

Handouts D–E Answer Keys

Handout D: Virginia Resolutions (1798)

1. The Virginia Resolutions open with a unifying statement at the same time that they are declaring an equal loyalty not only to the United States but to Virginia.
2. In echoing the wording of the Declaration of Independence, the Virginia Resolutions are referring to inalienable rights and to the responsibility for citizens to ensure that the national government behaves constitutionally.
3. Accept reasoned answers.
4. According to these resolutions, states have a right and duty to intervene when it is necessary to maintain limits on federal power in relation to that of the states.
5. The writer is concerned about the growing power of the federal government.
6. The Resolutions concludes that the Alien and Sedition Acts are null and void. As this is a resolution of the Virginia Senate, it is Virginia declaring the Alien and Sedition Acts unconstitutional.

Handout E: Kentucky Resolutions (1798)

1. Accept reasoned answers that are based on the text.
2. The Tenth Amendment is referenced because it asserts the principle of federalism, and that states retain powers not granted to the national government. This is the basis for the Kentucky Resolutions' statement of nullification in regard to the Alien and Sedition Acts.
3. The Act is declared void based on the Tenth Amendment to the U.S. Constitution and with reference to the First Amendment.
4. Nullification is appropriate when powers are assumed which have not been delegated.
5. Nullification is the theory that a state has the legitimate power to nullify, or invalidate, any federal law that the state's legislature has decided violates the Constitution. It is based on the "Compact Theory," which holds that since the Union was formed by an agreement of the states, the states, not the federal courts, are the proper interpreters of the extent of the federal government's power and authority.