

Federalist and Anti-Federalist Papers Answer Keys

Handout A: State-by-State Ratification Summary Answer Key

Students may note that the ratification process took place in 4 main segments. They should identify similarities and differences to discuss any trends or patterns that they find. One trend was that states took longer to ratify. In most cases they had a close for/against vote and were more likely to propose amendments.

	States in Order of Ratification	Date of Ratification	Convention Vote For Ratification	Convention Vote Against Ratification	Notes
Winter 1787-88 ratifications	Delaware	Dec. 7, 1787	Unanimous		
	Pennsylvania	Dec. 12, 1787	46	23	
	New Jersey	Dec. 18, 1787	Unanimous		
	Georgia	Jan. 2, 1788	Unanimous		
	Connecticut	Jan. 8, 1788	128	40	
	Massachusetts (including Maine)	Feb. 6, 1788	187	168	Ratified based on proposition that amendments would be considered in the First Congress; 9 amendments proposed.
Spring 1788 ratifications	Maryland	Apr. 28, 1788	63	11	
	South Carolina	May 23, 1788	149	73	5 declarations & resolves proposed
	New Hampshire	June 21, 1788	57	46	12 amendments proposed

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	States in Order of Ratification	Date of Ratification	Convention Vote For Ratification	Convention Vote Against Ratification	Notes
					Constitution declared ratified July 2, 1788.
Summer 1788 ratifications	Virginia	June 26, 1788	89	79	20 amendments and an additional 20 items constituting a bill of rights proposed
	New York	July 26, 1788	30	27	31 amendments and an additional 25 items in a bill of rights proposed
Winter 1789 ratifications	North Carolina	Nov. 21, 1789	195	77	Ratified only after the First Congress sent twelve amendment proposals to the states for ratification. 26 amendments and an additional 20 items constituting a bill of rights proposed
	Rhode Island	May 29, 1790	34	32	Ratified only after the First Congress sent twelve amendment proposals to the states for ratification. 21 amendments and an additional 18 items constituting a bill of rights proposed

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Handout B: Excerpts from *Brutus I*, Brutus, October 18, 1787

Students should list at least 6 – 8 of the following:

- It is essential that the people get the decision right in considering the Constitution; if they permit a subversion of liberty, “this only remaining asylum for liberty will” fail.
- The people must be careful about parting with power (as in creating a strong central government) because they are unlikely to ever get it back.
- The legislature’s power over taxation is unlimited, and is “the most important of any power that can be granted...”
- The legislature’s power to raise and maintain a standing army can lead to destruction of liberty.
- Federal courts will destroy the state courts.
- The legislature has broad powers with few limits; the necessary and proper clause invalidates any limits and may result in annihilating the state governments.
- “It is a truth confirmed by the unerring experience of ages, that every man, and every body of men, invested with power, are ever disposed to increase it, and to acquire a superiority over every thing that stands in their way.”
- “[A] free republic cannot succeed over a country of such immense extent.” In such a large country it will be too hard for the representatives to really know the minds of the people.
- The diverse interests in a large republic will continually strive against each other.
- Standing armies in peacetime are a danger to liberty.
- Because of all these problems, the people will have little confidence in their legislature and will not support the laws they pass.

Handout C: Excerpts from *Federalist No. 1*, Alexander Hamilton, October 27, 1787

At least 4 of the following:

- “It has been frequently remarked, that it seems to have been reserved to the people of this country to decide, by their conduct and example, 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.”
- He questions the motives of those who oppose the Constitution. “An enlightened zeal for the energy and efficiency of government, will be stigmatized as the offspring of a temper fond of power and hostile to the principles of liberty.”
- “[A] dangerous ambition more often lurks behind the specious mask of zeal for the rights of the people...those men who have overturned the liberties of republics, the greatest number have begun their career, by paying an obsequious court to the people...commencing demagogues, and ending tyrants.”
- He intends to give a satisfactory answer to all the objections which might be made against the Constitution.

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- Those who argue that “Thirteen states are of too great extent for any general system, and that we must of necessity resort to separate confederacies...” are wrong. “For nothing can be more evident, to those who are able to take an enlarged view of the subject, than the alternative of an adoption of the constitution, or a dismemberment of the Union.”
- “In so extensive a republic, the great officers of government would soon become above the control of the people, and abuse their power to the purpose of aggrandizing themselves, and oppressing them.”
- Powerful elective offices will attract ambitious and designing men who are likely to abuse their power.

Handout D: Excerpts from *Brutus II*, Brutus, November 1, 1787

1. Students should list at least 6 – 8 of the following:
 - a. Men are by nature free.
 - b. No one has a natural right to exercise authority over others.
 - c. The origin of society, and the right to exercise authority over others, is found in consent of those who associate.
 - d. The common good is the goal of civil government.
 - e. To achieve the common good, it is necessary that the people give up a portion of their natural liberty.
 - f. The portion of liberty given up is only that which is necessary to establish and carry out laws for the happiness of the community.
 - g. It is not necessary that the people give up all their liberty; government is limited.
 - h. Some rights are of such a nature that they cannot be surrendered: conscience, the right of enjoying and defending life, etc.
 - i. A government formed on these principles should expressly state the principles and the essential natural rights reserved to the people.
 - j. Rulers in all times have tried to enlarge their powers and abridge the public liberty.
2. Specific elements that Brutus wrote should be listed in the general Constitution include the following. Students should list at least 5.
 - a. fair trials (being acquainted with the charges, protected from self-incrimination, being brought face to face with witnesses, having the trial of the facts in the vicinity where they happened)
 - b. protection against excessive bail
 - c. trial by jury in controversies at law as a way to protect property rights
 - d. a well regulated militia as a defense of free government
 - e. free elections
 - f. liberty of the press

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3. Brutus was especially concerned about the “Supreme law of the land” clause because he believed the state constitutions were repealed if they were inconsistent with the general Constitution; the people might lose any protection found in their state constitutions and bills of rights.
4. Brutus warned that anyone who attempted to persuade the people that a bill of rights in the general Constitution was unnecessary was “willfully endeavoring to deceive, and to lead you into an absolute state of vassalage [tyranny, slavery].”

Handout F: Summary of *Federalist No. 10*

1. By a faction, I understand a number of citizens, whether amounting to a majority or minority of the whole, who are united and actuated by some common impulse of passion, or of interest, adverse to the rights of other citizens, or to the permanent and aggregate interests of the community.
2. Remove the cause.
3. Control its effects.
4. Destroy liberty.
5. Give everyone the same opinion.
6. Remedy is worse than the disease; “Liberty is to faction what air is to fire...”
7. Impracticable method; Rights of property originate from diversity in the faculties of men and protection of these faculties is the first object of government.
8. Various and unequal distribution of property.
9. “Enlightened statesmen will not always be at the helm...”
10. Controlling its effects.
11. Republican principle—frequent elections.
12. They have the power to sacrifice both the public good and the rights of others.
13. a. Secure the public good; b. Secure private rights; c. Preserve the republican principle (spirit and form of popular government)
14. a. Prevent the existence of the same faction in a majority; b. Render the majority unable to carry out its schemes.
15. Dependence on moral & religious motives; create a democracy.
16. Creating a republic.
17. In a democracy there is a smaller number of citizens elected; in a republic there is a greater number of citizens over which the republic is extended.
18. a. To refine and enlarge the public views by passing them through the medium of the chosen body of citizens; b. The public voice, spoken through the representatives, being more aligned with the public good than if it had been directly decided by the people themselves.
19. Corrupt men of factious tempers, local prejudices, or sinister designs who betray the interests of the people

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20. Large, because there are more potential candidates from which to choose, and it will be harder for unworthy candidates to mislead such a large number of people
21. The smaller the society, the more likely it is that a majority will be able to “concert and execute their plans of oppression.”
22. “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...”
23. a. Representatives are more likely to have enlightened views and virtuous sentiments which enable them to reject local prejudices and schemes of injustice; b. A greater variety of parties makes it less likely that one can outnumber and oppress the rest; c. There are greater obstacles opposed to the concert of secret wishes of an unjust majority.
24. “...We behold a republican remedy for the diseases most incident to republican government. And according to the degree of pleasure and pride we feel in being republicans, ought to be our zeal in cherishing the spirit, and supporting the character of federalists.”
25. Accept reasoned responses.

Handout G: Excerpts from *Federalist No. 44*, James Madison, January 25, 1788

1. Necessary and proper clause
2.
 - a. Prohibit the exercise of any power not expressly delegated.
 - b. Attempt to list all powers that might fall into the category of “necessary and proper.”
 - c. Attempt to list all powers that would not be considered “necessary and proper.”
 - d. Remain altogether silent, leaving those necessary and proper powers to construction and inference.
3. Accept reasoned responses.
4. The same as if Congress oversteps its boundaries with respect to any other part of the Constitution, or if their state governments do so: 1. insist that the executive and judicial branches keep Congress in line and, 2. elect “more faithful representatives” who will “annul the acts of the usurpers.”
5. State governments will “be ever ready to mark the innovation, to sound the alarm to the people, and to exert their local influence in effecting a change of federal representatives.”

Handout H: Excerpts from *Federalist No. 51*, James Madison, February 6, 1788

Accept reasoned responses.

Handout I: Excerpts from Patrick Henry Speeches, Virginia Ratifying Convention, June, 1788

Accept reasoned responses.