Constitution Interpretation

Inquire: Is the Federal Government the Answer to My Problems?

Overview
Federalism is a word with many meanings and many implications in the American government. Federalism is the description of our government with powers divided between a national/central government and state/local governments. The national/central government is called the federal government, and the first political division in America was the battle of the Federalists and the Anti-Federalists over ratification of the Constitution.

While this may seem confusing, in reality each of these various labels is connected to the issue of power. The “zero sum game” reflects the ongoing struggle for power in America:
- between the people and the government (what powers did the people give the government in the Constitution?);
- between the federal and state governments (the original sovereignty question which was ultimately resolved by the Civil War).

Big Question: Are there still Federalists and Anti-Federalists?

Watch: Governmental Power - A Zero Sum Game

**Zero Sum Game:** a situation in which one person or group can win something only by causing another person or group to lose it*

Games played with cards or dominoes tend to be zero sum games. The more one player earns, the less another player can earn. Tennis is a zero sum game. Every point earned by one player reduces the points that can be earned by the other player. Basketball, on the other hand, is not a zero sum game, as illustrated by the NBA All-Star Games where scores soar to ridiculous heights. The only limitation on points scored is time.

The give and take between individual rights and governmental powers can be characterized as a zero sum game. While the idea of rights and powers may seem almost overwhelming in terms of trying to reduce these to a list or a definition, nonetheless, when a people give up their rights to a government and grant that government certain powers, it is a loss by the people and a gain by the government.

There is no sharing of powers — my right to live as I want is always reduced by what we give to the government. This is not inherently bad. In fact, people build the government and intentionally give up rights and grant powers to the government to avoid being abused by others and to live in peace instead of chaos and anarchy.
However, this truth must be recognized as Americans continually try to define and interpret the powers granted to the federal government in the Constitution. A broad interpretation expands the power of the federal government. That expansion must come at a cost to some other entity: the people or the state/local governments.

From 1789 through today, the overriding question — the continual conflict — in American government is this: "Is the federal government the answer to (the/your) problem(s)." A yes answer may be appropriate, but it means someone else is losing freedom, rights, or powers. The original argument — in 1789 — was over ratification. Today, the argument may be over healthcare or gun control, but the question remains the same: "Is the federal government the answer to (the/your) problem(s)?" A good Federalist says yes; and a good Anti-Federalist says no.


Read: Governmental Powers: Hamilton/Adams vs. Jefferson/Madison

The greatest sticking point when it came to ratification of the Constitution, as it had been at the Constitutional Convention itself, was the relative power of the state and federal governments. The framers of the Constitution believed that without the ability to maintain and command an army and navy, impose taxes, and force the states to comply with laws passed by Congress, etc., the young nation would not survive for very long. But, many people resisted increasing the powers of the national government at the expense of the states.

On the question of ratification, citizens quickly separated into two groups: Federalists and Anti-Federalists. The Federalists supported it. They tended to be among the elite members of society — wealthy and well-educated landowners, businessmen, and former military commanders who believed a strong government would be better for both national defense and economic growth. A national currency, which the federal government had the power to create, would ease business transactions. The ability of the federal government to regulate trade and place tariffs on imports would protect merchants from foreign competition. Furthermore, the power to collect taxes would allow the national government to fund internal improvements like roads, which would also help businessmen. Support for the Federalists was especially strong in New England.

Opponents of ratification were called Anti-Federalists. Anti-Federalists feared the power of the national government and believed state legislatures, with which they had more contact, could better protect their freedoms.

Then, the real battle began. As George Washington’s secretary of the treasury from 1789 to 1795, Alexander Hamilton championed legislative efforts to create a publicly chartered bank. For Hamilton, the establishment of the Bank of the United States was fully within Congress’ authority, and he hoped the bank would foster economic development. Thomas Jefferson, Washington’s secretary of state, staunchly opposed Hamilton’s plan on the constitutional grounds that the national government had no authority to create such an instrument.

The bell had rung, the preliminaries were over, and the battle for governmental powers had begun. The battle would frame the issues for the entire history of the United States government. The two sides prepared to do battle. But, how far should the powers of the national government be stretched? What
Constitutional interpretation should be used? Just like the original Federalists and Anti-Federalists, the position of the two sides remained the same.

In one corner were the Federalists, led by Hamilton and Adams, who believed the national government has those powers expressed in the Constitution and any power that can be reasonably implied from its expressed powers. In the other corner were the Anti-Federalists, led by Jefferson and Madison, believing the national government had only the expressed powers and those powers that are absolutely necessary to carry out the expressed powers.

Madison, a strong presence in the Federalist ratification camp, may seem like an odd partner for Jefferson, and as the author of much of the Constitution, Madison wanted the stronger national government, but believed the limitations in the Constitution were vital and important and resisted expansion of the national government’s powers.

The battle continues to be the defining question in American politics.

The titles Federalist and Anti-Federalist have changed over time. Federalists have become Liberal Constructionists and Anti-Federalists have become Strict Constructionists, but the beliefs remain the same. Over the years, the interpretation of the implied powers is where the conflicts occur, along with the answer to our basic question: “Is the national government the answer to the problems?” The Liberal Constructionist would say yes and support any reasonably expanded interpretation of the national government’s implied powers; the Strict Constructionist would say no and decry any over-reach that expands the national government’s power past that which is absolutely necessary.

This designation and an understanding of a politician or a party’s position is crucial and is the dividing line in our major parties. The Democrats tend to answer the question, “Yes, the national government is the answer to the problems,” i.e. the Universal Health Care Act. What is the appropriate answer to the health care problems in America? The national government. The Republicans tend to answer the question, “No, the national government is not the answer to the problems,” i.e. Reagan and Nixon and the New Federalism.

When we remember that individual rights and governmental powers are a zero sum game, this delineation between expanding the powers of the national government through a broad interpretation of the implied powers or restricting them with a narrow interpretation, becomes even more foundational in evaluations of the candidates and/or politicians who will run the United States’ government. Every expansion of national power means a reduction in state government power and a larger incursion into personal freedoms.

This battle has been fought from the beginning and continues to be the defining question in American politics. The issues change. Banks, interstate commerce, slavery, gold standard, income tax, education, social services, civil rights, and health care have all been the focus of this argument at one time or another.

But, the question remains the same: Is the national government the answer to the problems, or should the power be left to the state and/or local governments? The answer is the most important decision this government “of the people, by the people, for the people” makes as it works to govern America.
Reflect: What About You?

Poll

Below are five major issues in American politics. Which do you believe must be handled by the state governments?

- Guns/gun ownership/gun control
- Foster and adoptive care for children
- Legalization of marijuana
- Abortion rights
- Same sex marriage

Expand: Jefferson the Republican and Lincoln the Democrat?

Jefferson, the original Anti-Federalist, founded the Democratic-Republican Party, which became the Democratic Party under President Andrew Jackson. Through the years, the Democrats have trumpeted this lineage, proudly claiming to be the "Party of Jefferson."

The Republican Party, on the other hand, is proud to trace its heritage to the first Republican president, Abraham Lincoln — the man who freed the slaves — claiming to be the "Party of Lincoln."

In 1860, these characterizations were true. The Democrats were the party of states' rights and smaller national government, because the Democratic Party was the party of the slave owners and power in the South, pushing even for state sovereignty, ultimately attempting to secede from the Union to protect their power. They certainly did not believe that the national government was the answer to the problem.

Lincoln, on the other hand, was actually more pro-Union than anti-slavery when elected, believing the Union — the national government — was supreme. On the issue of slavery, he certainly believed that the national government was the answer to the problem. He, as president, started a war to preserve the power of the Union and the national government, and he issued the Emancipation Proclamation — an Executive Order from the president — attempting to free the slaves in the rebellious states.

However, party designations are a poor way determine a candidate’s or a politician’s position on this vital issue, because the two major parties have switched their positions on this issue before, and could do it again.

In 1860, the Democratic Party was the Anti-Federalist party, and the Republican Party was the Federalist party. But, as illustrated above, that is not who they are today. Today, each party holds the opposite beliefs. So, when did it change?

The election of 1932 is the clear line of demarcation, though the parties had been drifting to the other sides for years before this election. The Republicans, moving through the 1800s, and certainly in the 1920s had become the party of capitalism and individual freedoms with less national government involvement and control. The Democrats, with the candidacies of William Jennings Bryan and others, had pushed populist reforms, trying to have the national government solve the economic struggles facing the farmers, etc.
But, in 1932, the election of Democrat Franklin D. Roosevelt over Republican Herbert Hoover was the clear indication of the total switch. Hoover did not believe the national government should be radically active in trying to solve the economic problems of the Great Depression, and FDR crafted the New Deal programs to create the federal welfare state and hire millions of people to work for the national government. The change could not have been more obvious.

The modern-day Democratic Party is not the party of Jefferson, and the modern-day Republican Party is not the party of Lincoln; those beliefs have been reversed. Their positions have completely switched.

Federalist and Anti-Federalist: perhaps one of the most consistent and enduring ways to determine a candidate’s beliefs. Their position on the most fundamental and important issue in American politics is an important indication of what their policies will be. So, ignore Republican or Democrat. These labels can and have changed over time. Instead, we should just ask each candidate the question, “Is the national government the answer to the problem?”

Lesson Toolbox

Additional Resources and Readings

The Constitution, the Articles, and Federalism: Crash Course US History #8
- A Crash Course video covering the Federalist vs. Anti-Federalist conflict in creating the Constitution
  - https://www.youtube.com/watch?v=bO7FQsCcbD8&t=141s

Constitutional Compromises: Crash Course Government and Politics #5
- A Crash Course video covering the compromises made in ratifying the Constitution
  - https://www.youtube.com/watch?v=kCCmuftyj8A&t=153s

Constitutional Interpretation & The Supreme Court: American Government Review
- A quick video covering Constitutional interpretation
  - https://www.youtube.com/watch?v=uMuqUhMDShs

Lesson Glossary

None

Check Your Knowledge

1. Alexander Hamilton believed that Congress had the authority to establish the Bank of the United States.
   A. True
   B. False

2. Banks, interstate commerce, slavery, the gold standard, income tax, education, social services, civil rights, and health care have all been the focus of politics at one time or another.
   A. True
   B. False
3. Federalists have become Strict Constructionists while Anti-Federalists have become Liberal Constructionists.

A. True
B. False

Answer Key:

Citations

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