

American Government & Politics: A Christian Worldview.
Henry vs. Hamilton: A Founders Face-Off (15–20 Minutes)

TEACHER INSTRUCTIONS

Goal

Students apply Hamilton's and Henry's arguments to a variety of government actions and determine which view about whether to add a Bill of Rights in the U.S. Constitution each scenario seems to support.

Instructions

1. Have students complete the handout, then discuss in pairs or groups of three (give students 8–10 minutes to complete this part, maybe longer if they're having lively discussions!).
2. Review the questions as a class; ask for volunteers.

Debrief/Discussion Questions

1. Do the examples suggest that government officials usually interpret unclear situations in favor of more power or less power?
2. If the Bill of Rights did not exist, which of the Hamilton-supporting scenarios might have turned out differently?
3. Could Hamilton and Henry both have been right about different dangers?
4. Which argument seems more convincing today? Why?

American Government & Politics: A Christian Worldview. The Presidential Power Audit

For each scenario:

- Read the situation.
- Decide how Alexander Hamilton would likely respond.
- Decide how Patrick Henry would likely respond.
- Decide whose concern the scenario appears to support more: **Hamilton's concern:** A Bill of Rights can create loopholes because officials may claim powers that are not specifically forbidden, or **Henry's concern:** Without a Bill of Rights, officials will claim powers because they are not specifically prohibited.
- Write "Henry" or "Hamilton" in each blank.

Scenarios:

1. Government officials argue they cannot censor newspapers because freedom of the press is specifically protected in the Bill of Rights. _____
2. Federal officials claim authority to regulate an activity simply because the Constitution does not expressly forbid them from doing so. _____
3. Congress proposes a law requiring government approval before citizens may publish political pamphlets. Opponents point to the First Amendment. _____
4. A president claims authority to issue nationwide rules affecting nearly every business in the country, even though the Constitution never explicitly grants that power. _____
5. Congress claims authority over a subject not listed among its powers because it believes the action would be beneficial to society. _____
6. Congress passes a law restricting criticism of government leaders and argues that no constitutional clause specifically forbids that exact law. _____
7. A court rules that a person's property cannot be seized without due process because the Bill of Rights expressly protects that right. _____
8. Congress creates a federal agency that monitors citizens' online activity and claims the Constitution never specifically forbids it. _____
9. Federal officials claim authority to require a national identification card for all citizens because the Constitution does not explicitly prohibit it. _____
10. Government lawyers argue that because a power is not forbidden, it must exist. _____
11. Congress claims authority to regulate a purely local activity even though no specific constitutional power appears to cover it. _____
12. Government officials argue that they may search private papers because the Constitution never expressly says they cannot. _____

