



# REFLECTION & CHOICE

A GUIDE TO THE FEDERALIST & ANTI-FEDERALIST DEBATES





# ABOUT THE PROJECT

## An Integrated Approach to Understanding the Federalist & Anti-Federalist Debates

*Reflection and Choice: The Federalists, the Anti-Federalists, and the Debate that Defined America* contains the essence of the great debates that roiled American public life at the end of the 1780s and demonstrates how those issues are still alive in the challenges of the 21st century. These debates are of historical importance and shed vital light—even down to the current hour—on the essential questions related to good government, liberty, order and public happiness.

### The book includes:

- All 85 *Federalist Papers* & selections from more than 50 Anti-Federalist writings
- 14 sectional introductions, which break down *The Federalist* by major topics of consideration
- Special “Questions for Our Time,” which sets up modern readers to ask themselves how the founding debates resonate in the 21st century

### The McConnell Center presents multiple resources to help you consider the debates:



#### Innovative New Book

- *Reflection & Choice: The Federalists, the Anti-Federalists, and the Debate that Defined America*
- Edited by Gary L. Gregg II & Aaron N. Coleman (McConnell Center, 2020)
- Visit [ButlerBooks.com](http://ButlerBooks.com) to purchase.



#### Podcast: Vital Remnants Season 4

- Monthly episodes with book editor Gary Gregg focus on how core themes in *Reflection & Choice* relate to challenges of the 21st century.



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#### Reading Guide

- Assignments (average of 48 pages/month) allow you to read *The Federalist* & select Anti-Federalist writings cover-to-cover in one year
- Discussion prompts focus on how Federalist and Anti-Federalist perspectives apply today.



#### Lecture Series

- Join us virtually each month for our public lecture series.
- Videos of guest talks on related historical and contemporary topics are available online.

Visit [Louisville.edu/McConnellCenter/Reflection](http://Louisville.edu/McConnellCenter/Reflection) for more details.

# MONTHLY READING GUIDE

## 1 SEPTEMBER 2020

**READ:** Sections 1 & 2, pp. 13-74  
**LISTEN:** Vital Remnants Season 4

### SECTION 1: INTRODUCTION TO THE DEBATES

- Federalist No. 1
- Brutus I

### SECTION 2: ON UNION, DISUNION & THE EXTENDED REPUBLIC

- Federalist No. 2-10
- Agrippa IV
- Federal Farmer I
- Brutus I
- Cato III
- Centinel II

## 2 OCTOBER 2020

**READ:** Section 3, pp. 75-100  
**LISTEN:** Vital Remnants Season 4

### SECTION 3: ON INTERNATIONAL TRADE & COMMERCE

- Federalist No. 11-14
- Centinel VIII
- Agrippa VI
- Agrippa XIV

## 3 NOVEMBER 2020

**READ:** Section 4, pp. 101-154  
**LISTEN:** Vital Remnants Season 4

### SECTION 4: ON THE DEFECTS IN THE ARTICLES OF CONFEDERATION

- Federalist No. 15-23
- Centinel VI
- Impartial Examiner V

## 4 DECEMBER 2020

**READ:** Section 5, pp. 155-194  
**LISTEN:** Vital Remnants Season 4

### SECTION 5: ON STANDING ARMIES & MILITIAS

- Federalist No. 24-29
- Brutus VIII
- Federal Farmer XVIII
- Brutus IX

## 5 JANUARY 2021

**READ:** Section 6, pp. 195-242  
**LISTEN:** Vital Remnants Season 4

### SECTION 6: ON TAXATION & CONCURRENT POWERS

- Federalist No. 30-36
- Brutus VI
- Brutus VII
- Genuine Information VI
- Centinel II

## 6 FEBRUARY 2021

**READ:** Section 7, pp. 243-324  
**LISTEN:** Vital Remnants Season 4

### SECTION 7: ON FEDERALISM & THE NATURE OF THE UNION

- Federalist No. 37-46
- Centinel IV
- Cato III
- Genuine Information IV
- Federal Farmer I
- Brutus X
- Brutus I
- Old Whig II
- Federal Farmer IV

## 7 MARCH 2021

**READ:** Section 8, pp. 325-354  
**LISTEN:** Vital Remnants Season 4

### SECTION 8: ON THE SEPARATION OF POWERS & CHECKS AND BALANCES

- Federalist No. 47-51
- Centinel I
- Agrippa XVI
- Centinel II
- William Penn II

## 8 APRIL 2021

**READ:** Sections 9 & 10, pp. 355-416  
**LISTEN:** Vital Remnants Season 4

### SECTION 9: ON THE HOUSE OF REPRESENTATIVES

- Federalist No. 52-58
- Brutus III
- Cato V

### SECTION 10: ON ELECTIONS: TIMES, PLACES & MANNERS

- Federalist No. 59-61
- Brutus IV
- Vox Populi
- Genuine Information IV
- Federal Farmer III
- Federal Farmer XII

## 9 MAY 2021

**READ:** Section 11, pp. 417-450  
**LISTEN:** Vital Remnants Season 4

### SECTION 11: ON THE SENATE

- Federalist No. 62-66
- Brutus XVI
- Cincinnatus IV
- Centinel I
- Cato VI

## 10 JUNE 2021

**READ:** Section 12, pp. 451-512  
**LISTEN:** Vital Remnants Season 4

### SECTION 12: ON THE PRESIDENCY

- Federalist No. 67-77
- Cato IV
- Federal Farmer XIV
- Genuine Information IX
- Centinel II

## 11 JULY 2021

**READ:** Section 13, pp. 513-570  
**LISTEN:** Vital Remnants Season 4

### SECTION 13: ON THE JUDICIARY

- Federalist No. 78-83
- Centinel I
- Federal Farmer III
- Brutus XIII
- Brutus XIV
- Brutus XV
- Genuine Information X
- Federal Farmer XV

## 12 AUGUST 2021

**READ:** Section 14, pp. 571-600  
**LISTEN:** Vital Remnants Season 4

### SECTION 14: ON A BILL OF RIGHTS & FINAL THOUGHTS

- Federalist No. 84-85
- Federal Farmer IV
- Federal Farmer VI
- Brutus II
- Agrippa XVI
- Thomas Jefferson to James Madison, December 20, 1787



# MONTHLY ASSIGNMENT

## Month I: September 2020

**READ:** Reflection & Choice, pp. 13-74

**LISTEN:** Vital Remnants Season 4

### Section 1: Introduction to the Debates

- Federalist No. 1
- Brutus I

### Section 2: On Union, Disunion & the Extended Republic

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Federalist No. 2 | <input type="checkbox"/> Federalist No. 7  | <input type="checkbox"/> Federal Farmer I |
| <input type="checkbox"/> Federalist No. 3 | <input type="checkbox"/> Federalist No. 8  | <input type="checkbox"/> Brutus I         |
| <input type="checkbox"/> Federalist No. 4 | <input type="checkbox"/> Federalist No. 9  | <input type="checkbox"/> Cato III         |
| <input type="checkbox"/> Federalist No. 5 | <input type="checkbox"/> Federalist No. 10 | <input type="checkbox"/> Centinel II      |
| <input type="checkbox"/> Federalist No. 6 | <input type="checkbox"/> Agrippa IV        |   |

## QUESTIONS FOR OUR TIME

### INTRODUCTION (SECTION 1)

1. What can we learn about political rhetoric from reading these two great examples of it?
2. Which is more effective: Publius' overt assertion that he is on the side of the Constitution or Brutus' more open-ended rhetoric in which he urges caution but encourages the reader to consider the merits of the proposal in question?
3. Is Publius right to warn us that those who claim to be most vociferous in defense of rights and liberties might end up being the most dangerous to our liberties? Can you identify and explain an example of this today?
4. For a long time in American history, the word "demagogue" went out of fashion. How should America think about politicians who would use intemperate rhetoric, divide people, or tell people what they want to hear in order to gain their favor? Are they a natural outgrowth of democracy or should (and can) they be guarded against?

5. Most of us weigh in, at least from time to time, on public matters on social media and in person. What can we learn from these essays about how to speak to, and about, people who might disagree with us?

### THE EXTENDED REPUBLIC (SECTION 2)

1. Note Publius' discussion of deliberation in Federalist 2. He discusses the deliberations of the Congress of 1774 as a model and points to the deliberations of the Constitutional Convention as even more worthy of trust. The attentive reader will find Publius repeatedly discussing the importance of deliberation in government. Does government today live up to the model of deliberation Publius lays out?
2. Publius claims to be building a political system based on the lessons of human history and human nature rather than what he calls "the deceitful dream of a golden age." He is building low and realistically, he claims,



*Scene at the Signing of the United States Constitution.* Howard Chandler Christy, 1940, oil on canvas. Public domain.

- while his opponents are hoping for unrealistic improvements in human nature. Many Americans have dreamed of utopia while others have warned of dystopian futures. How should we balance our hopes for a better future with our knowledge of the past and our experience with our fellow citizens today?
- Both sides at the Founding feared standing armies, seeing them as a threat to the liberty of the people. For generations now, however, America has had the most powerful standing military force ever seen in human history. What precautions have we made to ensure our military forces are not a threat to our liberty at home?
  - Does reading about these concerns encourage you to think any differently about U.S. military history and the place of the military in American society today? What do these arguments mean for our armed domestic forces such as the Federal Bureau of Investigation; Bureau of Alcohol, Tobacco, Firearms and Explosives; Homeland Security; Immigration and Naturalization Services; and state police?
  - In Federalist 10, Publius notes that people naturally form factions to pursue their own interests and, in so doing, possibly undermine the liberty and the interests of others. Some refer to such factions today as our political parties. While Publius predicted many small factions competing against one another, today we have a majority two-party system. Do we still have many smaller factions found within the superstructure of our major political parties? Would we be freer and more prosperous if we had smaller and more homogenous communities making major decisions?
  - The core difference between the Federalists and Anti-Federalists here and throughout these debates is about scale—what does a good and free society look like and what is the proper size to encourage it? Today, America is a huge, diverse, prosperous, and sometimes divided country of more than 325 million people. Which of the founding visions appeals to us in the 21st century, and what can we learn from both?

## Month II: October 2020

**READ:** Reflection & Choice, pp. 75-100

**LISTEN:** Vital Remnants Season 4

### Section 3: On International Trade & Commerce

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|--|--|
| <input type="checkbox"/> Federalist No. 11 | <input type="checkbox"/> Centinel VIII |
| <input type="checkbox"/> Federalist No. 12 | <input type="checkbox"/> Agrippa VI    |
| <input type="checkbox"/> Federalist No. 13 | <input type="checkbox"/> Agrippa XIV   |
| <input type="checkbox"/> Federalist No. 14 |  |

### QUESTIONS FOR OUR TIME

1. Congress and the executive agencies today routinely regulate many aspects of the U.S. economy. Examples include requiring the caloric count of food on restaurant menus, the regulation of food and medicinal drugs, and the national minimum wage. How does Publius' discussion of the necessity of the Constitution's power over commerce compare to the control the federal government exercises today?
2. In the 1942 case of *Wickard v. Filburn*, the Supreme Court held that Congress could regulate the internal commerce of a state because it affected the broader external economy. The court ruled that Congress could regulate economic activity that, on its face, was wholly local—growing and consuming wheat on one farm—because such activity could affect interstate commerce as the farmer could have purchased his wheat in the market. If the Anti-Federalists were correct in stating that commerce resulted from liberty, what implications, in turn, might Congress' enhanced power over commerce have for liberty?
3. In recent years, Americans have begun debating (again) whether free trade or protectionism is the proper economic response to globalization. How can the arguments of both Publius (particularly Federalist 12 & Federalist 13) and the Anti-Federalists be applied to our contemporary arguments for and against global free trade or protectionism?
4. Anti-Federalists feared that Congress' unlimited authority over commerce would lead to unfair policies that benefited one group over the whole. During the Great Recession of 2008 and again in response to the pandemic of 2020, the federal government bailed out several major industries (e.g., banks, airlines, automotive, and cruise lines, etc.). Do these actions legitimize Anti-Federalist fears of the government picking economic winners/losers, or do these actions represent a necessary concern for the common good?



Federal Reserve Protest, Charlotte. James Willamor, 2006. Creative Commons 2.0 / Flickr.com/photos/bz3rk/3050841971

## Month III: November 2020

**READ:** Reflection & Choice, pp. 101-154

**LISTEN:** Vital Remnants Season 4

### Section 4: On the Defects in the Articles of Confederation

- Federalist No. 15
- Federalist No. 16
- Federalist No. 17
- Federalist No. 18

- Federalist No. 19
- Federalist No. 20
- Federalist No. 21
- Federalist No. 22

- Federalist No. 23
- Centinel VI
- Impartial Examiner V

### QUESTIONS FOR OUR TIME

1. The Anti-Federalists preferred a decentralized kind of confederation of sovereign states while Publius preferred a more consolidated nation-state. Think about this debate and consider the positives and negatives of an American confederation of states and an America as a united single nation-state. What do we give up and what do we gain in each of these structures?
2. For Publius, a critical reason the Articles failed was due to their “slavish” devotion to state sovereignty. For the Constitution to succeed, he argued, the states had to surrender elements of their sovereignty to the general government. Since the early 20th century, and accelerating since the 1930s, the scope and power of the federal government has increased dramatically. Is there a danger in having a federal government that flips the problem of the Confederation (i.e., a federal government that wields practically all sovereignty while the states retain only what the federal government does not want)?
3. In Federalist 17, Publius argues that tyranny under the Constitution proves highly unlikely, with the real threat stemming more from state encroachment upon federal power. In what ways can states today legitimately encroach upon national power? Does federal encroachment upon traditional domains of states occur more than Publius predicted?
4. Publius notes that government requires energy to operate. As such, in its areas of responsibility, the government’s powers “ought to exist without limitations.” With a federal government of a vastly larger size than anything the Founders could have ever predicted, does Publius’ argument still hold that the government should have any “means” necessary to fulfill its purpose? What are, or should there be, limitations on how the Constitution meets its responsibilities?
5. Take a moment to review the Articles of Confederation. Does it appear to you inadequate to the needs of American government? Could it have been improved with mere tweaks or did it require a total overhaul, as Publius argues?



Articles of Confederation, 1777. Public domain.

## Month IV: December 2020

**READ:** Reflection & Choice, pp. 155-194

**LISTEN:** Vital Remnants Season 4

### Section 5: On Standing Armies & Militias

- Federalist No. 24
- Federalist No. 25
- Federalist No. 26

- Federalist No. 27
- Federalist No. 28
- Federalist No. 29

- Brutus VIII
- Federal Farmer XVIII
- Brutus IX

### QUESTIONS FOR OUR TIME

1. Most 18th-century Americans considered standing armies a threat to liberty. Today, however, most Americans honor, trust, and celebrate the military and consider its size and strength as vital to American freedom. What accounts for this change? Did the Anti-Federalists miscalculate the threat posed by standing armies?
2. When Publius and the Anti-Federalists wrote about standing armies, the United States was a small collection of weak republican states. Since the mid-20th century, the United States is the world's superpower with territorial possessions and historically unprecedented social, economic, and military strength. In what ways are the arguments regarding standing armies still relevant for us today?
3. The Constitution provided Congress with the power to call forth the state militias to help suppress invasions or domestic insurrection. In Federalist 29, Publius argues that federal control over state militias were “natural incidents” of collective protection and internal peace. Over the past several decades, the U.S. military has deployed state militias (known as the National Guard) overseas. Does this overseas deployment violate Publius’ rationale for why the federal government needed this power?
4. Why did Publius believe that a standing army could never threaten American liberty? Was his assessment correct? Should the military ever pose a threat, what recourses do Americans have? Military coups have happened throughout world history, but America has remained immune so far. What helps ensure “civilian control of the military” in America today?



*Soldiers participating in the McConnell Center’s Strategic Broadening Seminar for the U.S. Army. 2019. McConnell Center.*

## Month V: January 2021

**READ:** Reflection & Choice, pp. 195-242

**LISTEN:** Vital Remnants Season 4

### Section 6: On Taxation & Concurrent Powers

- Federalist No. 30
- Federalist No. 31
- Federalist No. 32
- Federalist No. 33

- Federalist No. 34
- Federalist No. 35
- Federalist No. 36
- Brutus VI

- Brutus VII
- Genuine Information VI
- Centinel II

### QUESTIONS FOR OUR TIME

1. Why did the Anti-Federalists consider the concurrent power of taxation, the ability of both the federal government and the states to tax the same things, a trap designed to consolidate the states? Consider, for example, how the federal and some states and local governments tax income. Does the taxation power operate today under the concurrency that Publius predicted?
2. The 16th Amendment to the Constitution empowered Congress to collect taxes on income. Did this constitutional amendment alter the nature of the federal government's power to tax?
3. Today, both the state and national governments enact taxes to regulate certain behaviors or practices. For example, many Americans today call for the high taxation of ammunition to curtail who will purchase it and how much can be purchased. Do you see evidence of either Publius or the Anti-Federalists envisioning the taxation power as one that could be used to regulate behavior?
4. If nearly all agreed that the general government should have taxation power over imports and exports, why did Publius insist that the general government should also have virtually unlimited taxing power domestically? Why would Publius not consider a limitation upon the federal taxing power? Has this unlimited taxing authority led to what Brutus claimed it would—a government that demands citizens "GIVE! GIVE!"?
5. Under the Affordable Care Act, the federal government could tax a citizen for failing to purchase medical insurance. Do you see evidence that Publius envisioned the federal government having such power to use its taxation power as a punitive measure?



*Sign, Harlingen, Texas. 1939. Photographer Lee Russell.  
From unsplash.com*



# MONTHLY ASSIGNMENT

## Month VI: February 2021

**READ:** Reflection & Choice, pp. 243-324

**LISTEN:** Vital Remnants Season 4

### Section 7: On Federalism & the Nature of the Union

- Federalist No. 37
- Federalist No. 38
- Federalist No. 39
- Federalist No. 40
- Federalist No. 41
- Federalist No. 42

- Federalist No. 43
- Federalist No. 44
- Federalist No. 45
- Federalist No. 46
- Centinel IV
- Cato III

- Genuine Information IV
- Federal Farmer I
- Brutus X
- Brutus I
- Old Whig II
- Federal Farmer IV

## QUESTIONS FOR OUR TIME

1. Anti-Federalists worried that the Necessary and Proper Clause, especially when combined with the Supremacy Clause and the federal courts, was a trojan horse designed to grant the general government virtually unlimited power. Do you think the Anti-Federalists were right in their assertion? Or is Publius right that whenever you establish an “end” or “goal” for government, the necessary power is always there to achieve it? How have these concerns played out in U.S. history?
2. One of the most interesting passages of *The Federalist Papers* is in Federalist 46 when Publius notes that the states would resist federal encroachments upon their sovereignty. Yet, Publius also indicated that the Constitution divided sovereignty and created a national court system to help settle questions of law. Imagine a scenario in which federal courts believe a federal action or law did not infringe upon state sovereignty, but the states, acting in “common cause” did. In this scenario, do the states have any remedy to correct what they consider a threat to their sovereignty? What are the implications of your answer?
3. Why does Publius devote so much space in Federalist 39 to explaining the federal nature of the Constitution’s ratification? What possible implications exist today for understanding that ratification occurred through the people of the several states rather than through “we the people” as one, single, national entity?
4. In Anglo-American political thought, the idea of dividing sovereignty was considered a “solecism” in politics: something considered incorrect because it created an *imperium in imperio* (sovereign within a sovereign). Yet, Publius insists that the Constitution divided sovereignty. Why did Publius believe this divided sovereignty would prove traditional political theory and history wrong? Given that the federal government today, through executive agencies and legislation, is involved in most aspects of everyday life that seemed to have been reserved to the states at the founding, does the notion of a divided sovereignty still hold true?
5. Most government and history textbooks visualize federalism as a pyramid, with the federal government on top, or as a layered or marble cake in which the powers of both state and federal governments are stacked or blended. Are these metaphors the same as those of Publius or the Anti-Federalists? Can you come up with better metaphors to explain the historical views on federalism and what it looks like today?

## Month VII: March 2021

**READ:** Reflection & Choice, pp. 325-354

**LISTEN:** Vital Remnants Season 4

### Section 8: On the Separation of Powers & Checks and Balances

- Federalist No. 47
- Federalist No. 48
- Federalist No. 49

- Federalist No. 50
- Federalist No. 51
- Centinel I

- Agrippa XVI
- Centinel II
- William Penn II

### QUESTIONS FOR OUR TIME

1. In Federalist 48, Publius warns about the tendency of the legislature to drain the power of the other institutions because people would see legislators as their true representatives. He argues, therefore, in favor of weakening the legislature and strengthening the presidency. In the last century, vast amounts of power have flowed from the legislature to the presidency. What accounts for this change? What could be done to reset the balance in the 21st century? Did the Founders go too far in concentrating the potential of power in the executive branch and weakening the legislature?
2. One of the prices of separating powers and creating checks and balances is that government action is more difficult than it would be under a simpler institutional arrangement. In the 21st century, do you think we need to put more emphasis on the safety of separating institutions or more on the side of facilitating government action?
3. In Federalist 49, Publius makes much of the importance of government having the respect and veneration of the people. He also says that it is not good to “disturb the public tranquility, by interesting too strongly the public passions” on questions of constitutional reform. Recent polls have shown the American people are losing respect for many of our political institutions



*American flag flying. Photographer Ben White.  
 From unsplash.com*

- and that political passions have been running very high in America for some time. Are there any constitutional reforms that could help government earn both the respect and veneration of the people while maintaining public tranquility?
4. These debates raise the interesting question as to whether we are better off with a simple government led by people we can easily identify and hold responsible or a more complicated governing system in which politicians from the different institutions can check one another but also can blame one another and leave the public potentially confused and impotent. Has our national government grown overly complicated and confusing? Is there an alternative?

## Month VIII: April 2021

**READ:** Reflection & Choice, pp. 355-416

**LISTEN:** Vital Remnants Season 4

### Section 9: On the House of Representatives

- Federalist No. 52
- Federalist No. 53
- Federalist No. 54

- Federalist No. 55
- Federalist No. 56
- Federalist No. 57

- Federalist No. 58
- Brutus III
- Cato V

### Section 10: On Elections: Times, Places & Manners

- Federalist No. 59
- Federalist No. 60
- Federalist No. 61

- Brutus IV
- Vox Populi
- Genuine Information IV

- Federal Farmer III
- Federal Farmer XII

## QUESTIONS FOR OUR TIME

### ON THE HOUSE OF REPRESENTATIVES (SECTION 9)

1. Publius promises that the House of Representatives would keep growing with the population of the United States. In 1929, we permanently capped the membership in the House to 435. While the Anti-Federalists objected that one representative per 30,000 Americans was not adequate representation, today the average district size is one representative per 710,000! Do you think one representative can adequately represent so many people? If not, what would be your solution?
2. Is the House of Representatives functioning today as a representative body, like Publius intends? If not, how is it different? Should any changes be made?
3. Do you want your representatives in Congress to closely resemble you and your interests, as Brutus indicates is proper, or do you value something else in your representatives?
4. We elect our members of Congress every two years. Some argue that today's members never seem to stop running for office because the next election is so close after they take their seats. Do you think the two-year term for representatives is too short? Too long? Still about right?
5. Publius famously argues in Federalist 57 that "The aim of every political constitution is, or ought to be, first, to obtain for rulers men who possess most wisdom to discern, and most virtue to pursue, the common good of the society; and in the next place, to take the most effectual precautions for keeping them virtuous, whilst they continue to hold their public trust." If that is true, are we today electing the most virtuous among us? Are they pursuing the common good of society? Are there adequate precautions in place to keep them virtuous while they are in office? Or should the aim of a constitution be something different than Publius here articulates?

**(CONTINUED)**



*Suffragettes Parade Down Fifth Avenue, The New York Times. October 20, 1917, photograph. Public domain.*

## ON ELECTIONS: TIME, PLACES & MANNERS (SECTION 10)

1. In Federalist 59, Publius asks “would any man have hesitated to condemn” a provision in the Constitution that would allow the federal government to intervene in state elections? Sounding almost like an Anti-Federalist, he says such a proposal would be a “premeditated engine for the destruction of the state governments.” And yet, as America has evolved, the federal government has exercised a power over state elections to ensure voting rights, such as the Voting Rights Act of 1965. What happened to bring about this change, and should one level of government be able to interfere with the elections of another level? What are the implications, if any, for federalism?
2. The Anti-Federalist Brutus fears that Article I, Section 4 of the Constitution puts our political rulers in charge of their own elections. The same argument has been used against state legislatures being able to gerrymander or draw their own
3. Article I, Section 4 grants Congress the power to intervene in state decisions regarding the time, place, and manner of elections. The one exception is that Congress was given no power to interfere with the place of choosing senators. Why do you think such an exception was made? You might note that the passage of the Seventeenth Amendment to the Constitution (1913) federalized the process of choosing senators by guaranteeing popular elections in every state. Originally, it was assumed the state legislatures would select a method for choosing senators with most legislatures doing it themselves. Though it is more than 100 years old, some continue to object to the Seventeenth Amendment on the grounds that moving to a popular election of senators removed an important power from the state legislatures and has reduced their national influence. What do you think?



# MONTHLY ASSIGNMENT

## Month IX: May 2021

**READ:** Reflection & Choice, pp. 417-450

**LISTEN:** Vital Remnants Season 4

### Section 11: On the Senate

- Federalist No. 62
- Federalist No. 63
- Federalist No. 64

- Federalist No. 65
- Federalist No. 66
- Brutus XVI

- Cincinnatus IV
- Centinel I
- Cato VI

## QUESTIONS FOR OUR TIME

1. The 17th Amendment completely upturned the founding vision of the Senate, which was to be an elect body chosen by state legislatures and to represent the states as political entities. Now all senators run political campaigns and are elected by the people of their states. Though it has been in effect for more than a century, some still argue for repeal of the amendment and a return to legislative selection of senators. What do you think? Have we lost anything by making both houses of the legislature subject to popular elections and the demands of popular campaigns for office?
2. Conduct this thought-experiment: Consider the two senators from your own state today. What are their backgrounds and talents? What makes them “electable”? How do they conduct themselves in office? Then consider what your senators might look like and how they would act if they were not popularly elected but were appointed by your state legislature. Would they be different? Which would produce the better leaders for our country? Would you take state legislative races more seriously if you knew your representatives would also be choosing your U.S. senators?
3. Publius seems to value stability and order in government over dynamism and change. Modern America, on the other hand, seems often to value change more than stability (sometimes even equating it with “stagnation”). In your opinion, what is the proper balance between stability and change? How are we to achieve such a balance?
4. The Anti-Federalist Cato argues that the treaty-making power is too important to be given just to the president and the Senate. What do you think? Should the House of Representatives have a bigger role in making treaties that impact the American people?
5. Regarding the judicial role of the Senate in conducting trials of impeached officials, Publius states that the Senate will be the best body to remain independent between the accusers (the House of Representatives) and the accused (impeached official). However, in American history, the impeachment votes of U.S. senators have almost always followed their own partisan affiliation. Though three presidents have been impeached, for instance, only one U.S. senator has voted to convict the president of his own party. If partisanship has undermined the independence of the Senate, how can it be restored? Is there another institution that would be more independent at conducting trials of sitting political officials?



# MONTHLY ASSIGNMENT

## Month X: June 2021

**READ:** Reflection & Choice, pp. 451-512

**LISTEN:** Vital Remnants Season 4

### Section 12: On the Presidency

- Federalist No. 67
- Federalist No. 68
- Federalist No. 69
- Federalist No. 70
- Federalist No. 71

- Federalist No. 72
- Federalist No. 73
- Federalist No. 74
- Federalist No. 75
- Federalist No. 76

- Federalist No. 77
- Cato IV
- Federal Farmer XIV
- Genuine Information IX
- Centinel II

## QUESTIONS FOR OUR TIME

1. The Electoral College no longer functions as Publius suggested it would in Federalist 68. The original electoral system was based on quiet deliberations by a few in each state, while ours today centers on big, expensive campaigns for the hearts and minds of voters. What electoral system could you devise to give us the best chance of achieving the goal of, as Publius desired, “a constant probability of seeing the station filled by characters preeminent for ability and virtue”?
2. In Federalist 71, Publius makes a strong case for presidential leadership that resists the temporary demands of the people and legislature. He seems to celebrate leaders who risk being unpopular in the moment in hopes that, over time, the public will come to see things their way and be thankful. With polling, the “constant campaign,” and the never-ending news cycle, some consider Publius’ ideal of leadership impossible today. Others find it undemocratic in the first place. Should our presidents and other elected officials do what the people want (delegate representation), or should we entrust them to use their own judgement and resist bad ideas (trustee representation)?
3. The 22nd Amendment to the Constitution was added in 1951 to limit presidents to no more than two terms. Some at the time argued that it was undemocratic—shouldn’t we elect anyone we want to be president? In Federalist 72, Publius makes a strong case that term limits are dangerous. What do you think? Is it better to term limit our presidents or should they be eligible to serve longer if the American people wish?
4. The size of the executive branch of government has grown massively since the founding period. Today there are roughly 2 million people working in that branch of government—a number about half the size of the entire U.S. population in 1787. Yet we still just have one president to oversee it all. Should we reconsider the size of the executive branch, the one-person presidency, or make other adjustments for the realities of the 21st century?
5. The Anti-Federalists feared the presidency would grow beyond constitutional bounds, becoming a threat to the other branches of government and to individual liberty. Particularly in the “modern age” of American politics (beginning with Franklin Delano Roosevelt’s presidency), the office has grown to have significant power over foreign policy, trade, war, and domestic policymaking. What adjustments are now needed to rebalance our constitutional system, or is the enlarged presidency something necessary in the modern age?

## Month XI: July 2021

**READ:** Reflection & Choice, pp. 513-570

**LISTEN:** Vital Remnants Season 4

### Section 13: On the Judiciary

- Federalist No. 78
- Federalist No. 79
- Federalist No. 80
- Federalist No. 81
- Federalist No. 82

- Federalist No. 83
- Centinel I
- Federal Farmer III
- Brutus XIII
- Brutus XIV

- Brutus XV
- Genuine Information X
- Federal Farmer XV

## QUESTIONS FOR OUR TIME

1. Publius assures readers that the power of judicial review did not equate to judicial supremacy. Yet, in the 1958 case of *Cooper v. Aaron*, the Supreme Court maintained that “the federal judiciary is supreme in the exposition of the law of the Constitution,” and that this “principle has ever since been respected by this Court and the Country as a permanent and indispensable feature of our constitutional system.” Are these two notions incompatible with each other? Does the Supreme Court’s power to interpret the Constitution make it supreme over the other branches?
2. The Anti-Federalists argued for a jury system that would empower jurors to nullify unjust laws and government actions. Since modern juries can only determine the facts of a case, can we still consider juries the “palladium of liberty?”
3. Recent decades have witnessed a push to limit judicial tenure by length of service or age restrictions. Are such restrictions a good idea? Are they a threat to judicial independence?
4. Anti-Federalists feared the Supreme Court would use its power of equity to render decisions based upon the supposed “spirit” of the Constitution rather than the actual text of the Constitution. Has this fear proven justified?
5. Presidents sometimes sign legislation they believe to be unconstitutional. A great example of this occurred in 2002 when President George W. Bush signed the Bipartisan Campaign Finance Reform Act. At the signing, President Bush noted that he had grave reservations about the constitutionality of specific provisions but believed “that the courts will resolve these legitimate legal questions as appropriate under the law.” Was his action in keeping with Publius’ arguments regarding who should interpret federal law?



U.S. Supreme Court Building, Washington, D.C., Carol M. Highsmith Archive, Library of Congress, Prints & Photographs Division, 2011. Public domain.

## Month XII: August 2021

**READ:** Reflection & Choice, pp. 571-600

**LISTEN:** Vital Remnants Season 4

### Section 14: On a Bill of Rights & Final Thoughts

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|--|--|---|
| <input type="checkbox"/> Federalist No. 84 | <input type="checkbox"/> Federal Farmer VI | <input type="checkbox"/> Thomas Jefferson to James Madison, December 20, 1787 |
| <input type="checkbox"/> Federalist No. 85 | <input type="checkbox"/> Brutus II         |   |
| <input type="checkbox"/> Federal Farmer IV | <input type="checkbox"/> Agrippa XVI       |   |

## QUESTIONS FOR OUR TIME

- Publius' argument against a Bill of Rights is that none can be exhaustive of all the limitations that must exist on government power. Having a list, according to Publius, would backfire and end up enlarging government by allowing it to claim those powers not explicitly denied them. Do you find this argument persuasive in light of U.S. history?
- The Bill of Rights was based on the Anti-Federalist understanding that political leaders are likely to abuse their power and so must be strictly kept within established boundaries of acceptable government action. Do you find this view of human nature persuasive in the 21st century?
- Considering the Constitution as it stands amended today, what further amendments would you make to improve the functioning of the political system, protect liberty, or promote what you value in society?
- Here at the end of the text, it might be a good time to consider the practice of American government today and compare it with the predictions outlined by Publius and the Anti-Federalists. How does our system still function like they intended and predicted? Where it does not line up with that founding vision, are we better today or should we make amendments to bring us more in line with their understanding?
- Ultimately, Publius says that the only solid foundation for our rights will be the spirit of our people. What is the state of "We the people" today? Are we ready to assert our rights and ensure our Constitution works for the 21st century? Do we know enough? Do we think enough? Are we brave enough? In what ways are we up to the challenge, and in what ways do we the people need to improve?



MLK in the March on Washington for Jobs and Freedom, in Washington, D.C. on Wednesday, August 28, 1963. From unsplash.com.



## ABOUT THE McCONNELL CENTER

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