other changes to the Constitution have been made. In 1913, the 17th Amendment let the people of each state, instead of the state legislature, elect senators. In 1951, the 22nd Amendment limited presidents to two terms in office.

In all, only 27 amendments have been added to the Constitution. It created a democratic government that has lasted more than 200 years. The *Federalist Papers* helped create this government.

For Discussion and Writing

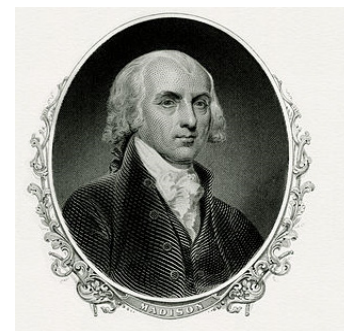
1. What was the Articles of Confederation? Why did it fail? How did its failure lead to the writing of the Constitution?
2. What are the main differences between the Articles of Confederation and the later Constitution in terms of the Executive Branch, Judicial Branch, Legislative Branch, Passing a Law, and Power over States and Individuals (the first five items on the chart)?
3. What are the main differences between the Articles of Confederation and the Constitution in terms of Amending, Raising an Army, Taxing, Controlling Trade, and the Bill of Rights (the last five items on the chart)?

4. What was the *Federalist Papers*? Who were the authors and how was their work published?
5. What did Hamilton consider three main goals of government? Why did Madison believe government was necessary, and also why it needed checks?
6. What were the three basic ideas behind the Constitution expressed in the *Federalist Papers*? How did the Constitution set up a strong government that preserved freedom?
7. Hamilton said that judges need an “independent spirit.” What did he mean? What were the arguments for and against a republic?
8. Why did the Anti-Federalists oppose the Constitution? What do you think was their strongest point? Why?
9. Why did the Federalists oppose a bill of rights? Do you agree? Explain. How did the Bill of Rights get added to the Constitution? What are some examples of rights that were protected?
10. Why do people today think the *Federalist Papers* is important? What other changes to the Constitution have been made since the Bill of Rights was added?

Short Biographies

James Madison (1751-1836), Federalist

The oldest of 10 children, Madison was born and grew up in Virginia. A great student, he went to the College of New Jersey (now called Princeton University). He returned home, unsure of what to do with his life. As the Revolutionary War came near, he joined the patriot cause. As a young man, he held several elected offices. One was being a member of Congress under the Articles of Confederation. Madison grew frustrated with Congress' lack of power. For example, Congress did not have power to raise taxes to pay the Army. Madison believed that the nation needed a strong central government. At the Constitutional Convention, his ideas were so important that many today consider him the "Father of the Constitution." After the convention, Madison wrote many of the *Federalist Papers* arguing in favor of the Constitution. Madison believed the Constitution would uphold freedom because it created a republic with checks and balances on its power. He did not think a bill of rights was needed. The Constitution had limited power.



Madison favored religious freedom and the separation of church and state. Before the revolution, he spoke out against people being put in jail for their beliefs. He helped draft Jefferson's Bill for Religious Freedom in Virginia. He worked to defeat Patrick Henry's bill in Virginia that would have given tax money to "teachers of the Christian religion." He thought government should neither support nor oppose religion.

When the Constitution was adopted, Madison was elected to the first Congress. He knew that a bill of rights had been promised. So he wrote one and pushed Congress to pass it. Congress passed most of Madison's proposals. They stand today as the Bill of Rights, the first 10 amendments to the Constitution.

Madison later served as secretary of state and as the fourth U.S. president.

John Jay (1745-1829), Federalist

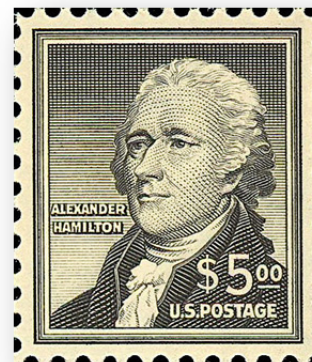
The sixth of 10 children, Jay was born and raised in New York. As a boy, he was taught by private tutors. Then he went to King's College (now called Columbia University). He started work as a lawyer and did well. Although he backed the patriot cause, he at first did not favor breaking from England. But once the revolution began, he strongly supported it. He was elected to the Continental Congress. Sent to Paris, he helped write the peace treaty of 1783, which ended the Revolutionary War. Under the Articles of Confederation, Jay served as Congress' secretary for foreign affairs. In this post, Jay met and negotiated with foreign leaders. He grew frustrated, however, by the limited power given Congress under the Articles of Confederation. He cited many examples of this limited power. One was that Congress had power to make treaties with other nations, but it didn't have the power to keep the promises it made in the treaties. Another was that Congress had the power to borrow money, but not to raise money to pay back the debt. He believed the United States needed a stronger central government. He did not go to the Constitutional Convention, but he strongly supported the Constitution. He did not think a bill of rights was needed.



He later served as the first chief justice of the U.S. Supreme Court and was elected governor of New York.

Alexander Hamilton (c. 1757-1804), Federalist

Hamilton was born in the West Indies. When he was 8, his father left the family. To help support the family, Hamilton went to work. Four years later, his mother died. He went to live with relatives. His family and friends saw that Hamilton was very smart. They sent him to New Jersey to study. He later entered King's College (now called Columbia University) in New York. When the Revolutionary War broke out, he joined the Army. General George Washington noticed his bravery and brainpower. He asked him to serve as his aide. When the war ended, Hamilton returned to New York and became a lawyer. He was elected to the Continental Congress. He



thought the government created by the Articles of Confederation was too weak. He believed it was causing the country to fall apart. For example, the war had caused the government to go into debt. But the Congress could not pay off the debt, because it had no power to tax. When the Constitutional Convention was held, Hamilton went as a delegate from New York. Hamilton believed the United States should have a very strong central government. He thought the president and senators should be elected for life. He wanted the president to select state governors. He thought Congress should make all the laws for the country. The delegates ignored his ideas. Hamilton would have liked a stronger central government than the one created by the Constitution. But he liked the Constitution much better than the Articles of Confederation. When he returned to New York, he started writing newspaper articles in favor of the Constitution. He got James Madison and John Jay to help him. These articles became the *Federalist Papers*.

Hamilton went on to be the first secretary of the treasury under President Washington. He was killed in a duel in 1804.



Patrick Henry (1736-1799), Anti-Federalist

Henry was born in Virginia and home-schooled. As a young man, he struggled. Twice, he opened stores. But he lost money and went out of business. He tried farming, but made no money. He decided to study law and started a practice. At this, he succeeded. He was a great speaker and could rouse people to his side. Drawn to the patriot cause, he was elected to the Virginia colonial legislature. Later, he went to Congress. He made many speeches that made him famous. After a speech denouncing the king, some legislators yelled, "Treason!" Henry shouted back, "If *this* be treason, make the most of it!" When the Revolutionary War began, he made a speech that ended with the now famous words, "I know not what course others

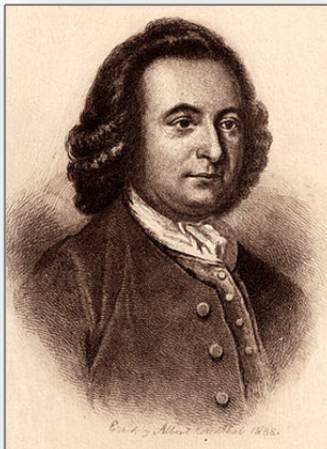
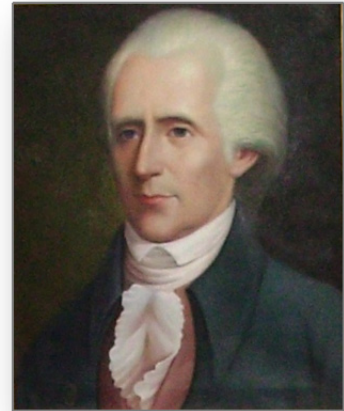
may take, but as for me, give me liberty or give me death." He was elected governor of Virginia during and after the war.

Henry was invited to the Constitutional Convention, but did not go. He spoke out strongly against the Constitution. He said it created too strong a central government. He stated that the best government was one that was close to the people and that could listen to them. He declared that the Constitution would take away the power of the states and the rights of the people. He was outraged that it did not have a bill of rights.

Richard Henry Lee (1732-1794), Anti-Federalist

Born in Virginia to a rich family, Lee was home-schooled. Then he was sent to school in England. After returning home, he was elected to the Virginia legislature. He spoke out against slavery. Then as British rule grew harsher, he spoke out against British abuses. He opposed the Stamp Act and Townshend Acts. As war drew near, he became a leader in Congress favoring independence. He retired from Congress due to ill health. But after he recovered, he returned to elected office. He was a member of Congress under the Articles of Confederation. He helped pass the Northwest Ordinance, one of the most important things done by the Confederation Congress. The Northwest Ordinance set up a system for governing the Northwest Territory. This land eventually became the states of Ohio, Indiana, Illinois, Michigan, and Wisconsin and part of the state of Minnesota. The ordinance outlined how parts of the territory could become states.

Lee opposed the Constitution. He thought the Confederation Congress worked. He did not want another strong government. He had opposed British abuses. He feared another strong government would also misrule. He thought it was a disaster that the Constitution did not have a bill of rights.



George Mason (1725-1792), Anti-Federalist

Mason was born in Virginia into a family of rich landholders. His father died when he was 10. His uncle took over as his guardian and taught him law. When he grew up, he became one of the richest planters in Virginia. Elected to the colonial Virginia legislature in 1759, he grew active in the patriot cause. When Virginia drew up its state constitution in 1776, Mason drafted its Declaration of Rights. The beginning of this declaration influenced the Declaration. And most of all, he demanded a bill of rights. When the delegates failed to include a bill of rights, Mason refused to sign the Constitution. He believed the Constitution would lead to either a monarchy or the rule by a select few.

Debate: Federalist vs. Anti-Federalist

Imagine that it is 1788. The Federalists and Anti-Federalists are holding a debate on the Constitution. You are going to play the role of a famous Federalist or Anti-Federalist.

1. Your teacher will divide the class into six groups.
2. Your teacher will assign your group one of the Federalists or Anti-Federalists on the **Short Biographies** handout. Write down the name of the person you are assigned:
3. You must be able to discuss your person's opinions on these questions:
 - Do you think it is important that the United States have a strong central government? Why or why not?
 - Do you think the Constitution should have a bill of rights? Why or why not?
 - Do you favor or oppose the Constitution? Why?
4. Prepare for the debate. Do the following:
 - Read your person's biography. Think how your person would answer the questions.
 - Read the biographies of other people. Be prepared to respond to any points that they may make.
 - Reread the article **The Federalist Papers** and take a close look at the chart "Comparing the Articles of Confederation and Constitution." This material will help your preparation.
 - Prepare your answers.
 - Make an introduction for your person. (You will need to know what the person had accomplished by 1788 and why he was an important person.)
 - If your teacher permits, find more information. You can do this in two ways:
 - (1) Go to the library. Look in the encyclopedia for general information. Then, look for books and periodicals with more information. A library will usually have computers that allow you to search the library's database and card catalog. Reference librarians also can help you locate books and periodicals.
 - (2) On the Internet, go to the Constitutional Rights Foundation web site (www.crf-usa.org) and click on **Links**. Then, click on **Project History Links**. Click on **The Federalist Papers**. Your person is listed with links to a lot of information.
5. The class will meet and hold a debate on the Constitution. You will first introduce your person and then role-play him in the debate.