

The Federalist Papers

A nation without a national government is, in my view, an awful spectacle.

--Alexander Hamilton, *The Federalist Papers*, No. 85

After the Revolutionary War, many Americans realized that the government established by the Articles of Confederation was not working. America needed a new form of government. It had to be strong enough to maintain national unity over a large geographic area, but not so strong as to become a tyranny. Unable to find an exact model in history to fit America's unique situation, delegates met at Philadelphia in 1787 to create their own solution to the problem. Their creation was the United States Constitution.

Before the Constitution could become "the supreme law of the land," it had to be ratified or approved by at least nine of the thirteen states. When the delegates to the Philadelphia Convention signed the Constitution on September 17, 1787, they knew ratification would not be easy. Many people were bitterly opposed to the proposed new system of government. A public debate soon erupted in each of the states over whether the new Constitution should be accepted. More important, it was a crucial debate on the future of the United States.

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Nowhere was the furor over the proposed Constitution more intense than in New York. Within days after it was signed, the Constitution became the subject of widespread criticism in the New York newspapers. Many commentators charged that the Constitution diminished the rights Americans had won in the Revolution.

Fearful that the cause for the Constitution might be lost in his home state, Alexander Hamilton devised a plan to write a series of letters or essays rebutting the critics. It is not surprising that Hamilton, a brilliant lawyer, came forward at this moment to defend the new Constitution. At Philadelphia, he was the only New Yorker to have signed the Constitution. The other New York delegates had angrily left the Convention convinced that the rights of the people were being abandoned.

Hamilton himself was very much in favor of strengthening the central government. Hamilton's Constitution would have called for a president elected for life with the power to appoint state governors. Hamilton soon backed away from these ideas, and decided that the Constitution, as written, was the best one possible.

Hamilton published his first essay in the New York Independent Journal on October 27, 1787. He signed the articles with the Roman name "Publius." (The use of pseudonyms by writers on public affairs was a common practice.) Hamilton soon recruited two others, James Madison and John Jay, to contribute essays to the series. They also used the pseudonym "Publius."

James Madison, sometimes called the Father of the Constitution, had played a major role during the Philadelphia Convention. As a delegate from Virginia, he participated actively in the debates. He also

kept detailed notes of the proceedings and drafted much of the Constitution.

Unlike Hamilton and Madison, John Jay of New York had not been a delegate to the Constitutional Convention. A judge and diplomat, he was serving as secretary of foreign affairs in the national government.

Between October 1787 and August 1788, "Publius" wrote 85 essays in several New York newspapers. Hamilton wrote over 60 percent of these essays and helped with the writing of others. Madison probably wrote about a third of them with Jay composing the rest.

The essays had an immediate impact on the ratification debate in New York and in the other states. The demand for reprints was so great that one New York newspaper publisher printed the essays together in two volumes entitled *The Federalist, A Collection of Essays, written in favor of the New Constitution, By a Citizen of New York*. By this time the identity of "Publius," never a well-kept secret, was pretty well known.

The Federalist, also called *The Federalist Papers*, has served two very different purposes in American history. The 85 essays succeeded by helping to persuade doubtful New Yorkers to ratify the Constitution. Today, *The Federalist Papers* helps us to more clearly understand what the writers of the Constitution had in mind when they drafted that amazing document 200 years ago.

Directions: read the quotes below and answer the questions.

Federalist Paper 23--Alexander Hamilton

The principle purposes to be answered by Union are these -- The common defense of the members -- the preservation of the public peace as well as against internal convulsions as external attacks -- the regulation of commerce with other nations and between the States -- the superintendence of our intercourse, political and commercial, with foreign countries.

Questions

1. According to Hamilton, what are the main purposes of forming a Union under the Constitution? Make a list in your own words.
2. Do the majority of Hamilton's purposes relate to domestic or to foreign affairs?
3. Which one of Hamilton's purposes do you think is the most important for the United States today? Explain your answer.

Federalist Paper 47--James Madison

The accumulation of all powers legislative, executive and judiciary in the same hands, whether of one, a few or many, and whether hereditary, self appointed, or elective, may justly be pronounced the very definition of tyranny.

Questions

1. According to this excerpt, do you think Madison supported or opposed the principle of "separation of powers"? (Refer to your government textbook if you are not familiar with this term.)
2. Why do you think Madison held this view of the "separation of powers"?

Federalist Paper 51--James Madison

If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: You must first enable the government to control the governed; and in the next place, oblige it to control itself.

Questions

1. Which of the following statements would Madison agree with based on his views in the above excerpt?
 - a. Government is necessary.
 - b. The people should elect government leaders who act like angels.
 - c. Elected government officials should be controlled by a system of "checks and balances." (Refer to your government textbook if you are not familiar with this term.)
2. What would you say was Madison's general opinion of people in government: angels? devils? something else?

Federalist Paper 72--Alexander Hamilton

The original intent of the Constitution was to place no limit on the number of times an individual could be elected president. However, after Franklin D. Roosevelt won four presidential elections in a row, a constitutional amendment (the 22nd) was passed limiting a person to two terms as president. In the following selection, Hamilton argues against limiting the number of presidential terms.

[An] ill effect of the exclusion would be depriving the community of the advantage of the experience gained by the chief magistrate in the exercise of his office. That experience is the parent of wisdom is an adage, the truth of which is recognized by the wisest as well as the simplest of mankind. What more desirable or more essential than this quality in the government of nations?

Questions

1. What argument does Hamilton give against limiting the number of times a person may be elected president?
2. What could have been one of the arguments used by those who proposed the 22nd Amendment?
3. Do you agree we should go back to the original intent of the Constitution and allow individuals to be elected for any number of presidential terms?

Federalist Paper 78--Alexander Hamilton

"If then the courts of justice are to be considered as the bulwarks of a limited constitution against legislative encroachments, this consideration will afford a strong argument for the permanent tenure of judicial offices, since nothing will contribute so much as this to that independent spirit in the judges, which must be essential to the faithful performance of so arduous a duty.

This independence of the judges is equally requisite to guard the constitution and the rights of individuals from the effects of . . . designing men."

Questions

1. What does Hamilton mean by "the permanent tenure of judicial offices"? Does Hamilton support or oppose this idea?
2. What does Hamilton mean when he says that an "independent spirit in the judges" is essential for them to do their duty?
3. Do you agree or disagree with the view that the U.S. Supreme Court justices should be elected for limited terms of office.