

Intro to the Great Debate

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THE GREAT DEBATE

Introduction

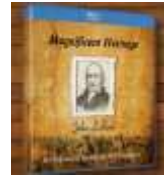


**Leader of Virginia General Baptist Convention.
Nominated to Constitutional Convention.**

Leland gives his position to the Constitutional Convention to a man named _____.

On a handshake, James Madison promises to fight for a Bill of Rights to secure protections for religious liberty.

This monumental event is depicted on a film called Magnificent Heritage.



The writer of Letters from a Federal Farmer, presumably Richard Henry Lee, makes the argument for why the proposed Constitution needs a _____ of _____.



Who is the man that argues that an inclusion of a bill of rights could be problematic and dangerous?



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Position of Richard Henry Lee

In the Letters from a Federal Farmer #6, the writer warns that “after the system is adopted the people will become _____.”

In federalist #45 Madison explains that the powers delegated to the federal government are _____ and defined.

The powers not delegated are reserved to the _____.

Lee argues that a Bill of Rights will become a “visible boundaries constantly seen by all and any transgression of them is immediately discovered.”

He says a bill of rights serve as _____ for the people at all times. The people’s knowledge and awareness of the Bill of Rights should trigger an alarm when liberty is threatened.

What is the purpose of the Bill of Rights?

When is a Bill of Rights most necessary?

They serve especially in those unavoidable intervals of _____.

Our founders knew that people become pacified in _____.

Lazy in their _____.

Compliant in their _____.

According to the Lee, the Bill of Rights does not primarily serve to limit the government, but it serves to remind the people and wake the people to the transgressions of those limitations when an inattentive populace has not controlled its government.

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Position of Alexander Hamilton

Alexander Hamilton argues in Federalist #84 that a Bill of Rights would be dangerous.

Dangerous & Unnecessary



“They would contain various exceptions to powers not granted; and, on this very account, would afford a colorable pretext to claim more than were granted. For why declare that things shall not be done which there is no power to do?” Federalist Paper #84

The powers in the Constitution are enumerated, which means **if the power is not listed** then that power is not authorized to be wielded by the federal government.

So Hamilton says, “Why tell the federal government **NOT** to do, what we have never authorized them to do in the first place?”

Why, for instance, should it be said that the liberty of the press shall not be restrained, when no power is given by which restrictions may be imposed?

They might urge with a semblance of reason, that the Constitution ought not to be charged with the absurdity of providing against the abuse of an authority which was not given, and that the provision against restraining the liberty of the press afforded a clear implication, that a power to prescribe proper regulations concerning it was intended to be vested in the national government.

Hamilton says, if we tell the federal government that certain rights should not be infringed, then they will take it upon themselves to define and regulate that area under the excuse of “protecting that right.”



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And that those things not included on the list are free to be controlled by the central government.

The Solution

Richard Henry Lee argues that we need a Bill of Rights to remind the people of what they need to guard.

Hamilton says that if you write these things down then the Federal government will use it as a “handle” to regulate you out of your liberty. And the Liberty Charters that have gone before, declare our rights and need no reiteration.

Madison made a promise to fight for this issue and considers Hamilton’s argument reasonable and proposes a guard

against it. That guard is contained within the Bill of Rights itself, his solution ends up as the

NINTH and TENTH amendments.

IX The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

X The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Notes:

