Who Sets the Rules?

A founding debate in a modern privacy dispute

USG.C.2.2.D "Analyze ways in which the Federalist and the Anti-Federalist debates about the nature and extent of government continue in modern times."

NAME _____ DATE _____

1 READ AND MARK

Read it twice

YOUR JOB Underline two reasons for national action, circle two concerns about national power, and number one proposal that responds to both sides. Use your marks to trace how the founding debate continues today.

From Ratification to Phone Apps

1. In 1787 and 1788, Americans argued over whether to ratify the proposed Constitution. Federalists said the weak national government under the Articles of Confederation could not solve problems that crossed state borders. Anti-Federalists feared that a stronger national government would be too distant from voters and might threaten individual rights. Many wanted explicit protections before granting it more power. The Constitution was ratified, and the Bill of Rights was added in 1791. That disagreement did not end. Today, a phone app can collect a student's location in one state and share the data with a company in another.

2. Imagine Congress considering a national law that limits how apps collect and share location data. A supporter might argue that data moves across state lines, so one rule would give everyone the same basic protection and make compliance simpler for companies. This reasoning resembles the Federalists' case for national action on problems states cannot easily handle alone. Another supporter could still want states to pass stricter rules. A national law could set a minimum standard, leaving states free to add protections. In that design, national coordination and state authority work together rather than canceling each other out.

3. A critic might argue that a single national rule could block stronger state privacy laws if Congress made the federal rule the only rule. States might be better able to respond to local concerns or test new protections. This echoes the Anti-Federalists' worry that distant officials could take too much authority from states and citizens. Yet modern privacy advocates do not fit neatly into two eighteenth-century camps: someone may favor strong national limits on data collection while opposing federal limits on state protections. The key question is not simply which level of government acts, but what powers it gets and whose rights it protects.

2 ANSWER WITH EVIDENCE

Use the passage

1. How does the case for a national location-data law resemble the Federalists' argument for a stronger national government?

2. How could a national privacy law answer a concern about state authority while still providing nationwide protection?

3. How might making the federal privacy rule the only rule revive an Anti-Federalist concern?

4. Why might a person who favors national limits on data collection not fit neatly into either founding-era camp?

3 YOUR TURN

Your own words

Suppose delivery drones fly over neighborhoods and cross state lines. In four or five sentences, propose how national and state governments should share authority over drone safety, explain a Federalist-style argument and an Anti-Federalist-style concern, and show how your plan addresses both.

ANSWER KEY

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HIGH SCHOOL · USG.C.2.2.D

PART 1 · READ AND MARK

Underline two reasons for national action, circle two concerns about national power, and number one proposal that responds to both sides. Use your marks to trace how the founding debate continues today. Accept any marking that follows this job and points at the right text.

PART 2 · ANSWERS

#	QUESTION	ANSWER
1	How does the case for a national location-data law resemble the Federalists' argument for a stronger national government?	**Both argue that national action can address problems crossing state borders. Location data moves between states, so one rule could provide consistent protection.**
2	How could a national privacy law answer a concern about state authority while still providing nationwide protection?	**It could set a minimum protection for everyone while allowing states to pass stricter laws.**
3	How might making the federal privacy rule the only rule revive an Anti-Federalist concern?	**It could block stronger state laws, giving distant national officials too much authority over states and citizens.**
4	Why might a person who favors national limits on data collection not fit neatly into either founding-era camp?	**That person could favor national protection, as Federalists favored national action, while also opposing limits on state protections, reflecting an Anti-Federalist concern.**

PART 3 · YOUR TURN (SAMPLE ANSWER)

Congress should set basic drone safety rules for flights that cross state lines. A Federalist-style argument is that one national standard would help address risks that no single state can manage alone. An Anti-Federalist-style concern is that a distant government might ignore neighborhood needs and take too much authority from states. My plan would let states add rules for flights over homes, as long as those rules meet the national safety standard.

Accept responses that accurately connect national action on cross-state problems to the Federalists and concerns about concentrated power or lost state authority to the Anti-Federalists. For Part 3, students may propose a different division of authority if they explain how it addresses both arguments.