



## Environmental Policy

Debating Federalism

Levelled Assessment \_\_\_\_/4

Name:

Section:

Score: \_\_\_\_/5

Directions: Use the primary and secondary documents below to help determine the arguments for, and against, a new constitution in the 18<sup>th</sup> Century. Once finished answer the long answer question at the end.

### Document 1

... Almost immediately after the Confederation was created, many Americans, including [James] Madison, came to see that it was much too weak to do what they wanted. By the 1780s the problems were severe and conspicuous [obvious]. The Congress could not tax and pay its bills. It could not feed, clothe, or supply the army. It could not levy tariffs to regulate trade or to retaliate against the mercantilist European empires. It was even having trouble gathering a quorum to conduct business. Attempts to revise the Articles and grant the Congress the power to levy a 5 percent impost [tax] on imported European goods were thwarted by the need to get the unanimous consent of all thirteen states. Internationally the United States were being humiliated. In the Mediterranean the Barbary pirates were seizing American ships and selling their sailors into slavery, and the Confederation was powerless to do anything. It was unable even to guarantee the territorial integrity of the new nation. Great Britain continued to hold posts in the northwestern parts of United States territory in defiance of the peace treaty of 1783. In the southwest Spain was claiming territory that included much of present-day Alabama and Mississippi and plotting with American dissidents to break away from the Union....

Source: Gordon S. Wood, *Revolutionary Characters: What Made the Founders Different*, Penguin Press, 2006

### Thought Question: (Level 2 and 3)

1. Identify two weaknesses about the Articles of Confederation; explain why each of those weaknesses would have supported a constitution establishing a Federation, instead of a Confederation.

### Document 2

John Jay of New York wrote *The Federalist*, Number 4, in support of ratification of the Constitution. This is an excerpt from that publication.

But whatever may be our situation, whether firmly united under one national government, or split into a number of confederacies, certain it is, that foreign nations will know and view it exactly as it is; and they will act toward us accordingly. If they see that our national government is efficient and well administered, our trade prudently regulated, our militia properly organized and disciplined, our resources and finances discreetly managed, our credit re-established, our people free, contented, and united, they will be much more disposed to cultivate our friendship than provoke our resentment. If, on the other hand, they find us either destitute of [lacking] an effectual government (each State doing right or wrong, as to its rulers may seem convenient), or split into three or four independent and probably discordant [quarreling] republics or confederacies, one inclining to Britain, another to France, and a third to Spain, and perhaps played off against each other by the three, what a poor, pitiful figure will America make in their eyes! How liable would she become not only to their contempt but to their outrage, and how soon would dear-bought experience proclaim that when a people or family so divide, it never fails to be against themselves.

### Thought Question: (Level 2)

Source: John Jay, *The Federalist*, Number 4, November 7, 1787

2. What is one of the arguments John Jay gives in ratifying a new constitution

### Document 3a

... The first question that presents itself on the subject is, whether a confederated government be the best for the United States or not? Or in other words, whether the thirteen United States should be reduced to one great republic, governed by one legislature, and under the direction of one executive and judicial; or whether they should continue thirteen confederated republics, under the direction and controul [control] of a supreme federal head for certain defined national purposes only?...

In a republic of such vast extent as the United–States, the legislature cannot attend to the various concerns and wants of its different parts. It cannot be sufficiently numerous to be acquainted with the local condition and wants of the different districts, and if it could, it is impossible it should have sufficient time to attend to and provide for all the variety of cases of this nature, that would be continually arising....

These are some of the reasons by which it appears, that a free republic cannot long subsist [survive] over a country of the great extent of these states. If then this new constitution is calculated to consolidate the thirteen states into one, as it evidently is, it ought not to be adopted....

Source: *Antifederalist Papers*, Brutus Number 1, October 18, 1787

#### Thought Question: (Level 2 and 3)

3. Describe two of the arguments that Antifederalists are using to oppose the ratification of the constitution.

### Document 3b

There is no declaration of rights; and the laws of the general government being paramount [superior] to the laws and constitutions of the several states, the declarations of rights in the separate states are no security. Nor are the people secured even in the enjoyment of the benefits of the common law, which stands here upon no other foundation than its having been adopted by the respective acts forming the constitutions of the several states....

There is no declaration of any kind for preserving the liberty of the press, the trial by jury in civil cases, nor against the danger of standing armies in time of peace....

Source: George Mason, "Objections to the Constitution," October 7, 1787

#### Thought Question: (Level 2)

4. What is one argument against the new constitution according to Mr. Mason?

