SUMMARY

• Brutus No 1 is an anti-federalist paper that discusses the fundamental issues with the immense powers of the Federal government. Similar to other anti-federalist sentiment, Brutus also expresses the need for a Bill of Rights to protect civil liberties.

• Could a widely dispersed and diverse people be united under one government without sacrificing the blessing of liberty and self-government?
WHAT WAS BRUTUS’S CONCERN WITH THE ARTICLES OF CONFEDERATION?

• The Articles of Confederation weren’t strong enough to manage some of the problems that nation was experiencing
• The Articles of Confederation didn’t give the national government the power to impose taxes
WHICH FORM OF GOVERNMENT DID BRUTUS BELIEVE WAS THE BEST AND WHY?

• Brutus believed that a confederation is the best
• Independent states come together for concerns and the government can intervene if absolutely necessary
• This leaves the management of their internal and local affairs to their state governments
WHAT WAS HIS CONCERN ABOUT THE DISPERSING OF POWER?

- Concerned that once a large central government is created it is nearly impossible for individuals to regain power
- A single government would become too powerful
- This could potentially lead to a tyrannical reign
WHAT IS HIS PRIMARY CONCERN WITH THE NEW CONSTITUTION?

- New Constitution places too much power in the central government
- This would mean that state governments couldn’t function as a republic under the control of their citizens
WHAT WAS HIS CONCERN WITH THE “NECESSARY AND PROPER” CLAUSE?

• Made the central government an uncontrollable power over the topics that the Constitution covers
• This clause invalidates any limits – this could result in destroying the state government

- Tax Power
- Spending Power
- Commerce Power
WHAT WAS HIS CONCERN WITH THE LEGISLATURE’S POWER TO TAX?

• There is no well-defined limit to the national legislature’s power to tax because there is no exact definition for “common defense and general welfare”

• This could lead to over taxation of the states
WHAT WAS HIS CONCERN WITH THE JUDICIAL BRANCH?

- Fear of Judicial Review
- The supreme court could overturn state laws and state court decisions
- Constitutions broad definition of Federal jurisdiction would allow judges and lawyers to exploit their powers
- The Constitution’s failure to explicitly protect traditional rights to a trial by jury
- This ultimately lead to Amendment 6
WHAT WAS HIS CONCERN REGARDING POLITICIANS?

• Politicians will be abusive with their powers because they weren’t explicitly limited

• In such a large country it will be difficult for politicians to effectively voice the concerns of their constituents
WHAT WAS HIS CONCERN REGARDING A LARGE REPUBLIC?

• The United States are too large to be efficiently governed by a single central power – no historical evidence of such a large republic succeeding

• He uses the examples of the Greek and Roman republics that became tyrannical as their territory grew

• With a single central power the constant clashing of opinions will prevent political action
WHAT WAS HIS CONCERNS REGARDING ABUSE OF POWER?

- National government is too centralized in large republics
- Checks on Federal power could be undermined by broad interpretations of promoting the “general welfare” (which would be claimed for every law) and the “all laws necessary and proper” clause (which would be used to override limits on delegated Federal powers)