

## States' Rights and the U.S. Constitution

**Directions:** The following primary sources offer competing perspectives on the U.S. Constitution and what the adoption of such a document will mean for states' rights. Familiarize yourself with the debate before examining the 9<sup>th</sup> and 10<sup>th</sup> Amendments included in the Bill of Rights.

### Document 1.

... The first question that presents itself on the subject is, whether a confederated government be the best for the United States or not? Or in other words, whether the thirteen United States should be reduced to one great republic, governed by one legislature, and under the direction of one executive and judicial; or whether they should continue thirteen confederated republics, under the direction and controul [control] of a supreme federal head for certain defined national purposes only?...

In a republic of such vast extent as the United–States, the legislature cannot attend to the various concerns and wants of its different parts. It cannot be sufficiently numerous to be acquainted with the local condition and wants of the different districts, and if it could, it is impossible it should have sufficient time to attend to and provide for all the variety of cases of this nature, that would be continually arising....

These are some of the reasons by which it appears, that a free republic cannot long subsist [survive] over a country of the great extent of these states. If then this new constitution is calculated to consolidate the thirteen states into one, as it evidently is, it ought not to be adopted....

Source: *Antifederalist Papers*, Brutus Number 1, October 18, 1787

### Document 2.

John Jay of New York wrote *The Federalist*, Number 4, in support of ratification of the Constitution. This is an excerpt from that publication.

But whatever may be our situation, whether firmly united under one national government, or split into a number of confederacies, certain it is, that foreign nations will know and view it exactly as it is; and they will act toward us accordingly. If they see that our national government is efficient and well administered, our trade prudently regulated, our militia properly organized and disciplined, our resources and finances discreetly managed, our credit re-established, our people free, contented, and united, they will be much more disposed to cultivate our friendship than provoke our resentment. If, on the other hand, they find us either destitute of [lacking] an effectual government (each State doing right or wrong, as to its rulers may seem convenient), or split into three or four independent and probably discordant [quarreling] republics or confederacies, one inclining to Britain, another to France, and a third to Spain, and perhaps played off against each other by the three, what a poor, pitiful figure will America make in their eyes! How liable would she become not only to their contempt but to their outrage, and how soon would dear-bought experience proclaim that when a people or family so divide, it never fails to be against themselves.

Source: John Jay, *The Federalist*, Number 4, November 7, 1787

**Document 3a.**

**Amendment IX.**

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

**Article Nine of the Bill of Rights, adopted 1791.**

**Document 3b.**

**Amendment X.**

The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

**Article Ten of the Bill of Rights, adopted 1791.**

