

1.3 Government Power and Individual Rights



**ESSENTIALS**

1. Madison's arguments in *Federalist 10* focused on the superiority of a large republic in controlling the "mischiefs of faction," delegating authority to elected representatives, and dispersing power between the states and national government.
2. Anti-Federalist writings including *Brutus 1* adhered to popular democratic theory that emphasized the benefits of a small-decentralized republic, while warning of the dangers to personal liberty from a large, centralized government.

**Do you think the TSA checks in airports have tipped the balance in favor of a strong centralized government over our inalienable individual rights?** Investigate what the courts have said.

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Using **Federalist 10 (1787)**, what you already know and appropriate search engines answer the following questions:

1. What was the intent of the Federalist Papers as written in 1787?
2. What synonyms do we use today for "faction"? What makes "factions" so mischievous?
3. Why does Madison argue that a *large republic* is best able to control the mischief of factions?
4. Madison also argues for the merits of a republic over a direct democracy. What is the difference? According to Madison, what makes a republic better? Do you agree?

*Anti-Federalist writings including Brutus 1 adhered to popular democratic theory that emphasized the benefits of a small-decentralized republic, while warning of the dangers to personal liberty from a large, centralized government.*

Using **Brutus 1 (1787)**, what you already know and appropriate search engines answer the following questions:

1. Who were the Federalists? Who were the Anti-Federalists? What was their primary dispute?
2. Why did Anti-Federalists fear a strong central government?
3. What contemporary political party best represents Federalist views? What contemporary political party best represents Anti-Federalist views? Explain by using examples.

## **CONCEPT APPLICATION QUESTION**

...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, or the laws made in pursuance of it, or with treaties made under the authority of the United States. — The government then, so far as it extends, is a complete one, and not a confederation. It is as much one complete government...

Source: Brutus I, October 18, 1787

- A. Describe the main idea or essential claim.
- B. In the context of the scenario, explain how the claim discussed in (A) can be countered by what actually transpired with the ratification or our new constitution.
- C. Explain how federalism addressed the criticisms found in Brutus 1.