

**AIRMY**

**TRUCK**

LET 2 Packet

**Handout 1: Comparing Ideas About Government**

<b>Natural Rights Philosophy</b>	<b>Classical Republicanism</b>	<b>James Madison</b>
Stressed the rights of the individual to life, liberty, and property.	Stressed promoting the common good above the rights of the individual.	People are motivated by self-interest.
Stressed that human nature is such that individual behavior is motivated by self-interest.	Stressed that the individual should be motivated by civic virtue.	Self-interest can further the common good.
Stressed that society is a collection of individuals, each sharing the same right to pursue his or her own welfare.	Limited individual rights to privacy, belief, expression, and opportunities to read, think, and earn money. If people had freedom to do such things, they might stop being reliable and fully dedicated to the common good.	When individuals pursue their economic self-interest, it will contribute to general prosperity.
Stressed that people's opportunities should not be limited by the situation or group into which they are born.	Discouraged diversity of beliefs, wealth, and ways of life. Stressed small communities where people know and care for each other. Discouraged citizens from traveling, earning money, and reading and thinking about things that had nothing to do with their governments.	Sometimes self-interest works against the common good. Government must guard against this.
Stressed the main purpose of government should be to protect natural rights. The state existed to serve the interests of the individual.	Stressed avoiding the formation of factions or interest groups that might endanger the common good. Stressed that citizens should participate fully in the government to promote the common good.	Governments should be elected by a large number of people, not special groups.
To preserve natural rights, governments guarantee specific Rights, such as civil rights (freedom of conscience and privacy) and political rights (vote, run for office).	Stressed the importance of political rights such as voting, expressing ideas and opinions about government, and serving in public office.	Government should be limited by separation of powers and a system of checks and balances.

## Learning Objectives

- Examine how the ideas of classical republicanism influenced the Founders' ideas of what kind of government they wanted
- Distinguish between classical republicanism and the natural rights philosophy
- Evaluate how the ideas and traditions of historical eras supported the Founders' thinking about natural rights and classical republicanism

Learning Objectives continued on next slide



## Learning Objectives (Cont'd)

- Explore how James Madison refined the ideas of classical republicanism to meet the needs of the new Americans
- Define key words: Age of Enlightenment, capitalism, Christendom, civic virtue, classical republicanism, common good, established religion, factions, hierarchical, Judeo-Christian, Middle Ages, mixed government, nation-state, papacy, providence, public and private morality, Reformation, Renaissance, representative democracy, secular governments





## Learning Objectives

- Explain how differences between colonial America and Europe affected the Founders' beliefs about government and individual rights
- Evaluate how you, as a citizen today, would view the limitation of many rights to white, male, property owners
- Determine how the Declaration of Independence justified the arguments for separation of the colonies from Great Britain

**Learning Objectives continued on next slide**





## Learning Objectives (Cont'd)

- Examine what the Declaration of Independence says about the purpose of government and protection of individual rights
- Define key words: Boston Massacre, Boston Tea Party, Committees of Correspondence, constituents, covenant, Declaration of Independence, established religion, First Continental Congress, Fundamental Orders of Connecticut, governor, indentured servant, Intolerable Acts, legislatures, magistrate, Massachusetts Body of Liberties, Mayflower Compact, Minutemen, primogeniture, Quartering Act, Seven Years War, Sons of Liberty, sovereignty, Stamp Act Congress, suffrage, Tea Act, The Laws and Liberties, writ of assistance

## Learning Objectives

- Explain the basic ideas of natural rights, republicanism, and constitutional government contained in the early state constitutions
- Compare and contrast the differences between the Massachusetts Constitution and other state constitutions
- Describe the main components of the Virginia Declaration of Rights
- Defend positions on legislative supremacy
- Define key words: absolute veto, higher law, legislative supremacy, override, political guarantees, popular sovereignty, procedural guarantees of due process, representation, social contract, state declarations of rights, veto, Virginia Declaration of Rights





## Learning Objectives

- Explain why Americans needed a national government after the colonies declared independence from Great Britain
- Explain how the Founders designed the first constitution, the Articles of Confederation
- Compare the advantages and disadvantages of the Articles of Confederation
- Define key words: factions, loyalists, majority rule, national government







## Learning Objectives

- Describe the steps leading to the calling of the Philadelphia Convention and the initial purpose of the Convention
- Describe the characteristics of the Framers who attended the Convention
- Describe the Framers' agreement on how to conduct the business of the Convention
- Defend positions on how the Constitution should be developed: by Congress or by a special national convention
- Describe the basic elements of the Virginia Plan and the New Jersey Plan and the differences between them

**Learning Objectives continued on next slide**



## Learning Objectives (Cont'd)

- Relate the elements of the Virginia and New Jersey Plans to the basic ideas of government such as natural rights, republican government, and constitutional government
- Explain the reasons for the disagreements among the delegates regarding representation
- Evaluate the advantages and disadvantages of the Virginia and New Jersey Plans for a national government
- Explain why the Virginia Plan was used as the basis for the new Constitution rather than the New Jersey Plan
- Define key words: delegates, equal representation, executive, federal system, Framers, House of Representatives, judicial, legislative, Philadelphia Convention, proportional representation, ratification, Senate, Virginia Plan



# Performance Assessment Task

## Unit 6: Citizenship in American History and Government

### Balancing Power [U6C3L3]

This performance assessment task gives you an opportunity to document your achievement of the lesson's competency:

**Assess how the powers granted to the legislative, judicial, and executive branches of government result in a balance of power**



#### Directions

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For this performance assessment task you will summarize your knowledge about how the three branches of government share a balance of power. For this assessment you will:

1. Create a Tree Map with three columns labeled: "Legislative Branch," "Executive Branch," and "Judicial Branch." Specify the powers granted to each branch of the government in your Tree Map.
2. Write a summary explaining the balance of power in the three branches. Provide one or more examples of how the balance of power works to keep any one branch from becoming too powerful.
3. Use the attached scoring guide criteria for what you need to do to complete this task.
4. Submit your completed performance assessment task and scoring guide to your instructor for evaluation and a grade.

**RECOMMENDATION:** It is recommended that you add this performance assessment task to your Cadet Portfolio.

## Balancing Power Performance Assessment Task Scoring Guide

<b>Criteria</b>	<b>Ratings</b>	
1. Your Tree Map specifies the powers granted to the legislative, executive, and judicial branches of the government	met	not met
2. You summarize how the powers granted and denied each branch result in a balance of power	met	not met
3. You provide one or more examples of how the balance of power works to keep any one branch from becoming too powerful	met	not met

**Comments:**

**Name:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Evaluator's Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_



## Learning Objectives

- Explain how and why the Framers developed the present system of representation in Congress and the advantages and disadvantages of this system
- Describe how Article I of the Constitution delegates explicit powers to the Congress and limits the powers of both the national and state governments
- Describe the “three-fifths clause” and the “fugitive slave clause” and explain what issues they were intended to resolve
- Defend positions on disagreements at the Philadelphia Convention over representation and slavery
- Explain the basic organization of the executive and judicial branches set forth in Articles II and III of the Constitution

**Learning Objectives continued on next slide**





## Learning Objectives (Cont'd)

- Describe the limitations on the powers of the executive and judicial branches
- Explain why the Framers developed the Electoral College as the method for selecting the president
- Defend positions on the influence of the presidency over legislation
- Define key words: appellate jurisdiction, apportioned, balance of power, bills of attainder, Electoral College, electors, enumerated powers, equal [state] representation, executive power, executive departments, ex post facto laws, fugitive slave clause, The Great Compromise, impeach, judicial review, legislative power, necessary and proper clause, original jurisdiction, proportional representation, separated powers, supremacy clause, treason, veto



## The Anti-Federalists' Position on Ratification of the Constitution

Unlike the Federalists, the Anti-Federalists' position was not set forth in a single group of essays. Many speeches and pamphlets by a large number of opponents to the Constitution contain the various objections that were made.

### I. Republican Government

The Anti-Federalists agreed that republican government was the only form of government suited to the United States. They, however, insisted that it was impossible to create and maintain a republican government in a territory as large and containing as many people as the thirteen states. One opponent wrote, "The idea of a...republic on an average one thousand miles in length and eight hundred in breadth, and containing six millions of white inhabitants...is in itself an absurdity, and contrary to the whole experience of mankind." It was true that a large republic was contrary to the experience of mankind as well as the teaching of writers such as Montesquieu.

Republican government clearly requires the active support of the people. The Anti-Federalists argued that the government provided by the Constitution was too distant from the people to gain this support. The alternative was too horrible to contemplate, and was described by one opponent in the following words: "Nothing would support the government... but military coercion." And a writer in *The Independent Gazeteer* of Philadelphia warned, "From the moment we became one great Republic... the period is very shortly removed, when we shall sink finally into monarchy, and then into despotism."

Most of the writers on republicanism had assumed republican government was possible only when the people had roughly the same economic status, pursued similar economic activities, lived their lives in similar ways, and had the same religious and moral points of view. The Anti-Federalists argued that this clearly was not the case in the United States. A New Englander observed, "The inhabitants of warmer climes are more dissolute in their manners, and less industrious, than in colder countries.... It is impossible for a code of laws to suit Georgia and Massachusetts." And a southerner expressed a similar view when he wrote, "We see plainly that men who come from New England are different from us." He made it clear that he did not wish to be governed by or to govern with these different men.

Finally, many of the Anti-Federalists continued to insist that republican government required citizens who were virtuous. Writing under the name "Centinel," one argued that a government of checks and balances could not attain the common good. In a republic, he insisted, the people are sovereign and for sovereign people to make good decisions, they must be virtuous. Moreover, they must be relatively equal, and that was less likely in a large nation than a small state.

### II. Federalism

The Anti-Federalists were almost unanimous in the opposition to a "national" or "consolidated" government, and that, they insisted, was precisely the kind of government established by the Constitution. They were not impressed with the argument that the new federal government was a limited government of delegated powers, with the states retaining sovereignty over local matters. They based their opposition on four provisions of the Constitution: (1) the taxing power, (2) the provision for maintaining a standing army, (3) the necessary and proper clause, and (4) the supremacy clause.

Article I, Section 8 of the Constitution gave the federal government power to levy taxes. Congress had not possessed this power under the Articles of Confederation. In the minds of the Anti-Federalists, to give the government the power of the purse was to make it dangerously independent of the people.

Worse, they believed the power to tax was the power to destroy, and conjured horrible images of the people being bled dry. And the taxing power of the federal government may be used to destroy the state governments. In Pennsylvania, one person warned, "...the Congress may monopolize every source of revenue, and thus indirectly demolish the state government, for without funds they could not exist."

At least as bad as the taxing power was the provision in Article I, Section 8 which authorized Congress to raise and support armies. Not content with the power to bleed the states dry financially, the Framers had given the Congress the ultimate means of suppression. A standing army, according to Centinel, is "that grand engine of oppression." And he appeared to have few doubts about the potential willingness of the federal government to use that engine.

The Anti-Federalists viewed both the “general welfare” and the “necessary and proper” clause of the Constitution with deep suspicion. Centinel asked of the “general welfare” clause, “Now what can be more comprehensive than these words?... The Congress may construe every purpose... to be for the general welfare, and thereby seize upon every object of revenue.” As for the “necessary and proper” clause, it seemed to be such a sweeping grant of power, the Anti-Federalists could see no logical limits to the powers of the national government.

Their fears were confirmed, in their eyes, by the “supremacy clause.” Were there any doubts about the end result of ratification of the Constitution in light

of this clause? Luther Martin sought to enlighten the voters of Maryland. “[I]f the system is adopted, it will amount to a total and unconditional surrender to that government, by the citizens of this state, of every right and privilege secured to them by our Constitution....”

All of these objections reflected the conviction of most Americans in 1787 that men are seldom content to use less power than they are authorized to use. Human beings’ lust for power knows no limits. People who are given power will seek to expand and abuse that power. And particularly in the absence of a bill of rights, these provisions of the Constitution seemed especially dangerous.

### III. Separation of Powers and Checks and Balances

The Anti-Federalists did not accept James Madison’s argument that a blending of separated powers was essential if there is to be an effective system of checks and balances. The sharing of power between the president and the Senate in the appointive and treaty-making power simply made the president and Senate “partners in crime.” The blending of power meant, for the Anti-Federalists, a breakdown of checks and balances.

An obscure opponent of the Constitution made the following speech at the Virginia Convention: “That the legislative, executive, and judicial power should be separate and distinct is a political fact so well established, that I presume I shall not be thought

arrogant when I affirm that no country ever did, or even can, long remain free, where they are blended. All the states have been in the sentiment when they form their state constitutions, and therefore have guarded against the danger; and every schoolboy in politics must be convinced of the propriety of the observation; and yet, by the proposed plan, the legislative and executive powers are closely united....”

An opponent in Pennsylvania observed, “This mixture of legislative and executive... highly tends to corrupt... where the legislative and executive powers are united in the same person, or in the same body of magistrates, there can be no liberty.”

### IV. The Congress

The major criticisms of the Congress were the length of terms, re-eligibility for election, and the claim that it would be unrepresentative and aristocratic.

George Clinton of New York wrote, “The most general objections to the first article, [is] that biennial elections for representatives are a departure from the safe democratic principle of annual ones....” And the terms of senators, as well as their mode of selection would lead inevitably to an aristocracy, he added. This view was widely held. The republican principle required, so the Anti-Federalists thought, the representatives of the people to stand for elections every year, or at the very most two years. This was the major means of keeping them responsible to the people.

In addition to frequent elections, rotation of office was important in order to prevent the emergence of a governing class, that is, an aristocracy. By allowing officials to be re-elected, the Constitution invited corruption in the government. One or, at most, two years was quite enough for any man to be entrusted with power. For once men have tasted power, they develop aristocratic pretensions and become dangerous.

The Constitution provided one representative for every 30,000 inhabitants. The Anti-Federalists believed that it was not possible to represent adequately that many people. The best form of government was one in which men governed themselves, as in a town meeting. This, however, is not practical, so representative government is necessary. It is a substitute for self-government.



Hence, these representatives should act to the greatest possible degree as the individual citizen would act were he governing himself. The condition was most likely to be realized through frequent elections, in eligibility for re-election, and small electoral districts.

Moreover, a small number of representatives representing large districts, and in the case of senators, entire states, would probably be drawn from the upper classes since only they would have the means and the inclination to run for election. Melancton Smith of New York claimed that few men of middle class would choose to run for Congress because the office would be “highly elevated and distinguished.” Such circumstances would “render

the place of a representative not a desirable one to sensible, substantial men, who have been used to walking in the plain and frugal life.”

This situation described by Smith—the likelihood that the Congress would not be made up of ordinary men—was precisely the opposite of what most Anti-Federalists thought it should be. George Mason said of the representatives that “they ought to mix with the people, think as they think, feel as they feel—ought to be perfectly amenable to them and thoroughly acquainted with their interests and conditions.” If they were not, there was the danger, according to the Anti-Federalists, of aristocratic domination and the destruction of representative government.

## V. The Presidency

*L*uther Martin warned that a president elected for a four-year term, eligible for re-election, equipped with power to nominate judicial officers, to fill vacancies during the recess of the Senate, to pardon for the offense of treason, and with the armed forces at his disposal would, in fact, be an “elective King.” “A King in substance,” he would be able, when he chose, to become a “King in name” as well; and if he chose he could perpetuate the kingship in his family.

George Clinton dwelt with relish on the dissolute ambition, baseness, and perfidy that would

characterize the ten square miles of the Federal District. The president would surround himself with “flatterers,” “minions and favorites.” He would preside over a court that would be an “asylum of the base, idle, avaricious and ambitious.” All of this, he concluded would certainly lead to “a vile and arbitrary aristocracy or monarchy.” The Anti-Federalists were, of course, reflecting and appealing to the worst fears shared by many Americans as a result of their experience with the British monarchy and the royal governors.

## VI. The Judiciary

*T*he Anti-Federalists objected to the absence of a guarantee of trial by jury in civil cases and in criminal cases that reach the Supreme Court. They were also convinced that the federal judiciary “would eventually absorb and swallow up the state judiciaries....” All of this represented a serious threat to the liberties of the people.

Interestingly, not all Anti-Federalists opposed judicial review. Robert Yates of New York preferred the legislature, being accountable to the people, to be the final governmental interpreter of the Consti-

tution. Patrick Henry boasted that the judges in Virginia “opposed the acts of the legislature.” He went on, “They had the fortitude to declare that they were the judiciary, and would oppose unconstitutional acts. Are you sure that your federal judiciary will do this? Is that judiciary as well constructed, and as independent of the other branches, as our state judiciary?” In short, for Henry the question was whether the courts as constructed would, not whether they should, exercise the power of judicial review.

## VII. The Bill of Rights

*T*he issue of the Bill of Rights was the issue on which the Anti-Federalists were victorious. It was as a result of their efforts that the Bill of Rights was adopted. They were not persuaded by Federalist arguments that a bill of rights was only necessary to protect the people from a king. Nor did they accept the proposition that the Constitution established a limited government of enumerated and delegated powers. Many of those delegations of power, they insisted, were extremely broad and vague. The

“general welfare” and “necessary and proper” clauses as well as the war-making powers were merely a few examples. While it might be true that the Constitution prohibited *ex post facto* laws, why, they asked, did it not provide guarantees for other important liberties and rights? These rights are too important, and the lust for power with which all officeholders are bound to be infected means that the natural rights of the people must receive specific and extraordinary protection if they are not to be violated.

## The Federalists' Position on Ratification of the Constitution

The following information summarizes the arguments presented for the Federalists' position in a series of essays entitled *The Federalist*. These essays were written by Alexander Hamilton, John Jay, and James Madison using a common pen-name, Publius, a patriot of ancient Rome.

### I. Republican Government

Most people had thought that republican government could only exist in a small territory populated by people who possessed civic virtue. The Federalists maintained that it is possible to have republican government in a territory as large as that represented by the thirteen original states even if the people lack civic virtue. Moreover, such a republic, an extended republic, as they called it, would be superior to the classical republics of small city-states which depended on the civic virtue of the citizens.

In "Federalist No. 10," they describe what they thought was the major problem of the classical republics, that is, factions. Factions are made up of people of common interests or beliefs who try to get the government to do things that are desirable for them but which are contrary to the common good.

Classical republicanism had held that the main way of preventing this kind of behavior was for the citizens to possess civic virtue, encouraged by education, religion, and the good example of those

who exercised political authority. The Federalists argued, however, that history demonstrated that this does not work. The old republics had been destroyed because people preferred their own interests to the good of the community.

A larger state could avoid these problems because the people would be dispersed over a large territory. A larger number of people would produce a greater number of interest groups. These interest groups, scattered over a large territory, would find it impossible to cooperate with one another in order to form majorities, get the government to do what they wanted, and obtain laws that were favorable to their own interests instead of the common interest. In addition, representation and checks and balances would also help to ensure that the common interest rather than private interests would influence the policy of the government. Thus, the extended republic solved one of the most important problems of the old republics and clearly represented a superior form of republican government.

### II. Federalism

The Constitution established a new kind of political system: a federal system. In such a system, there are two governments, each sovereign in its own sphere and each with the authority to act directly upon the people. Previously there had been confederations consisting of a group of sovereign states held together for purposes of mutual defense or trade. The other form of government had been national or consolidated, in which all authority had been located in one central government.

The United States under the Articles of Confederation had been, as the name suggests, a confederation. The central government, such as it was, had very little authority. The Federalists argued that this had made the United States weak and disreputable abroad and disunited at home. In order to solve these problems, there was a need for a national government with the authority to deal with

those problems common to all of the states. These included foreign affairs, i.e., treaty and war-making powers. There is a clear need, they also argued, for a common authority to regulate commerce, coin money, and enforce contracts in order to restore the economy of the United States. All of this was necessary, if the government was to be able to provide for the general defense and security as well as the common welfare of the United States.

This did not mean that the state governments were to be eliminated or made entirely subordinate to the government of the United States in regard to matters of purely local jurisdiction. Under the Constitution, the laws passed by Congress are the supreme law of the land, but only in those matters over which Congress is given authority by the Constitution, and these are the powers enumerated in Article I, Section 8 of the Constitution.

These enumerated powers should not be feared because in any contest between the states and the national government, the advantage is on the side of the state governments. The state governments, being closer to the people than the national government, will have a greater claim to their loyalty and support.

In fact, they argued, the greatest problem under the new Constitution will not come from the power of the national government but from the powers retained by the states. This is so in spite of the supremacy clause of the Constitution.

### III. Separation of powers and checks and balances

Virtually all Americans in 1787 agreed that the separation of powers is the keystone of constitutional government. In “Federalist No. 47,” the Federalists wrote, “The accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny.”

However, critics of the Constitution pointed out that while the powers of government were indeed placed in three separate branches, these powers were not completely distinct. Through the veto, the executive was involved in the legislative power. Through the authority to approve appointments and treaties, the

legislative branch was involved in the executive powers.

The Federalists argued that if the three branches of government were totally separate, it would be impossible for them to check and balance each other. Hence, they must be armed with the power to do so. The new Constitution gives them this power. The executive can check the legislative branch through the use of the veto power. The legislative branch can check the executive by over-riding the veto by a two-thirds vote in the House and Senate. These and other devices provided by the Constitution ensure that the three branches of government will be kept in balance.

### IV. The Congress House of Representatives

Major objections were voiced to the two-year term and the relatively small number of representatives. Many believed that annual elections were required to keep the representatives responsible to their constituents. They also argued that one representative for 30,000 people was insufficient to provide for representative government.

The Federalists argued that elections every two years are sufficient to protect the safety of the people. They also maintained that two-year terms are desirable because they would enable the representatives to get more experience without making them so independent of the people’s judgment as to become dangerous.

In answer to the claim that there are too few representatives, they argued that the limited power given to Congress makes it safe to entrust the legislative authority of the lower house to a fairly small number of persons. Finally, they defended the number of representatives by arguing that the larger the assembly, the smaller the number of people who actually direct its affairs. This is so because large groups are more susceptible to the appeal of emotion and are more likely to be swayed by the appeals of clever and unscrupulous demagogues.

### Senate

The following four objections had been raised regarding the Senate:

1. The qualification for senators were more advanced age and a longer period of citizenship. (Senators are required to be at least 30 years of age and citizens for 9 years preceding election. Members of the House of Representatives must be 25 years old and citizens for 7 years.) The Federalists argued that the office of senator requires greater knowledge and stability of character. Since senators deal with foreign

nations through the treaty-making power, they should be free of foreign influences, and this is more likely if they have been citizens for a longer period of time.

2. Senators were appointed by state legislatures. The Federalists claimed that this was the method favored by public opinion and also is useful as a means of linking the state governments to the federal government.

3. Each state is equally represented in the Senate. The Federalists defended equal representation in the Senate by candidly admitting that this was a compromise between the claims of the large states and the small states. They went on to claim that it is desirable for laws to require approval by a majority of the people and a majority of the states. They admitted that this might seem an inconvenience, making it more difficult to pass laws. But this may be a good thing because “the facility and excess of law-making seem to be the diseases to which our governments are most liable....”
4. The number of senators is small. The Federalists insisted that this would result in greater stability and dignity in the government. They argued that large assemblies are susceptible to sudden and violent passions. A small body, elected for six-year terms, would be more sober and better informed in its deliberations. The resulting stability would be advantageous both in terms of domestic politics and foreign relations.

## V. The President

The Federalists had harsh words for critics of the presidency. They first addressed the selection of the president by the electoral college, a group of men chosen specifically for the purpose. This method, they claimed, would remove the selection of the president from tumult and disorder. Meeting in their several states, members of the electoral college would be less susceptible to intrigues and conspiracies. Describing the process by which the selection of the president might be made by the House of Representatives, they concluded, “This process of election affords a moral certainty that the office of president will seldom fall to the lot of any man who is not in an eminent degree endowed with the requisite qualifications.” The result will be “a constant probability of seeing the station filled by characters pre-eminent for ability and virtue.”

To those who argued that a strong executive is incompatible with republican government, The Federalists retorted that energy in the executive is the first prerequisite of good government. “It is essential to the protection of the community and against foreign attacks; it is not less essential to the steady administration of the laws; to the protection of property . . . ; to the security of liberty against the enterprises and assaults of ambition, of faction, and anarchy.” A feeble executive, they insisted, leads to weak government and such a government, “whatever it may be in theory, must be, in practice, a bad government.”

There were some people who argued in favor of a plural executive. The Federalists held that a plural executive is deficient in performing the executive functions, necessarily lacking secrecy, dispatch and decisiveness. Moreover, a plural executive tends to conceal faults and destroy responsibility. Finally,

they pointed out, a plural executive is more expensive than a single executive.

Defending the four-year term of the presidency, the Federalists claimed that it would give the executive a certain independence from the transient whim and passing opinions of the people, which is desirable. The people always intend the public good, but sometimes they are led astray. A statesman, and especially the executive, should be able to resist these momentary impulses and act on the basis of long-term calculations of the public good, unswayed by the passion of the moment.

They defended re-eligibility for election on similar grounds. They also argued that it lends stability to the government, providing a degree of continuity in its administration which is advantageous from the point of view of both domestic and foreign policy.

The people of the United States, given their experience with the British monarch and the royal governors, were naturally suspicious of executive power. The Federalists assured them that the executive power established by the Constitution is not only effective, but it is also safe. The president is chosen every four years by persons (electoral college) “immediately chosen by the people for that purpose,” and he is liable to impeachment, trial, and dismissal from office. Moreover, effective controls upon the executive power are provided by the system of checks and balances, in which some of the most important powers (treaty-making and appointive) are shared with the Senate. These measures provide assurance that executive power would not be successfully abused.

## VI. The Judiciary

Questions were raised by opponents of the Constitution regarding the way in which judges were appointed and their lifetime tenure in office during good behavior.

The Federalists dismissed the first by pointing out that while judges are appointed by the president, his appointments require the advice and consent of the Senate. This is sufficient to regard against foolish appointments.

The Federalists defended life tenure by first arguing that the judicial power, having access to neither the sword nor the purse, is the least dangerous branch of the government. “The judiciary is beyond comparison the weakest of the three departments of power....”

Having argued that it is safe to entrust the judicial power to judges with life tenure, they also said it is necessary in order to guarantee their independence. The independence of the judiciary is especially

important under a Constitution providing for a government of limited powers. Such a Constitution stipulates that there are certain kinds of laws, for example ex post facto laws, that the legislature cannot pass. “Limitations of this kind,” they wrote, “can be preserved in practice no other way than through the medium of courts of justice, whose duty it must be to declare all acts contrary to the manifest terms of the Constitution void. Without this, all the reservations of particular rights or privileges would amount to nothing.”

Life tenure, the Federalists emphasized, is essential if the judges are to possess the independence necessary for performing the “arduous” task of enforcing the limits imposed by the Constitution on the other branches of government. Moreover, the duties of judges require great amounts of knowledge and experience which would be enhanced by lengthy terms of service.

## VII. Bill of Rights

The Federalists responded to complaints that the Constitution does not contain a bill of rights. They argued that the Constitution contains protections for those rights usually mentioned in bills of rights. These included the guarantee of habeas corpus, the prohibition of ex post facto laws, the guarantee in criminal cases of trial by jury in the state where the crime was committed, protection of persons and their descendants accused of treason, and the prohibition of titles of nobility.

Most bills of rights, such as the Magna Carta, were between kings and their people, and are unnecessary in a political system where sovereignty resides in the

people and the members of the government are only the people’s servants. Moreover, a Constitution which delegates only limited powers to the government does not require a minutely detailed list of the rights maintained by the people.

Finally, the Federalists suggested that such a list of protected rights is in fact dangerous to the rights of the people. Why provide protection against powers not granted? This might afford the pretext for the government to claim power it doesn’t have on the ground that if protection is offered against the misuse of a particular power, that power must have been granted.

Cadet Name: \_\_\_\_\_

Date: \_\_\_\_\_

1. (U6C2L2:F1) Many of the buildings in Washington, D.C. are in the “classical” style, symbolizing our nation’s indebtedness to the ideas of ancient Greece and Rome.

- A) True
- B) False

2. (U6C2L2:F2) Which society had the greatest influence on the Founders’ ideas about government?

- A) Ancient Greece
- B) China
- C) The Roman Republic
- D) England

3. (U6C2L2:F3) Which philosophy stresses the rights of life, liberty, and property to the individual?

- A) natural rights philosophy
- B) classical republicanism
- C) classical rights
- D) all of the above

4. (U6C2L2:F4) When something is organized or classified to rank, capacity, or authority, what is it called?

- A) secular
- B) democracy
- C) morality
- D) hierarchical

5. (U6C2L2:F5) The American Founders did not belong to the Age of Enlightenment.

- A) True
- B) False

6. (U6C2L2:F6) You are very active in your community and your local government by volunteering and attending council meetings. What are you practicing?

- A) classical republicanism
- B) common good
- C) civic virtue
- D) capitalism

7. (U6C2L4:F1) What was the purpose of the Mayflower Compact?

- A) To establish a civil authority to make laws
- B) To establish a civil authority to appoint officers
- C) To divide up the new land
- D) Both A and B are correct

8. (U6C2L4:F2) In early colonial government, the governors had checks and balances placed on them. What could they not do?

- A) appoint judges
- B) collect taxes without legislators' permission
- C) remove a judge's decision
- D) enforce a judge's decision

9. (U6C2L4:F3) The American colonists agreed with the English on the idea that the security of life and liberty depended on the security of property.

- A) True
- B) False

10. (U6C2L4:F4) Who does sovereignty rest with in the United States?

- A) the president
- B) the people
- C) Congress
- D) the Supreme Court

11. (U6C2L4:F5) In early colonial America, women kept their legal identity after marriage.

- A) True
- B) False

12. (U6C2L4:F6) What ideas that were abused by the British government convinced the colonists to seek independence?

- A) trial by jury
- B) freedom of speech
- C) protection from military rule
- D) all of the above

13. (U6C2L5:F1) What was an idea included in the early state constitutions?

- A) free reign of the government
- B) right to vote
- C) no checks or balances
- D) one supreme ruler

14. (U6C2L5:F2) A system of government in which the legislative branch has the most power is known as what?

- A) legislative supremacy
- B) popular sovereignty
- C) representation
- D) higher law

15. (U6C2L5:F3) What provisions were in the Massachusetts constitution to keep the governor independent from the legislature?

- A) governor's salary changes each year
- B) could not appoint judges
- C) power to veto laws
- D) both A and C are correct

16. (U6C2L5:F4) What differences are there between the U.S. Bill of Rights and the state declarations?

- A) popular sovereignty
- B) freedom of religious practice



- C) abolishing quartering of troops in civilian homes
- D) all of the above

17. (U6C2L5:F5) The declaration that the colonists to be governed by the new state constitutions possessed certain basic rights that existed prior to government and that no constitution or government could take away was known as what?

- A) political guarantees
- B) state declaration of rights
- C) procedural guarantees of due process
- D) natural rights

18. (U6C2L5:F6) What document was the first attempt by the colonists to establish a government?

- A) U.S. Constitution
- B) Bill of Rights
- C) Virginia Constitution
- D) Articles of Confederation

Cadet Name: \_\_\_\_\_

Date: \_\_\_\_\_

1. (U6C3L1:F1) What year did the newly independent states each create their own government?

- A) 1774
- B) 1775
- C) 1776
- D) 1777

2. (U6C3L1:F2) All of the following are reasons that Americans considered creating a national government, except for what?

- A) To control the citizens of the states
- B) To manage relationships among the states
- C) To unite America in relations with the rest of the world
- D) To help manage conflict among the states

3. (U6C3L1:F3) The Founders originally wanted a strong national government.

- A) True
- B) False

4. (U6C3L1:F4) What was the last state to ratify the Articles of Confederation?

- A) New York
- B) Delaware
- C) Maine
- D) Maryland

5. (U6C3L1:F5) What event convinced the people to strengthen the national government?

- A) Shays' Rebellion
- B) The Revolutionary War
- C) The Battle of Monmouth
- D) The creation of factions

6. (U6C3L1:F6) The Revolutionary War was considered an accomplishment under the government created by the Articles of Confederation. What is the best reason for this?

- A) A large army was created
- B) European governments recognized America's independence
- C) Slavery was abolished
- D) Taxes were abolished

7. (U6C3L2:F1) What year was the second U.S. Constitution written?

- A) 1787
- B) 1788
- C) 1789
- D) 1776

8. (U6C3L2:F2)

Fifty-five delegates attended the Philadelphia Constitutional Convention.

What do we call these men who attended today?

- A) Delegates of the states
- B) Representatives of the thirteen colonies
- C) Framers of the Constitution
- D) Congressmen

9. (U6C3L2:F3) What plan was used as the basis for the Constitution?

- A) The Massachusetts Plan
- B) The Virginia Plan
- C) The New Jersey Plan
- D) The Delaware Plan

10. (U6C3L2:F4) All of the following were parts of the New Jersey Plan, except for what?

- A) Laws passed by Congress could be rejected by the states
- B) The national government could collect taxes from the states
- C) Congress could regulate trade between states and other nations
- D) Laws created by Congress could not be rejected by the states

11. (U6C3L2:F5) The New Jersey plan continued the system of government that was

established by the Articles of Confederation.

- A) True
- B) False

12. (U6C3L2:F6) What was one of the issues not resolved by the Philadelphia Convention?

- A) How to select a state governor
- B) Which branch would have the most power
- C) How to select Supreme Court judges
- D) What powers the national government should have

13. (U6C3L3:F1) Which of the following is not a branch of the federal government?

- A) judicial branch
- B) law creation branch
- C) legislative branch
- D) executive branch

14. (U6C3L3:F2) Delegates from smaller population states were against proportional representation because they feared larger states would dominate the national government with more votes.

- A) True
- B) False

15. (U6C3L3:F3) Who is able to appoint judges of the Supreme Court?

- A) Congress
- B) the Senate
- C) the people
- D) the president

16. (U6C3L3:F4) Which of the following is not a part of the Electoral College plan?

- A) Every four years a president would be selected
- B) Larger states would have more electors than smaller states
- C) Each state would select members of the Electoral College

D) The person who received the highest elector majority vote would become president

17. (U6C3L3:F5) Which of the following is a power of the Judicial branch?

- A) Deciding conflicts between state governments
- B) Removing the president from office
- C) Appointing members of the Senate
- D) Able to pass new laws