



# AMERICAN GOVERNMENT



## LESSON 25

### OUTLINE

#### I. Introduction

- Brief overview of the purpose and scope of the study.
- Importance of foundational framework for understanding the Constitution.
- Emphasis on the relevance of understanding the Constitution's purpose to interpret its terms correctly.

#### II. Misconceptions Surrounding the Constitution

- Acknowledgement of widespread misinformation about the Constitution.
- Historical context: misinformation has persisted for over 100 years.
- How this misinformation has stretched, misapplied, and misinterpreted the Constitution.

#### III. Influence of Joseph Story's Treatise

- Background on Justice Joseph Story's treatise (commissioned in 1830).
- Explanation of how the treatise departed from the original intent of the Founders.
- Impact of Story's work on strengthening federal government authority and weakening state power.

#### IV. Transition from the Articles of Confederation to the Constitution

- Common misunderstanding: the Constitution was created to build a stronger national government.
- Reality: the Founders did not argue for a more powerful national government.

#### V. The Federalist Papers and Their Significance

- Introduction to the Federalist Papers (written by John Jay, James Madison, and Alexander Hamilton).
- The purpose of the Federalist Papers: explanation and defense of the Constitution.
- Key arguments of the Federalists:
  - The Constitution does not create a stronger central government.
  - It aims to establish an effective federal government to manage foreign affairs, defense, trade, and economic stability.
  - Protection of liberty and property through checks and balances.
  - Prevention of factional dominance by expanding the Union and diversifying opinions.
  - Ensuring a representative government while guarding against direct democracy.



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#### VI. Anti-Federalist Concerns

- Introduction to the Anti-Federalist Papers.

- Main concerns:

1. A strong national government would erode state authority and individual liberties.
2. Lack of a Bill of Rights to protect natural rights.
3. Concerns about the creation of a powerful executive branch and the potential for it to resemble a monarchy.
4. Fear of an expansive judiciary that could undermine state power.
5. Opposition to a standing national army that could enforce federal laws and undermine state sovereignty.

#### VII. Constitutional Safeguards and Checks

- Explanation of how the Constitution was designed to prevent federal overreach.
- Enumerated powers of the federal government.
- Separation of powers into three branches with checks and balances.
- The Constitution establishes a federal confederation, not a consolidation of state power.

#### VIII. Role of the States as a Check on Federal Power

- The importance of state sovereignty and responsibility to check federal overreach.
- Federalist 45 (James Madison):
  - "The powers delegated to the federal government are few and defined."
  - The states retain numerous and indefinite powers, especially regarding internal affairs, property, and individual liberties.

#### IX. Conclusion

- The Constitution was written to correct the deficiencies of the Articles of Confederation.
- It did not create a more powerful central government.
- Emphasis on the importance of understanding original sources (Federalist Papers, Anti-Federalist Papers, and ratification debates) for accurate interpretation of the Constitution.



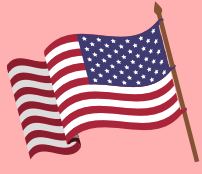
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### Discussion Questions

1. What role do original source documents, such as the Federalist and Anti-Federalist Papers, play in understanding the true purpose of the U.S. Constitution? Why is it important to focus on these primary sources rather than interpretations written after 1830?
2. The Federalists argued that the Constitution would not create an overly powerful central government, yet many Anti-Federalists feared it would. How do these differing perspectives shape the modern interpretation of federal versus state powers?
3. Joseph Story's treatise is said to have distorted the original intent of the Constitution, leading to a stronger national government. In what ways might such reinterpretations affect the functioning of government institutions, and how can we reconcile these changes with the original text?
4. The Anti-Federalists were concerned about the potential for the president to gain too much power, resembling a monarchy or dictatorship. Do you think the modern presidency reflects their concerns? Why or why not?
5. Federalist 45 emphasizes that the powers delegated to the federal government are "few and defined," while those retained by the states are "numerous and indefinite." How has the balance between federal and state powers evolved since the ratification of the Constitution, and is this evolution consistent with the Founders' intent?



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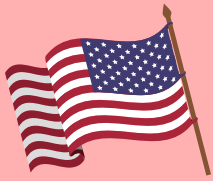


## LESSON 25

NAME \_\_\_\_\_

### Multiple Choice

1. What is one of the main reasons for studying the U.S. Constitution according to the introduction?
  - A) To apply modern legal theories to it
  - B) To understand its purpose and how to apply its terms
  - C) To focus on current political perspectives
  - D) To rewrite it for modern times
2. What did the treatise written by Joseph Story emphasize?
  - A) Strengthening state powers
  - B) The original intent of the Founders
  - C) A stronger and more powerful national government
  - D) Limiting federal government power
3. Which of the following is a common misconception about the U.S. Constitution?
  - A) It was created to establish state sovereignty
  - B) The Constitution was written to create a more powerful central government
  - C) The Founders wanted to preserve individual liberties above all
  - D) The Articles of Confederation were seen as too strong
4. Who were the authors of the Federalist Papers?
  - A) Thomas Jefferson, John Adams, George Washington
  - B) John Jay, James Madison, Alexander Hamilton
  - C) Patrick Henry, Samuel Adams, George Mason
  - D) Benjamin Franklin, John Hancock, Thomas Paine
5. What was one of the main concerns of the Anti-Federalists?
  - A) That the Constitution would create a weak federal government
  - B) That a national government would consolidate power and erode state authority
  - C) That the Constitution would fail to include enough federal powers
  - D) That the president would have too little power

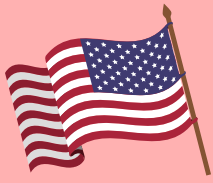


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6. According to the Federalist Papers, what is one key purpose of the Constitution?
- A) To ensure an absolute monarchy
  - B) To prevent the states from forming alliances
  - C) To unify the states and protect liberty through checks and balances
  - D) To weaken the federal government
7. Why did the Anti-Federalists advocate for a Bill of Rights?
- A) To strengthen the presidency
  - B) To remind people of their natural rights and limit federal overreach
  - C) To give the judiciary more power
  - D) To allow for a standing army
8. What did the Anti-Federalists fear about the executive branch?
- A) That it would have too little power to govern
  - B) That a president could evolve into a monarchy or dictatorship
  - C) That it would consist of too many representatives
  - D) That it would have no control over foreign policy
9. According to James Madison in Federalist 45, what are the powers of the federal government?
- A) Numerous and indefinite
  - B) Few and defined
  - C) Unlimited in scope
  - D) Equal to those of the states
10. What was the Constitution written to correct?
- A) The lack of a strong national government
  - B) The lack of a Bill of Rights
  - C) The deficiencies of the Articles of Confederation
  - D) The concentration of power in the states



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### CONSTITUTION OVERVIEW 4 OF 4

#### ANSWER KEY

11. B) To understand its purpose and how to apply its terms
2. C) A stronger and more powerful national government
3. B) The Constitution was written to create a more powerful central government
4. B) John Jay, James Madison, Alexander Hamilton
5. B) That a national government would consolidate power and erode state authority
6. C) To unify the states and protect liberty through checks and balances
7. B) To remind people of their natural rights and limit federal overreach
8. B) That a president could evolve into a monarchy or dictatorship
9. B) Few and defined
10. C) The deficiencies of the Articles of Confederation