

Limitation For Liberty

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Abstract

Federalism is essential to the very survival of our nation. It was debated constantly as our founders crafted the laws of our nation and the impact of this principal is evident within the American judicial system today. I believe that our nation is at a tipping point. Current events have brought to light attempts by federal authority to expand power through Supreme Court cases, thus violating the delicate balance of power set out by the founders. In this paper I will use a three-pronged approach to show the history of Federalism and how our nation can protect it today. Firstly, I will discuss the foundational principals of Democracy and Liberalism that shaped our founders' thinking by examining the works of Montesquieu and others. Secondly, I will examine how those foundational principals manifested themselves within our nation's founding documents such as the Declaration of Independence and U.S Constitution. Finally, I will analyze current events including Supreme Court cases to demonstrate how these principals are under attack in our nation today and why protecting them is so important.

Keywords: Federalism, Liberalism, Democracy, United States, Declaration, Constitution, Judicial

Introduction

Woven within the very fabric of our republic, is the inherent Constitutional limitation of federal power. Prioritizing individual rights while protecting the common good is what made our grand experiment in self-rule unique. This concept weighs heavily upon our nation today because without such limitation, the most essential freedoms ensured by the founders would be put at risk. Our founders ensured this proper limitation through the principal of Federalism. This concept of Federalism protects the core principals of Life, Liberty, and the Pursuit of Happiness outlined within the Declaration of Independence. These concepts are the touchstone of American political philosophy and truly embody the legacy of the Declaration.

According to the National Constitution Center, Federalism is the principal that divides political power between the national government and the states.¹ While this division of power might not seem significant at first, it represents the backbone of the entire United States governmental system. In this paper I will explore the critical importance of Federalism and Its impact on our nation today.

First, I will discuss democracy and liberalism. These two ideals shaped the philosophy of our founders, paving the way for the Federalist ideals which created the successful Constitution that we have today. Next, I will discuss the founding documents that codified the philosophical principals of Federalism. These documents, such as the Declaration of Independence and the Constitution, represent the principals of democracy and liberalism applied. The founders and their great compromise in this area resulted in the governmental system we enjoy today. Finally, I will show how our nation is demonstrating a concerning, dangerous trend away from the principal of Federalism. To understand and address this departure from such a critical part of our governmental system, we must first be familiar with the origins of Federalism which leads to the first concepts I will discuss: Democracy and Liberalism.

Part 1: The Origins of Federalism

Before examining democracy and liberalism, it is essential to be familiar with each term. Democracy is defined as a system of government by the whole population.² Essentially, what this means is that everyone who is eligible to vote within a nation participates in the governmental process of that same nation. Fully distilled, this concept means that democracy is government by the people. Democracy is largely viewed as a system of government that protects the people because it affords them the power to govern. However, this definition falls short of the democracy that the founders strove for. The founders prioritized individual rights within the system of government that they created. However, they recognized the necessity to limit certain liberties through governmental systems to maintain a functioning society. The founders strove for balance.

The pillar that this balance was built upon was the concept of the social contract. The social contract is an agreement that the citizenry will give up their unlimited rights to do as they

¹ “Federalism,” *National Constitution Center* – Constitutioncenter.org, Last modified 2019, <https://constitutioncenter.org/interactive-constitution/learning-material/Federalism>.

² “Democracy Definition & Meaning,” Merriam-Webster, Last modified 2022, <https://www.merriam-webster.com/dictionary/democracy>.

please in exchange for order and the governmental protection of their remaining rights.³ This agreement infers that the citizenry will give up their unlimited rights to do as they please in exchange for order and the governmental protection of their remaining rights.

On the Social Contract was a philosophical work written by Jean Jaquez Rousseau in 1762 which explored this concept. Within this work, Rousseau explains that the true purpose of government is to protect the citizens of a nation.⁴ Within this purpose, individual liberties must be prioritized. However, Rousseau recognized that in order to protect individual rights within any nation, a certain amount of liberty must be limited. This limitation of liberty is not a violation of individual rights because all forms of democracy rely upon the consent of the governed. Furthermore, since the governmental purpose is to protect the citizens, rather than enrich the ruler, the social contract provides a sense of patriotism and allows for involvement in the processes that protect them.

The concept of citizen's necessary involvement in the governmental process is called the consent of the governed. This concept was discussed extensively by Le Baron de Montesquieu in his book: *The Spirit of Laws*. In this work, Montesquieu contends that the system which effectively ensures this consent is a democratic republic because it allows for the highest degree of citizen involvement.⁵ In a democratic republic, those in authority are chosen by the will of the people. Because of this, the process of voting is the foundational element of the people giving their consent. This is where the social contract is most effectively realized.

In a democratic republic, the people of the nation have the ultimate say in who governs them. This fulfills consent. Such consent lends legitimacy and authority to the elected officials who are subsequently licensed to enforce the rule of law on the people's behalf in order to avoid anarchy. When the consent of the government is upheld, anarchy and tyranny are prevented. When the consent of the governed is neglected, disaster ensues. The founders were aware of this fact which is why they learned from previous failed systems while fashioning our own.

Bringing additional importance to the consent of the governed is the concept of moral consent. Montesquieu further contends that the virtue of the citizenry must be upheld for any democratic system to stand.⁶ This is an important concept, and it is one that the founders recognized. They instilled within the Constitution an inherent sense of morality and submission to a higher authority. This has allowed our nation to last as a shining example of successful democratic government. When morality, rather than self-interest, governs the voting decisions of the citizenry, moral leaders will often be elected. When moral leaders are elected, they will make laws that reflect this same morality, thus preserving the moral integrity of the entire system.

³ Jean-Jacques Rousseau, *On the Social Contract*, ed. and trans. Donald A. Cress (Indianapolis: Hackett Publishing Company, Inc., 2019).

⁴ Rousseau and Cress, *On the Social Contract*.

⁵ Charles Louis de Secondat Montesquieu, *The Spirit of the Laws*, ed. and trans. Franz Leopold Neumann, and Thomas Nugent (New York: Hafner Publishing Company, 1949).

⁶ Montesquieu, *The Spirit of the Laws*.

However, the founders recognized that this ideal scenario of moral consent would not always take place. They drew this conclusion from the Bible, ancient philosophy, and contemporary philosophy. One of the works that they leaned heavily on for inspiration and guidance was Plato's *Republic*. In the *Republic*, Plato examined the failed system of Athenian democracy. Perhaps the most profound expression within this analysis is in book III where Plato observes that tyranny is likely established out of democracy.⁷ This raises the question of how the greatest and most savage slavery can result out of the most extreme of freedom. What Plato is suggesting is that when an unlimited amount of power is vested in the people, they will make decisions and live in a way that is unequivocally selfish, thus creating lawlessness and chaos.

This conclusion is directly derived from Plato's worldview surrounding the inherent morality of man. Surprisingly, Plato's opinion mirrors that of Biblical Christianity. Plato concludes that man will ultimately act in a way that serves their own interests.⁸ Similarly, humans from the Christian perspective are fallen creatures because of our sin. Therefore, our own motivations are often not truly moral but rather an exercise in self-preservation.

Subsequent history has proven Plato correct and the founders were well served to learn from him. Recognizing the inherent fallible nature of man is what necessitated the system of checks and balances that ultimately became the United States government. The longevity and survival of our governmental system speaks to the importance of how guarding against unlimited individual rights, truly protects them in the long term.

Ultimate vestment of power in the people and prioritization of individual rights above all else is known as liberalism.⁹ The founders recognized the importance of liberalism, but they also knew that balance is essential. Without such balance, Plato contends that anarchy would ensue. This conclusion is once again based on his worldview of man. If the governmental systems do not sufficiently protect the citizens, there is no longer a selfish motivation for the citizens to obey it. This lack of compulsion breeds civil disobedience and anarchy. Such anarchy is no basis for a system of government which is why this lack of order paves the way for a tyrant to gain power.

Throughout history, tyrants have assumed their positions by promising peace, organization, and prosperity to a self-destructive population. These promises give citizens hope and often cause them to submit to the tyrannical rule willingly. The founders recognized this danger which was why the ultimate system of government they settled upon was a republic form of democracy through elected leaders rather than a pure Athenian democracy. This republic form of democracy effectively balanced the protection of individual rights with maintaining a strong government. As a result, the United States has been a shining example throughout history demonstrating how the God-given rights of people can be preserved without sacrificing systemic integrity.

However, the United States governmental system was not decided without extensive debate. The main conflict that arose between the founders surrounded the original drafting of the

⁷ Plato, *Republic*, ed. and trans. C. J. Emlyn-Jones, and William Preddy (Cambridge, MA: Harvard University Press, 2013).

⁸ Plato, *Republic*.

⁹ Paul Starr, "Why Liberalism Works - Princeton University," Princeton.edu, last modified 2016, <https://www.princeton.edu/~starr/articles/articles07/Starr.WhyLiberalismWorks.pdf>.

Constitution. In 1787, the Federalist and anti-Federalist papers were drafted. These papers were a series of political works that either supported or opposed the Constitution in its original form.¹⁰ Understanding the beliefs of these groups is essential to recognizing the current attacks on the balance of power within our governmental systems so I will examine the core principles that guided the debate.

The Federalists supported the Constitution as it existed at the time because they believed it maintained a strong central government that would be able to withstand both external and internal attempts to cripple the newly formed nation. However, the anti-Federalists argued against the proposed Constitution because they believed that the scope of federal authority was too broad and that the document lacked sufficient provisions for individual liberties.¹¹ Each of these perspectives had legitimate points and concerns which is why the Constitution was ultimately revised into the great compromise we enjoy today.

The Federalists were justified in their desire for a strong central government. They recognized that without a vestment of authority in a central power, the nation would fall. This fact had been shown first through the philosophies of Plato and his analysis of the failed Grecian systems. Furthermore, the colonies themselves had demonstrated their need for central authority throughout the Revolutionary War. This need was made apparent due to the failure of the Articles of Confederation.

The Articles of Confederation were the previous binding code that the states abided by during the Revolutionary War.¹² As the name would suggest, rather than a truly binding central governmental code, the articles were closer to a treaty between thirteen separate sovereign nations. These articles gave the limited central government the power to only: declare war, conduct foreign affairs, request money from the states, and settle disputes among the states. Furthermore, every state had a single vote in any decisions that the central government made. Therefore, the populations of the states were disproportionately represented. This led to inequality in warfare contributions as well as an inconsistency in terms of how each state acted toward their common enemy.

Throughout the conflict with Great Britain, the founders realized that in order to become a strong nation that would stand the test of time, the United States needed to become truly united. This is why the Constitution was drafted in the first place. It was meant to provide a governing standard that would protect the rights of all people, not debase them as the British government had.

However, there were those who believed that the original draft of the constitution did not protect the rights of the people enough. In fact, they went so far as to say that the government created in the constitution even resembled that of Great Brittan in terms of tyranny. These were

¹⁰ “Federalism,” Legal Information Institute, last modified 2022, <https://www.law.cornell.edu/wex/Federalism>.

¹¹ “Federalism.”

¹² “Articles of Confederation (1777),” National Archives and Records Administration, last modified 2023, <https://www.archives.gov/milestone-documents/articles-of-confederation>.

the anti-Federalists. The main issues that they held with the Constitution's original draft were: The lack of power delegated to the states and the failure to include any Bill of Rights.¹³

The anti-Federalists believed that without these two provisions ensured, federal power would remain unchecked and that individual rights would be violated. Bringing additional concern was the inclusion of the necessary and proper clause in the Constitution. This clause outlined that the federal Government would have the power to make any laws that were necessary and proper for it to fulfill its constitutional duties. The anti-Federalists believed that the wording of this clause was ambiguous and that it allowed for the potentially unlimited expansion of federal authority.¹⁴ These fears proved legitimate.

The main concern of the anti-Federalists within these two contentions was that the social contract was being violated. As I discussed earlier in the paper, the ultimate purpose of a nation is to protect the rights of its citizens and the anti-Federalists rightly believed that the Constitution did not sufficiently protect these rights in its original form.

The primary reason for this lack of protection resulted from the broad expanse of federal authority under the original draft of the constitution. This original draft enumerated a significant scope of powers for the federal government. However, there were still no provisions that codified the rights of the states. This left the door open for a potentially unlimited expansion of federal power. Furthermore, not including a Bill of Rights further provided the possibility for these rights to be overruled by an overreaching federal authority.¹⁵

This absence allowed for the social contract to be potentially violated. The presence of federal authority in a vacuum is not evil and does not violate the social contract. However, when codified protections for the citizens' rights do not exist, the people have no recourse when an authoritarian unjustly violates their individual rights. The founders recognized this fact which is why the system of checks and balances was originally created.

Both the Federalists and the anti-Federalists recognized that any limitation of individual liberty must have a justified purpose that directly accomplished a purpose for the protection of the nation and its citizens. However, the only Federalist argument against these two provisions provided by the anti-Federalists was that they were not necessary given the current drafting of the constitution.¹⁶ Although redundancy and confusion were necessary to avoid within the drafting of the constitution, ensuring the protection of individual rights could not be sacrificed on the altar of mere concision.

Ultimately, a compromise was reached, and the Bill of Rights was added to the Constitution. This Bill of Rights contained ten amendments that eased the fears of the anti-Federalists. Contained within these amendments is an enumeration of state powers as well as a

¹³ John Jay, "AntiFederalist No. 3," Tulsa Law, 1787, <http://resources.utulsa.edu/law/classes/rice/Constitutional/AntiFederalist/03.htm>.

¹⁴ "AntiFederalist No. 82," Tulsa Law, 1787, <http://resources.utulsa.edu/law/classes/rice/Constitutional/AntiFederalist/82.htm>.

¹⁵ "AntiFederalist 84," Tulsa Law, 1787, <http://resources.utulsa.edu/law/classes/rice/Constitutional/AntiFederalist/84.htm>.

¹⁶ "Federalism."

clear, concise code of individual liberties that every American citizen is entitled to. History has proven this to be a wise decision.

Part 2: Federalism and the Founders

The principals of Federalism have manifested themselves through the founding documents of the United States. These principals have been shown primarily through two main documents: The Declaration of Independence and the United States Constitution. Each of these documents served a unique purpose and enabled the United States to become the thriving republic that it has been throughout history. The Declaration primarily served to outline the principals and rights of the American citizen and use them as a rationale to justify their separation from Great Brittan. The Constitution served to codify these principals and rights. This creation of a uniting system of law allowed for the protection of rights while still preserving order.

The first document I will discuss is the Declaration of Independence. Although this document served the primary purpose of separating the thirteen colonies from Great Brittan, it also laid out the principals that would define the United States governmental system. Perhaps the most important among these principals is the prioritization of individual rights. This prioritization manifested itself through the founder's stated purpose for the government. The Declaration states that all men are created equal.¹⁷ This equality is derived from the endowment of certain unalienable Rights from the Creator. According to the Declaration, the ultimate purpose of government is to secure these rights. Furthermore, the Declaration states that all of the government's powers are derived from the consent of the governed.¹⁸ This fact relates directly back to the social contract.

Through the Declaration, the Founders essentially claimed that Great Brittan had grievously violated the social contract. This violation stemmed from Great Brittan's failure to protect the essential individual rights outlined within that declaration. The Founders used this failure as the basis for justifying their separation.

The Declaration begins by outlining the critical, individual rights that must be protected by any government. It then lists a variety of grievances against Great Brittan and show how these violations directly subvert the consent of the governed. After stating these grievances, the Founders use the violation of the consent of the governed to justify and rationalize complete separation from Great Brittan in order to create a new government. According to the Declaration, this new government would protect the essential, God given individual liberties that the government of Great Brittan had failed to.¹⁹ The separation and balance of power inherent in the Declaration of Independence demonstrates that individual rights were critically important to the Founders. The prioritization of individual rights defines the principal of Federalism and how it shaped our governmental systems. This is the legacy of the Declaration. However, the guiding

¹⁷ "Declaration of Independence: A Transcription," National Archives and Records Administration, last modified 2021, <https://www.archives.gov/founding-docs/declaration-transcript>.

¹⁸ "Declaration of Independence: A Transcription."

¹⁹ "Declaration of Independence: A Transcription."

principles that the founders outlined in the Declaration would be worthless without a uniting document that made them law. This is why the United States Constitution was written.

The Constitution is the document that specifically enumerates the powers of the federal government and outlines its purpose. Reflecting the principals laid out in the Declaration of Independence, the Constitution prioritizes and protects individual rights. This is fact is evident within the preamble of the Constitution. In this section, the Founders communicate that the purpose of the new government was to form a more perfect union. This union was to be created by the people and for the people.²⁰ Such an arrangement was diametrically opposed to the structure of the former British government. Government by and for the people was what the founders believed truly fulfilled the social contract. This system fulfilled the ultimate purpose of the nation: Securing the blessings of liberty for generations to come.

Such liberty has been secured through the delicate balance of power outlined within the text of the Constitution. The Constitution is organized into two sections. First among these are the articles. Each of these articles outline the specific powers, duties, and operations of the federal government. Next are the amendments. The first ten amendments, staunchly advocated for by the anti-Federalists are known as the Bill of Rights. These amendments provide a sphere of additional protections for individual rights as well as state's rights.²¹

Article one of the Constitution outlines the specifically enumerated powers given to the federal government through a variety of different clauses. These clauses include the commerce clause, the taxing and spending clause, as well as the necessary and proper clause. The commerce clause gives Congress the power to regulate channels, instrumentalities, and activities that have a substantial effect on interstate commerce. The taxing and spending clause gives Congress the power to levy taxes as well as control the national budget. Finally, the necessary and proper clause grants Congress the power to make laws that are necessary and proper for executing the other powers within the Constitution.²² These three clauses have been the subject of significant debate in our legal system because they allow for a significant scope of federal authority. The limiting factor for this broad scope of federal authority is the Bill of Rights.

The Bill of Rights outlined the governmental standards that would protect the individual rights of the people. This protection was the product of an extensive debate but the compromise that the Founders reached proved to be a viable solution. As previously discussed, the articles within the Constitution enumerated the specific powers of the federal government. However, within these same articles, there was no direct enumeration of state power. This meant that only federal authority was Constitutionally legitimized. To remedy this issue the Tenth Amendment was included in the Bill of Rights. The Tenth Amendment states that all powers that are not

²⁰ "The Constitution of the United States: A Transcription," National Archives and Records Administration, last modified 2023, <https://www.archives.gov/founding-docs/constitution-transcript>.

²¹ "The Bill of Rights: What Does It Say?," National Archives and Records Administration, last modified 2022, <https://www.archives.gov/founding-docs/bill-of-rights/what-does-it-say>.

²² "The Constitution of the United States: A Transcription."

directly, constitutionally enumerated as belonging to the federal government, are reserved for the states.²³ This amendment allowed for the state police powers to be enacted.

State and localized powers show Federalism at work in its purest form. Within the system that the Founders crafted, governmental power was to be vested in the most localized body possible. Since the Founders believed in the consent of the governed as the basis for this system, they recognized that ultimate authority resided within the individual citizen. However, to avoid anarchy, a localized social contract is implemented. This localized scale of Federalism includes powers such as local law enforcement, district court systems, city councils, and other forms of small-scale government. These localized powers allow for the overarching principals within the Constitution to be more narrowly tailored to each individual population affected by them. This allows for the protection of the localities and individual citizens' rights while still maintaining a strong central government. The same principal applies at the state level and federal level of government. With each step toward a broader scope of authority, the number of powers delegated to the governing body decreases. According to the Tenth Amendment, the narrowest delegation of specifically enumerated powers resides within the federal government.²⁴ However, this narrow scope of federal authority is being consistently expanded in our current judicial system. This constant expanse puts the delicate balance of power within our governmental system at risk which is why we must be vigilant as citizens in protecting the future of Federalism for generations to come.

Part 3: The Future of Federalism

The Founders had a very specific vision for what they wanted the United States governmental system to accomplish in the long term. They envisioned a nation that would protect the sacred individual liberties of its citizens while maintaining a government by and for the people. The Founders carefully crafted the Constitution with this goal in mind. However, the tests of time have significantly eroded the codified protections that these goals enjoyed under the Constitution. The main threat to Federalism today is an undue expansion of central governmental authority.

Subsequent Supreme Court cases, especially in recent history, have shown a concerning judicial departure from the principals that the United States was founded upon. More specifically, these cases have specifically upset the delicate balance of power within our Federalist system. In this section I will discuss the Judicial departure from Federalism, why protecting Federalism is so important, and how we as United States citizens can preserve this principal for generations to come.

The Judicial departure from Federalism has been especially evident within a variety of Supreme Court cases. The primary issue that these cases have dealt with is the limitation of federal power. Broadly expanding federal power was what concerned the anti-Federalists and led to the establishment of the Bill of Rights. Subsequent court Cases have further legitimized their concern. Throughout these cases, a variety of arguments have been made for a broader interpretation of federal power through the clauses within the constitution. Two of these clauses are the Necessary and Proper clause and the Commerce Clause.

²³ "The Constitution of the United States: A Transcription."

²⁴ "The Constitution of the United States: A Transcription."

The Necessary and Proper clause gives Congress the power to make all Laws which shall be necessary and proper for carrying into Execution other federal powers.²⁵ This clause is also known as the Elastic Clause. This name is appropriate because throughout a variety of subsequent Supreme Court cases, this clause has been stretched beyond recognition. The stretching of this clause has brought even powers traditionally reserved for the states by the Tenth Amendment into the scope of federal authority.

The Commerce Clause gives Congress the power to regulate commerce with foreign nations, and among the several states, and with the Indian tribes.²⁶ While this power was reasonable at the time of its drafting, it has also been stretched to encompass a broad scope of authority. This has been shown through subsequent jurisprudence.

One of the first examples of this expanse of federal authority originated in the case of *Wickard V Filburn*. In this case, the Supreme Court ruled that Congress had the power under the Commerce Clause to regulate one man's personal growth of wheat.²⁷ The decision within *Wickard V Filburn* has long been regarded as the broadest interpretation of the commerce clause in the history of jurisprudence and it has opened the door for a wide variety of justifications for federal interference in local matters. The justification of the court in this ruling was the substantial effect doctrine. The substantial effect doctrine created a test for determining if federal regulation is warranted within a matter under the commerce clause. This test allowed any activity that has a substantial effect on interstate commerce to fall under federal regulation through the commerce clause.

Within *Wickard V Filburn* specifically, another doctrine was created: The aggregation doctrine. In *Wickard*, Supreme Court ruled that one farmer's actions alone were not enough to reasonably justify a substantial effect. However, the court also ruled if that same farmer's actions were to be repeated by all farmers in a similar situation, the substantial effect would be nearly inescapable. This compounding of individual action is called aggregation.²⁸ The aggregation doctrine has subsequently used to justify federal regulation in matters that concern individual citizens. The expansive rulings under this doctrine are concerning because they demonstrate federal interference into individual rights. This interference is exactly what the anti-Federalists were concerned about within the original drafting of the Constitution. The inclusion of the Bill of Rights within the Constitution while beneficial, has failed to fully protect against the broad expanse of federal authority through Article 1 Powers.

This case provides a strong warning that reinforces the importance of the 10th amendment, Federalism, and the balance of power within the United States governmental system. As Chief Justice Hughes would later warn the court, embracing effects upon interstate commerce which are

²⁵ "The Constitution of the United States: A Transcription."

²⁶ "The Constitution of the United States: A Transcription."

²⁷ "*Wickard v. Filburn*, 317 U.S. 111 (1942)," Justia Law, 1942.
<https://supreme.justia.com/cases/federal/us/317/111/>.

²⁸ "*Wickard v. Filburn*, 317 U.S. 111 (1942)."

indirect and remote, would effectually obliterate the distinction between what is national and what is local, thus creating a completely centralized government.²⁹

The unlimited expanse of federal authority poses a direct threat to our very governmental system. Our Federalist system of enumerated powers must be protected in order for the balance of power to be preserved. If the authority of a central government is expanded without any check on its authority, individual liberties are put at risk. Although certain measures have been taken to limit the trend, the broad expansion of federal authority within our judicial system continues to this very day.

Our nation is only one generation away from tyranny. The Constitution has outlined a specific set of checks and balances that preserve the individual rights of the people within our system. However, the continuous expansion of federal authority under the Commerce Clause and the Necessary and Proper clauses shows a concerning trend away from the original intent of the founders. This puts our freedoms, our liberties, and our nation at risk.

If our courts do not recognize the inherent protections of the Constitution, the system of checks and balances outlined within it is bound to fail. Therefore, it is essential that those who are appointed to positions of judicial authority recognize these protections. This is why we as a citizenry must be vigilant in recognizing this unconstitutional expansion. Our Constitution protects individual rights and ensures the consent of the governed. We as citizens must use this informed consent in order to make our voice heard in the free elections ensured by our system.

Within this process we must elect strong, constitutionally focused leaders who will be responsible for making judicial appointments. The quality of the leader directly impacts the quality of their appointments. Therefore, we as American Citizens can reshape the entire judicial system through our vote. We must take responsibility for the future of our nation and wisely exercise our consent. We must ensure the appointment of judges who will value Federalism and the balance of power within our governmental system and who will refuse to further centralize governmental authority.

Conclusion

Without balance and limitation, there can be no true liberty. In this paper, through a careful analysis of our nation's founding, we have seen the inherent Constitutional limitation of federal power.

In this paper, I first examined the conflict between democracy and liberalism and how these two ideals shaped the founders' thinking. In this section, the importance of Plato, Rousseau, and Montesquieu's philosophies was apparent. The founders used the concepts of the social contract, consent of the governed, and morality as the direct basis for the Constitution. These ideas paved the way for the unprecedented balance of power that has been achieved within our current system. The debates between the founders resulted in the great compromise that we enjoy today, one that prioritized and protected individual liberty without sacrificing the stability of the nation.

²⁹ "NLRB v. Jones & Laughlin Steel Corp., 301 U.S. 1 (1937)," Justia Law, 1937.
<https://supreme.justia.com/cases/federal/us/301/1/>.

Next, I discussed how the resolution of these debates are evident within our founding documents. These founding documents, such as the Declaration of Independence and the Constitution, show the incorporation of Federalism within our government. This is how the principal of balanced power was realized.

Finally, I discussed our current trend away from Federalism. This trend was evident through multiple Supreme Court Cases. Their rulings have stretched clauses of the Constitution beyond recognition setting a dangerous precedent for future decisions. However, there is still hope. We as the citizens have the power to stop this trend. We must not give our consent to those who seek to strip citizens of their rights. We must not allow our courts to overturn the principals of Federalism. We must stand against the centralization of governmental authority by electing leaders who will uphold the constitutional principles of Federalism.

In conclusion, the limitation of central authority through Federalism provides true liberty. The Constitution demonstrates a strong prioritization of individual rights as well as a simultaneous protection of the common good. This balance is what makes our nation truly unique, and it shows us why it is worth protecting. Throughout the paper we have seen the importance of Federalism in our governmental system and how it accomplishes the necessary limitation of expansive federal authority within our everyday lives. This present impact is what makes this topic so essential. This is why we must be vigilant in our protection of Federalism and preserve our Constitutional liberties for generations to come.

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