**Unit II, District Question #1- June 2014**

*How does the Constitution limit government power to protect individual rights while promoting the common good?*

* *Why did the Federalists and Anti-Federalists disagree on whether the Constitution sufficiently protected individual rights and promoted the common good?*
* *What responsibilities, if any, do citizens have for seeing that individual rights are protected and the common good is promoted?*

**P.1** To answer this question, we must analyze the time when our charter document was written. The father of the constitution, James Madison, believed any government which upheld liberty must be limited in its power in order to protect both individual rights and welfare for all. One way of achieving these goals was to write a list of institutional checks directly into the constitution. The Madisonian system contained devices intended first, to share power among three separate branches; next, to include a system of checks and balances; and finally, to divide the power held by government through a system which is known as federalism.

**P.2** First, separation of powers: The political scientist Richard Neustadt, defined the system of separation of powers as a single government made up of separate institutions sharing power. This system prevents the encroachment of individual rights and promotes the common good, because it motivates the branches to constantly check up on each other making sure they don’t infringe each others powers. According to Madison in *Federalist 51,* “Safety lies in in power divided, ambition checking ambition.”

**P.3** Next, we have checks and balances. Our system of checks and balances was designed so that the idea of separation of powers would be protected. For example, in *Clinton v. City of New York*, the legislature gave President Clinton the power of line item veto. When this was taken to the Supreme Court it was struck down using judicial review. Other examples of checks include the Senate approving treaties and appointments, the president vetoing legislation, Congress determining the jurisdiction of all federal courts, and the House of Representatives initiating impeachment hearings.

**P.4** Finally, federalism limits governmental power between state and federal levels by giving certain enumerated powers to the central government. Examples of these powers are “the power to coin money”, “regulate trade”, and “the power to regulate immigration.” In contrast, any powers not delegated to the federal government are to be left to the states as stated in the Tenth Amendment. Additionally, Article 1 section 9 lists limitations on federal power while section 10 identifies limits on state power.

**P.5** During the Pennsylvania convention some delegates feared that the national government would be too strong. With this came the Antifederalists who believed that this new document would impinge individual rights and damage common good. The Anti-Federalists foresaw a federal government that was too strong, which could flagrantly abuse the people. They believed that in order to protect the people a bill of rights should be added to the constitution since the government's powers were too vague. For example, they believed the “necessary and proper” clause and “executive power” clause would lead to an overreach of federal power.

**P.6** In our federal republic, democracy presumes that citizens play an active role in politics. In *Federalist 39*, Madison wrote about our “political experiment, on which he said “[depended] on the capacity of mankind for self-government.” The constitution as designed by the Framers was never intended to solve all of the nation’s problems. It was only a blueprint of rules in order to govern this nation which over time would reveal the efficiency of the Framers to protect our rights.

**P.7** As citizens of the United States we have the responsibility to vote and voice our opinions to the government so that we can oversee the protection of our rights. We can volunteer for school and city committees and boards, we can petition, and we can assemble. For example, the recent Rally for Citizenship, a movement to bring attention to immigration reform this year, proves how people can assemble and help influence legislation.

**P.8**. Clearly then, we believe that the constitution does an effective job of limiting the government and protecting the individual rights and common good by having checks and balances. And accordingly, as citizens of this great country we believe that citizens have one responsibility which is to play as an active member of society by participating in the political process. As Franklin D. Roosevelt said “Nobody will ever deprive the American people of the right to vote except the American people themselves and the only way they could do this is by not voting.”

**P.9** Thank you for your time. We are now eager to answer your questions.