

Worksheet for *James Madison, the 'Federal Negative,' and the Making of the U.S. Constitution*¹

Please complete this worksheet as you read the assigned pages in *James Madison, the 'Federal Negative,' and the Making of the U.S. Constitution*. The purpose of this worksheet is to help you prepare to discuss the case. In advance of the class discussion, you should develop a command of the key facts of the case, but you should also be prepared to weigh in on larger questions – such as why the Articles of Confederation were adopted, why Madison and others ended up concluding that the Articles were inadequate, what were some of the main ideas that guided the drafting of the Constitution, and whether you would have supported Madison’s proposal for a “federal negative.” Ideally, therefore, you should try to focus on what seems most important in the case and why, rather than simply attempting to memorize facts in isolation. Answering the questions below should be helpful as you prepare. In addition, you may want to jot down a few notes – either in the margins of the case or on a separate sheet – about facts and ideas from the case that strike you as being particularly important.

Day 1: Pages 1-5 (Introduction, Toward a New Nation, Managing the War Effort, Forging a Confederation)

- How did the Articles of Confederation allocate powers to the states versus the federal government?

States	Federal

¹ This draft worksheet / answer guide was prepared by James Piltch and David Kaufman under the supervision of Professor David Moss.

- Why, in your view, did the Americans divide powers in this way under the Articles of Confederation?

- Would you have voted to ratify the Articles of Confederation? Why or why not?

Day 2: Pages 6-8 (A “Critical Period”)

- List 2 different approaches that states took when their citizens – in the face of an economic downturn – were having trouble repaying their debts in the mid-1780s.

- What is inflation, why did it arise in some states during the “critical period” of the mid-1780s, and did it favor creditors (lenders) or debtors (borrowers)?

- To what extent do you think Congress’s very limited authority under the Articles of Confederation contributed to the nation’s problems during the “critical period?”

Day 3: Pages 8-11 (Madison’s Diagnosis)

- What was Madison’s main concern about majority rule? Was there evidence from the “critical period” that supported his concern?

- As noted on page 14 of the case, many delegates at the constitutional convention believed that the powers of the federal government should be specifically enumerated (listed) in the new constitution. If you had been a delegate at the convention who worried about the various problems that emerged during the critical period, what powers would you have granted to the federal government under the new constitution, and what powers – if any – would you have denied to the states?

- List any drawbacks that might result from following your recommendations in the previous question.

Day 5: Pages 14-15 (*Federal Negative*)

- List 1-2 advantages of both an absolute Federal Negative and a limited Federal Negative.

Absolute Version (Congress has unlimited right to veto state laws)	Limited Version (Congress can veto state laws, but only on grounds that they are unconstitutional)

- If you had been a delegate at the convention in 1787, would you have supported the inclusion of a “federal negative” in the constitution? If so, would you have favored the absolute version or the weaker version? If not, why not? Provide a few reasons.