

**Recommended Grade/Ability Level**

11<sup>th</sup> -12<sup>th</sup> grade

**Recommended Lesson Length**

Two 50-60 minute class period

**Central Engagement Question/Essential Question**

What were the different views of the Federalist and Anti-Federalists?

Who was right?

**Overview**

This lesson is designed to demonstrate three major differences in the Federalist and Anti-Federalist view of the Constitution. On day one, students will evaluate the different views in the areas of national v. state power, large v. small republic, and the need for a Bill of Rights. Students will evaluate the arguments, determine the reasons why the arguments were made, and decide which side they agree with. On day two students will become Federalists and defend the Constitution against the claims of the Anti-Federalists.

**Materials**

Day 1:

Federalist/Anti-Federalist Argument Quote Sheet

Federalist/Anti-Federalist student chart

*Objections to the Constitution*: George Mason October 1787

Day 2:

Completed homework assignments

Butcher Paper and a Copy of the Constitution

**Objectives**

Identify the different views of the Federalist and Anti-Federalists

Analyze the reasons why the opposing sides held their beliefs.

Determine which side of the argument was right.

**Standards**

National Council for History in the Schools: <http://www.nchs.ucla.edu/Standards/historical-thinking-standards-1>

Historical Thinking Standards

Historical Comprehension

Historical Analysis and Interpretation

Historical Issues: Analysis and Decision Making

Era 3: Revolution and the New Nation (1754-1820s)

Standard 3: The institutions and practices of government created during the Revolution and how they 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.

### **Background Information/Homework/Pre-Learning**

Prior to this lesson students should have an understanding of the reasons why the Articles of Confederation failed and the reasons why the Founders created a “firm league of friendship” as opposed to a strong central government. Students should have an understanding of the debates in Philadelphia at the Constitutional Convention and the differences between the Constitution and the Articles of Confederation. Finally, students should understand that after completion of the Constitution it was sent to the states for ratification where a great debate arose amidst those who favored the Constitution, the Federalists, and those who opposed the Constitution, the Anti-Federalists.

### **Anticipatory Activity/Bell-Ringer**

Use the following questions in a think/pair/share activity:

Why did the Articles of Confederation fail?

Why did the Founders create a weak central government under the Articles of Confederation?

How did the Constitution differ from the Articles of Confederation?

### **Activity (Activities)**

#### **Day 1:**

Day one is designed to be a class discussion based on the actual writings of the Federalists and the Anti-Federalists. The discussion will be conducted using the numbered heads together method allowing full participation of each student in the discussion.

Step 1: Divide the class into groups of four and have the students in each group number themselves 1-4

Step 2: Make sure each student has a copy of the quotes and the chart

Step 3: Read each excerpt out loud followed by small group discussion and then large group discussion. Randomly choose a number each time to determine which student will be the spokesperson for the group. I recommend the use of a spinner or rolling a die in order to make it truly random each time. The answers to Excerpts 3-8 should be recorded on the chart.

Step 4: Use the following discussion questions to guide the small groups.

Excerpt 1: According to Hamilton, what does the Constitution accomplish? Do you agree with him?

Excerpt 2: Describe the tone of the passage. Why do you believe the Anti-Federalists had this tone?

Excerpt 3-8: Follow the chart. What is the argument, why did they feel this way, which side do you agree with?

Excerpt 9: What does this quote tell us about the plight of the Anti-Federalists?

Homework to prepare for Day 2: Assign *Objections to the Constitution*: George Mason October 1787.

### **Day 2:**

Day 2 is designed to make the students defend the Constitution against the attacks of the Anti-Federalists. In essence they will need to think like a Federalist.

Step 1: Divide the class into groups of 4

Step 2: Each group member needs a completed homework assignment and each group needs a copy of the Constitution and a piece of butcher paper.

Step 3: Create a t-chart on the butcher paper labeling one side Anti-Federalist argument and the other side Constitutional Defense.

Step 4: Instruct the student to list all of the arguments on the t-chart and then as a group come up with a defense against each one of these arguments. Tell them that they must come up with a response for every one of the arguments, they cannot just concede that that the argument is too good to respond to.

Step 5: Gallery walk: Have the groups post their t-charts around the room. Instruct students to walk around and compare the defense used on each poster. Instruct each student to be prepared to cite their best example of defense and to cite one example from another group that they felt was better than their own group's defense.

Step 6: Whole group discussion based on the comparison discovered in the gallery walk.

### **Wrap-Up**

Refer back to excerpt 9 from Brutus. Discuss the idea that both sides of the argument are looking for the best form of government possible. Did the Founders create a perfect document in the Constitution? Were the arguments of the Anti-Federalists valid?

**Assessment**

Essay question taken from the AP US History 2008 Form B Test: Analyze the reasons for the Anti-Federalists' opposition to ratifying the Constitution

**Additional Resources**

<http://teachingamericanhistory.org/fed-antifed/timeline-essfed.html>

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## **The Federalist/Anti-Federalist Argument**

### **Federalist 1**

**Alexander Hamilton**

#### Excerpt 1

It has been frequently remarked that it seems to have been reserved to the people of this country, by their conduct and example, to decide the important question, whether societies of men are really capable or not of establishing good government from reflection and choice, or whether they are forever destined to depend for their political constitutions on accident and force.

### **Brutus I**

**October 18, 1787**

#### Excerpt 2

The most important question that was ever proposed to your decision, or to the decision of any people under heaven, is before you, and you are to decide upon it by men of your own election, [chosen] specially for this purpose. If the constitution, offered to [your acceptance], be a wise one, calculated to preserve the [invaluable blessings] of liberty, to secure the inestimable rights of mankind, and promote human happiness, then, if you accept it, you will lay a lasting foundation of happiness for millions yet unborn; generations to come will rise up and call you blessed. You may rejoice in the prospects of this vast extended continent becoming filled with freemen, who will assert the dignity of human nature. You may solace yourselves with the idea, that society, in this favoured land, will fast([full]) advance to the highest point of perfection; the human mind will expand in knowledge and virtue, and the golden age be, in some measure, realised. But if, on the other hand, this form of government contains principles that will lead to the subversion of liberty — if it tends to establish a despotism, or, what is worse, a tyrannic aristocracy; then, if you adopt it, this only remaining assylum for liberty will be [shut] up, and posterity will execrate your memory.

### **Brutus I**

**October 18, 1787**

#### Excerpt 3

This government is to possess absolute and uncontrollable power, legislative, executive and judicial, with respect to every object to which it extends, for by the last clause of section 8th, article 1st, it is declared "that the Congress shall have power 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 office thereof." And by the 6th article, it is declared "that this constitution, and the laws of the United States, which shall be made in pursuance thereof, and the treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the constitution, or law of any state to the contrary notwithstanding." It appears from these articles that there is no need of any intervention of the state governments, between the Congress and the people, to execute any one power vested in the general government, and that the constitution and laws of every state are nullified and declared void, so far as they are or shall be inconsistent with this constitution.

## **Federalist 45**

**James Madison**

### Excerpt 4

The powers delegated by the proposed Constitution to the federal government are few and defined. Those which are to remain in the State governments are numerous and indefinite. The former will be exercised principally on external objects, as war, peace, negotiation, and foreign commerce; with which last the power of taxation will, for the most part, be connected. The powers reserved to the several States will extend to all the objects which, in the ordinary course of affairs, concern the lives, liberties, and properties of the people, and the internal order, improvement, and prosperity of the State.

The operations of the federal government will be most extensive and important in times of war and danger; those of the State governments in times of peace and security. As the former periods will probably bear a small proportion to the latter, the State governments will here enjoy another advantage over the federal government. The more adequate, indeed, the federal powers may be rendered to the national defense, the less frequent will be those scenes of danger which might favor their ascendancy over the governments of the particular States.

## **Brutus I**

**October 18, 1787**

### Excerpt 5

History furnishes no example of a free republic, anything like the extent of the United States. The Grecian republics were of small extent; so also was that of the Romans. Both of these, it is true, in process of time, extended their conquests over large territories of country; and the consequence was, that their governments were changed from that of free governments to those of the most tyrannical that ever existed in the world.

...The territory of the United States is of vast extent; it now contains near three millions of souls, and is capable of containing much more than ten times that number. Is it practicable for a country, so large and so numerous as they will soon become, to elect a representation, that will speak their sentiments, without their becoming so numerous as to be incapable of transacting public business? It certainly is not.

## **Federalist 10**

**James Madison**

### Excerpt 6

The other point of difference is the greater number of citizens and extent of territory which may be brought within the compass of republican than of democratic government; and it is this circumstance principally which renders factious combinations less to be dreaded in the former than in the latter. The smaller the society, the fewer probably will be the distinct parties and interests composing it; the fewer the distinct parties and interests, the more frequently will a majority be found of the same party; and the smaller the number of individuals composing a majority, and the smaller the compass within which they are placed, the more easily will they concert and execute their plans of oppression. Extend the sphere and you take in a greater variety of parties and interests; you make it less probable that a majority of the whole will have a common motive to invade the rights of other citizens; or if such a common motive exists, it will be more difficult for all who feel it to discover their own strength and to act in unison with each other.

## **Brutus II**

**November 1, 1787**

### Excerpt 7

This principle, which seems so evidently founded in the reason and nature of things, is confirmed by universal experience. Those who have governed, have been found in all ages ever active to enlarge their powers and abridge the public liberty. This has induced the people in all countries, where any sense of freedom remained, to fix barriers against the encroachments of their rulers. The country from which we have derived our origin, is an eminent example of this. Their magna charta and bill of rights have long been the boast, as well as the security, of that nation. I need say no more, I presume, to an American, than, that this principle is a fundamental one, in all the constitutions of our own states; there is not one of them but what is either founded on a declaration or bill of rights, or has certain express reservation of rights interwoven in the body of them. From this it appears, that at a time when the pulse of liberty beat high and when an appeal was made to the people to form constitutions for the government of themselves, it was their universal sense, that such declarations should make a part of their frames of government. It is therefore the more astonishing, that this grand security, to the rights of the people, is not to be found in this constitution.

## **Federalist 84**

**Alexander Hamilton**

### Excerpt 8

It has been several times truly remarked that bills of rights are, in their origin, stipulations between kings and their subjects, abridgements of prerogative in favor of privilege, reservations of rights not surrendered to the prince. Such was MAGNA CHARTA, obtained by the barons, sword in hand, from King John. Such were the subsequent confirmations of that charter by subsequent princes. Such was the *Petition of the Right* assented to by Charles the First in the beginning of his reign. Such, also, was the Declaration of Right presented by the Lords and Commons to the Prince of Orange in 1688, and afterwards thrown into the form of an act of Parliament called the Bill of Rights. It is evident, therefore, that, according to their primitive signification, they 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." Here is a better recognition of popular rights than volumes of those aphorisms which make the principal figure in several of our State bills of rights and which would sound much better in a treatise of ethics than in a constitution of government.

## **Brutus I**

**October 18, 1787**

### Excerpt 9

perfection is not to be expected in anything that is the production of man - and if I did not in my conscience believe that this scheme was defective in the fundamental principles - in the foundation upon which a free and equal government must rest - I would hold my peace.

## The Federalist and Anti-Federalist Debate

Directions: Describe the arguments of the Federalist and the Anti-Federalists and the reasons why they held these beliefs in the space provided below. Place an X in the box of the side with which you agree, explain why in the space below the X.

The Issue	The Arguments	The Reasons Why	Feds	Anti
National v. State Power	Federalists:	Federalists:		
	Anti Federalists:	Anti Federalists:		
Large v. Small Republic	Federalists:	Federalists:		
	Anti Federalists:	Anti Federalists:		
Bill of Rights	Federalists:	Federalists:		
	Anti Federalists:	Anti Federalists:		

Directions: Read the following selection and highlight all of the arguments George Mason makes against the constitution. On a separate piece of paper, create a bulleted list of these arguments.

OBJECTIONS OF THE HON. GEORGE MASON,  
ONE OF THE DELEGATES FROM VIRGINIA IN THE LATE CONTINENTAL  
CONVENTION,  
TO THE PROPOSED FEDERAL CONSTITUTION;  
ASSIGNED AS HIS REASONS FOR NOT SIGNING THE SAME.

There is no declaration of rights; and, the laws of the general government being paramount to the laws and constitutions of the several states, the declarations of rights in the separate states are no security. Nor are the people secured even in the enjoyment of the benefit of the common law, which stands here upon no other foundation than its having been adopted by the respective acts forming the constitutions of the several states.

In the House of Representatives there is not the substance, but the shadow only, of representation, which can never produce proper information in the legislature, or inspire confidence in the people. The laws will, therefore, be generally made by men little concerned in, and unacquainted with, their effects and consequences.

The Senate have the power of altering all money bills, and of originating appropriations of money, and the salaries of the officers of their own appointment, in conjunction with the President of the United States, although they are not the representatives of the people, or amenable to them. These, with their other great powers, (viz., their powers in the appointment of ambassadors, and all public officers, in making treaties, and in trying all impeachments;) their influence upon, and connection with, the supreme executive from these causes; their duration of office; and their being a constant existing body, almost continually sitting, joined with their being one complete branch of the legislature, -- will destroy any balance in the government, and enable them to accomplish what usurpations they please upon the rights and liberties of the people.

The judiciary of the United States is so constructed and extended as to absorb and destroy the judiciaries of the several states; thereby rendering laws as tedious, intricate, and expensive, and justice as unattainable, by a great part of the community, as in England; and enabling the rich to oppress and ruin the poor.

The President of the United States has no constitutional council, (a thing unknown in any safe and regular government.) He will therefore be unsupported by proper information and advice, and will generally be directed by minions and favorites; or he will become a tool to the Senate; or a council of state will grow out of the principal officers of the great departments -- the worst and most dangerous of all ingredients for such a council, in a free country; for they may be induced to join in any dangerous or oppressive measures, to shelter themselves, and prevent an inquiry into their own misconduct in office. Whereas, had a constitutional council been formed (as was proposed) of six members, viz., two from the Eastern, two from the Middle, and two from the Southern States, to be appointed by vote of the states in the House of Representatives, with the same duration and rotation of office as the Senate, the executive would always have had safe and proper information and advice: the president of such a council might have acted as Vice-President of the United States, *pro tempore*, upon any vacancy or disability of the chief magistrate; and long-continued sessions of the Senate

would in a great measure have been prevented. From this fatal defect of a constitutional council has arisen the improper power of the Senate in the appointment of the public officers, and the alarming dependence and connection between that branch of the legislature and the supreme executive. Hence, also, sprang that unnecessary officer, the Vice-President, who, for want of other employment, is made president of the Senate; thereby dangerously blending the executive and legislative powers, besides always giving to some one of the states an unnecessary and unjust preminence over the others.

The President of the United States has the unrestrained power of granting pardon for treason; which may be sometimes exercised to screen from punishment those whom he had secretly instigated to commit the crime, and thereby prevent a discovery of his own guilt. By declaring all treaties supreme laws of the land, the executive and the Senate have, in many cases, an exclusive power of legislation, which might have been avoided, by proper distinctions with respect to treaties, and requiring the assent of the House of Representatives, where it could be done with safety.

By requiring only a majority to make all commercial and navigation laws, the five Southern States (whose produce and circumstances are totally different from those of the eight Northern and Eastern States) will be ruined; for such rigid and premature regulations may be made, as will enable the merchants of the Northern and Eastern States not only to demand an exorbitant freight, but to monopolize the purchase of the commodities, at their own price, for many years, to the great injury of the landed interest, and the impoverishment of the people; and the danger is the greater, as the gain on one side will be in proportion to the loss on the other. Whereas, requiring two thirds of the members present in both houses, would have produced mutual moderation, promoted the general interest, and removed an insuperable objection to the adoption of the government.

Under their own construction of the general clause at the end of the enumerated powers, the Congress may grant monopolies in trade and commerce, constitute new crimes, inflict unusual and severe punishments, and extend their power as far as they shall think proper; so that the state legislatures have no security for the powers now presumed to remain to them, or the people for their rights. There is no declaration of any kind for preserving the liberty of the press, the trial by jury in civil cases, nor against the danger of standing armies in time of peace.

The state legislatures are restrained from laying export duties on their own produce; the general legislature is restrained from prohibiting the further importation of slaves for twenty-odd years, though such importations render the United States weaker, more vulnerable, and less capable of defence. Both the general legislature and the state legislatures are expressly prohibited making *ex post facto* laws, though there never was, nor can be, a legislature but must and will make such laws, when necessity and the public safety require them, which will hereafter be a breach of all the constitutions in the Union, and afford precedents for other innovations.

This government will commence in a moderate aristocracy: it is at present impossible to foresee whether it will, in its operation, produce a monarchy or a corrupt oppressive aristocracy; it will most probably vibrate some years between the two, and then terminate in the one or the other.

GEO. MASON.