



UNLOCKING  
THE  
FEDERALIST PAPERS

Discussion Guide



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# 5 Federalism in the *Federalist Papers*

*The Proposed Constitution ...  
Is Neither Wholly Federal nor  
Wholly National*

## STUDENT DISCUSSION GUIDE

### VIEW THE VIDEO

Thoughtfully view the video which can be found at <http://www.RootsofLiberty.org/videos>.

### ANALYZE THE SOURCE

Closely read the following excerpt from *Federalist No.39* (written by James Madison) and be prepared to discuss the questions that follow:

*The proposed constitution, therefore, even when tested by the rules laid down by its antagonists, is, in strictness, neither a national nor a federal constitution; but a composition of both. In its foundation it is federal, not national; in the sources from which the ordinary powers of the*

*government are drawn, it is partly federal, and partly national; in the operation of these powers it is national, not federal; in the extent of them again, it is federal not national; and finally, in the authoritative mode of introducing amendments, it is neither wholly federal, nor wholly national.*

1. Think about the process for ratification of the Constitution. How is the foundation of the Constitution federal (based upon the states)?
2. Think about representation in Congress (Article I). How are the sources from which the Constitution's power is drawn partly federal and partly national?
3. Think about the Supremacy Clause (Article VI, Section 2). How are the operations of the government created by the Constitution national?
4. Think about the principle of a limited national government with certain enumerated powers. How is the extent of the Constitution's power federal?
5. Think about the amendment procedure (Article V). How is the process for introducing amendments both federal and national?

6. Madison is trying to persuade his “antagonists” that the proposed constitution is equally federal and national. Does he persuade you?

## EXPLORE THE ESSAY

Thoughtfully read the essay, *The Proposed Constitution . . . Is Neither Wholly Federal nor Wholly National: Federalism in the Federalist Papers*, and be prepared to discuss the following questions:

1. Explain the “dual citizenship” held by Americans.
2. Define federalism. What are four characteristics of our federal system?
3. What did the Founders want to create when developing the Constitution?
4. Why did George Washington, Alexander Hamilton, and James Madison all emphasize the supremacy of national law? Are there examples from American history or contemporary society when the “head” has been under the direction of “the members?”
5. How does representation in Congress reflect the principle of federalism? How does the amendment process reflect this principle?
6. How does the election of the President reflect the principle of federalism? How would the Founders respond to proposals that the President should be elected directly by the people? How do you respond?
7. Do you think that the states are “laboratories” of democracy? Should there be any limits to state “experiments” (e.g., Jim Crow laws, medical marijuana, referendum on same-sex marriage, graduation requirements), or should each state have the sovereign power to do whatever its citizens support in the areas of health, safety, and public welfare?
8. Name some powers held by state governments and not by the federal government. Name some powers held by the federal government and not the states. Name some powers held by both levels of government.

## CONNECT TO CURRENT ISSUES

Research one of the issues listed below to determine how the principle of federalism informs the debates.

- ▶ Affordable Health Care Act
- ▶ Electoral College reform
- ▶ medical marijuana
- ▶ assisted suicide
- ▶ same sex marriage
- ▶ incorporation of the Bill of Rights



## SHOW WHAT YOU KNOW

Write a thoughtful, analytical essay answering any one of the questions from **Analyze the Source** or **Explore the Essay**.

Write a thoughtful, analytical essay either supporting or refuting this statement:

*The appropriate balance between federal and state power envisioned and advocated by the Founders exists today.*



## LEARN MORE

The *Federalist Papers* referenced in this article are also discussed by these other authors in *Roots of Liberty*:

No. 39 Miller

No. 45 Pilon

No. 44 Pilon, Presser, Koster

No. 68 Miller

On-Line Versions of the *Federalist Papers*

- ▶ The Avalon Project: Documents in Law, History and Diplomacy  
<http://avalon.law.yale.edu>
- ▶ On Line Library of Liberty  
<http://oll.libertyfund.org>

Teaching American History: The Federalist-Anti-Federalists Debates

- ▶ <http://teachingamericanhistory.org/fed-antifed>