

The Essential Federalist Papers

*Selected Quotes from the Essays of Alexander Hamilton,
James Madison, and John Jay*

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The Essential Federalist Papers

ESSAY	SUBJECT	PAGE
Summary	<i>The Essential Federalist Papers</i>	5
1	General Introduction	6
2	Concerning Dangers from Foreign Force and Influence	7
3	Concerning Dangers from Foreign Force and Influence (cont.)	9
4	Concerning Dangers from Foreign Force and Influence (cont.)	10
5	Concerning Dangers from Foreign Force and Influence (cont.)	11
6	Concerning Dangers from Dissensions Between the States	12
7	Concerning Dangers from Dissensions Between the States (cont.) and Particular Causes Enumerated	13
8	Consequences of Hostilities Between the States	14
9	The Utility of the Union as a Safeguard Against Domestic Faction and Insurrection	15
10	The Utility of the Union as a Safeguard Against Domestic Faction and Insurrection (cont.)	16
11	The Utility of the Union in Respect to Commercial Relations and a Navy	18
12	The Utility of the Union In Respect to Revenue	19
13	Advantage of the Union in Respect to Economy in Government	20
14	Objections to the Proposed Constitution From Extent of Territory Answered	21
15	Insufficiency of the Present Confederation to Preserve the Union	22
16	Insufficiency of the Present Confederation to Preserve the Union (cont.)	23
17	Insufficiency of the Present Confederation to Preserve the Union (cont.)	24
18	Insufficiency of the Present Confederation to Preserve the Union (cont.)	26
19	Insufficiency of the Present Confederation to Preserve the Union (cont.)	27
20	Insufficiency of the Present Confederation to Preserve the Union (cont.)	28
21	Other Defects of the Present Confederation	29
22	Other Defects of the Present Confederation (cont.)	30
23	Necessity of a Government as Energetic as the One Proposed to the Preservation of the Union	31
24	Powers Necessary to the Common Defense Further Considered	32
25	Powers Necessary to the Common Defense Further Considered (cont.)	33
26	Idea of Restraining the Legislative Authority in Regard to the Common Defense Considered	34
27	Idea of Restraining the Legislative Authority in Regard to the Common Defense Considered (cont.)	35
28	Idea of Restraining the Legislative Authority in Regard to the Common Defense Considered (cont.)	36

The Essential Federalist Papers

ESSAY	SUBJECT	PAGE
29	Concerning the Militia	37
30	Concerning the General Power of Taxation	38
31	Concerning the General Power of Taxation (cont.)	39
32	Concerning the General Power of Taxation (cont.)	40
33	Concerning the General Power of Taxation (cont.)	41
34	Concerning the General Power of Taxation (cont.)	42
35	Concerning the General Power of Taxation (cont.)	43
36	Concerning the General Power of Taxation (cont.)	44
37	Concerning the Difficulties of the Convention in Devising a Proper Form of Government	45
38	The Same Subject Continued, and the Incoherence of the Objections to the New Plan Exposed	46
39	Conformity of the Plan to Republican Principles	47
40	On the Powers of the Convention to Form a Mixed Government Examined and Sustained	48
41	General View of the Powers Conferred by The Constitution	49
42	The Powers Conferred by the Constitution Further Considered	51
43	The Powers Conferred by the Constitution Further Considered (cont.)	52
44	Restrictions on the Authority of the Several States	54
45	Alleged Danger from the Powers of the Union to the State Governments Considered	55
46	The Influence of the State and Federal Governments Compared	56
47	The Particular Structure of the New Government and the Distribution of Power Among Its Different Parts	58
48	These Departments Should Not Be So Far Separated as to Have No Constitutional Control Over Each Other	59
49	Method of Guarding Against the Encroachments of Any One Department of Government by Appealing to the People Through a Convention	60
50	Periodical Appeals to the People Considered	61
51	The Structure of the Government Must Furnish the Proper Checks and Balances Between the Different Departments	62
52	The House of Representatives	64
53	The House of Representatives (cont.)	65
54	Apportionment of Members of the House of Representatives Among the States	67
55	The Total Number of the House of Representatives	68
56	The Total Number of the House of Representatives (cont.)	69

The Essential Federalist Papers

ESSAY	SUBJECT	PAGE
57	The Alleged Tendency of the New Plan to Elevate the Few at the Expense of the Many Considered in Connection with Representation	70
58	Objection That The Number of Members Will Not Be Augmented as the Progress of Population Demands Considered	72
59	Concerning the Power of Congress to Regulate the Election of Members	73
60	Concerning the Power of Congress to Regulate the Election of Members (cont.)	74
61	Concerning the Power of Congress to Regulate the Election of Members (cont.)	76
62	The Senate	77
63	The Senate (cont.)	79
64	The Powers of the Senate	80
65	The Powers of the Senate (cont.)	82
66	Objections to the Power of the Senate To Set as a Court for Impeachments Further Considered	83
67	The Executive Department	84
68	The Mode of Electing the President	85
69	The Real Character of the Executive	86
70	The Executive Department Further Considered	87
71	The Duration in Office of the Executive	88
72	The Same Subject Continued, and Re-Eligibility of the Executive Considered	89
73	The Provision For The Support of the Executive, and the Veto Power	91
74	The Command of the Military and Naval Forces, and the Pardoning Power of the Executive	92
75	The Treaty-Making Power of the Executive	93
76	The Appointing Power of the Executive	94
77	The Appointing Power Continued and Other Powers of the Executive Considered	95
78	The Judiciary Department	96
79	The Judiciary Continued	98
80	The Powers of the Judiciary	99
81	The Judiciary Continued, and the Distribution of the Judicial Authority	100
82	The Judiciary Continued	101
83	The Judiciary Continued in Relation to Trial by Jury	102
84	Certain General and Miscellaneous Objections to the Constitution Considered and Answered	103
85	Concluding Remarks	104

The Essential Federalist Papers

The Federalist is a treatise on free government in peace and security. It is the outstanding American contribution to the literature on constitutional democracy and federalism, a classic of Western political thought. It is, by far, the most authoritative text concerning the interpretation of the American Constitution and an insight into the framer's intent in the constitution. *The Essential Federalist Papers* is a collection of quotes from the essays of Alexander Hamilton, James Madison, and John Jay that summarize their thoughts.

Although Hamilton carefully outlined the contents of *The Federalist* at the end of the first essay, in reality, he strayed a bit from his original proposition. In the end, the work of primarily Madison and Hamilton can be divided into two principle parts; the first discussing the defects of the present government, the Articles of Confederation, and the second discussing the new constitutions different components, the legislature, executive, and judicial branches.

The Federalist was written in order to secure the ratification of a constitution providing for a more perfect union. Throughout the papers, the idea of the more perfect Union occupies a front stage. On first glance, this might be the primary purpose of the papers but indeed, *The Federalist* papers are concerned with much more. "Union" and the "safety and welfare of the parts of which it is composed" are depicted as inseparable, and the Union appears as a means to achieve the safety and welfare of its parts. In general, then, the Federalists discuss federalism as a means to achieve free government in peace and security as well as the nonexistence of federalism under the Articles of Confederation and its achievement under the Constitution.

The Federalists deal with not only the practical, but also the theoretical, something that distinguishes this from other works. In a letter to his nephew Thomas Mann Randolph, Thomas Jefferson distinguished *The Federalist* from the theoretical writings of Locke when he writes, after discussing Locke's philosophy: "Descending from theory to practice, there can be no better book than *The Federalist*." The authors, however, never considered their work a mere treatise on governmental practice. In their essays, a distinction between theory and practice is often drawn. "Theoretical reasoning must be qualified by the lessons of practice," Madison writes, and he also states that the Philadelphia Convention "must have been compelled to sacrifice theoretical prosperity to the force of extraneous consideration."

Five basic themes can be discerned from the words of Hamilton, Madison, and Jay, including federalism, checks and balances, separated powers, pluralism, and representation. Although they deal with different parts of the government, as noted above, these themes are fairly consistent throughout the papers. Much has been written concerning the dual nature of the federalist, because they were written by multiple authors in a short amount of time. It is true, Madison later became the great state rights' defenders while Hamilton his principle opponent, but for the most part these essays are coherent, showing all sides of the proposed constitution.

The Essential Federalist Papers

FEDERALIST NO. 1

"It has been frequently remarked, that it seems to have been reserved to the people of this country to decide, by their conduct and example, the important question, whether societies of men are really capable or not, of establishing good government from reflection and choice, or whether they are forever destined to depend, for their political constitutions, on accident and force. If there be any truth in the remark, the crisis at which we are arrived may, with propriety, be regarded as the period when that decision is to be made; and a wrong election of the part we shall act, may, in this view, deserve to be considered as the general misfortune of mankind." – Alexander Hamilton, Federalist No. 1, "General Introduction," Independent Journal, October 27, 1787

"Happy will it be if our choice should be directed by a judicious estimate of our true interests, unperplexed and unbiased by considerations not connected with the public good." – Alexander Hamilton, Federalist No. 1, "General Introduction," Independent Journal, October 27, 1787

"[I]t would be disingenuous to resolve indiscriminately the opposition of any set of men (merely because their situations might subject them to suspicion) into interested or ambitious views. Candor will oblige us to admit that even such men may be actuated by upright intentions; and it cannot be doubted that much of the opposition which has made its appearance, or may hereafter make its appearance, will spring from sources, blameless at least, if not respectable—the honest errors of minds led astray by preconceived jealousies and fears." – Alexander Hamilton, Federalist No. 1, "General Introduction," Independent Journal, October 27, 1787

"So numerous indeed and so powerful are the causes which serve to give a false bias to the judgment, that we, upon many occasions, see wise and good men on the wrong as well as on the right side of questions of the first magnitude to society. This circumstance, if duly attended to, would furnish a lesson of moderation to those who are ever so much persuaded of their being in the right in any controversy. And a further reason for caution, in this respect, might be drawn from the reflection that we are not always sure that those who advocate the truth are influenced by purer principles than their antagonists." – Alexander Hamilton, Federalist No. 1, "General Introduction," Independent Journal, October 27, 1787

"Ambition, avarice, personal animosity, party opposition, and many other motives not more laudable than these, are apt to operate as well upon those who support as those who oppose the right side of a question. Were there not even these inducements to moderation, nothing could be more ill-judged than that intolerant spirit which has, at all times, characterized political parties. For in politics, as in religion, it is equally absurd to aim at making proselytes by fire and sword. Heresies in either can rarely be cured by persecution." – Alexander Hamilton, Federalist No. 1, "General Introduction," Independent Journal, October 27, 1787

"A torrent of angry and malignant passions will be let loose. To judge from the conduct of the opposite parties, we shall be led to conclude that they will mutually hope to evince the justness of their opinions, and to increase the number of their converts by the loudness of their declamations and the bitterness of their invectives. An enlightened zeal for the energy and efficiency of government will be stigmatized as the offspring of a temper fond of despotic power and hostile to the principles of liberty." – Alexander Hamilton, Federalist No. 1, "General Introduction," Independent Journal, October 27, 1787

"An over-scrupulous jealousy of danger to the rights of the people, which is more commonly the fault of the head than of the heart, will be represented as mere pretense and artifice, the stale bait for popularity at the expense of the public good. It will be forgotten, on the one hand, that jealousy is the usual concomitant of love, and that the noble enthusiasm of liberty is apt to be infected with a spirit of narrow and illiberal distrust. On the other hand, it will be equally forgotten that the vigor of government is essential to the security of liberty; that, in the contemplation of a sound and well-informed judgment, their interest can never be separated; and that a dangerous ambition more often lurks behind the specious mask of zeal for the rights of the people than under the forbidden appearance of zeal for the firmness and efficiency of government." – Alexander Hamilton, Federalist No. 1, "General Introduction," Independent Journal, October 27, 1787

"History will teach us that the former has been found a much more certain road to the introduction of despotism than the latter, and that of those men who have overturned the liberties of republics, the greatest number have begun their career by paying an obsequious court to the people; commencing demagogues, and ending tyrants." – Alexander Hamilton, Federalist No. 1, "General Introduction," Independent Journal, October 27, 1787

"I have had an eye, my fellow-citizens, to putting you upon your guard against all attempts, from whatever quarter, to influence your decision in a matter of the utmost moment to your welfare, by any impressions other than those which may result from the evidence of truth." – Alexander Hamilton, Federalist No. 1, "General Introduction," Independent Journal, October 27, 1787

"I am convinced that this is the safest course for your liberty, your dignity, and your happiness." – Alexander Hamilton, Federalist No. 1, "General Introduction," Independent Journal, October 27, 1787

The Essential Federalist Papers

FEDERALIST NO. 2

"WHEN the people of America reflect that they are now called upon to decide a question, which, in its consequences, must prove one of the most important that ever engaged their attention, the propriety of their taking a very comprehensive, as well as a very serious, view of it, will be evident." – John Jay, Federalist No. 2, "Concerning Dangers from Foreign Force and Influence," Independent Journal, October 31, 1787

"Nothing is more certain than the indispensable necessity of government; and it is equally undeniable that whenever and however it is instituted, the people must cede to it some of their natural rights, in order to vest it with requisite powers. It is well worthy of consideration therefore, whether it would conduce more to the interest of the people of America that they should, to all general purposes, be one nation, under one federal government, or that they should divide themselves into separate confederacies, and give to the head of each the same kind of powers which they are advised to place in one national government." – John Jay, Federalist No. 2, "Concerning Dangers from Foreign Force and Influence," Independent Journal, October 31, 1787

"Whatever may be the arguments or inducements which have wrought this change in the sentiments and declarations of these gentlemen, it certainly would not be wise in the people at large to adopt these new political tenets without being fully convinced that they are founded in truth and sound policy." – John Jay, Federalist No. 2, "Concerning Dangers from Foreign Force and Influence," Independent Journal, October 31, 1787

"It has often given me pleasure to observe that independent America was not composed of detached and distant territories, but that one connected, fertile, widespreading country was the portion of our western sons of liberty. Providence has in a particular manner blessed it with a variety of soils and productions, and watered it with innumerable streams, for the delight and accommodation of its inhabitants. A succession of navigable waters forms a kind of chain round its borders, as if to bind it together; while the most noble rivers in the world, running at convenient distances, present them with highways for the easy communication of friendly aids, and the mutual transportation and exchange of their various commodities." – John Jay, Federalist No. 2, "Concerning Dangers from Foreign Force and Influence," Independent Journal, October 31, 1787

"With equal pleasure I have as often taken notice that Providence has been pleased to give this one connected country to one united people -- a people descended from the same ancestors, speaking the same language, professing the same religion, attached to the same principles of government, very similar in their manners and customs, and who, by their joint counsels, arms, and efforts, fighting side by side throughout a long and bloody war, have nobly established general liberty and independence." – John Jay, Federalist No. 2, "Concerning Dangers from Foreign Force and Influence," Independent Journal, October 31, 1787

"This country and this people seem to have been made for each other, and it appears as if it was the design of Providence, that an inheritance so proper and convenient for a band of brethren, united to each other by the strongest ties, should never be split into a number of unsocial, jealous, and alien sovereignties." – John Jay, Federalist No. 2, "Concerning Dangers from Foreign Force and Influence," Independent Journal, October 31, 1787

"To all general purposes we have uniformly been one people each individual citizen everywhere enjoying the same national rights, privileges, and protection. As a nation we have made peace and war; as a nation we have vanquished our common enemies; as a nation we have formed alliances, and made treaties, and entered into various compacts and conventions with foreign states." – John Jay, Federalist No. 2, "Concerning Dangers from Foreign Force and Influence," Independent Journal, October 31, 1787

"A strong sense of the value and blessings of union induced the people, at a very early period, to institute a federal government to preserve and perpetuate it. They formed it almost as soon as they had a political existence; nay, at a time when their habitations were in flames, when many of their citizens were bleeding, and when the progress of hostility and desolation left little room for those calm and mature inquiries and reflections which must ever precede the formation of a wise and well-balanced government for a free people. It is not to be wondered at, that a government instituted in times so inauspicious, should on experiment be found greatly deficient and inadequate to the purpose it was intended to answer." – John Jay, Federalist No. 2, "Concerning Dangers from Foreign Force and Influence," Independent Journal, October 31, 1787

"[T]hat sedate and candid consideration, which the magnitude and importance of the subject demand, and which it certainly ought to receive. But this, (as was remarked in the foregoing number of this Paper,) is more to be wished than expected that it may be so considered and examined. Experience on a former occasion teaches us not to be too sanguine in such hopes." – John Jay, Federalist No. 2, "Concerning Dangers from Foreign Force and Influence," Independent Journal, October 31, 1787

"Not only many of the officers of government, who obeyed the dictates of personal interest, but others, from a mistaken estimate of consequences, or the undue influence of former attachments, or whose ambition aimed at objects which did not correspond with the public good, were indefatigable in their efforts to persuade the people to reject the advice of that patriotic Congress. Many, indeed, were deceived and deluded, but the great majority of the people reasoned and decided judiciously; and happy they are in reflecting

The Essential Federalist Papers

that they did so." – John Jay, Federalist No. 2, "Concerning Dangers from Foreign Force and Influence," Independent Journal, October 31, 1787

"It is worthy of remark that not only the first, but every succeeding Congress, as well as the late convention, have invariably joined with the people in thinking that the prosperity of America depended on its Union." – John Jay, Federalist No. 2, "Concerning Dangers from Foreign Force and Influence," Independent Journal, October 31, 1787

The Essential Federalist Papers

FEDERALIST NO. 3

"It is not a new observation that the people of any country (if like the Americans intelligent and well informed) seldom adopt, and steadily persevere for many years in, an erroneous opinion respecting their interests. That consideration naturally tends to create great respect for the high opinion which the people of America have so long and uniformly entertained of the importance of their continuing firmly united under one federal government, vested with sufficient powers for all general and national purposes." – John Jay, Federalist No. 3, "Concerning Dangers from Foreign Force and Influence (continued)," Independent Journal, November 3, 1787

"Among the many objects to which a wise and free people find it necessary to direct their attention, that of providing for their safety seems to be the first. The safety of the people doubtless has relation to a great variety of circumstances and considerations, and consequently affords great latitude to those who wish to define it precisely and comprehensively." – John Jay, Federalist No. 3, "Concerning Dangers from Foreign Force and Influence (continued)," Independent Journal, November 3, 1787

"The number of wars which have happened or will happen in the world will always be found to be in proportion to the number and weight of the causes, whether real or pretended, which provoke or invite them." – John Jay, Federalist No. 3, "Concerning Dangers from Foreign Force and Influence (continued)," Independent Journal, November 3, 1787

"When once an efficient national government is established, the best men in the country will not only consent to serve, but also will generally be appointed to manage it; for, although town or country, or other contracted influence, may place men in State assemblies, or senates, or courts of justice, or executive departments, yet more general and extensive reputation for talents and other qualifications will be necessary to recommend men to offices under the national government, -- especially as it will have the widest field for choice, and never experience that want of proper persons which is not uncommon in some of the States. Hence, it will result that the administration, the political counsels, and the judicial decisions of the national government will be more wise, systematical, and judicious than those of individual States, and consequently more satisfactory with respect to other nations, as well as more safe with respect to us." – John Jay, Federalist No. 3, "Concerning Dangers from Foreign Force and Influence (continued)," Independent Journal, November 3, 1787

"The prospect of present loss or advantage may often tempt the governing party in one or two States to swerve from good faith and justice; but those temptations, not reaching the other States, and consequently having little or no influence on the national government, the temptation will be fruitless, and good faith and justice be preserved." – John Jay, Federalist No. 3, "Concerning Dangers from Foreign Force and Influence (continued)," Independent Journal, November 3, 1787

"The bordering States, if any, will be those who, under the impulse of sudden irritation, and a quick sense of apparent interest or injury, will be most likely, by direct violence, to excite war with these nations; and nothing can so effectually obviate that danger as a national government, whose wisdom and prudence will not be diminished by the passions which actuate the parties immediately interested." – John Jay, Federalist No. 3, "Concerning Dangers from Foreign Force and Influence (continued)," Independent Journal, November 3, 1787

"The pride of states, as well as of men, naturally disposes them to justify all their actions, and opposes their acknowledging, correcting, or repairing their errors and offenses." – John Jay, Federalist No. 3, "Concerning Dangers from Foreign Force and Influence (continued)," Independent Journal, November 3, 1787

The Essential Federalist Papers

FEDERALIST NO. 4

"But the safety of the people of America against dangers from foreign force depends not only on their forbearing to give just causes of war to other nations, but also on their placing and continuing themselves in such a situation as not to invite hostility or insult; for it need not be observed that there are pretended as well as just causes of war." – John Jay, Federalist No. 4, "Concerning Dangers from Foreign Force and Influence (continued)," Independent Journal, November 7, 1787

"It is too true, however disgraceful it may be to human nature, that nations in general will make war whenever they have a prospect of getting anything by it; nay, that absolute monarchs will often make war when their nations are to get nothing by it, but for purposes and objects merely personal, such as a thirst for military glory, revenge for personal affronts, ambition, or private compacts to aggrandize or support their particular families or partisans. These and a variety of other motives, which affect only the mind of the sovereign, often lead him to engage in wars not sanctified by justice or the voice and interests of his people." – John Jay, Federalist No. 4, "Concerning Dangers from Foreign Force and Influence (continued)," Independent Journal, November 7, 1787

"Wisely, therefore, do they consider union and a good national government as necessary to put and keep them in such a situation as, instead of inviting war, will tend to repress and discourage it. That situation consists in the best possible state of defense, and necessarily depends on the government, the arms, and the resources of the country." – John Jay, Federalist No. 4, "Concerning Dangers from Foreign Force and Influence (continued)," Independent Journal, November 7, 1787

"One government can collect and avail itself of the talents and experience of the ablest men, in whatever part of the Union they may be found. It can move on uniform principles of policy. It can harmonize, assimilate, and protect the several parts and members, and extend the benefit of its foresight and precautions to each. In the formation of treaties, it will regard the interest of the whole, and the particular interests of the parts as connected with that of the whole. It can apply the resources and power of the whole to the defense of any particular part, and that more easily and expeditiously than State governments or separate confederacies can possibly do, for want of concert and unity of system." – John Jay, Federalist No. 4, "Concerning Dangers from Foreign Force and Influence (continued)," Independent Journal, November 7, 1787

"If they [foreign nations] see that our national government is efficient and well administered, our trade prudently regulated, our militia properly organized and disciplined, our resources and finances discreetly managed, our credit re-established, our people free, contented, and united, they will be much more disposed to cultivate our friendship than provoke our resentment." – John Jay, Federalist No. 4, "Concerning Dangers from Foreign Force and Influence (continued)," Independent Journal, November 7, 1787

"[H]ow soon would dear bought experience proclaim, that when a people or family so divide, it never ceases to be against themselves." – John Jay, Federalist No. 4, "Concerning Dangers from Foreign Force and Influence (continued)," Independent Journal, November 7, 1787

The Essential Federalist Papers

FEDERALIST NO. 5

"The history of Great Britain is the one with which we are in general best acquainted, and it gives us many useful lessons. We may profit by their experience, without paying the price which it cost them." – John Jay, Federalist No 5, "Concerning Dangers from Foreign Force and Influence (continued)," Independent Journal, November 10, 1787

"Distrust naturally creates distrust, and by nothing is good-will and kind conduct more speedily changed than by invidious jealousies and uncandid imputations, whether expressed or implied." – John Jay, Federalist No. 5, "Concerning Dangers from Foreign Force and Influence (continued)," Independent Journal, November 10, 1787

"[I]t is far more probable that in America, as in Europe, neighboring nations, acting under the impulse of opposite interests and unfriendly passions, would frequently be found taking different sides." – John Jay, Federalist No 5, "Concerning Dangers from Foreign Force and Influence (continued)," Independent Journal, November 10, 1787

The Essential Federalist Papers

FEDERALIST NO. 6

"Commercial republics, like ours, will never be disposed to waste themselves in ruinous contentions with each other. They will be governed by mutual interest, and will cultivate a spirit of mutual amity and concord." – Alexander Hamilton, Federalist No. 6, "Concerning Dangers from Dissensions Between the States," Independent Journal, November 14, 1787

"Let experience, the least fallible guide of human opinions, be appealed to for an answer to these inquiries." – Alexander Hamilton, Federalist No. 6, "Concerning Dangers from Dissensions Between the States," Independent Journal, November 14, 1787

"So far is the general sense of mankind from corresponding with the tenets of those who endeavor to lull asleep our apprehensions of discord and hostility between the States, in the event of disunion, that it has from long observation of the progress of society become a sort of axiom in politics, that vicinity or nearness of situation, constitutes nations natural enemies." – Alexander Hamilton, Federalist No. 6, "Concerning Dangers from Dissensions Between the States," Independent Journal, November 14, 1787

The Essential Federalist Papers

FEDERALIST NO. 7

"Territorial disputes have at all times been found one of the most fertile sources of hostility among nations. Perhaps the greatest proportion of wars that have desolated the earth have sprung from this origin." – Alexander Hamilton, Federalist No. 7, "Concerning Dangers from Dissensions Between the States (continued) and Particular Causes Enumerated," Independent Journal, November 15, 1787

"The spirit of enterprise, which characterizes the commercial part of America, has left no occasion of displaying itself unimproved." – Alexander Hamilton, Federalist No. 7, "Concerning Dangers from Dissensions Between the States (continued) and Particular Causes Enumerated," Independent Journal, November 15, 1787

"There is, perhaps, nothing more likely to disturb the tranquillity of nations than their being bound to mutual contributions for any common object that does not yield an equal and coincident benefit." – Alexander Hamilton, Federalist No. 7, "Concerning Dangers from Dissensions Between the States (continued) and Particular Causes Enumerated," Independent Journal, November 15, 1787

"We are not authorized to expect that a more liberal or more equitable spirit would preside over the legislations of the individual States hereafter, if unrestrained by any additional checks, than we have heretofore seen in too many instances disgracing their several codes." – Alexander Hamilton, Federalist No. 7, "Concerning Dangers from Dissensions Between the States (continued) and Particular Causes Enumerated," Independent Journal, November 15, 1787

The Essential Federalist Papers

FEDERALIST NO. 8

"[A] comparatively small force of disciplined troops, acting on the defensive, with the aid of posts, is able to impede, and finally to frustrate, the enterprises of one much more considerable." – Alexander Hamilton, Federalist No. 8, "Consequences of Hostilities Between the States," New York Packet, November 20, 1787

Safety from external danger is the most powerful director of national conduct. Even the ardent love of liberty will, after a time, give way to its dictates. The violent destruction of life and property incident to war, the continual effort and alarm attendant on a state of continual danger, will compel nations the most attached to liberty to resort for repose and security to institutions which have a tendency to destroy their civil and political rights. To be more safe, they at length become willing to run the risk of being less free." – Alexander Hamilton, Federalist No. 8, "Consequences of Hostilities Between the States," New York Packet, November 20, 1787

"It is of the nature of war to increase the executive at the expense of the legislative authority." – Alexander Hamilton, Federalist No. 8, "Consequences of Hostilities Between the States," New York Packet, November 20, 1787

"The smallness of the army renders the natural strength of the community an overmatch for it; and the citizens, not habituated to look up to the military power for protection, or to submit to its oppressions, neither love nor fear the soldiery; they view them with a spirit of jealous acquiescence in a necessary evil and stand ready to resist a power which they suppose may be exerted to the prejudice of their rights. The army under such circumstances may usefully aid the magistrate to suppress a small faction, or an occasional mob, or insurrection; but it will be unable to enforce encroachments against the united efforts of the great body of the people." – Alexander Hamilton, Federalist No. 8, "Consequences of Hostilities Between the States," New York Packet, November 20, 1787

"If we are wise enough to preserve the Union we may for ages enjoy an advantage similar to that of an insulated situation. Europe is at a great distance from us. Her colonies in our vicinity will be likely to continue too much disproportioned in strength to be able to give us any dangerous annoyance. Extensive military establishments cannot, in this position, be necessary to our security." – Alexander Hamilton, Federalist No. 8, "Consequences of Hostilities Between the States," New York Packet, November 20, 1787

The Essential Federalist Papers

FEDERALIST NO. 9

"A FIRM Union will be of the utmost moment to the peace and liberty of the States..." – James Madison, Federalist No. 9, "The Utility of the Union as a Safeguard Against Domestic Faction and Insurrection," Independent Journal, November 21, 1787

"The regular distribution of power into distinct departments; the introduction of legislative balances and checks; the institution of courts composed of judges holding their offices during good behavior; the representation of the people in the legislature by deputies of their own election: these are wholly new discoveries, or have made their principal progress towards perfection in modern times. They are means, and powerful means, by which the excellences of republican government may be retained and its imperfections lessened or avoided." – James Madison, Federalist No. 9, "The Utility of the Union as a Safeguard Against Domestic Faction and Insurrection," Independent Journal, November 21, 1787

"A republic of this kind, able to withstand an external force, may support itself without any internal corruptions. The form of this society prevents all manner of inconveniences." – James Madison, Federalist No. 9, "The Utility of the Union as a Safeguard Against Domestic Faction and Insurrection," Independent Journal, November 21, 1787

"If a single member should attempt to usurp the supreme authority, he could not be supposed to have an equal authority and credit in all the confederate states. Were he to have too great influence over one, this would alarm the rest. Were he to subdue a part, that which would still remain free might oppose him with forces independent of those which he had usurped and overpower him before he could be settled in his usurpation." – James Madison, Federalist No. 9, "The Utility of the Union as a Safeguard Against Domestic Faction and Insurrection," Independent Journal, November 21, 1787

"Should a popular insurrection happen in one of the confederate states the others are able to quell it. Should abuses creep into one part, they are reformed by those that remain sound. The state may be destroyed on one side, and not on the other; the confederacy may be dissolved, and the confederates preserve their sovereignty." – James Madison, Federalist No. 9, "The Utility of the Union as a Safeguard Against Domestic Faction and Insurrection," Independent Journal, November 21, 1787

"As this government is composed of small republics, it enjoys the internal happiness of each; and with respect to its external situation, it is possessed, by means of the association, of all the advantages of large monarchies." – James Madison, Federalist No. 9, "The Utility of the Union as a Safeguard Against Domestic Faction and Insurrection," Independent Journal, November 21, 1787

"The definition of a confederate republic seems simply to be "an assemblage of societies," or an association of two or more states into one state. The extent, modifications, and objects of the federal authority are mere matters of discretion. So long as the separate organization of the members be not abolished; so long as it exists, by a constitutional necessity, for local purposes; though it should be in perfect subordination to the general authority of the union, it would still be, in fact and in theory, an association of states, or a confederacy. The proposed Constitution, so far from implying an abolition of the State governments, makes them constituent parts of the national sovereignty, by allowing them a direct representation in the Senate, and leaves in their possession certain exclusive and very important portions of sovereign power. This fully corresponds, in every rational import of the terms, with the idea of a federal government." – James Madison, Federalist No. 9, "The Utility of the Union as a Safeguard Against Domestic Faction and Insurrection," Independent Journal, November 21, 1787

The Essential Federalist Papers

FEDERALIST NO. 10

"Among the numerous advantages promised by a well constructed Union, none deserves to be more accurately developed than its tendency to break and control the violence of faction. The friend of popular governments never finds himself so much alarmed for their character and fate, as when he contemplates their propensity to this dangerous vice." – James Madison, Federalist No. 10, "The Utility of the Union as a Safeguard Against Domestic Faction and Insurrection (continued)," Daily Advertiser, November 22, 1787

"By a faction, I understand a number of citizens, whether amounting to a majority or a minority of the whole, who are united and actuated by some common impulse of passion, or of interest, adverse to the rights of other citizens, or to the permanent and aggregate interests of the community." – James Madison, Federalist No. 10, "The Utility of the Union as a Safeguard Against Domestic Faction and Insurrection (continued)," Daily Advertiser, November 22, 1787

"The diversity in the faculties of men from which the rights of property originate, is not less an insuperable obstacle to a uniformity of interests. The protection of these faculties is the first object of government." – James Madison, Federalist No. 10, "The Utility of the Union as a Safeguard Against Domestic Faction and Insurrection (continued)," Daily Advertiser, November 22, 1787

"A zeal for different opinions concerning religion, concerning government, and many other points, as well of speculation as of practice; an attachment to different leaders ambitiously contending for pre-eminence and power; or to persons of other descriptions whose fortunes have been interesting to the human passions, have, in turn, divided mankind into parties, inflamed them with mutual animosity, and rendered them much more disposed to vex and oppress each other than to co-operate for their common good. So strong is this propensity of mankind to fall into mutual animosities, that where no substantial occasion presents itself, the most frivolous and fanciful distinctions have been sufficient to kindle their unfriendly passions and excite their most violent conflicts. But the most common and durable source of factions has been the various and unequal distribution of property." – James Madison, Federalist No. 10, "The Utility of the Union as a Safeguard Against Domestic Faction and Insurrection (continued)," Daily Advertiser, November 22, 1787

"No man is allowed to be a judge in his own cause, because his interest would certainly bias his judgment, and, not improbably, corrupt his integrity. With equal, nay with greater reason, a body of men are unfit to be both judges and parties at the same time; yet what are many of the most important acts of legislation but so many judicial determinations, not indeed concerning the rights of single persons, but concerning the rights of large bodies of citizens?" – James Madison, Federalist No. 10, "The Utility of the Union as a Safeguard Against Domestic Faction and Insurrection (continued)," Daily Advertiser, November 22, 1787

"The apportionment of taxes on the various descriptions of property is an act which seems to require the most exact impartiality; yet there is, perhaps, no legislative act in which greater opportunity and temptation are given to a predominant party to trample on the rules of justice. Every shilling which they overburden the inferior number is a shilling saved to their own pockets." – James Madison, Federalist No. 10, "The Utility of the Union as a Safeguard Against Domestic Faction and Insurrection (continued)," Daily Advertiser, November 22, 1787

"Enlightened statesmen will not always be at the helm." – James Madison, Federalist No. 10, "The Utility of the Union as a Safeguard Against Domestic Faction and Insurrection (continued)," Daily Advertiser, November 22, 1787

"To secure the public good and private rights against the danger of such a faction, and at the same time to preserve the spirit and the form of popular government, is then the great object to which our inquiries are directed." – James Madison, Federalist No. 10, "The Utility of the Union as a Safeguard Against Domestic Faction and Insurrection (continued)," Daily Advertiser, November 22, 1787

"From this view of the subject, it may be concluded, that a pure Democracy, by which I mean a society, consisting of a small number of citizens, who assemble and administer the Government in person, can admit no cure for the mischiefs of faction. A common passion or interest will in almost every case, be felt by the majority of the whole; a communication and concert results from the form of government itself; and there is nothing to check the inducements to sacrifice the weaker party, or an obnoxious individual." – James Madison, Federalist No. 10, "The Utility of the Union as a Safeguard Against Domestic Faction and Insurrection (continued)," Daily Advertiser, November 22, 1787

"[D]emocracies have ever been spectacles of turbulence and contention; have ever been found incompatible with personal security or the rights of property; and have in general been as short in their lives as they have been violent in their deaths -Theoretic politicians, who have patronized this species of government, have erroneously supposed that by reducing mankind to a perfect equality in their political rights, they would at the same time be perfectly equalized and assimilated in their possessions, their opinions, and their passions." – James Madison, Federalist No. 10, "The Utility of the Union as a Safeguard Against Domestic Faction and Insurrection (continued)," Daily Advertiser, November 22, 1787

The Essential Federalist Papers

"A republic, by which I mean a government in which the scheme of representation takes place, opens a different prospect and promises the cure for which we are seeking." – James Madison, Federalist No. 10, "The Utility of the Union as a Safeguard Against Domestic Faction and Insurrection (continued)," Daily Advertiser, November 22, 1787

"[A]ccording to the degree of pleasure and pride we feel in being republicans, ought to be our zeal in cherishing the spirit and supporting the character of Federalists." – James Madison, Federalist No. 10, "The Utility of the Union as a Safeguard Against Domestic Faction and Insurrection (continued)," Daily Advertiser, November 22, 1787

The Essential Federalist Papers

FEDERALIST NO. 11

"THE importance of the Union, in a commercial light, is one of those points about which there is least room to entertain a difference of opinion, and which has, in fact, commanded the most general assent of men who have any acquaintance with the subject." – Alexander Hamilton, Federalist No. 11, "The Utility of the Union in Respect to Commercial Relations and a Navy," Independent Journal, November 24, 1787

"A price would be set not only upon our friendship, but upon our neutrality. By a steady adherence to the Union we may hope, ere long, to become the arbiter of Europe in America, and to be able to incline the balance of European competitions in this part of the world as our interest may dictate." – Alexander Hamilton, Federalist No. 11, "The Utility of the Union in Respect to Commercial Relations and a Navy," Independent Journal, November 24, 1787

"The rights of neutrality will only be respected when they are defended by an adequate power - A nation, despicable by its weakness, forfeits even the privilege of being neutral." – Alexander Hamilton, Federalist No. 11, "The Utility of the Union in Respect to Commercial Relations and a Navy," Independent Journal, November 24, 1787

"Under a vigorous national government, the natural strength and resources of the country, directed to a common interest, would baffle all the combinations of European jealousy to restrain our growth. This situation would even take away the motive to such combinations, by inducing an impracticability of success. An active commerce, an extensive navigation, and a flourishing marine would then be the offspring of moral and physical necessity. We might defy the little arts of the little politicians to control or vary the irresistible and unchangeable course of nature." – Alexander Hamilton, Federalist No. 11, "The Utility of the Union in Respect to Commercial Relations and a Navy," Independent Journal, November 24, 1787

"It would be in the power of the maritime nations, availing themselves of our universal impotence, to prescribe the conditions of our political existence; and as they have a common interest in being our carriers, and still more in preventing our becoming theirs, they would in all probability combine to embarrass our navigation in such a manner as would in effect destroy it, and confine us to a PASSIVE COMMERCE. We should then be compelled to content ourselves with the first price of our commodities, and to see the profits of our trade snatched from us to enrich our enemies and persecutors." – Alexander Hamilton, Federalist No. 11, "The Utility of the Union in Respect to Commercial Relations and a Navy," Independent Journal, November 24, 1787

"Commercial enterprise will have much greater scope, from the diversity in the productions of different States. When the staple of one fails from a bad harvest or unproductive crop, it can call to its aid the staple of another." – Alexander Hamilton, Federalist No. 11, "The Utility of the Union in Respect to Commercial Relations and a Navy," Independent Journal, November 24, 1787

"The world may politically, as well as geographically, be divided into four parts, each having a distinct set of interests. Unhappily for the other three, Europe, by her arms and by her negotiations, by force and by fraud, has, in different degrees, extended her dominion over them all. Africa, Asia, and America, have successively felt her domination. The superiority she has long maintained has tempted her to plume herself as the Mistress of the World, and to consider the rest of mankind as created for her benefit." – Alexander Hamilton, Federalist No. 11, "The Utility of the Union in Respect to Commercial Relations and a Navy," Independent Journal, November 24, 1787

"Let Americans disdain to be the instruments of European greatness! Let the thirteen States, bound together in a strict and indissoluble Union, concur in erecting one great American system, superior to the control of all transatlantic force or influence, and able to dictate the terms of the connection between the old and the new world!" – Alexander Hamilton, Federalist No. 11, "The Utility of the Union in Respect to Commercial Relations and a Navy," Independent Journal, November 24, 1787

The Essential Federalist Papers

FEDERALIST NO. 12

"The prosperity of commerce is now perceived and acknowledged by all enlightened statesmen to be the most useful as well as the most productive source of national wealth, and has accordingly become a primary object of its political cares." – Alexander Hamilton, Federalist No. 12, "The Utility of the Union In Respect to Revenue," New York Packet, November 27, 1787; "The Federalist (The Gideon Edition)," (1818), Edited with an Introduction, Readers Guide, Constitutional Cross-reference, Index, and Glossary by George W. Carey and James McClellan (Indianapolis: Liberty Fund, 2001)

"The ability of a country to pay taxes must always be proportioned, in a great degree, to the quantity of money in circulation, and to the celerity with which it circulates. Commerce, contributing to both these objects, must of necessity render the payment of taxes easier, and facilitate the requisite supplies to the treasury." – Alexander Hamilton, Federalist No. 12, "The Utility of the Union In Respect to Revenue," New York Packet, November 27, 1787; "The Federalist (The Gideon Edition)," (1818), Edited with an Introduction, Readers Guide, Constitutional Cross-reference, Index, and Glossary by George W. Carey and James McClellan (Indianapolis: Liberty Fund, 2001)

"It is evident from the state of the country, from the habits of the people, from the experience we have had on the point itself, that it is impracticable to raise any very considerable sums by direct taxation. Tax laws have in vain been multiplied; new methods to enforce the collection have in vain been tried; the public expectation has been uniformly disappointed, and the treasuries of the States have remained empty. The popular system of administration inherent in the nature of popular government, coinciding with the real scarcity of money incident to a languid and mutilated state of trade, has hitherto defeated every experiment for extensive collections, and has at length taught the different legislatures the folly of attempting them." – Alexander Hamilton, Federalist No. 12, "The Utility of the Union In Respect to Revenue," New York Packet, November 27, 1787; "The Federalist (The Gideon Edition)," (1818), Edited with an Introduction, Readers Guide, Constitutional Cross-reference, Index, and Glossary by George W. Carey and James McClellan (Indianapolis: Liberty Fund, 2001)

"In America, it is evident that we must a long time depend for the means of revenue chiefly on such duties. In most parts of it, excises must be confined within a narrow compass. The genius of the people will ill brook the inquisitive and peremptory spirit of excise laws. The pockets of the farmers, on the other hand, will reluctantly yield but scanty supplies, in the unwelcome shape of impositions on their houses and lands; and personal property is too precarious and invisible a fund to be laid hold of in any other way than by the imperceptible agency of taxes on consumption." – Alexander Hamilton, Federalist No. 12, "The Utility of the Union In Respect to Revenue," New York Packet, November 27, 1787; "The Federalist (The Gideon Edition)," (1818), Edited with an Introduction, Readers Guide, Constitutional Cross-reference, Index, and Glossary by George W. Carey and James McClellan (Indianapolis: Liberty Fund, 2001)

"An ordinary degree of vigilance would be competent to the prevention of any material infractions upon the rights of the revenue. A few armed vessels, judiciously stationed at the entrances of our ports, might at a small expense be made useful sentinels of the laws. And the government having the same interest to provide against violations everywhere, the co-operation of its measures in each State would have a powerful tendency to render them effectual." – Alexander Hamilton, Federalist No. 12, "The Utility of the Union In Respect to Revenue," New York Packet, November 27, 1787; "The Federalist (The Gideon Edition)," (1818), Edited with an Introduction, Readers Guide, Constitutional Cross-reference, Index, and Glossary by George W. Carey and James McClellan (Indianapolis: Liberty Fund, 2001)

"A nation cannot long exist without revenues. Destitute of this essential support, it must resign its independence, and sink into the degraded condition of a province. This is an extremity to which no government will of choice accede. Revenue, therefore, must be had at all events. In this country, if the principal part be not drawn from commerce, it must fall with oppressive weight upon land." – Alexander Hamilton, Federalist No. 12, "The Utility of the Union In Respect to Revenue," New York Packet, November 27, 1787; "The Federalist (The Gideon Edition)," (1818), Edited with an Introduction, Readers Guide, Constitutional Cross-reference, Index, and Glossary by George W. Carey and James McClellan (Indianapolis: Liberty Fund, 2001)

The Essential Federalist Papers

FEDERALIST NO. 13

"AS CONNECTED with the subject of revenue, we may with propriety consider that of economy. The money saved from one object may be usefully applied to another, and there will be so much the less to be drawn from the pockets of the people." – Alexander Hamilton, Federalist No. 13, "Advantage of the Union in Respect to Economy in Government," Independent Journal, November 28, 1787

"Civil power, properly organized and exerted, is capable of diffusing its force to a very great extent; and can, in a manner, reproduce itself in every part of a great empire by a judicious arrangement of subordinate institutions." – Alexander Hamilton, Federalist No. 13, "Advantage of the Union in Respect to Economy in Government," Independent Journal, November 28, 1787

The Essential Federalist Papers

FEDERALIST NO. 14

"It is, that in a democracy, the people meet and exercise the government in person; in a republic, they assemble and administer it by their representatives and agents. A democracy, consequently, will be confined to a small spot. A republic may be extended over a large region." – James Madison, Federalist No. 14, "Objections to the Proposed Constitution From Extent of Territory Answered," New York Packet, November 30, 1787

"As the natural limit of a democracy is that distance from the central point which will just permit the most remote citizens to assemble as often as their public functions demand, and will include no greater number than can join in those functions; so the natural limit of a republic is that distance from the centre which will barely allow the representatives to meet as often as may be necessary for the administration of public affairs." – James Madison, Federalist No. 14, "Objections to the Proposed Constitution From Extent of Territory Answered," New York Packet, November 30, 1787

"In the first place it is to be remembered that the general government is not to be charged with the whole power of making and administering laws. Its jurisdiction is limited to certain enumerated objects, which concern all the members of the republic, but which are not to be attained by the separate provisions of any. The subordinate governments, which can extend their care to all those other objects which can be separately provided for, will retain their due authority and activity." – James Madison, Federalist No. 14, "Objections to the Proposed Constitution From Extent of Territory Answered," New York Packet, November 30, 1787

"No, my countrymen, shut your ears against this unhallowed language. Shut your hearts against the poison which it conveys; the kindred blood which flows in the veins of American citizens, the mingled blood which they have shed in defense of their sacred rights, consecrate their Union, and excite horror at the idea of their becoming aliens, rivals, enemies." – James Madison, Federalist No. 14, "Objections to the Proposed Constitution From Extent of Territory Answered," New York Packet, November 30, 1787

"But why is the experiment of an extended republic to be rejected, merely because it may comprise what is new? Is it not the glory of the people of America, that, whilst they have paid a decent regard to the opinions of former times and other nations, they have not suffered a blind veneration for antiquity, for custom, or for names, to overrule the suggestions of their own good sense, the knowledge of their own situation, and the lessons of their own experience? To this manly spirit, posterity will be indebted for the possession, and the world for the example, of the numerous innovations displayed on the American theatre, in favor of private rights and public happiness. Had no important step been taken by the leaders of the Revolution for which a precedent could not be discovered, no government established of which an exact model did not present itself, the people of the United States might, at this moment have been numbered among the melancholy victims of misguided councils, must at best have been laboring under the weight of some of those forms which have crushed the liberties of the rest of mankind." – James Madison, Federalist No. 14, "Objections to the Proposed Constitution From Extent of Territory Answered," New York Packet, November 30, 1787

"Happily for America, happily, we trust, for the whole human race, they pursued a new and more noble course. They accomplished a revolution which has no parallel in the annals of human society." – James Madison, Federalist No. 14, "Objections to the Proposed Constitution From Extent of Territory Answered," New York Packet, November 30, 1787

The Essential Federalist Papers

FEDERALIST NO. 15

"If the road over which you will still have to pass should in some places appear to you tedious or irksome, you will recollect that you are in quest of information on a subject the most momentous which can engage the attention of a free people, that the field through which you have to travel is in itself spacious, and that the difficulties of the journey have been unnecessarily increased by the mazes with which sophistry has beset the way." – Alexander Hamilton, Federalist No. 15, "Insufficiency of the Present Confederation to Preserve the Union," Independent Journal, December 1, 1787

"We may indeed with propriety be said to have reached almost the last stage of national humiliation. There is scarcely anything that can wound the pride or degrade the character of an independent nation which we do not experience." – Alexander Hamilton, Federalist No. 15, "Insufficiency of the Present Confederation to Preserve the Union," Independent Journal, December 1, 1787

"Is a violent and unnatural decrease in the value of land a symptom of national distress? The price of improved land in most parts of the country is much lower than can be accounted for by the quantity of waste land at market, and can only be fully explained by that want of private and public confidence, which are so alarmingly prevalent among all ranks, and which have a direct tendency to depreciate property of every kind." – Alexander Hamilton, Federalist No. 15, "Insufficiency of the Present Confederation to Preserve the Union," Independent Journal, December 1, 1787

"Is private credit the friend and patron of industry? That most useful kind which relates to borrowing and lending is reduced within the narrowest limits, and this still more from an opinion of insecurity than from the scarcity of money. To shorten an enumeration of particulars which can afford neither pleasure nor instruction, it may in general be demanded, what indication is there of national disorder, poverty, and insignificance that could befall a community so peculiarly blessed with natural advantages as we are, which does not form a part of the dark catalogue of our public misfortunes?" – Alexander Hamilton, Federalist No. 15, "Insufficiency of the Present Confederation to Preserve the Union," Independent Journal, December 1, 1787

"[F]acts, too stubborn to be resisted, have produced a species of general assent to the abstract proposition that there exist material defects in our national system; but the usefulness of the concession, on the part of the old adversaries of federal measures, is destroyed by a strenuous opposition to a remedy, upon the only principles that can give it a chance of success." – Alexander Hamilton, Federalist No. 15, "Insufficiency of the Present Confederation to Preserve the Union," Independent Journal, December 1, 1787

"Government implies the power of making laws. It is essential to the idea of a law, that it be attended with a sanction; or, in other words, a penalty or punishment for disobedience." – Alexander Hamilton, Federalist No. 15, "Insufficiency of the Present Confederation to Preserve the Union," Independent Journal, December 1, 1787

"Has it been found that bodies of men act with more rectitude or greater disinterestedness than individuals? The contrary of this has been inferred by all accurate observers of the conduct of mankind; and the inference is founded upon obvious reasons. Regard to reputation has a less active influence, when the infamy of a bad action is to be divided among a number than when it is to fall singly upon one. A spirit of faction, which is apt to mingle its poison in the deliberations of all bodies of men, will often hurry the persons of whom they are composed into improprieties and excesses, for which they would blush in a private capacity." – Alexander Hamilton, Federalist No. 15, "Insufficiency of the Present Confederation to Preserve the Union," Independent Journal, December 1, 1787

"[T]here is, in the nature of sovereign power, an impatience of control, that disposes those who are invested with the exercise of it, to look with an evil eye upon all external attempts to restrain or direct its operations." – Alexander Hamilton, Federalist No. 15, "Insufficiency of the Present Confederation to Preserve the Union," Independent Journal, December 1, 1787

"Things did not come to this desperate extremity at once." – Alexander Hamilton, Federalist No. 15, "Insufficiency of the Present Confederation to Preserve the Union," Independent Journal, December 1, 1787

The Essential Federalist Papers

FEDERALIST NO. 16

"THE tendency of the principle of legislation for States, or communities, in their political capacities, as it has been exemplified by the experiment we have made of it, is equally attested by the events which have befallen all other governments of the confederate kind, of which we have any account, in exact proportion to its prevalence in those systems. The confirmations of this fact will be worthy of a distinct and particular examination." – Alexander Hamilton, Federalist No. 16, "Insufficiency of the Present Confederation to Preserve the Union (continued)," New York Packet, December 4, 1787

"It is not probable, considering the genius of this country, that the complying States would often be inclined to support the authority of the Union by engaging in a war against the non-complying States. They would always be more ready to pursue the milder course of putting themselves upon an equal footing with the delinquent members by an imitation of their example. And the guilt of all would thus become the security of all." – Alexander Hamilton, Federalist No. 16, "Insufficiency of the Present Confederation to Preserve the Union (continued)," New York Packet, December 4, 1787

"It seems to require no pains to prove that the States ought not to prefer a national Constitution which could only be kept in motion by the instrumentality of a large army continually on foot to execute the ordinary requisitions or decrees of the government. And yet this is the plain alternative involved by those who wish to deny it the power of extending its operations to individuals. Such a scheme, if practicable at all, would instantly degenerate into a military despotism; but it will be found in every light impracticable." – Alexander Hamilton, Federalist No. 16, "Insufficiency of the Present Confederation to Preserve the Union (continued)," New York Packet, December 4, 1787

"Even in those confederacies which have been composed of members smaller than many of our counties, the principle of legislation for sovereign States, supported by military coercion, has never been found effectual." – Alexander Hamilton, Federalist No. 16, "Insufficiency of the Present Confederation to Preserve the Union (continued)," New York Packet, December 4, 1787

"The majesty of the national authority must be manifested through the medium of the courts of justice. The government of the Union, like that of each State, must be able to address itself immediately to the hopes and fears of individuals; and to attract to its support those passions which have the strongest influence upon the human heart. It must, in short, possess all the means, and have aright to resort to all the methods, of executing the powers with which it is intrusted, that are possessed and exercised by the government of the particular States." – Alexander Hamilton, Federalist No. 16, "Insufficiency of the Present Confederation to Preserve the Union (continued)," New York Packet, December 4, 1787

"If the interposition of the State legislatures be necessary to give effect to a measure of the Union, they have only NOT TO ACT, or TO ACT EVASIVELY, and the measure is defeated. This neglect of duty may be disguised under affected but unsubstantial provisions, so as not to appear, and of course not to excite any alarm in the people for the safety of the Constitution." – Alexander Hamilton, Federalist No. 16, "Insufficiency of the Present Confederation to Preserve the Union (continued)," New York Packet, December 4, 1787

"[I]f the execution of the laws of the national government should not require the intervention of the State legislatures, if they were to pass into immediate operation upon the citizens themselves, the particular governments could not interrupt their progress without an open and violent exertion of an unconstitutional power. No omissions nor evasions would answer the end. They would be obliged to act, and in such a manner as would leave no doubt that they had encroached on the national rights. An experiment of this nature would always be hazardous in the face of a constitution in any degree competent to its own defense, and of a people enlightened enough to distinguish between a legal exercise and an illegal usurpation of authority. The success of it would require not merely a factious majority in the legislature, but the concurrence of the courts of justice and of the body of the people. If the judges were not embarked in a conspiracy with the legislature, they would pronounce the resolutions of such a majority to be contrary to the supreme law of the land, unconstitutional, and void. If the people were not tainted with the spirit of their State representatives, they, as the natural guardians of the Constitution, would throw their weight into the national scale and give it a decided preponderancy in the contest. Attempts of this kind would not often be made with levity or rashness, because they could seldom be made without danger to the authors, unless in cases of a tyrannical exercise of the federal authority." – Alexander Hamilton, Federalist No. 16, "Insufficiency of the Present Confederation to Preserve the Union (continued)," New York Packet, December 4, 1787

"If opposition to the national government should arise from the disorderly conduct of refractory or seditious individuals, it could be overcome by the same means which are daily employed against the same evil under the State governments. The magistracy, being equally the ministers of the law of the land, from whatever source it might emanate, would doubtless be as ready to guard the national as the local regulations from the inroads of private licentiousness." – Alexander Hamilton, Federalist No. 16, "Insufficiency of the Present Confederation to Preserve the Union (continued)," New York Packet, December 4, 1787

The Essential Federalist Papers

FEDERALIST NO. 17

"AN OBJECTION, of a nature different from that which has been stated and answered, in my last address, may perhaps be likewise urged against the principle of legislation for the individual citizens of America. It may be said that it would tend to render the government of the Union too powerful, and to enable it to absorb those residuary authorities, which it might be judged proper to leave with the States for local purposes. Allowing the utmost latitude to the love of power which any reasonable man can require, I confess I am at a loss to discover what temptation the persons intrusted with the administration of the general government could ever feel to divest the States of the authorities of that description. The regulation of the mere domestic police of a State appears to me to hold out slender allurements to ambition. Commerce, finance, negotiation, and war seem to comprehend all the objects which have charms for minds governed by that passion; and all the powers necessary to those objects ought, in the first instance, to be lodged in the national depository. The administration of private justice between the citizens of the same State, the supervision of agriculture and of other concerns of a similar nature, all those things, in short, which are proper to be provided for by local legislation, can never be desirable cares of a general jurisdiction. It is therefore improbable that there should exist a disposition in the federal councils to usurp the powers with which they are connected; because the attempt to exercise those powers would be as troublesome as it would be nugatory; and the possession of them, for that reason, would contribute nothing to the dignity, to the importance, or to the splendor of the national government." – Alexander Hamilton, Federalist No. 17, "Insufficiency of the Present Confederation to Preserve the Union (continued)," Independent Journal, December 5, 1787

"It will always be far more easy for the State governments to encroach upon the national authorities than for the national government to encroach upon the State authorities. The proof of this proposition turns upon the greater degree of influence which the State governments if they administer their affairs with uprightness and prudence, will generally possess over the people; a circumstance which at the same time teaches us that there is an inherent and intrinsic weakness in all federal constitutions; and that too much pains cannot be taken in their organization, to give them all the force which is compatible with the principles of liberty." – Alexander Hamilton, Federalist No. 17, "Insufficiency of the Present Confederation to Preserve the Union (continued)," Independent Journal, December 5, 1787

"The superiority of influence in favor of the particular governments would result partly from the diffusive construction of the national government, but chiefly from the nature of the objects to which the attention of the State administrations would be directed." – Alexander Hamilton, Federalist No. 17, "Insufficiency of the Present Confederation to Preserve the Union (continued)," Independent Journal, December 5, 1787

"It is a known fact in human nature, that its affections are commonly weak in proportion to the distance or diffusiveness of the object. Upon the same principle that a man is more attached to his family than to his neighborhood, to his neighborhood than to the community at large, the people of each State would be apt to feel a stronger bias towards their local governments than towards the government of the Union; unless the force of that principle should be destroyed by a much better administration of the latter." – Alexander Hamilton, Federalist No. 17, "Insufficiency of the Present Confederation to Preserve the Union (continued)," Independent Journal, December 5, 1787

"There is one transcendent advantage belonging to the province of the State governments, which alone suffices to place the matter in a clear and satisfactory light, — I mean the ordinary administration of criminal and civil justice. This, of all others, is the most powerful, most universal, and most attractive source of popular obedience and attachment." – Alexander Hamilton, Federalist No. 17, "Insufficiency of the Present Confederation to Preserve the Union (continued)," Independent Journal, December 5, 1787

"It is that which, being the immediate and visible guardian of life and property, having its benefits and its terrors in constant activity before the public eye, regulating all those personal interests and familiar concerns to which the sensibility of individuals is more immediately awake, contributes, more than any other circumstance, to impressing upon the minds of the people, affection, esteem, and reverence towards the government. This great cement of society, which will diffuse itself almost wholly through the channels of the particular governments, independent of all other causes of influence, would insure them so decided an empire over their respective citizens as to render them at all times a complete counterpoise, and, not unfrequently, dangerous rivals to the power of the Union." – Alexander Hamilton, Federalist No. 17, "Insufficiency of the Present Confederation to Preserve the Union (continued)," Independent Journal, December 5, 1787

"The operations of the national government ... falling less immediately under the observation of the mass of the citizens, the benefits derived from it will chiefly be perceived and attended to by speculative men. Relating to more general interests, they will be less apt to come home to the feelings of the people; and, in proportion, less likely to inspire an habitual sense of obligation, and an active sentiment of attachment." – Alexander Hamilton, Federalist No. 17, "Insufficiency of the Present Confederation to Preserve the Union (continued)," Independent Journal, December 5, 1787

"The separate governments in a confederacy may aptly be compared with the feudal baronies; with this advantage in their favor, that from the reasons already explained, they will generally possess the confidence and good-will of the people, and with so important a support, will be able effectually to oppose all encroachments of the national government. It will be well if they are not able to

The Essential Federalist Papers

counteract its legitimate and necessary authority." – Alexander Hamilton, Federalist No. 17, "Insufficiency of the Present Confederation to Preserve the Union (continued)," Independent Journal, December 5, 1787

The Essential Federalist Papers

FEDERALIST NO. 18

"The powers, like those of the present Congress, were administered by [Greek] deputies appointed wholly by the cities in their political capacities; and exercised over them in the same capacities. Hence the weakness, the disorders, and finally the destruction of the confederacy. The more powerful members, instead of being kept in awe and subordination, tyrannized successively over all the rest." – James Madison and Alexander Hamilton, Federalist No. 18, "Insufficiency of the Present Confederation to Preserve the Union (continued)," New York Packet, December 7, 1787

"It happened but too often, according to Plutarch, that the deputies of the strongest cities awed and corrupted those of the weaker; and that judgment went in favor of the most powerful party." – James Madison and Alexander Hamilton, Federalist No. 18, "Insufficiency of the Present Confederation to Preserve the Union (continued)," New York Packet, December 7, 1787

"[A] victorious and powerful ally is but another name for a master." – James Madison and Alexander Hamilton, Federalist No. 18, "Insufficiency of the Present Confederation to Preserve the Union (continued)," New York Packet, December 7, 1787

The Essential Federalist Papers

FEDERALIST NO. 19

"The fundamental principle on which it [German confederacy] rests, that the empire is a community of sovereigns, that the diet is a representation of sovereigns and that the laws are addressed to sovereigns, renders the empire a nerveless body, incapable of regulating its own members, insecure against external dangers, and agitated with unceasing fermentations in its own bowels." – James Madison and Alexander Hamilton, Federalist No. 19, "Insufficiency of the Present Confederation to Preserve the Union (continued)," Independent Journal, December 8, 1787

"The history of Germany is a history of wars between the emperor and the princes and states; of wars among the princes and states themselves; of the licentiousness of the strong, and the oppression of the weak; of foreign intrusions, and foreign intrigues; of requisitions of men and money disregarded, or partially complied with; of attempts to enforce them, altogether abortive, or attended with slaughter and desolation, involving the innocent with the guilty; of general inbecility, confusion, and misery." – James Madison and Alexander Hamilton, Federalist No. 19, "Insufficiency of the Present Confederation to Preserve the Union (continued)," Independent Journal, December 8, 1787

"If the [German] nation happens, on any emergency, to be more united by the necessity of self-defense, its situation is still deplorable. Military preparations must be preceded by so many tedious discussions, arising from the jealousies, pride, separate views, and clashing pretensions of sovereign bodies, that before the diet can settle the arrangements, the enemy are in the field; and before the federal troops are ready to take it, are retiring into winter quarters." – James Madison and Alexander Hamilton, Federalist No. 19, "Insufficiency of the Present Confederation to Preserve the Union (continued)," Independent Journal, December 8, 1787

"They [Swiss cantons] are kept together by the peculiarity of their topographical position; by their individual weakness and insignificance; by the fear of powerful neighbors, to one of which they were formerly subject; by the few sources of contention among a people of such simple and homogeneous manners; by their joint interest in their dependent possessions; by the mutual aid they stand in need of, for suppressing insurrections and rebellions, an aid expressly stipulated and often required and afforded; and by the necessity of some regular and permanent provision for accommodating disputes among the cantons." – James Madison and Alexander Hamilton, Federalist No. 19, "Insufficiency of the Present Confederation to Preserve the Union (continued)," Independent Journal, December 8, 1787

"So far as the peculiarity of their [Swiss] case will admit of comparison with that of the United States, it serves to confirm the principle intended to be established. Whatever efficacy the union may have had in ordinary cases, it appears that the moment a cause of difference sprang up, capable of trying its strength, it failed." – James Madison and Alexander Hamilton, Federalist No. 19, "Insufficiency of the Present Confederation to Preserve the Union (continued)," Independent Journal, December 8, 1787

The Essential Federalist Papers

FEDERALIST NO. 20

"A weak constitution must necessarily terminate in dissolution for want of proper powers, or the usurpation of powers requisite for the public safety - Whether the usurpation, when once begun, will stop at the salutary point, or go forward to the dangerous extreme, must depend on the contingencies of the moment - Tyranny has perhaps oftener grown out of the assumptions of power called for, on pressing exigencies, by a defective constitution, than out of the full exercise of the largest constitutional authorities." – James Madison and Alexander Hamilton, Federalist No. 20, "Insufficiency of the Present Confederation to Preserve the Union (continued)," New York Packet, December 11, 1787

"Experience is the oracle of truth; and where its responses are unequivocal, they ought to be conclusive and sacred. The important truth, which it unequivocally pronounces in the present case, is that a sovereignty over sovereigns, a government over governments, a legislation for communities, as contradistinguished from individuals, as it is a solecism in theory, so in practice it is subversive of the order and ends of civil polity, by substituting violence in place of law, or the destructive coercion of the sword in place of the mild and salutary coercion of the magistracy." – James Madison and Alexander Hamilton, Federalist No. 20, "Insufficiency of the Present Confederation to Preserve the Union (continued)," New York Packet, December 11, 1787

The Essential Federalist Papers

FEDERALIST NO. 21

"Without a guaranty the assistance to be derived from the Union in repelling those domestic dangers which may sometimes threaten the existence of the State constitutions, must be renounced. Usurpation may rear its crest in each State, and trample upon the liberties of the people, while the national government could legally do nothing more than behold its encroachments with indignation and regret. A successful faction may erect a tyranny on the ruins of order and law, while no succor could constitutionally be afforded by the Union to the friends and supporters of the government." – Alexander Hamilton, Federalist No. 21, "Other Defects of the Present Confederation," Independent Journal, December 12, 1787

"Where the whole power of the government is in the hands of the people, there is the less pretense for the use of violent remedies in partial or occasional distempers of the State. The natural cure for an ill-administration, in a popular or representative constitution, is a change of men." – Alexander Hamilton, Federalist No. 21, "Other Defects of the Present Confederation," Independent Journal, December 12, 1787

"Imposts, excises, and, in general, all duties upon articles of consumption, may be compared to a fluid, which will, in time, find its level with the means of paying them. The amount to be contributed by each citizen will in a degree be at his own option, and can be regulated by an attention to his resources. The rich may be extravagant, the poor can be frugal; and private oppression may always be avoided by a judicious selection of objects proper for such impositions." – Alexander Hamilton, Federalist No. 21, "Other Defects of the Present Confederation," Independent Journal, December 12, 1787

"It is a signal advantage of taxes on articles of consumption, that they contain in their own nature a security against excess. They prescribe their own limit; which cannot be exceeded without defeating the end proposed, that is, an extension of the revenue. When applied to this object, the saying is as just as it is witty, that, 'in political arithmetic, two and two do not always make four.' If duties are too high, they lessen the consumption; the collection is eluded; and the product to the treasury is not so great as when they are confined within proper and moderate bounds. This forms a complete barrier against any material oppression of the citizens by taxes of this class, and is itself a natural limitation of the power of imposing them." – Alexander Hamilton, Federalist No. 21, "Other Defects of the Present Confederation," Independent Journal, December 12, 1787

"In every country it is a herculean task to obtain a valuation of the land; in a country imperfectly settled and progressive in improvement, the difficulties are increased almost to impracticability." – Alexander Hamilton, Federalist No. 21, "Other Defects of the Present Confederation," Independent Journal, December 12, 1787

The Essential Federalist Papers

FEDERALIST NO. 22

"The interfering and unneighborly regulations of some States, contrary to the true spirit of the Union, have, in different instances, given just cause of umbrage and complaint to others, and it is to be feared that examples of this nature, if not restrained by a national control, would be multiplied and extended till they became not less serious sources of animosity and discord than injurious impediments to the intercourse between the different parts of the Confederacy." – Alexander Hamilton, Federalist No. 22, "Other Defects of the Present Confederation (continued)," New York Packet, December 14, 1787

"The commerce of the German empire is in continual trammels from the multiplicity of the duties which the several princes and states exact upon the merchandises passing through their territories, by means of which the fine streams and navigable rivers with which Germany is so happily watered are rendered almost useless.' Though the genius of the people of this country might never permit this description to be strictly applicable to us, yet we may reasonably expect, from the gradual conflicts of State regulations, that the citizens of each would at length come to be considered and treated by the others in no better light than that of foreigners and aliens." – Alexander Hamilton, Federalist No. 22, "Other Defects of the Present Confederation (continued)," New York Packet, December 14, 1787

"To give a minority a negative upon the majority (which is always the case where more than a majority is requisite to a decision), is, in its tendency, to subject the sense of the greater number to that of the lesser. Congress, from the nonattendance of a few States, have been frequently in the situation of a Polish diet, where a single veto has been sufficient to put a stop to all their movements. A sixtieth part of the Union, which is about the proportion of Delaware and Rhode Island, has several times been able to oppose an entire bar to its operations. This is one of those refinements which, in practice, has an effect the reverse of what is expected from it in theory. The necessity of unanimity in public bodies, or of something approaching towards it, has been founded upon a supposition that it would contribute to security. But its real operation is to embarrass the administration, to destroy the energy of the government, and to substitute the pleasure, caprice, or artifices of an insignificant, turbulent, or corrupt junto, to the regular deliberations and decisions of a respectable majority. In those emergencies of a nation, in which the goodness or badness, the weakness or strength of its government, is of the greatest importance, there is commonly a necessity for action. The public business must, in some way or other, go forward. If a pertinacious minority can control the opinion of a majority, respecting the best mode of conducting it, the majority, in order that something may be done, must conform to the views of the minority; and thus the sense of the smaller number will overrule that of the greater, and give a tone to the national proceedings. Hence, tedious delays; continual negotiation and intrigue; contemptible compromises of the public good." – Alexander Hamilton, Federalist No. 22, "Other Defects of the Present Confederation (continued)," New York Packet, December 14, 1787

"When the concurrence of a large number is required by the Constitution to the doing of any national act, we are apt to rest satisfied that all is safe, because nothing improper will be likely to be done, but we forget how much good may be prevented, and how much ill may be produced, by the power of hindering the doing what may be necessary, and of keeping affairs in the same unfavorable posture in which they may happen to stand at particular periods." – Alexander Hamilton, Federalist No. 22, "Other Defects of the Present Confederation (continued)," New York Packet, December 14, 1787

"One of the weak sides of republics, among their numerous advantages, is that they afford too easy an inlet to foreign corruption. An hereditary monarch, though often disposed to sacrifice his subjects to his ambition, has so great a personal interest in the government and in the external glory of the nation, that it is not easy for a foreign power to give him an equivalent for what he would sacrifice by treachery to the state. The world has accordingly been witness to few examples of this species of royal prostitution, though there have been abundant specimens of every other kind." – Alexander Hamilton, Federalist No. 22, "Other Defects of the Present Confederation (continued)," New York Packet, December 14, 1787

"In republics, persons elevated from the mass of the community, by the suffrages of their fellow-citizens, to stations of great pre-eminence and power, may find compensations for betraying their trust, which, to any but minds animated and guided by superior virtue, may appear to exceed the proportion of interest they have in the common stock, and to overbalance the obligations of duty." – Alexander Hamilton, Federalist No. 22, "Other Defects of the Present Confederation (continued)," New York Packet, December 14, 1787

"Laws are a dead letter without courts to expound and define their true meaning and operation. The treaties of the United States, to have any force at all, must be considered as part of the law of the land. Their true import, as far as respects individuals, must, like all other laws, be ascertained by judicial determinations. To produce uniformity in these determinations, they ought to be submitted, in the last resort, to one SUPREME TRIBUNAL. And this tribunal ought to be instituted under the same authority which forms the treaties themselves. These ingredients are both indispensable." – Alexander Hamilton, Federalist No. 22, "Other Defects of the Present Confederation (continued)," New York Packet, December 14, 1787

"The fabric of American empire ought to rest on the solid basis of THE CONSENT OF THE PEOPLE. The streams of national power ought to flow immediately from that pure, original fountain of all legitimate authority." – Alexander Hamilton, Federalist No. 22, "Other Defects of the Present Confederation (continued)," New York Packet, December 14, 1787

The Essential Federalist Papers

FEDERALIST NO. 23

"The principal purposes to be answered by union are these the common defense of the members; the preservation of the public peace, as well 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." – Alexander Hamilton, Federalist No. 23, "Necessity of a Government as Energetic as the One Proposed to the Preservation of the Union," New York Packet, December 18, 1787

"The authorities essential to the common defense are these: to raise armies; to build and equip fleets; to prescribe rules for the government of both; to direct their operations; to provide for their support. These powers ought to exist without limitation, because it is impossible to foresee or define the extent and variety of national exigencies, or the correspondent extent and variety of the means which may be necessary to satisfy them." – Alexander Hamilton, Federalist No. 23, "Necessity of a Government as Energetic as the One Proposed to the Preservation of the Union," New York Packet, December 18, 1787

"The circumstances that endanger the safety of nations are infinite, and for this reason no constitutional shackles can wisely be imposed on the power to which the care of it is committed. This power ought to be coextensive with all the possible combinations of such circumstances; and ought to be under the direction of the same councils which are appointed to preside over the common defense." – Alexander Hamilton, Federalist No. 23, "Necessity of a Government as Energetic as the One Proposed to the Preservation of the Union," New York Packet, December 18, 1787

"Whether there ought to be a federal government intrusted with the care of the common defense, is a question in the first instance, open for discussion; but the moment it is decided in the affirmative, it will follow, that that government ought to be clothed with all the powers requisite to complete execution of its trust. And unless it can be shown that the circumstances which may affect the public safety are reducible within certain determinate limits; unless the contrary of this position can be fairly and rationally disputed, it must be admitted, as a necessary consequence, that there can be no limitation of that authority which is to provide for the defense and protection of the community, in any matter essential to its efficacy that is, in any matter essential to the formation, direction, or support of the NATIONAL FORCES." – Alexander Hamilton, Federalist No. 23, "Necessity of a Government as Energetic as the One Proposed to the Preservation of the Union," New York Packet, December 18, 1787

"[T]he Union ought to be invested with full power to levy troops; to build and equip fleets; and to raise the revenues which will be required for the formation and support of an army and navy, in the customary and ordinary modes practiced in other governments." – Alexander Hamilton, Federalist No. 23, "Necessity of a Government as Energetic as the One Proposed to the Preservation of the Union," New York Packet, December 18, 1787

"The government of the Union must be empowered to pass all laws, and to make all regulations which have relation to them. The same must be the case in respect to commerce, and to every other matter to which its jurisdiction is permitted to extend." – Alexander Hamilton, Federalist No. 23, "Necessity of a Government as Energetic as the One Proposed to the Preservation of the Union," New York Packet, December 18, 1787

"Every view we may take of the subject, as candid inquirers after truth, will serve to convince us, that it is both unwise and dangerous to deny the federal government an unconfined authority, as to all those objects which are intrusted to its management. It will indeed deserve the most vigilant and careful attention of the people, to see that it be modeled in such a manner as to admit of its being safely vested with the requisite powers." – Alexander Hamilton, Federalist No. 23, "Necessity of a Government as Energetic as the One Proposed to the Preservation of the Union," New York Packet, December 18, 1787

"A government, the constitution of which renders it unfit to be trusted with all the powers which a free people ought to delegate to any government, would be an unsafe and improper depository of the NATIONAL INTERESTS. Wherever THESE can with propriety be confided, the coincident powers may safely accompany them. This is the true result of all just reasoning upon the subject." – Alexander Hamilton, Federalist No. 23, "Necessity of a Government as Energetic as the One Proposed to the Preservation of the Union," New York Packet, December 18, 1787

The Essential Federalist Papers

FEDERALIST NO. 24

"A stranger to our politics, who was to read our newspapers at the present juncture, without having previously inspected the plan reported by the convention, would be naturally led to one of two conclusions: either that it contained a positive injunction, that standing armies should be kept up in time of peace; or that it vested in the EXECUTIVE the whole power of levying troops, without subjecting his discretion, in any shape, to the control of the legislature." – Alexander Hamilton, Federalist No. 24, "Powers Necessary to the Common Defense Further Considered," Independent Journal, December 19, 1787

"[T]he whole power of raising armies was lodged in the legislature, not in the executive." – Alexander Hamilton, Federalist No. 24, "Powers Necessary to the Common Defense Further Considered," Independent Journal, December 19, 1787

"Though a wide ocean separates the United States from Europe, yet there are various considerations that warn us against an excess of confidence or security." – Alexander Hamilton, Federalist No. 24, "Powers Necessary to the Common Defense Further Considered," Independent Journal, December 19, 1787

"The militia would not long, if at all, submit to be dragged from their occupations and families to perform that most disagreeable duty in times of profound peace. And if they could be prevailed upon or compelled to do it, the increased expense of a frequent rotation of service, and the loss of labor and disconcertion of the industrious pursuits of individuals, would form conclusive objections to the scheme. It would be as burdensome and injurious to the public as ruinous to private citizens. The latter resource of permanent corps in the pay of the government amounts to a standing army in time of peace; a small one, indeed, but not the less real for being small." – Alexander Hamilton, Federalist No. 24, "Powers Necessary to the Common Defense Further Considered," Independent Journal, December 19, 1787

"When a nation has become so powerful by sea that it can protect its dock-yards by its fleets, this supersedes the necessity of garrisons for that purpose; but where naval establishments are in their infancy, moderate garrisons will, in all likelihood, be found an indispensable security against descents for the destruction of the arsenals and dock-yards, and sometimes of the fleet itself." – Alexander Hamilton, Federalist No. 24, "Powers Necessary to the Common Defense Further Considered," Independent Journal, December 19, 1787

The Essential Federalist Papers

FEDERALIST NO. 25

"As far as an army may be considered as a dangerous weapon of power, it had better be in those hands of which the people are most likely to be jealous than in those of which they are least likely to be jealous. For it is a truth, which the experience of ages has attested, that the people are always most in danger when the means of injuring their rights are in the possession of those of whom they entertain the least suspicion." – Alexander Hamilton, Federalist No. 25, "Powers Necessary to the Common Defense Further Considered (continued)," New York Packet on Friday, December 21, 1787

"When armies are once raised what shall be denominated "keeping them up," contrary to the sense of the Constitution? What time shall be requisite to ascertain the violation? Shall it be a week, a month, a year? Or shall we say they may be continued as long as the danger which occasioned their being raised continues? This would be to admit that they might be kept up in time of peace, against threatening or impending danger, which would be at once to deviate from the literal meaning of the prohibition, and to introduce an extensive latitude of construction. Who shall judge of the continuance of the danger? This must undoubtedly be submitted to the national government, and the matter would then be brought to this issue, that the national government, to provide against apprehended danger, might in the first instance raise troops, and might afterwards keep them on foot as long as they supposed the peace or safety of the community was in any degree of jeopardy. It is easy to perceive that a discretion so latitudinary as this would afford ample room for eluding the force of the provision." – Alexander Hamilton, Federalist No. 25, "Powers Necessary to the Common Defense Further Considered (continued)," New York Packet on Friday, December 21, 1787

"The steady operations of war against a regular and disciplined army can only be successfully conducted by a force of the same kind. Considerations of economy, not less than of stability and vigor, confirm this position." – Alexander Hamilton, Federalist No. 25, "Powers Necessary to the Common Defense Further Considered (continued)," New York Packet on Friday, December 21, 1787

"All violent policy, as it is contrary to the natural and experienced course of human affairs, defeats itself." – Alexander Hamilton, Federalist No. 25, "Powers Necessary to the Common Defense Further Considered (continued)," New York Packet on Friday, December 21, 1787

"Wise politicians will be cautious about fettering the government with restrictions that cannot be observed, because they know that every breach of the fundamental laws, though dictated by necessity, impairs that sacred reverence which ought to be maintained in the breast of rulers towards the constitution of a country, and forms a precedent for other breaches where the same plea of necessity does not exist at all, or is less urgent and palpable." – Alexander Hamilton, Federalist No. 25, "Powers Necessary to the Common Defense Further Considered (continued)," New York Packet on Friday, December 21, 1787

The Essential Federalist Papers

FEDERALIST NO. 26

"IT WAS a thing hardly to be expected that in a popular revolution the minds of men should stop at that happy mean which marks the salutary boundary between POWER and PRIVILEGE, and combines the energy of government with the security of private rights. A failure in this delicate and important point is the great source of the inconveniences we experience, and if we are not cautious to avoid a repetition of the error, in our future attempts to rectify and ameliorate our system, we may travel from one chimerical project to another; we may try change after change; but we shall never be likely to make any material change for the better." – Alexander Hamilton, Federalist No. 26, "Idea of Restraining the Legislative Authority in Regard to the Common Defense Considered," Independent Journal, December 22, 1787

"The idea of restraining the legislative authority, in the means of providing for the national defense, is one of those refinements which owe their origin to a zeal for liberty more ardent than enlightened." – Alexander Hamilton, Federalist No. 26, "Idea of Restraining the Legislative Authority in Regard to the Common Defense Considered," Independent Journal, December 22, 1787

"The citizens of America have too much discernment to be argued into anarchy. And I am much mistaken, if experience has not wrought a deep and solemn conviction in the public mind, that greater energy of government is essential to the welfare and prosperity of the community." – Alexander Hamilton, Federalist No. 26, "Idea of Restraining the Legislative Authority in Regard to the Common Defense Considered," Independent Journal, December 22, 1787

"The legislature of the United States will be obliged, by this provision, once at least in every two years, to deliberate upon the propriety of keeping a military force on foot; to come to a new resolution on the point; and to declare their sense of the matter, by a formal vote in the face of their constituents. They are not at liberty to vest in the executive department permanent funds for the support of an army, if they were even incautious enough to be willing to repose in it so improper a confidence." – Alexander Hamilton, Federalist No. 26, "Idea of Restraining the Legislative Authority in Regard to the Common Defense Considered," Independent Journal, December 22, 1787

"The provision for the support of a military force will always be a favorable topic for declamation. As often as the question comes forward, the public attention will be roused and attracted to the subject, by the party in opposition; and if the majority should be really disposed to exceed the proper limits, the community will be warned of the danger, and will have an opportunity of taking measures to guard against it." – Alexander Hamilton, Federalist No. 26, "Idea of Restraining the Legislative Authority in Regard to the Common Defense Considered," Independent Journal, December 22, 1787

"[T]he State legislatures, who will always be not only vigilant but suspicious and jealous guardians of the rights of the citizens against encroachments from the federal government, will constantly have their attention awake to the conduct of the national rulers, and will be ready enough, if any thing improper appears, to sound the alarm to the people, and not only to be the VOICE, but, if necessary, the ARM of their discontent." – Alexander Hamilton, Federalist No. 26, "Idea of Restraining the Legislative Authority in Regard to the Common Defense Considered," Independent Journal, December 22, 1787

"Schemes to subvert the liberties of a great community require time to mature them for execution. An army, so large as seriously to menace those liberties, could only be formed by progressive augmentations; which would suppose, not merely a temporary combination between the legislature and executive, but a continued conspiracy for a series of time." – Alexander Hamilton, Federalist No. 26, "Idea of Restraining the Legislative Authority in Regard to the Common Defense Considered," Independent Journal, December 22, 1787

"The people should resolve to recall all the powers they have heretofore parted with out of their own hands, and to divide themselves into as many States as there are counties, in order that they may be able to manage their own concerns in person." – Alexander Hamilton, Federalist No. 26, "Idea of Restraining the Legislative Authority in Regard to the Common Defense Considered," Independent Journal, December 22, 1787

"It has been said that the provision which limits the appropriation of money for the support of an army to the period of two years would be unavailing, because the Executive, when once possessed of a force large enough to awe the people into submission, would find resources in that very force sufficient to enable him to dispense with supplies from the acts of the legislature." – Alexander Hamilton, Federalist No. 26, "Idea of Restraining the Legislative Authority in Regard to the Common Defense Considered," Independent Journal, December 22, 1787

The Essential Federalist Papers

FEDERALIST NO. 27

"I believe it may be laid down as a general rule that their confidence in and obedience to a government will commonly be proportioned to the goodness or badness of its administration." – Alexander Hamilton, Federalist No. 27, "Idea of Restraining the Legislative Authority in Regard to the Common Defense Considered (continued)," New York Packet, December 25, 1787

"[T]he federal government is likely to be administered in such a manner as to render it odious or contemptible to the people, there can be no reasonable foundation for the supposition that the laws of the Union will meet with any greater obstruction from them, or will stand in need of any other methods to enforce their execution, than the laws of the particular members." – Alexander Hamilton, Federalist No. 27, "Idea of Restraining the Legislative Authority in Regard to the Common Defense Considered (continued)," New York Packet, December 25, 1787

"The hope of impunity is a strong incitement to sedition; the dread of punishment, a proportionably strong discouragement to it." – Alexander Hamilton, Federalist No. 27, "Idea of Restraining the Legislative Authority in Regard to the Common Defense Considered (continued)," New York Packet, December 25, 1787

"Man is very much a creature of habit. A thing that rarely strikes his senses will generally have but little influence upon his mind. A government continually at a distance and out of sight can hardly be expected to interest the sensations of the people." – Alexander Hamilton, Federalist No. 27, "Idea of Restraining the Legislative Authority in Regard to the Common Defense Considered (continued)," New York Packet, December 25, 1787

"[T]he laws of the Confederacy, as to the enumerated and legitimate objects of its jurisdiction, will become the SUPREME LAW of the land; to the observance of which all officers, legislative, executive, and judicial, in each State, will be bound by the sanctity of an oath. Thus the legislatures, courts, and magistrates, of the respective members, will be incorporated into the operations of the national government as far as its just and constitutional authority extends; and will be rendered auxiliary to the enforcement of its laws." – Alexander Hamilton, Federalist No. 27, "Idea of Restraining the Legislative Authority in Regard to the Common Defense Considered (continued)," New York Packet, December 25, 1787

The Essential Federalist Papers

FEDERALIST NO. 28

"An insurrection, whatever may be its immediate cause, eventually endangers all government. Regard to the public peace, if not to the rights of the Union, would engage the citizens to whom the contagion had not communicated itself to oppose the insurgents; and if the general government should be found in practice conducive to the prosperity and felicity of the people, it were irrational to believe that they would be disinclined to its support." – Alexander Hamilton, Federalist No. 28, "Idea of Restraining the Legislative Authority in Regard to the Common Defense Considered (continued)," Independent Journal, December 26, 1787

"If the representatives of the people betray their constituents, there is then no recourse left but in the exertion of that original right of self-defense which is paramount to all positive forms of government, and which against the usurpations of the national rulers may be exerted with infinitely better prospect of success than against those of the rulers of an individual State. In a single State, if the persons entrusted with supreme power become usurpers, the different parcels, subdivisions, or districts of which it consists, having no distinct government in each, can take no regular measures for defense. The citizens must rush tumultuously to arms, without concert, without system, without resource; except in their courage and despair." – Alexander Hamilton, Federalist No. 28, "Idea of Restraining the Legislative Authority in Regard to the Common Defense Considered (continued)," Independent Journal, December 26, 1787

"The obstacles to usurpation and the facilities of resistance increase with the increased extent of the state, provided the citizens understand their rights and are disposed to defend them. The natural strength of the people in a large community, in proportion to the artificial strength of the government, is greater than in a small, and of course more competent to a struggle with the attempts of the government to establish a tyranny. But in a confederacy the people, without exaggeration, may be said to be entirely the masters of their own fate. Power being almost always the rival of power, the general government will at all times stand ready to check the usurpations of the state governments, and these will have the same disposition towards the general government. The people, by throwing themselves into either scale, will infallibly make it preponderate. If their rights are invaded by either, they can make use of the other as the instrument of redress. How wise will it be in them by cherishing the union to preserve to themselves an advantage which can never be too highly prized!" – Alexander Hamilton, Federalist No. 28, "Idea of Restraining the Legislative Authority in Regard to the Common Defense Considered (continued)," Independent Journal, December 26, 1787

"It may safely be received as an axiom in our political system, that the state governments will in all possible contingencies afford complete security against invasions of the public liberty by the national authority. Projects of usurpation cannot be masked under pretenses so likely to escape the penetration of select bodies of men, as of the people at large." – Alexander Hamilton, Federalist No. 28, "Idea of Restraining the Legislative Authority in Regard to the Common Defense Considered (continued)," Independent Journal, December 26, 1787

The Essential Federalist Papers

FEDERALIST NO. 29

"It requires no skill in the science of war to discern that uniformity in the organization and discipline of the militia would be attended with the most beneficial effects, whenever they were called into service for the public defense. It would enable them to discharge the duties of the camp and of the field with mutual intelligence and concert an advantage of peculiar moment in the operations of an army; and it would fit them much sooner to acquire the degree of proficiency in military functions which would be essential to their usefulness. This desirable uniformity can only be accomplished by confiding the regulation of the militia to the direction of the national authority." – Alexander Hamilton, Federalist No. 29, "Concerning the Militia," January 9, 1788

"If a well-regulated militia be the most natural defense of a free country, it ought certainly to be under the regulation and at the disposal of that body which is constituted the guardian of the national security. If standing armies are dangerous to liberty, an efficacious power over the militia in the same body ought, as far as possible, to take away the inducement and the pretext to such unfriendly institutions. ... If the federal government can command the aid of the militia in those emergencies which call for the military arm in support of the civil magistrate, it can the better dispense with the employment of a different kind of force. If it cannot avail itself of the former, it will be obliged to recur to the latter. To render an army unnecessary will be a more certain method of preventing its existence than a thousand prohibitions upon paper. ... In order to cast an odium upon the power of calling forth the militia to execute the laws of the Union, it has been remarked that there is nowhere any provision in the proposed Constitution for requiring the aid of the POSSE COMITATUS to assist the magistrate in the execution of his duty; whence it has been inferred that military force was intended to be his only auxiliary." – Alexander Hamilton, Federalist No. 29, "Concerning the Militia," January 9, 1788

"By a curious refinement upon the spirit of republican jealousy, we are even taught to apprehend danger from the militia itself, in the hands of the federal government. It is observed that select corps may be formed, composed of the young and ardent, who may be rendered subservient to the views of arbitrary power." – Alexander Hamilton, Federalist No. 29, "Concerning the Militia," January 9, 1788

"A tolerable expertness in military movements is a business that requires time and practice. It is not a day, or even a week, that will suffice for the attainment of it. To oblige the great body of the yeomanry, and of the other classes of the citizens, to be under arms for the purpose of going through military exercises and evolutions, as often as might be necessary to acquire the degree of perfection which would entitle them to the character of a well-regulated militia, would be a real grievance to the people, and a serious public inconvenience and loss. It would form an annual deduction from the productive labor of the country, to an amount which, calculating upon the present numbers of the people, would not fall far short of the whole expense of the civil establishments of all the States. To attempt a thing which would abridge the mass of labor and industry to so considerable an extent, would be unwise: and the experiment, if made, could not succeed, because it would not long be endured. Little more can reasonably be aimed at, with respect to the people at large, than to have them properly armed and equipped; and in order to see that this be not neglected, it will be necessary to assemble them once or twice in the course of a year." – Alexander Hamilton, Federalist No. 29, "Concerning the Militia," January 9, 1788

"If circumstances should at any time oblige the government to form an army of any magnitude that army can never be formidable to the liberties of the people while there is a large body of citizens, little, if at all, inferior to them in discipline and the use of arms, who stand ready to defend their own rights and those of their fellow-citizens. This appears to me the only substitute that can be devised for a standing army, and the best possible security against it, if it should exist." – Alexander Hamilton, Federalist No. 29, "Concerning the Militia," January 9, 1788

The Essential Federalist Papers

FEDERALIST NO. 30

"[E]very POWER ought to be in proportion to its OBJECT." – Alexander Hamilton, Federalist No. 30, "Concerning the General Power of Taxation," New York Packet, December 28, 1787

"Money is, with propriety, considered as the vital principle of the body politic; as that which sustains its life and motion, and enables it to perform its most essential functions. A complete power, therefore, to procure a regular and adequate supply of it, as far as the resources of the community will permit, may be regarded as an indispensable ingredient in every constitution. From a deficiency in this particular, one of two evils must ensue; either the people must be subjected to continual plunder, as a substitute for a more eligible mode of supplying the public wants, or the government must sink into a fatal atrophy, and, in a short course of time, perish." – Alexander Hamilton, Federalist No. 30, "Concerning the General Power of Taxation," New York Packet, December 28, 1787

"I believe it may be regarded as a position warranted by the history of mankind, that, in the usual progress of things, the necessities of a nation, in every stage of its existence, will be found at least equal to its resources." – Alexander Hamilton, Federalist No. 30, "Concerning the General Power of Taxation," New York Packet, December 28, 1787

"The power of creating new funds upon new objects of taxation, by its own authority, would enable the national government to borrow as far as its necessities might require. Foreigners, as well as the citizens of America, could then reasonably repose confidence in its engagements; but to depend upon a government that must itself depend upon thirteen other governments for the means of fulfilling its contracts, when once its situation is clearly understood, would require a degree of credulity not often to be met with in the pecuniary transactions of mankind, and little reconcilable with the usual sharp-sightedness of avarice." – Alexander Hamilton, Federalist No. 30, "Concerning the General Power of Taxation," New York Packet, December 28, 1787

The Essential Federalist Papers

FEDERALIST NO. 31

"In disquisitions of every kind, there are certain primary truths, or first principles, upon which all subsequent reasonings must depend. These contain an internal evidence which, antecedent to all reflection or combination, commands the assent of the mind." – Alexander Hamilton, Federalist No. 31, "Concerning the General Power of Taxation (continued)," New York Packet, January 1, 1788

"Though it cannot be pretended that the principles of moral and political knowledge have, in general, the same degree of certainty with those of the mathematics, yet they have much better claims in this respect than, to judge from the conduct of men in particular situations, we should be disposed to allow them. The obscurity is much oftener in the passions and prejudices of the reasoner than in the subject. Men, upon too many occasions, do not give their own understandings fair play; but, yielding to some untoward bias, they entangle themselves in words and confound themselves in subtleties." – Alexander Hamilton, Federalist No. 31, "Concerning the General Power of Taxation (continued)," New York Packet, January 1, 1788

"A government ought to contain in itself every power requisite to the full accomplishment of the objects committed to its care, and to the complete execution of the trusts for which it is responsible, free from every other control but a regard to the public good and to the sense of the people." – Alexander Hamilton, Federalist No. 31, "Concerning the General Power of Taxation (continued)," New York Packet, January 1, 1788

"As the duties of superintending the national defense and of securing the public peace against foreign or domestic violence involve a provision for casualties and dangers to which no possible limits can be assigned, the power of making that provision ought to know no other bounds than the exigencies of the nation and the resources of the community." – Alexander Hamilton, Federalist No. 31, "Concerning the General Power of Taxation (continued)," New York Packet, January 1, 1788

"As revenue is the essential engine by which the means of answering the national exigencies must be procured, the power of procuring that article in its full extent must necessarily be comprehended in that of providing for those exigencies." – Alexander Hamilton, Federalist No. 31, "Concerning the General Power of Taxation (continued)," New York Packet, January 1, 1788

"As theory and practice conspire to prove that the power of procuring revenue is unavailing when exercised over the States in their collective capacities, the federal government must of necessity be invested with an unqualified power of taxation in the ordinary modes." – Alexander Hamilton, Federalist No. 31, "Concerning the General Power of Taxation (continued)," New York Packet, January 1, 1788

"It should not be forgotten that a disposition in the State governments to encroach upon the rights of the Union is quite as probable as a disposition in the Union to encroach upon the rights of the State governments." – Alexander Hamilton, Federalist No. 31, "Concerning the General Power of Taxation (continued)," New York Packet, January 1, 1788

"Revenue is as requisite to the purposes of the local administrations as to those of the Union; and the former are at least of equal importance with the latter to the happiness of the people. It is, therefore, as necessary that the State governments should be able to command the means of supplying their wants, as that the national government should possess the like faculty in respect to the wants of the Union. But an indefinite power of taxation in the latter might, and probably would in time, deprive the former of the means of providing for their own necessities; and would subject them entirely to the mercy of the national legislature." – Alexander Hamilton, Federalist No. 31, "Concerning the General Power of Taxation (continued)," New York Packet, January 1, 1788

"It should not be forgotten that a disposition in the State governments to encroach upon the rights of the Union is quite as probable as a disposition in the Union to encroach upon the rights of the State governments." – Alexander Hamilton, Federalist No. 31, "Concerning the General Power of Taxation (continued)," New York Packet, January 1, 1788

"As in republics strength is always on the side of the people..." – Alexander Hamilton, Federalist No. 31, "Concerning the General Power of Taxation (continued)," New York Packet, January 1, 1788

The Essential Federalist Papers

FEDERALIST NO. 32

"I am persuaded that the sense of the people, the extreme hazard of provoking the resentments of the State governments, and a conviction of the utility and necessity of local administrations for local purposes, would be a complete barrier against the oppressive use of such a power." – Alexander Hamilton, Federalist No. 32, "Concerning the General Power of Taxation (continued)," Independent Journal, January 2, 1788

"But as the plan of the convention aims only at a partial union or consolidation, the State governments would clearly retain all the rights of sovereignty which they before had, and which were not, by that act, exclusively delegated to the United States." – Alexander Hamilton, Federalist No. 32, "Concerning the General Power of Taxation (continued)," Independent Journal, January 2, 1788

"Congress shall have power 'to establish an UNIFORM RULE of naturalization throughout the United States.' This must necessarily be exclusive; because if each State had power to prescribe a DISTINCT RULE, there could not be a UNIFORM RULE." – Alexander Hamilton, Federalist No. 32, "Concerning the General Power of Taxation (continued)," Independent Journal, January 2, 1788

"There is plainly no expression in the granting clause which makes that power (taxation) exclusive in the Union. There is no independent clause or sentence which prohibits the States from exercising it. So far is this from being the case, that a plain and conclusive argument to the contrary is to be deduced from the restraint laid upon the States in relation to duties on imports and exports." – Alexander Hamilton, Federalist No. 32, "Concerning the General Power of Taxation (continued)," Independent Journal, January 2, 1788

"It is, indeed, possible that a tax might be laid on a particular article by a State which might render it inexpedient that thus a further tax should be laid on the same article by the Union; but it would not imply a constitutional inability to impose a further tax. The quantity of the imposition, the expediency or inexpediency of an increase on either side, would be mutually questions of prudence; but there would be involved no direct contradiction of power." – Alexander Hamilton, Federalist No. 32, "Concerning the General Power of Taxation (continued)," Independent Journal, January 2, 1788

The Essential Federalist Papers

FEDERALIST NO. 33

"What is a power, but the ability or faculty of doing a thing? What is the ability to do a thing, but the power of employing the means necessary to its execution? What is a LEGISLATIVE power, but a power of making LAWS? What are the means to execute a LEGISLATIVE power but LAWS? What is the power of laying and collecting taxes, but a legislative power, or a power of making laws, to lay and collect taxes? What are the proper means of executing such a power, but necessary and proper laws?" – Alexander Hamilton, Federalist No. 33, "Concerning the General Power of Taxation (continued)," Independent Journal, January 2, 1788

"[A] power to lay and collect taxes must be a power to pass all laws necessary and proper for the execution of that power." – Alexander Hamilton, Federalist No. 33, "Concerning the General Power of Taxation (continued)," Independent Journal, January 2, 1788

"But it may be again asked, Who is to judge of the necessity and propriety of the laws to be passed for executing the powers of the Union - I answer first that this question arises as well and as fully upon the simple grant of those powers as upon the declaratory clause; and I answer in the second place that the national government, like every other, must judge, in the first instance, of the proper exercise of its powers, and its constituents in the last." – Alexander Hamilton, Federalist No. 33, "Concerning the General Power of Taxation (continued)," Independent Journal, January 2, 1788

"If the federal government should overpass the just bounds of its authority and make a tyrannical use of its powers, the people, whose creature it is, must appeal to the standard they have formed, and take such measures to redress the injury done to the Constitution as the exigency may suggest and prudence justify." – Alexander Hamilton, Federalist No. 33, "Concerning the General Power of Taxation (continued)," Independent Journal, January 2, 1788

"The propriety of a law, in a constitutional light, must always be determined by the nature of the powers upon which it is founded." – Alexander Hamilton, Federalist No. 33, "Concerning the General Power of Taxation (continued)," Independent Journal, January 2, 1788

"But it is said that the laws of the Union are to be the supreme law of the land. But what inference can be drawn from this, or what would they amount to, if they were not to be supreme? It is evident they would amount to nothing. A LAW, by the very meaning of the term, includes supremacy. It is a rule which those to whom it is prescribed are bound to observe." – Alexander Hamilton, Federalist No. 33, "Concerning the General Power of Taxation (continued)," Independent Journal, January 2, 1788

"If individuals enter into a state of society, the laws of that society must be the supreme regulator of their conduct. If a number of political societies enter into a larger political society, the laws which the latter may enact, pursuant to the powers intrusted to it by its constitution, must necessarily be supreme over those societies, and the individuals of whom they are composed. It would otherwise be a mere treaty, dependent on the good faith of the parties, and not a government, which is only another word for POLITICAL POWER AND SUPREMACY." – Alexander Hamilton, Federalist No. 33, "Concerning the General Power of Taxation (continued)," Independent Journal, January 2, 1788

"Though a law, therefore, laying a tax for the use of the United States would be supreme in its nature, and could not legally be opposed or controlled, yet a law for abrogating or preventing the collection of a tax laid by the authority of the State, (unless upon imports and exports), would not be the supreme law of the land, but a usurpation of power not granted by the Constitution." – Alexander Hamilton, Federalist No. 33, "Concerning the General Power of Taxation (continued)," Independent Journal, January 2, 1788

The Essential Federalist Papers

FEDERALIST NO. 34

"[T]he particular States, under the proposed Constitution, would have COEQUAL authority with the Union in the article of revenue, except as to duties on imports. As this leaves open to the States far the greatest part of the resources of the community, there can be no color for the assertion that they would not possess means as abundant as could be desired for the supply of their own wants, independent of all external control." – Alexander Hamilton, Federalist No. 34, "Concerning the General Power of Taxation (continued)," Independent Journal, January 5, 1788

"Constitutions of civil government are not to be framed upon a calculation of existing exigencies, but upon a combination of these with the probable exigencies of ages, according to the natural and tried course of human affairs. Nothing, therefore, can be more fallacious than to infer the extent of any power, proper to be lodged in the national government, from an estimate of its immediate necessities. There ought to be a CAPACITY to provide for future contingencies as they may happen; and as these are illimitable in their nature, it is impossible safely to limit that capacity." – Alexander Hamilton, Federalist No. 34, "Concerning the General Power of Taxation (continued)," Independent Journal, January 5, 1788

"Admitting that we ought to try the novel and absurd experiment in politics of tying up the hands of government from offensive war founded upon reasons of state, yet certainly we ought not to disable it from guarding the community against the ambition or enmity of other nations." – Alexander Hamilton, Federalist No. 34, "Concerning the General Power of Taxation (continued)," Independent Journal, January 5, 1788

"Let us recollect that peace or war will not always be left to our option; that however moderate or unambitious we may be, we cannot count upon the moderation, or hope to extinguish the ambition of others." – Alexander Hamilton, Federalist No. 34, "Concerning the General Power of Taxation (continued)," Independent Journal, January 5, 1788

"To judge from the history of mankind, we shall be compelled to conclude that the fiery and destructive passions of war reign in the human breast with much more powerful sway than the mild and beneficent sentiments of peace; and that to model our political systems upon speculations of lasting tranquility would be to calculate on the weaker springs of human character." – Alexander Hamilton, Federalist No. 34, "Concerning the General Power of Taxation (continued)," Independent Journal, January 5, 1788

"What are the chief sources of expense in every government? What has occasioned that enormous accumulation of debts with which several of the European nations are oppressed? The answers plainly is, wars and rebellions; the support of those institutions which are necessary to guard the body politic against these two most mortal diseases of society. The expenses arising from those institutions which are relative to the mere domestic police of a state, to the support of its legislative, executive, and judicial departments, with their different appendages, and to the encouragement of agriculture and manufactures (which will comprehend almost all the objects of state expenditure), are insignificant in comparison with those which relate to the national defense." – Alexander Hamilton, Federalist No. 34, "Concerning the General Power of Taxation (continued)," Independent Journal, January 5, 1788

"But let us advert to the large debt which we have ourselves contracted in a single war, and let us only calculate on a common share of the events which disturb the peace of nations, and we shall instantly perceive, without the aid of any elaborate illustration, that there must always be an immense disproportion between the objects of federal and state expenditures. It is true that several of the States, separately, are encumbered with considerable debts, which are an excrescence of the late war. But this cannot happen again, if the proposed system be adopted; and when these debts are discharged, the only call for revenue of any consequence, which the State governments will continue to experience, will be for the mere support of their respective civil list; to which, if we add all contingencies, the total amount in every State ought to fall considerably short of two hundred thousand pounds." – Alexander Hamilton, Federalist No. 34, "Concerning the General Power of Taxation (continued)," Independent Journal, January 5, 1788

"In framing a government for posterity as well as ourselves, we ought, in those provisions which are designed to be permanent, to calculate, not on temporary, but on permanent causes of expense. If this principle be a just one our attention would be directed to a provision in favor of the State governments for an annual sum of about two hundred thousand pounds; while the exigencies of the Union could be susceptible of no limits, even in imagination. In this view of the subject, by what logic can it be maintained that the local governments ought to command, in perpetuity, an exclusive source of revenue for any sum beyond the extent of two hundred thousand pounds? To extend its power further, in exclusion of the authority of the Union, would be to take the resources of the community out of those hands which stood in need of them for the public welfare, in order to put them into other hands which could have no just or proper occasion for them." – Alexander Hamilton, Federalist No. 34, "Concerning the General Power of Taxation (continued)," Independent Journal, January 5, 1788

"A CONCURRENT JURISDICTION in the article of taxation was the only admissible substitute for an entire subordination, in respect to this branch of power, of State authority to that of the Union.' Any separation of the objects of revenue that could have been fallen upon, would have amounted to a sacrifice of the great INTERESTS of the Union to the POWER of the individual States." – Alexander Hamilton, Federalist No. 34, "Concerning the General Power of Taxation (continued)," Independent Journal, January 5, 1788

The Essential Federalist Papers

FEDERALIST NO. 35

"Exorbitant duties on imported articles would beget a general spirit of smuggling; which is always prejudicial to the fair trader, and eventually to the revenue itself: they tend to render other classes of the community tributary, in an improper degree, to the manufacturing classes, to whom they give a premature monopoly of the markets; they sometimes force industry out of its more natural channels into others in which it flows with less advantage; and in the last place, they oppress the merchant, who is often obliged to pay them himself without any retribution from the consumer." – Alexander Hamilton, Federalist No. 35, "Concerning the General Power of Taxation (continued)," Independent Journal, January 5, 1788

"The maxim that the consumer is the payer, is so much oftener true than the reverse of the proposition, that it is far more equitable that the duties on imports should go into a common stock, than that they should redound to the exclusive benefit of the importing States. But it is not so generally true as to render it equitable, that those duties should form the only national fund. When they are paid by the merchant they operate as an additional tax upon the importing State, whose citizens pay their proportion of them in the character of consumers. In this view they are productive of inequality among the States; which inequality would be increased with the increased extent of the duties. The confinement of the national revenues to this species of imposts would be attended with inequality, from a different cause, between the manufacturing and the non-manufacturing States." – Alexander Hamilton, Federalist No. 35, "Concerning the General Power of Taxation (continued)," Independent Journal, January 5, 1788

"The States which can go farthest towards the supply of their own wants, by their own manufactures, will not, according to their numbers or wealth, consume so great a proportion of imported articles as those States which are not in the same favorable situation." – Alexander Hamilton, Federalist No. 35, "Concerning the General Power of Taxation (continued)," Independent Journal, January 5, 1788

"Necessity, especially in politics, often occasions false hopes, false reasonings and a system of measures, correspondently erroneous." – Alexander Hamilton, Federalist No. 35, "Concerning the General Power of Taxation (continued)," Independent Journal, January 5, 1788

"No tax can be laid on land which will not affect the proprietor of millions of acres as well as the proprietor of a single acre. Every landholder will therefore have a common interest to keep the taxes on land as low as possible; and common interest may always be reckoned upon as the surest bond of sympathy." – Alexander Hamilton, Federalist No. 35, "Concerning the General Power of Taxation (continued)," Independent Journal, January 5, 1788

"Where the qualifications of the electors are the same, whether they have to choose a small or a large number, their votes will fall upon those in whom they have most confidence; whether these happen to be men of large fortunes, or of moderate property, or of no property at all." – Alexander Hamilton, Federalist No. 35, "Concerning the General Power of Taxation (continued)," Independent Journal, January 5, 1788

"It is said to be necessary, that all classes of citizens should have some of their own number in the representative body, in order that their feelings and interests may be the better understood and attended to. But we have seen that this will never happen under any arrangement that leaves the votes of the people free. Where this is the case, the representative body, with too few exceptions to have any influence on the spirit of the government, will be composed of landholders, merchants, and men of the learned professions." – Alexander Hamilton, Federalist No. 35, "Concerning the General Power of Taxation (continued)," Independent Journal, January 5, 1788

"Is it not natural that a man who is a candidate for the favor of the people, and who is dependent on the suffrages of his fellow-citizens for the continuance of his public honors, should take care to inform himself of their dispositions and inclinations and should be willing to allow them their proper degree of influence upon his conduct? This dependence, and the necessity of being bound, himself and his posterity, by the laws to which he gives his assent are the true and they are the strong cords of sympathy between the representative and the constituent." – Alexander Hamilton, Federalist No. 35, "Concerning the General Power of Taxation (continued)," Independent Journal, January 5, 1788

"There is no part of the administration of government that requires extensive information and a thorough knowledge of the principles of political economy, so much as the business of taxation. The man who understands those principles best will be least likely to resort to oppressive expedients, or sacrifice any particular class of citizens to the procurement of revenue. It might be demonstrated that the most productive system of finance will always be the least burdensome." – Alexander Hamilton, Federalist No. 35, "Concerning the General Power of Taxation (continued)," Independent Journal, January 5, 1788

"There are strong minds in every walk of life that will rise superior to the disadvantages of situation, and will command the tribute due to their merit, not only from the classes to which they particularly belong, but from the society in general. The door ought to be equally open to all; and I trust, for the credit of human nature, that we shall see examples of such vigorous plants flourishing in the soil of federal as well as of State legislation." – Alexander Hamilton, Federalist No. 36, "Concerning the General Power of Taxation (continued)," New York Packet, January 8, 1788

The Essential Federalist Papers

FEDERALIST NO. 36

"Nations in general, even under governments of the more popular kind, usually commit the administration of their finances to single men or to boards composed of a few individuals, who digest and prepare, in the first instance, the plans of taxation, which are afterwards passed into laws by the authority of the sovereign or legislature." – Alexander Hamilton, Federalist No. 36, "Concerning the General Power of Taxation (continued)," New York Packet, January 8, 1788

"Inquisitive and enlightened statesmen are deemed everywhere best qualified to make a judicious selection of the objects proper for revenue; which is a clear indication, as far as the sense of mankind can have weight in the question, of the species of knowledge of local circumstances requisite to the purposes of taxation." – Alexander Hamilton, Federalist No. 36, "Concerning the General Power of Taxation (continued)," New York Packet, January 8, 1788

"The national legislature can make use of the system of each state within that state. The method of laying and collecting this species of taxes in each State can, in all its parts, be adopted and employed by the federal government." – Alexander Hamilton, Federalist No. 36, "Concerning the General Power of Taxation (continued)," New York Packet, January 8, 1788

"When the particular debts of the States are done away, and their expenses come to be limited within their natural compass, the possibility almost of interference will vanish. A small land tax will answer the purpose of the States, and will be their most simple and most fit resource." – Alexander Hamilton, Federalist No. 36, "Concerning the General Power of Taxation (continued)," New York Packet, January 8, 1788

"Happy it is when the interest which the government has in the preservation of its own power, coincides with a proper distribution of the public burdens, and tends to guard the least wealthy part of the community from oppression!" – Alexander Hamilton, Federalist No. 36, "Concerning the General Power of Taxation (continued)," New York Packet, January 8, 1788

"There are certain emergencies of nations in which expedients that in the ordinary state of things ought to be forborne become essential to the public weal - And the government, from the possibility of such emergencies, ought ever to have the option of making use of them." – Alexander Hamilton, Federalist No. 36, "Concerning the General Power of Taxation (continued)," New York Packet, January 8, 1788

"Happy will it be for ourselves, and more honorable for human nature, if we have wisdom and virtue enough to set so glorious an example to mankind!" – Alexander Hamilton, Federalist No. 36, "Concerning the General Power of Taxation (continued)," New York Packet, January 8, 1788

The Essential Federalist Papers

FEDERALIST NO. 37

"It is a misfortune, inseparable from human affairs, that public measures are rarely investigated with that spirit of moderation which is essential to a just estimate of their real tendency to advance or obstruct the public good; and that this spirit is more apt to be diminished than promoted, by those occasions which require an unusual exercise of it." – James Madison, Federalist No. 37, "Concerning the Difficulties of the Convention in Devising a Proper Form of Government," Daily Advertiser, January 11, 1788

"It has been shown in the course of these papers, that the existing Confederation is founded on principles which are fallacious; that we must consequently change this first foundation, and with it the superstructure resting upon it. It has been shown, that the other confederacies which could be consulted as precedents have been vitiated by the same erroneous principles, and can therefore furnish no other light than that of beacons, which give warning of the course to be shunned, without pointing out that which ought to be pursued. The most that the convention could do in such a situation was to avoid the errors suggested by the past experience of other countries, as well as of our own; and to provide a convenient mode of rectifying their own errors, as future experience may unfold them." – James Madison, Federalist No. 37, "Concerning the Difficulties of the Convention in Devising a Proper Form of Government," Daily Advertiser, January 11, 1788

"Energy in government is essential to that security against external and internal danger and to that prompt and salutary execution of the laws which enter into the very definition of good government. Stability in government is essential to national character and to the advantages annexed to it, as well as to that repose and confidence in the minds of the people, which are among the chief blessings of civil society." – James Madison, Federalist No. 37, "Concerning the Difficulties of the Convention in Devising a Proper Form of Government," Daily Advertiser, January 11, 1788

"The genius of republican liberty seems to demand on one side not only that all power should be derived from the people, but that those intrusted with it should be kept in dependence on the people by a short duration of their appointments; and that even during this short period the trust should be placed not in a few, but a number of hands - Stability, on the contrary, requires that the hands in which power is lodged should continue for a length of time the same - A frequent change of men will result from a frequent return of elections; and a frequent change of measures from a frequent change of men: whilst energy in government requires not only a certain duration of power, but the execution of it by a single hand." – James Madison, Federalist No. 37, "Concerning the Difficulties of the Convention in Devising a Proper Form of Government," Daily Advertiser, January 11, 1788

"Experience has instructed us that no skill in the science of government has yet been able to discriminate and define, with sufficient certainty, its three great provinces the legislative, executive, and judiciary; or even the privileges and powers of the different legislative branches." – James Madison, Federalist No. 37, "Concerning the Difficulties of the Convention in Devising a Proper Form of Government," Daily Advertiser, January 11, 1788

"[N]o language is so copious as to supply words and phrases for every complex idea, or so correct as not to include many equivocally denoting different ideas. Hence it must happen that however accurately objects may be discriminated in themselves, and however accurately the discrimination may be considered, the definition of them may be rendered inaccurate by the inaccuracy of the terms in which it is delivered. And this unavoidable inaccuracy must be greater or less, according to the complexity and novelty of the objects defined." – James Madison, Federalist No. 37, "Concerning the Difficulties of the Convention in Devising a Proper Form of Government," Daily Advertiser, January 11, 1788

"It is impossible for the man of pious reflection not to perceive in it (Constitutional Convention) a finger of that Almighty hand which has been so frequently and signally extended to our relief in the critical stage of the revolution." – James Madison, Federalist No. 37, "Concerning the Difficulties of the Convention in Devising a Proper Form of Government," Daily Advertiser, January 11, 1788

"The history of almost all the great councils and consultations held among mankind for reconciling their discordant opinions, assuaging their mutual jealousies, and adjusting their respective interests, is a history of factions, contentions, and disappointments, and may be classed among the most dark and degraded pictures which display the infirmities and depravities of the human character. If, in a few scattered instances, a brighter aspect is presented, they serve only as exceptions to admonish us of the general truth; and by their lustre to darken the gloom of the adverse prospect to which they are contrasted." – James Madison, Federalist No. 37, "Concerning the Difficulties of the Convention in Devising a Proper Form of Government," Daily Advertiser, January 11, 1788

The Essential Federalist Papers

FEDERALIST NO. 38

"A patient who finds his disorder daily growing worse, and that an efficacious remedy can no longer be delayed without extreme danger, after coolly revolving his situation, and the characters of different physicians, selects and calls in such of them as he judges most capable of administering relief, and best entitled to his confidence. The physicians attend; the case of the patient is carefully examined; a consultation is held; they are unanimously agreed that the symptoms are critical, but that the case, with proper and timely relief, is so far from being desperate, that it may be made to issue in an improvement of his constitution. ... Such a patient and in such a situation is America at this moment." – James Madison, Federalist No. 38, "The Same Subject Continued, and the Incoherence of the Objections to the New Plan Exposed," Independent Journal, January 12, 1788

"This one tells us that the proposed Constitution ought to be rejected, because it is not a confederation of the States, but a government over individuals. Another admits that it ought to be a government over individuals to a certain extent, but by no means to the extent proposed. A third does not object to the government over individuals, or to the extent proposed, but to the want of a bill of rights. A fourth concurs in the absolute necessity of a bill of rights, but contends that it ought to be declaratory, not of the personal rights of individuals, but of the rights reserved to the States in their political capacity. A fifth is of opinion that a bill of rights of any sort would be superfluous and misplaced, and that the plan would be unexceptionable but for the fatal power of regulating the times and places of election." – James Madison, Federalist No. 38, "The Same Subject Continued, and the Incoherence of the Objections to the New Plan Exposed," Independent Journal, January 12, 1788

"It is a matter both of wonder and regret, that those who raise so many objections against the new Constitution should never call to mind the defects of that which is to be exchanged for it. It is not necessary that the former should be perfect; it is sufficient that the latter is more imperfect." – James Madison, Federalist No. 38, "The Same Subject Continued, and the Incoherence of the Objections to the New Plan Exposed," Independent Journal, January 12, 1788

"The first question that offers itself is, whether the general form and aspect of the government be strictly republican. It is evident that no other form would be reconcilable with the genius of the people of America; with the fundamental principles of the Revolution; or with that honorable determination which animates every votary of freedom, to rest all our political experiments on the capacity of mankind for self-government." – James Madison, Federalist No. 39, "Conformity of the Plan to Republican Principles," Independent Journal, January 16, 1788

The Essential Federalist Papers

FEDERALIST NO. 39

"If we resort for a criterion to the different principles on which different forms of government are established, we may define a republic to be, or at least may bestow that name on, a government which derives all its powers directly or indirectly from the great body of the people, and is administered by persons holding their offices during pleasure for a limited period, or during good behavior." – James Madison, Federalist No. 39, "Conformity of the Plan to Republican Principles," Independent Journal, January 16, 1788

"It is essential to such a [republican] government that it be derived from the great body of the society, not from an inconsiderable proportion, or a favored class of it; otherwise a handful of tyrannical nobles, exercising their oppressions by a delegation of their powers, might aspire to the rank of republicans, and claim for their government the honorable title of republic. It is sufficient for such a government that the persons administering it be appointed, either directly or indirectly, by the people." – James Madison, Federalist No. 39, "Conformity of the Plan to Republican Principles," Independent Journal, January 16, 1788

"Even the judges, with all other officers of the Union, will, as in the several States, be the choice, though a remote choice, of the people themselves, the duration of the appointments is equally conformable to the republican standard, and to the model of State constitutions." – James Madison, Federalist No. 39, "Conformity of the Plan to Republican Principles," Independent Journal, January 16, 1788

"Each State, in ratifying the Constitution, is considered as a sovereign body, independent of all others, and only to be bound by its own voluntary act. In this relation, then, the new Constitution will, if established, be a FEDERAL, and not a national constitution." – James Madison, Federalist No. 39, "Conformity of the Plan to Republican Principles," Independent Journal, January 16, 1788

"The difference between a federal and national government, as it relates to the operation of the government, is supposed to consist in this, that in the former the powers operate on the political bodies composing the Confederacy, in their political capacities; in the latter, on the individual citizens composing the nation, in their individual capacities." – James Madison, Federalist No. 39, "Conformity of the Plan to Republican Principles," Independent Journal, January 16, 1788

"[T]he local or municipal authorities form distinct and independent portions of the supremacy, no more subject, within their respective spheres, to the general authority, than the general authority is subject to them, within its own sphere." – James Madison, Federalist No. 39, "Conformity of the Plan to Republican Principles," Independent Journal, January 16, 1788

"[S]ince its jurisdiction extends to certain enumerated objects only, and leaves to the several States a residuary and inviolable sovereignty over all other objects." – James Madison, Federalist No. 39, "Conformity of the Plan to Republican Principles," Independent Journal, January 16, 1788

"The proposed Constitution, therefore, [even when tested by the rules laid down by its antagonists, is, in strictness, neither a national nor a federal Constitution, but a composition of both. In its foundation it is federal, not national; in the sources from which the ordinary powers of the government are drawn, it is partly federal and partly national; in the operation of these powers, it is national, not federal; in the extent of them, again, it is federal, not national; and, finally, in the authoritative mode of introducing amendments, it is neither wholly federal nor wholly national." – James Madison, Federalist No. 39, "Conformity of the Plan to Republican Principles," Independent Journal, January 16, 1788

The Essential Federalist Papers

FEDERALIST NO. 40

"There are two rules of construction, dictated by plain reason, as well as founded on legal axioms. The one is, that every part of the expression ought, if possible, to be allowed some meaning, and be made to conspire to some common end. The other is, that where the several parts cannot be made to coincide, the less important should give way to the more important part; the means should be sacrificed to the end, rather than the end to the means." – James Madison, Federalist No. 40, "On the Powers of the Convention to Form a Mixed Government Examined and Sustained," New York Packet, January 18, 1788

"Do these principles, in fine, require that the powers of the general government should be limited, and that, beyond this limit, the States should be left in possession of their sovereignty and independence - We have seen that in the new government, as in the old, the general powers are limited; and that the States, in all unenumerated cases, are left in the enjoyment of their sovereign and independent jurisdiction." – James Madison, Federalist No. 40, "On the Powers of the Convention to Form a Mixed Government Examined and Sustained," New York Packet, January 18, 1788

"The sum of what has been here advanced and proved is, that the charge against the convention of exceeding their powers, except in one instance little urged by the objectors, has no foundation to support it; that if they had exceeded their powers, they were not only warranted, but required, as the confidential servants of their country, by the circumstances in which they were placed, to exercise the liberty which they assume; and that finally, if they had violated both their powers and their obligations, in proposing a Constitution, this ought nevertheless to be embraced, if it be calculated to accomplish the views and happiness of the people of America. How far this character is due to the Constitution, is the subject under investigation." – James Madison, Federalist No. 40, "On the Powers of the Convention to Form a Mixed Government Examined and Sustained," New York Packet, January 18, 1788

The Essential Federalist Papers

FEDERALIST NO. 41

"[I]t will be proper to review the several powers conferred on the government of the Union; and that this may be the more conveniently done they may be reduced into different classes as they relate to the following different objects: 1. Security against foreign danger; 2. Regulation of the intercourse with foreign nations; 3. Maintenance of harmony and proper intercourse among the States; 4. Certain miscellaneous objects of general utility; 5. Restraint of the States from certain injurious acts; 6. Provisions for giving due efficacy to all these powers." – James Madison, Federalist No. 41, "General View of the Powers Conferred by The Constitution," Independent Journal, January 19, 1788

"Security against foreign danger is one of the primitive objects of civil society. It is an avowed and essential object of the American Union. The powers requisite for attaining it must be effectually confided to the federal councils." – James Madison, Federalist No. 41, "General View of the Powers Conferred by The Constitution," Independent Journal, January 19, 1788

"It is in vain to oppose constitutional barriers to the impulse of self-preservation. It is worse than in vain; because it plants in the Constitution itself necessary usurpations of power, every precedent of which is a germ of unnecessary and multiplied repetitions. If one nation maintains constantly a disciplined army, ready for the service of ambition or revenge, it obliges the most pacific nations who may be within the reach of its enterprises to take corresponding precautions." – James Madison, Federalist No. 41, "General View of the Powers Conferred by The Constitution," Independent Journal, January 19, 1788

"America united with a handful of troops, or without a single soldier, exhibits a more forbidding posture to foreign ambition than America disunited, with a hundred thousand veterans ready for combat." – James Madison, Federalist No. 41, "General View of the Powers Conferred by The Constitution," Independent Journal, January 19, 1788

"Every man who loves peace, every man who loves his country, every man who loves liberty ought to have it ever before his eyes that he may cherish in his heart a due attachment to the Union of America and be able to set a due value on the means of preserving it." – James Madison, Federalist No. 41, "General View of the Powers Conferred by The Constitution," Independent Journal, January 19, 1788

"A bad cause seldom fails to betray itself." – James Madison, Federalist No. 41, "General View of the Powers Conferred by The Constitution," Independent Journal, January 19, 1788

"It has been urged and echoed, that the power 'to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defence and general welfare of the United States,' amounts to an unlimited commission to exercise every power which may be alleged to be necessary for the common defence or general welfare." – James Madison, Federalist No. 41, "General View of the Powers Conferred by The Constitution," Independent Journal, January 19, 1788

"Had no other enumeration or definition of the powers of the Congress been found in the Constitution, than the general expressions just cited, the authors of the objection might have had some color for it; though it would have been difficult to find a reason for so awkward a form of describing an authority to legislate in all possible cases. A power to destroy the freedom of the press, the trial by jury, or even to regulate the course of descents, or the forms of conveyances, must be very singularly expressed by the terms 'to raise money for the general welfare.'" – James Madison, Federalist No. 41, "General View of the Powers Conferred by The Constitution," Independent Journal, January 19, 1788

"But what color can the objection have, when a specification of the objects alluded to by these general terms immediately follows, and is not even separated by a longer pause than a semicolon? If the different parts of the same instrument ought to be so expounded, as to give meaning to every part which will bear it, shall one part of the same sentence be excluded altogether from a share in the meaning; and shall the more doubtful and indefinite terms be retained in their full extent, and the clear and precise expressions be denied any signification whatsoever? For what purpose could the enumeration of particular powers be inserted, if these and all others were meant to be included in the preceding general power? Nothing is more natural nor common than first to use a general phrase, and then to explain and qualify it by a recital of particulars. But the idea of an enumeration of particulars which neither explain nor qualify the general meaning, and can have no other effect than to confound and mislead, is an absurdity, which, as we are reduced to the dilemma of charging either on the authors of the objection or on the authors of the Constitution, we must take the liberty of supposing, had not its origin with the latter." – James Madison, Federalist No. 41, "General View of the Powers Conferred by The Constitution," Independent Journal, January 19, 1788

"The objection here is the more extraordinary, as it appears that the language used by the convention is a copy from the articles of Confederation. The objects of the Union among the States, as described in article third, are "their common defense, security of their liberties, and mutual and general welfare." The terms of article eighth are still more identical: "All charges of war and all other expenses that shall be incurred for the common defense or general welfare, and allowed by the United States in Congress, shall be defrayed out of a common treasury," etc. A similar language again occurs in article ninth. Construe either of these articles by the rules which would justify the construction put on the new Constitution, and they vest in the existing Congress a power to legislate in all cases whatsoever. But what would have been thought of that assembly, if, attaching themselves to these general expressions, and

The Essential Federalist Papers

disregarding the specifications which ascertain and limit their import, they had exercised an unlimited power of providing for the common defense and general welfare? I appeal to the objectors themselves, whether they would in that case have employed the same reasoning in justification of Congress as they now make use of against the convention. How difficult it is for error to escape its own condemnation!" – James Madison, Federalist No. 41, "General View of the Powers Conferred by The Constitution," Independent Journal, January 19, 1788

The Essential Federalist Papers

FEDERALIST NO. 42

"[T]he most minute provisions become important when they tend to obviate the necessity or the pretext for gradual and unobserved usurpations of power." – James Madison, Federalist No. 42, "The Powers Conferred by the Constitution Further Considered," New York Packet, January 22, 1788

"The power to define and punish piracies and felonies committed on the high seas, and offenses against the law of nations, belongs with equal propriety to the general government, and is a still greater improvement on the articles of Confederation." – James Madison, Federalist No. 42, "The Powers Conferred by the Constitution Further Considered," New York Packet, January 22, 1788

"It were doubtless to be wished, that the power of prohibiting the importation of slaves had not been postponed until the year 1808, or rather that it had been suffered to have immediate operation. It ought to be considered as a great point gained in favor of humanity, that a period of twenty years may terminate forever, within these States, a traffic which has so long and so loudly upbraided the barbarism of modern policy; that within that period, it will receive a considerable discouragement from the federal government, and may be totally abolished, by a concurrence of the few States." – James Madison, Federalist No. 42, "The Powers Conferred by the Constitution Further Considered," New York Packet, January 22, 1788

"The power of establishing uniform laws of bankruptcy is so intimately connected with the regulation of commerce, and will prevent so many frauds where the parties or their property may lie or be removed into different States, that the expediency of it seems not likely to be drawn into question." – James Madison, Federalist No. 42, "The Powers Conferred by the Constitution Further Considered," New York Packet, January 22, 1788

"The power of prescribing by general laws, the manner in which the public acts, records and judicial proceedings of each State shall be proved, and the effect they shall have in other States, is an evident and valuable improvement on the clause relating to this subject in the articles of Confederation." – James Madison, Federalist No. 42, "The Powers Conferred by the Constitution Further Considered," New York Packet, January 22, 1788

"The power of establishing post roads must, in every view, be a harmless power, and may, perhaps, by judicious management, become productive of great public conveniency. Nothing which tends to facilitate the intercourse between the States can be deemed unworthy of the public care." – James Madison, Federalist No. 42, "The Powers Conferred by the Constitution Further Considered," New York Packet, January 22, 1788

The Essential Federalist Papers

FEDERALIST NO. 43

"A power 'to promote the progress of science and useful arts, by securing, for a limited time, to authors and inventors, the exclusive right to their respective writings and discoveries.' ... The utility of this power will scarcely be questioned." – James Madison, Federalist No. 43, "The Powers Conferred by the Constitution Further Considered (continued)," Independent Journal, January 23, 1788

"The copyright of authors has been solemnly adjudged, in Great Britain, to be a right of common law. The right to useful inventions seems with equal reason to belong to the inventors. The public good fully coincides in both cases with the claims of individuals. The States cannot separately make effectual provisions for either of the cases, and most of them have anticipated the decision of this point, by laws passed at the instance of Congress." – James Madison, Federalist No. 43, "The Powers Conferred by the Constitution Further Considered (continued)," Independent Journal, January 23, 1788

"The indispensable necessity of complete authority at the seat of government, carries its own evidence with it. It is a power exercised by every legislature of the Union, I might say of the world, by virtue of its general supremacy. Without it, not only the public authority might be insulted and its proceedings interrupted with impunity; but a dependence of the members of the general government on the State comprehending the seat of the government, for protection in the exercise of their duty, might bring on the national councils an imputation of awe or influence, equally dishonorable to the government and dissatisfactory to the other members of the Confederacy." – James Madison, Federalist No. 43, "The Powers Conferred by the Constitution Further Considered (continued)," Independent Journal, January 23, 1788

"As treason may be committed against the United States, the authority of the United States ought to be enabled to punish it. But as new-fangled and artificial treasons have been the great engines by which violent factions, the natural offspring of free government, have usually wreaked their alternate malignity on each other, the convention have, with great judgment, opposed a barrier to this peculiar danger, by inserting a constitutional definition of the crime, fixing the proof necessary for conviction of it, and restraining the Congress, even in punishing it, from extending the consequences of guilt beyond the person of its author." – James Madison, Federalist No. 43, "The Powers Conferred by the Constitution Further Considered (continued)," Independent Journal, January 23, 1788

"In a confederacy founded on republican principles, and composed of republican members, the superintending government ought clearly to possess authority to defend the system against aristocratic or monarchial innovations. The more intimate the nature of such a union may be, the greater interest have the members in the political institutions of each other; and the greater right to insist that the forms of government under which the compact was entered into should be substantially maintained." – James Madison, Federalist No. 43, "The Powers Conferred by the Constitution Further Considered (continued)," Independent Journal, January 23, 1788

"[A] right implies a remedy." – James Madison, Federalist No. 43, "The Powers Conferred by the Constitution Further Considered (continued)," Independent Journal, January 23, 1788

"[T]he authority extends no further than to a guaranty of a republican form of government, which supposes a pre-existing government of the form which is to be guaranteed. As long, therefore, as the existing republican forms are continued by the States, they are guaranteed by the federal Constitution. Whenever the States may choose to substitute other republican forms, they have a right to do so, and to claim the federal guaranty for the latter. The only restriction imposed on them is, that they shall not exchange republican for antirepublican Constitutions; a restriction which, it is presumed, will hardly be considered as a grievance." – James Madison, Federalist No. 43, "The Powers Conferred by the Constitution Further Considered (continued)," Independent Journal, January 23, 1788

"[I]f the general government should interpose by virtue of this constitutional authority, it will be, of course, bound to pursue the authority. But the authority extends no further than to a guaranty of a republican form of government, which supposes a pre-existing government of the form which is to be guaranteed. As long, therefore, as the existing republican forms are continued by the States, they are guaranteed by the federal Constitution." – James Madison, Federalist No. 43, "The Powers Conferred by the Constitution Further Considered (continued)," Independent Journal, January 23, 1788

"A protection against invasion is due from every society to the parts composing it. The latitude of the expression here used seems to secure each State, not only against foreign hostility, but against ambitious or vindictive enterprises of its more powerful neighbors. The history, both of ancient and modern confederacies, proves that the weaker members of the union ought not to be insensible to the policy of this article." – James Madison, Federalist No. 43, "The Powers Conferred by the Constitution Further Considered (continued)," Independent Journal, January 23, 1788

"At first view, it might seem not to square with the republican theory, to suppose, either that a majority have not the right, or that a minority will have the force, to subvert a government; and consequently, that the federal interposition can never be required, but when it would be improper. But theoretic reasoning, in this as in most other cases, must be qualified by the lessons of practice." – James Madison, Federalist No. 43, "The Powers Conferred by the Constitution Further Considered (continued)," Independent Journal, January 23, 1788

The Essential Federalist Papers

"Insurrections in a State will rarely induce a federal interposition, unless the number concerned in them bear some proportion to the friends of government. It will be much better that the violence in such cases should be repressed by the superintending power." – James Madison, Federalist No. 43, "The Powers Conferred by the Constitution Further Considered (continued)," Independent Journal, January 23, 1788

"May it not happen, in fine, that the minority of citizens may become a majority of persons, by the accession of alien residents, of a casual concourse of adventurers, or of those whom the constitution of the State has not admitted to the rights of suffrage? I take no notice of an unhappy species of population abounding in some of the States, who, during the calm of regular government, are sunk below the level of men; but who, in the tempestuous scenes of civil violence, may emerge into the human character, and give a superiority of strength to any party with which they may associate themselves." – James Madison, Federalist No. 43, "The Powers Conferred by the Constitution Further Considered (continued)," Independent Journal, January 23, 1788

"Among the advantages of a confederate republic enumerated by Montesquieu, an important one is, 'that should a popular insurrection happen in one of the States, the others are able to quell it. Should abuses creep into one part, they are reformed by those that remain sound.'" – James Madison, Federalist No. 43, "The Powers Conferred by the Constitution Further Considered (continued)," Independent Journal, January 23, 1788

"To consider all debts contracted, and engagements entered into, before the adoption of this Constitution, as being no less valid against the United States, under this Constitution, than under the Confederation.' This can only be considered as a declaratory proposition; and may have been inserted, among other reasons, for the satisfaction of the foreign creditors of the United States, who cannot be strangers to the pretended doctrine, that a change in the political form of civil society has the magical effect of dissolving its moral obligations." – James Madison, Federalist No. 43, "The Powers Conferred by the Constitution Further Considered (continued)," Independent Journal, January 23, 1788

The Essential Federalist Papers

FEDERALIST NO. 44

"The extension of the prohibition to bills of credit must give pleasure to every citizen, in proportion to his love of justice and his knowledge of the true springs of public prosperity. The loss which America has sustained since the peace, from the pestilent effects of paper money on the necessary confidence between man and man, on the necessary confidence in the public councils, on the industry and morals of the people, and on the character of republican government, constitutes an enormous debt against the States chargeable with this unadvised measure, which must long remain unsatisfied; or rather an accumulation of guilt, which can be expiated no otherwise than by a voluntary sacrifice on the altar of justice, of the power which has been the instrument of it." – James Madison, Federalist No. 44, "Restrictions on the Authority of the Several States," New York Packet, January 25, 1788

"Bills of attainder, ex post facto laws, and laws impairing the obligation of contracts, are contrary to the first principles of the social compact, and to every principle of sound legislation. The two former are expressly prohibited by the declarations prefixed to some of the State constitutions, and all of them are prohibited by the spirit and scope of these fundamental charters. Our own experience has taught us, nevertheless, that additional fences against these dangers ought not to be omitted." – James Madison, Federalist No. 44, "Restrictions on the Authority of the Several States," New York Packet, January 25, 1788

"The sober people of America are weary of the fluctuating policy which has directed the public councils. They have seen with regret and indignation that sudden changes and legislative interferences, in cases affecting personal rights, become jobs in the hands of enterprising and influential speculators, and snares to the more-industrious and less informed part of the community. They have seen, too, that one legislative interference is but the first link of a long chain of repetitions, every subsequent interference being naturally produced by the effects of the preceding." – James Madison, Federalist No. 44, "Restrictions on the Authority of the Several States," New York Packet, January 25, 1788

"Few parts of the Constitution have been assailed with more intemperance than this [necessary and proper clause]; yet on a fair investigation of it, no part can appear more completely invulnerable. Without the substance of this power, the whole Constitution would be a dead letter. Those who object to the article, therefore, as a part of the Constitution, can only mean that the form of the provision is improper. But have they considered whether a better form could have been substituted?" – James Madison, Federalist No. 44, "Restrictions on the Authority of the Several States," New York Packet, January 25, 1788

"No axiom is more clearly established in law, or in reason, than that wherever the end is required, the means are authorized; wherever a general power to do a thing is given, every particular power necessary for doing it is included." – James Madison, Federalist No. 44, "Restrictions on the Authority of the Several States," New York Packet, January 25, 1788

"If it be asked what is to be the consequence, in case the Congress shall misconstrue this part of the Constitution, and exercise powers not warranted by its true meaning, I answer, the same as if they should misconstrue or enlarge any other power vested in them; as if the general power had been reduced to particulars, and any one of these were to be violated; the same, in short, as if the State legislatures should violate the irrespective constitutional authorities. In the first instance, the success of the usurpation will depend on the executive and judiciary departments, which are to expound and give effect to the legislative acts; and in the last resort a remedy must be obtained from the people who can, by the election of more faithful representatives, annul the acts of the usurpers. The truth is, that this ultimate redress may be more confided in against unconstitutional acts of the federal than of the State legislatures, for this plain reason, that as every such act of the former will be an invasion of the rights of the latter, these will be ever ready to mark the innovation, to sound the alarm to the people, and to exert their local influence in effecting a change of federal representatives. There being no such intermediate body between the State legislatures and the people interested in watching the conduct of the former, violations of the State constitutions are more likely to remain unnoticed and unredressed." – James Madison, Federalist No. 44, "Restrictions on the Authority of the Several States," New York Packet, January 25, 1788

"It has been asked why it was thought necessary, that the State magistracy should be bound to support the federal Constitution, and unnecessary that a like oath should be imposed on the officers of the United States, in favor of the State constitutions. ... Several reasons might be assigned for the distinction. The members of the federal government will have no agency in carrying the State constitutions into effect. The members and officers of the State governments, on the contrary, will have an essential agency in giving effect to the federal Constitution." – James Madison, Federalist No. 44, "Restrictions on the Authority of the Several States," New York Packet, January 25, 1788

The Essential Federalist Papers

FEDERALIST NO. 45

"[I]f, in a word, the Union be essential to the happiness of the people of America, is it not preposterous, to urge as an objection to a government, without which the objects of the Union cannot be attained, that such a government may derogate from the importance of the governments of the individual States?" – James Madison, Federalist No. 45, "Alleged Danger from the Powers of the Union to the State Governments Considered," Independent Journal, January 26, 1788

"We have heard of the impious doctrine in the old world, that the people were made for kings, not kings for the people. Is the same doctrine to be revived in the new, in another shape - that the solid happiness of the people is to be sacrificed to the views of political institutions of a different form? It is too early for politicians to presume on our forgetting that the public good, the real welfare of the great body of the people, is the supreme object to be pursued; and that no form of government whatever has any other value than as it may be fitted for the attainment of this object." – James Madison, Federalist No. 45, "Alleged Danger from the Powers of the Union to the State Governments Considered," Independent Journal, January 26, 1788

"We have seen, in all the examples of ancient and modern confederacies, the strongest tendency continually betraying itself in the members, to despoil the general government of its authorities, with a very ineffectual capacity in the latter to defend itself against the encroachments. Although, in most of these examples, the system has been so dissimilar from that under consideration as greatly to weaken any inference concerning the latter from the fate of the former, yet, as the States will retain, under the proposed Constitution, a very extensive portion of active sovereignty, the inference ought not to be wholly disregarded." – James Madison, Federalist No. 45, "Alleged Danger from the Powers of the Union to the State Governments Considered," Independent Journal, January 26, 1788

"The State governments will have the advantage of the Federal government." – James Madison, Federalist No. 45, "Alleged Danger from the Powers of the Union to the State Governments Considered," Independent Journal, January 26, 1788

"The State governments may be regarded as constituent and essential parts of the federal government; whilst the latter is nowise essential to the operation or organization of the former." – James Madison, Federalist No. 45, "Alleged Danger from the Powers of the Union to the State Governments Considered," Independent Journal, January 26, 1788

"[E]ach of the principal branches of the federal government will owe its existence more or less to the favor of the State governments, and must consequently feel a dependence, which is much more likely to beget a disposition too obsequious than too overbearing towards them." – James Madison, Federalist No. 45, "Alleged Danger from the Powers of the Union to the State Governments Considered," Independent Journal, January 26, 1788

"The number of individuals employed under the Constitution of the United States will be much smaller than the number employed under the particular States. There will consequently be less of personal influence on the side of the former than of the latter. The members of the legislative, executive, and judiciary departments of thirteen and more States, the justices of peace, officers of militia, ministerial officers of justice, with all the county, corporation, and town officers, for three millions and more of people, intermixed, and having particular acquaintance with every class and circle of people, must exceed, beyond all proportion, both in number and influence, those of every description who will be employed in the administration of the federal system." – James Madison, Federalist No. 45, "Alleged Danger from the Powers of the Union to the State Governments Considered," Independent Journal, January 26, 1788

"The powers delegated by the proposed Constitution to the federal government, are few and defined. Those which are to remain in the State governments are numerous and indefinite. The former will be exercised principally on external objects, as war, peace, negotiation, and foreign commerce; with which last the power of taxation will, for the most part, be connected. The powers reserved to the several States will extend to all the objects which, in the ordinary course of affairs, concern the lives, liberties, and properties of the people, and the internal order, improvement, and prosperity of the State." – James Madison, Federalist No. 45, "Alleged Danger from the Powers of the Union to the State Governments Considered," Independent Journal, January 26, 1788

"The operations of the federal government will be most extensive and important in times of war and danger; those of the State governments, in times of peace and security. As the former periods will probably bear a small proportion to the latter, the State governments will here enjoy another advantage over the federal government. The more adequate, indeed, the federal powers may be rendered to the national defense, the less frequent will be those scenes of danger which might favor their ascendancy over the governments of the particular States." – James Madison, Federalist No. 45, "Alleged Danger from the Powers of the Union to the State Governments Considered," Independent Journal, January 26, 1788

"If the new Constitution be examined with accuracy and candor, it will be found that the change which it proposes consists much less in the addition of NEW POWERS to the Union, than in the invigoration of its ORIGINAL POWERS." – James Madison, Federalist No. 45, "Alleged Danger from the Powers of the Union to the State Governments Considered," Independent Journal, January 26, 1788

The Essential Federalist Papers

FEDERALIST NO. 46

"The federal and State governments are in fact but different agents and trustees of the people, constituted with different powers, and designed for different purposes." – James Madison, Federalist No. 46, "The Influence of the State and Federal Governments Compared," New York Packet, January 29, 1788

"Many considerations, besides those suggested on a former occasion, seem to place it beyond doubt that the first and most natural attachment of the people will be to the governments of their respective States. Into the administration of these a greater number of individuals will expect to rise. From the gift of these a greater number of offices and emoluments will flow. By the superintending care of these, all the more domestic and personal interests of the people will be regulated and provided for. With the affairs of these, the people will be more familiarly and minutely conversant. And with the members of these, will a greater proportion of the people have the ties of personal acquaintance and friendship, and of family and party attachments; on the side of these, therefore, the popular bias may well be expected most strongly to incline." – James Madison, Federalist No. 46, "The Influence of the State and Federal Governments Compared," New York Packet, January 29, 1788

"[If] the people should in future become more partial to the federal than to the State governments, the change can only result from such manifest and irresistible proofs of a better administration, as will overcome all their antecedent propensities. And in that case, the people ought not surely to be precluded from giving most of their confidence where they may discover it to be most due." – James Madison, Federalist No. 46, "The Influence of the State and Federal Governments Compared," New York Packet, January 29, 1788

"A local spirit will infallibly prevail much more in the members of Congress, than a national spirit will prevail in the legislatures of the particular States. Every one knows that a great proportion of the errors committed by the State legislatures proceeds from the disposition of the members to sacrifice the comprehensive and permanent interest of the State, to the particular and separate views of the counties or districts in which they reside." – James Madison, Federalist No. 46, "The Influence of the State and Federal Governments Compared," New York Packet, January 29, 1788

"For the same reason that the members of the State legislatures will be unlikely to attach themselves sufficiently to national objects, the members of the federal legislature will be likely to attach themselves too much to local objects." – James Madison, Federalist No. 46, "The Influence of the State and Federal Governments Compared," New York Packet, January 29, 1788

"Were it admitted, however, that the federal government may feel an equal disposition with the State governments to extend its power beyond the due limits, the latter would still have the advantage in the means of defeating such encroachments. If an act of a particular State, though unfriendly to the national government, be generally popular in that State, and should not too grossly violate the oaths of the State officers, it is executed immediately and, of course, by means on the spot and depending on the State alone. The opposition of the federal government, or the interposition of federal officers, would but inflame the zeal of all parties on the side of the State, and the evil could not be prevented or repaired, if at all, without the employment of means which must always be resorted to with reluctance and difficulty." – James Madison, Federalist No. 46, "The Influence of the State and Federal Governments Compared," New York Packet, January 29, 1788

"[S]hould an unwarrantable measure of the federal government be unpopular in particular States, which would seldom fail to be the case, or even a warrantable measure be so, which may sometimes be the case, the means of opposition to it are powerful and at hand. ... The disquietude of the people; their repugnance and, perhaps, refusal to co-operate with the officers of the Union; the frowns of the executive magistracy of the State; the embarrassments created by legislative devices, which would often be added on such occasions, would oppose, in any State, difficulties not to be despised; would form, in a large State, very serious impediments; and where the sentiments of several adjoining States happened to be in unison, would present obstructions which the federal government would hardly be willing to encounter." – James Madison, Federalist No. 46, "The Influence of the State and Federal Governments Compared," New York Packet, January 29, 1788

"[A]mbitious encroachments of the federal government, on the authority of the State governments, would not excite the opposition of a single State, or of a few States only. They would be signals of general alarm. Every government would espouse the common cause. A correspondence would be opened. Plans of resistance would be concerted. One spirit would animate and conduct the whole." – James Madison, Federalist No. 46, "The Influence of the State and Federal Governments Compared," New York Packet, January 29, 1788

"The only refuge left for those who prophesy the downfall of the State governments is the visionary supposition that the federal government may previously accumulate a military force for the projects of ambition." – James Madison, Federalist No. 46, "The Influence of the State and Federal Governments Compared," New York Packet, January 29, 1788

"That the people and the States should, for a sufficient period of time, elect an uninterrupted succession of men ready to betray both; that the traitors should, throughout this period, uniformly and systematically pursue some fixed plan for the extension of the military establishment; that the governments and the people of the States should silently and patiently behold the gathering storm, and continue to supply the materials, until it should be prepared to burst on their own heads, must appear to every one more like the

The Essential Federalist Papers

incoherent dreams of a delirious jealousy, or the misjudged exaggerations of a counterfeit zeal, than like the sober apprehensions of genuine patriotism." – James Madison, Federalist No. 46, "The Influence of the State and Federal Governments Compared," New York Packet, January 29, 1788

"Let a regular army, fully equal to the resources of the country, be formed; and let it be entirely at the devotion of the federal government; still it would not be going too far to say, that the State governments, with the people on their side, would be able to repel the danger. The highest number to which, according to the best computation, a standing army can be carried in any country, does not exceed one hundredth part of the whole number of souls; or one twenty-fifth part of the number able to bear arms. This proportion would not yield, in the United States, an army of more than twenty-five or thirty thousand men. To these would be opposed a militia amounting to near half a million of citizens with arms in their hands, officered by men chosen from among themselves, fighting for their common liberties, and united and conducted by governments possessing their affections and confidence." – James Madison, Federalist No. 46, "The Influence of the State and Federal Governments Compared," New York Packet, January 29, 1788

"Besides the advantage of being armed, which the Americans possess over the people of almost every other nation, the existence of subordinate governments, to which the people are attached and by which the militia officers are appointed, forms a barrier against the enterprises of ambition, more insurmountable than any which a simple government of any form can admit of." – James Madison, Federalist No. 46, "The Influence of the State and Federal Governments Compared," New York Packet, January 29, 1788

The Essential Federalist Papers

FEDERALIST NO. 47

"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. Were the federal Constitution, therefore, really chargeable with the accumulation of power, or with a mixture of powers, having a dangerous tendency to such an accumulation, no further arguments would be necessary to inspire a universal reprobation of the system." – James Madison, Federalist No. 47, "The Particular Structure of the New Government and the Distribution of Power Among Its Different Parts," New York Packet, January 30, 1788

"There can be no liberty where the legislative and executive powers are united in the same person, or body of magistrates, or, if the power of judging be not separated from the legislative and executive powers,' he [Montesquieu] did not mean that these departments ought to have no partial agency in, or no control over, the acts of each other." – James Madison, Federalist No. 47, "The Particular Structure of the New Government and the Distribution of Power Among Its Different Parts," New York Packet, January 30, 1788

"There can be no liberty where the legislative and executive powers are united in the same person, or body of magistrates, or, if the power of judging be not separated from the legislative and executive powers,' he [Montesquieu] did not mean that these departments ought to have no partial agency in, or no control over, the acts of each other." – James Madison, Federalist No. 47, "The Particular Structure of the New Government and the Distribution of Power Among Its Different Parts," New York Packet, January 30, 1788

"When the legislative and executive powers are united in the same person or body," says he [Montesquieu], 'there can be no liberty, because apprehensions may arise lest the same monarch or senate should enact tyrannical laws to execute them in a tyrannical manner.' Again: 'Were the power of judging joined with the legislative, the life and liberty of the subject would be exposed to arbitrary control, for the judge would then be the legislator. Were it joined to the executive power, the judge might behave with all the violence of an oppressor.'" – James Madison, Federalist No. 47, "The Particular Structure of the New Government and the Distribution of Power Among Its Different Parts," New York Packet, January 30, 1788

"If we look into the constitutions of the several States, we find that, notwithstanding the emphatical and, in some instances, the unqualified terms in which this axiom has been laid down, there is not a single instance in which the several departments of power have been kept absolutely separate and distinct." – James Madison, Federalist No. 47, "The Particular Structure of the New Government and the Distribution of Power Among Its Different Parts," New York Packet, January 30, 1788

The Essential Federalist Papers

FEDERALIST NO. 48

"It will not be denied that power is of an encroaching nature and that it ought to be effectually restrained from passing the limits assigned to it. After discriminating, therefore, in theory, the several classes of power, as they may in their nature be legislative, executive, or judiciary, the next and most difficult task is to provide some practical security for each, against the invasion of the others." – James Madison, Federalist No. 48, "These Departments Should Not Be So Far Separated as to Have No Constitutional Control Over Each Other," New York Packet, February 1, 1788

"The legislative department is everywhere extending the sphere of its activity and drawing all power into its impetuous vortex." – James Madison, Federalist No. 48, "These Departments Should Not Be So Far Separated as to Have No Constitutional Control Over Each Other," New York Packet, February 1, 1788

"The founders of our republics have so much merit for the wisdom which they have displayed, that no task can be less pleasing than that of pointing out the errors into which they have fallen. A respect for truth, however, obliges us to remark, that they seem never for a moment to have turned their eyes from the danger to liberty from the overgrown and all-grasping prerogative of an hereditary magistrate, supported and fortified by an hereditary branch of the legislative authority. They seem never to have recollected the danger from legislative usurpations, which, by assembling all power in the same hands, must lead to the same tyranny as is threatened by executive usurpations." – James Madison, Federalist No. 48, "These Departments Should Not Be So Far Separated as to Have No Constitutional Control Over Each Other," New York Packet, February 1, 1788

"[I]n a representative republic, where the executive magistracy is carefully limited; both in the extent and the duration of its power; and where the legislative power is exercised by an assembly, which is inspired, by a supposed influence over the people, with an intrepid confidence in its own strength; which is sufficiently numerous to feel all the passions which actuate a multitude, yet not so numerous as to be incapable of pursuing the objects of its passions, by means which reason prescribes; it is against the enterprising ambition of this department that the people ought to indulge all their jealousy and exhaust all their precautions." – James Madison, Federalist No. 48, "These Departments Should Not Be So Far Separated as to Have No Constitutional Control Over Each Other," New York Packet, February 1, 1788

"The legislative department derives a superiority in our governments from other circumstances. Its constitutional powers being at once more extensive, and less susceptible of precise limits, it can, with the greater facility, mask, under complicated and indirect measures, the encroachments which it makes on the co-ordinate departments." – James Madison, Federalist No. 48, "These Departments Should Not Be So Far Separated as to Have No Constitutional Control Over Each Other," New York Packet, February 1, 1788

"[T]he executive power being restrained within a narrower compass, and being more simple in its nature, and the judiciary being described by landmarks still less uncertain, projects of usurpation by either of these departments would immediately betray and defeat themselves. Nor is this all: as the legislative department alone has access to the pockets of the people, and has in some constitutions full discretion, and in all a prevailing influence, over the pecuniary rewards of those who fill the other departments, a dependence is thus created in the latter, which gives still greater facility to encroachments of the former." – James Madison, Federalist No. 48, "These Departments Should Not Be So Far Separated as to Have No Constitutional Control Over Each Other," New York Packet, February 1, 1788

"All the powers of government, legislative, executive, and judiciary, result to the legislative body. The concentrating these in the same hands, is precisely the definition of despotic government." – James Madison, quote from "Notes on the State of Virginia," p. 195, Federalist No. 48, "These Departments Should Not Be So Far Separated as to Have No Constitutional Control Over Each Other," quote from "Notes on the State of Virginia," p. 195, New York Packet, February 1, 1788

"One hundred and seventy-three despots would surely be as oppressive as one." – James Madison, quote from "Notes on the State of Virginia," p. 195, Federalist No. 48, "These Departments Should Not Be So Far Separated as to Have No Constitutional Control Over Each Other," New York Packet, February 1, 1788

"An elective despotism was not the government we fought for; but one in which the powers of government should be so divided and balanced among the several bodies of magistracy as that no one could transcend their legal limits without being effectually checked and restrained by the others." – James Madison, quote from "Notes on the State of Virginia," p. 195, Federalist No. 48, "These Departments Should Not Be So Far Separated as to Have No Constitutional Control Over Each Other," New York Packet, February 1, 1788

"[A] mere demarcation on parchment of the constitutional limits of the several departments, is not a sufficient guard against those encroachments which lead to a tyrannical concentration of all the powers of government in the same hands." – James Madison, Federalist No. 48, "These Departments Should Not Be So Far Separated as to Have No Constitutional Control Over Each Other," New York Packet, February 1, 1788

The Essential Federalist Papers

FEDERALIST NO. 49

"The plan, like every thing from the same pen, marks a turn of thinking, original, comprehensive, and accurate; and is the more worthy of attention as it equally displays a fervent attachment to republican government and an enlightened view of the dangerous propensities against which it ought to be guarded." – James Madison, Federalist No. 49, "Method of Guarding Against the Encroachments of Any One Department of Government by Appealing to the People Through a Convention," Independent Journal, February 2, 1788

"[T]he people are the only legitimate fountain of power, and it is from them that the constitutional charter, under which the several branches of government hold their power, is derived." – James Madison, Federalist No. 49, "Method of Guarding Against the Encroachments of Any One Department of Government by Appealing to the People Through a Convention," Independent Journal, February 2, 1788

"The several departments being perfectly co-ordinate by the terms of their common commission, none of them, it is evident, can pretend to an exclusive or superior right of settling the boundaries between their respective powers; and how are the encroachments of the stronger to be prevented, or the wrongs of the weaker to be redressed, without an appeal to the people themselves, who, as the grantors of the commissions, can alone declare its true meaning, and enforce its observance?" – James Madison, Federalist No. 49, "Method of Guarding Against the Encroachments of Any One Department of Government by Appealing to the People Through a Convention," Independent Journal, February 2, 1788

"[I]t may be considered as an objection inherent in the principle, that as every appeal to the people would carry an implication of some defect in the government, frequent appeals would in great measure deprive the government of that veneration which time bestows on every thing, and without which perhaps the wisest and freest governments would not possess the requisite stability." – James Madison, Federalist No. 49, "Method of Guarding Against the Encroachments of Any One Department of Government by Appealing to the People Through a Convention," Independent Journal, February 2, 1788

"If it be true that all governments rest on opinion, it is no less true that the strength of opinion in each individual, and its practical influence on his conduct, depend much on the number which he supposes to have entertained the same opinion. The reason of man, like man himself is timid and cautious, when left alone; and acquires firmness and confidence, in proportion to the number with which it is associated. When the examples, which fortify opinion, are ancient as well as numerous, they are known to have a double effect. In a nation of philosophers, this consideration ought to be disregarded. A reverence for the laws, would be sufficiently inculcated by the voice of an enlightened reason. But a nation of philosophers is as little to be expected as the philosophical race of kings wished for by Plato. And in every other nation, the most rational government will not find it a superfluous advantage, to have the prejudices of the community on its side." – James Madison, Federalist No. 49, "Method of Guarding Against the Encroachments of Any One Department of Government by Appealing to the People Through a Convention," Independent Journal, February 2, 1788

"The danger of disturbing the public tranquillity by interesting too strongly the public passions, is a still more serious objection against a frequent reference of constitutional questions to the decision of the whole society. Notwithstanding the success which has attended the revisions of our established forms of government, and which does so much honor to the virtue and intelligence of the people of America, it must be confessed that the experiments are of too ticklish a nature to be unnecessarily multiplied." – James Madison, Federalist No. 49, "Method of Guarding Against the Encroachments of Any One Department of Government by Appealing to the People Through a Convention," Independent Journal, February 2, 1788

"The usurpations of the legislature might be so flagrant and so sudden, as to admit of no specious coloring. A strong party among themselves might take side with the other branches. The executive power might be in the hands of a peculiar favorite of the people. In such a posture of things, the public decision might be less swayed by prepossessions in favor of the legislative party. But still it could never be expected to turn on the true merits of the question. It would inevitably be connected with the spirit of pre-existing parties, or of parties springing out of the question itself." – James Madison, Federalist No. 49, "Method of Guarding Against the Encroachments of Any One Department of Government by Appealing to the People Through a Convention," Independent Journal, February 2, 1788

"[I]t is the reason alone, of the public, that ought to control and regulate the government." – James Madison, Federalist No. 49, "Method of Guarding Against the Encroachments of Any One Department of Government by Appealing to the People Through a Convention," Independent Journal, February 2, 1788

The Essential Federalist Papers

FEDERALIST NO. 50

"Is it to be imagined that a legislative assembly, consisting of a hundred or two hundred members, eagerly bent on some favorite object, and breaking through the restraints of the Constitution in pursuit of it, would be arrested in their career, by considerations drawn from a censorial revision of their conduct at the future distance of ten, fifteen, or twenty years?" – James Madison, Federalist No. 50, "Periodical Appeals to the People Considered," New York Packet, February 5, 1788

"The scheme of revising the constitution, in order to correct recent breaches of it, as well as for other purposes, has been actually tried in one of the States. One of the objects of the Council of Censors which met in Pennsylvania in 1783 and 1784, was, as we have seen, to inquire, 'whether the constitution had been violated, and whether the legislative and executive departments had encroached upon each other.'" – James Madison, Federalist No. 50, "Periodical Appeals to the People Considered," New York Packet, February 5, 1788

"Every unbiased observer may infer, without danger of mistake, and at the same time without meaning to reflect on either party, or any individuals of either party, that, unfortunately, passion, not reason, must have presided over their decisions. When men exercise their reason coolly and freely on a variety of distinct questions, they inevitably fall into different opinions on some of them. When they are governed by a common passion, their opinions, if they are so to be called, will be the same." – James Madison, Federalist No. 50, "Periodical Appeals to the People Considered," New York Packet, February 5, 1788

"Were the precaution taken of excluding from the assemblies elected by the people, to revise the preceding administration of the government, all persons who should have been concerned with the government within the given period, the difficulties would not be obviated. The important task would probably devolve on men, who, with inferior capacities, would in other respects be little better qualified." – James Madison, Federalist No. 50, "Periodical Appeals to the People Considered," New York Packet, February 5, 1788

The Essential Federalist Papers

FEDERALIST NO. 51

"In order to lay a due foundation for that separate and distinct exercise of the different powers of government, which to a certain extent is admitted on all hands to be essential to the preservation of liberty, it is evident that each department should have a will of its own; and consequently should be so constituted that the members of each should have as little agency as possible in the appointment of the members of the others." – James Madison, Federalist No. 51, "The Structure of the Government Must Furnish the Proper Checks and Balances Between the Different Departments," Independent Journal, February 6, 1788

"It is equally evident, that the members of each department should be as little dependent as possible on those of the others, for the emoluments annexed to their offices. Were the executive magistrate, or the judges, not independent of the legislature in this particular, their independence in every other would be merely nominal." – James Madison, Federalist No. 51, "The Structure of the Government Must Furnish the Proper Checks and Balances Between the Different Departments," Independent Journal, February 6, 1788

"[T]he great security against a gradual concentration of the several powers in the same department, consists in giving to those who administer each department the necessary constitutional means and personal motives to resist encroachments of the others." – James Madison, Federalist No. 51, "The Structure of the Government Must Furnish the Proper Checks and Balances Between the Different Departments," Independent Journal, February 6, 1788

"Ambition must be made to counteract ambition. The interest of the man must be connected with the constitutional rights of the place. It may be a reflection on human nature that such devices should be necessary to control the abuses of government. What is government itself but the greatest of all reflections on human nature?" – James Madison, Federalist No. 51, "The Structure of the Government Must Furnish the Proper Checks and Balances Between the Different Departments," Independent Journal, February 6, 1788

"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. A dependence on the people is, no doubt, the primary control on the government; but experience has taught mankind the necessity of auxiliary precautions." – James Madison, Federalist No. 51, "The Structure of the Government Must Furnish the Proper Checks and Balances Between the Different Departments," Independent Journal, February 6, 1788

"But it is not possible to give to each department an equal power of self-defense. In republican government, the legislative authority necessarily predominates. The remedy for this inconveniency is to divide the legislature into different branches; and to render them, by different modes of election and different principles of action, as little connected with each other as the nature of their common functions and their common dependence on the society will admit. It may even be necessary to guard against dangerous encroachments by still further precautions." – James Madison, Federalist No. 51, "The Structure of the Government Must Furnish the Proper Checks and Balances Between the Different Departments," Independent Journal, February 6, 1788

"[I]t is not possible to give to each department an equal power of self-defense. In republican government, the legislative authority necessarily predominates. The remedy for this inconveniency is to divide the legislature into different branches." – James Madison, Federalist No. 51, "The Structure of the Government Must Furnish the Proper Checks and Balances Between the Different Departments," Independent Journal, February 6, 1788

"As the weight of the legislative authority requires that it should be thus divided, the weakness of the executive may require, on the other hand, that it should be fortified. An absolute negative on the legislature appears, at first view, to be the natural defense with which the executive magistrate should be armed. But perhaps it would be neither altogether safe nor alone sufficient. On ordinary occasions it might not be exerted with the requisite firmness, and on extraordinary occasions it might be perfidiously abused." – James Madison, Federalist No. 51, "The Structure of the Government Must Furnish the Proper Checks and Balances Between the Different Departments," Independent Journal, February 6, 1788

"If the principles on which these observations are founded be just, as I persuade myself they are, and they be applied as a criterion to the several State constitutions, and to the federal Constitution it will be found that if the latter does not perfectly correspond with them, the former are infinitely less able to bear such a test." – James Madison, Federalist No. 51, "The Structure of the Government Must Furnish the Proper Checks and Balances Between the Different Departments," Independent Journal, February 6, 1788

"In a single republic, all the power surrendered by the people is submitted to the administration of a single government; and the usurpations are guarded against by a division of the government into distinct and separate departments. In the compound republic of America, the power surrendered by the people is first divided between two distinct governments, and then the portion allotted to each subdivided among distinct and separate departments. Hence a double security arises to the rights of the people. The different governments will control each other, at the same time that each will be controlled by itself." – James Madison, Federalist No. 51, "The

The Essential Federalist Papers

Structure of the Government Must Furnish the Proper Checks and Balances Between the Different Departments," Independent Journal, February 6, 1788

"It is of great importance in a republic not only to guard the society against the oppression of its rulers, but to guard one part of the society against the injustice of the other part. Different interests necessarily exist in different classes of citizens. If a majority be united by a common interest, the rights of the minority will be insecure." – James Madison, Federalist No. 51, "The Structure of the Government Must Furnish the Proper Checks and Balances Between the Different Departments," Independent Journal, February 6, 1788

"Whilst all authority in it will be derived from and dependent on the society, the society itself will be broken into so many parts, interests, and classes of citizens, that the rights of individuals, or of the minority, will be in little danger from interested combinations of the majority." – James Madison, Federalist No. 51, "The Structure of the Government Must Furnish the Proper Checks and Balances Between the Different Departments," Independent Journal, February 6, 1788

"In a free government, the security for civil rights must be the same as that for religious rights. It consists in the one case in the multiplicity of interests, and in the other in the multiplicity of sects." – James Madison, Federalist No. 51, "The Structure of the Government Must Furnish the Proper Checks and Balances Between the Different Departments," Independent Journal, February 6, 1788

"Justice is the end of government. It is the end of civil society. It ever has been and ever will be pursued until it be obtained, or until liberty be lost in the pursuit." – James Madison, Federalist No. 51, "The Structure of the Government Must Furnish the Proper Checks and Balances Between the Different Departments," Independent Journal, February 6, 1788

"In a society under the forms of which the stronger faction can readily unite and oppress the weaker, anarchy may as truly be said to reign as in a state of nature, where the weaker individual is not secured against the violence of the stronger." – James Madison, Federalist No. 51, "The Structure of the Government Must Furnish the Proper Checks and Balances Between the Different Departments," Independent Journal, February 6, 1788

"[H]appily for the republican cause, the practicable sphere may be carried to a very great extent, by a judicious modification and mixture of the federal principle." – James Madison, Federalist No. 51, "The Structure of the Government Must Furnish the Proper Checks and Balances Between the Different Departments," Independent Journal, February 6, 1788

"It is no less certain than it is important, notwithstanding the contrary opinions which have been entertained, that the larger the society, provided it lie within a practical sphere, the more duly capable it will be of self-government. And happily for the republican cause, the practicable sphere may be carried to a very great extent, by a judicious modification and mixture of the federal principle." – James Madison, Federalist No. 51, "The Structure of the Government Must Furnish the Proper Checks and Balances Between the Different Departments," Independent Journal, February 6, 1788

The Essential Federalist Papers

FEDERALIST NO. 52

"The first view to be taken of this part of the government relates to the qualifications of the electors and the elected. Those of the former are to be the same with those of the electors of the most numerous branch of the State legislatures. The definition of the right of suffrage is very justly regarded as a fundamental article of republican government." – James Madison, Federalist No. 52, "The House of Representatives," New York Packet, February 8, 1788

"[T]he door of this part of the federal government is open to merit of every description, whether native or adoptive, whether young or old, and without regard to poverty or wealth, or to any particular profession of religious faith." – James Madison, Federalist No. 52, "The House of Representatives," New York Packet, February 8, 1788

"As it is essential to liberty that the government in general should have a common interest with the people, so it is particularly essential that the branch of it under consideration [House of Representatives] should have an immediate dependence on, and an intimate sympathy with, the people. Frequent elections are unquestionably the only policy by which this dependence and sympathy can be effectually secured." – James Madison, Federalist No. 52, "The House of Representatives," New York Packet, February 8, 1788

"It is a received and well-founded maxim, that where no other circumstances affect the case, the greater the power is, the shorter ought to be its duration; and, conversely, the smaller the power, the more safely may its duration be protracted." – James Madison, Federalist No. 52, "The House of Representatives," New York Packet, February 8, 1788

"[T]he federal legislature will not only be restrained by its dependence on its people, as other legislative bodies are, but that it will be, moreover, watched and controlled by the several collateral legislatures, which other legislative bodies are not." – James Madison, Federalist No. 52, "The House of Representatives," New York Packet, February 8, 1788

"[N]o comparison can be made between the means that will be possessed by the more permanent branches of the federal government for seducing, if they should be disposed to seduce, the House of Representatives from their duty to the people, and the means of influence over the popular branch possessed by the other branches of the government above cited. With less power, therefore, to abuse, the federal representatives can be less tempted on one side, and will be doubly watched on the other." – James Madison, Federalist No. 52, "The House of Representatives," New York Packet, February 8, 1788

The Essential Federalist Papers

FEDERALIST NO. 53

"I SHALL here, perhaps, be reminded of a current observation, 'that where annual elections end, tyranny begins.' If it be true, as has often been remarked, that sayings which become proverbial are generally founded in reason, it is not less true, that when once established, they are often applied to cases to which the reason of them does not extend." – James Madison, Federalist No. 53, "The House of Representatives (continued)," Independent Journal, February 9, 1788

"No man will subject himself to the ridicule of pretending that any natural connection subsists between the sun or the seasons, and the period within which human virtue can bear the temptations of power. Happily for mankind, liberty is not, in this respect, confined to any single point of time; but lies within extremes, which afford sufficient latitude for all the variations which may be required by the various situations and circumstances of civil society." – James Madison, Federalist No. 53, "The House of Representatives (continued)," Independent Journal, February 9, 1788

"How can foreign trade be properly regulated by uniform laws, without some acquaintance with the commerce, the ports, the usages, and the regulatious of the different States? How can the trade between the different States be duly regulated, without some knowledge of their relative situations in these and other respects? How can taxes be judiciously imposed and effectually collected, if they be not accommodated to the different laws and local circumstances relating to these objects in the different States? How can uniform regulations for the militia be duly provided, without a similar knowledge of many internal circumstances by which the States are distinguished from each other? These are the principal objects of federal legislation, and suggest most forcibly the extensive information which the representatives ought to acquire." – James Madison, Federalist No. 53, "The House of Representatives (continued)," Independent Journal, February 9, 1788

"The important distinction so well understood in America, between a Constitution established by the people and unalterable by the government, and a law established by the government and alterable by the government, seems to have been little understood and less observed in any other country." – James Madison, Federalist No. 53, "The House of Representatives (continued)," Independent Journal, February 9, 1788

"Wherever the supreme power of legislation has resided, has been supposed to reside also a full power to change the form of the government." – James Madison, Federalist No. 53, "The House of Representatives (continued)," Independent Journal, February 9, 1788

"Where no Constitution, paramount to the government, either existed or could be obtained, no constitutional security, similar to that established in the United States, was to be attempted. Some other security, therefore, was to be sought for; and what better security would the case admit, than that of selecting and appealing to some simple and familiar portion of time, as a standard for measuring the danger of innovations, for fixing the national sentiment, and for uniting the patriotic exertions? The most simple and familiar portion of time, applicable to the subject was that of a year; and hence the doctrine has been inculcated by a laudable zeal, to erect some barrier against the gradual innovations of an unlimited government, that the advance towards tyranny was to be calculated by the distance of departure from the fixed point of annual elections." – James Madison, Federalist No. 53, "The House of Representatives (continued)," Independent Journal, February 9, 1788

"No man can be a competent legislator who does not add to an upright intention and a sound judgment a certain degree of knowledge of the subjects on which he is to legislate. A part of this knowledge may be acquired by means of information which lie within the compass of men in private as well as public stations. Another part can only be attained, or at least thoroughly attained, by actual experience in the station which requires the use of it. The period of service, ought, therefore, in all such cases, to bear some proportion to the extent of practical knowledge requisite to the due performance of the service." – James Madison, Federalist No. 53, "The House of Representatives (continued)," Independent Journal, February 9, 1788

"In regulating our own commerce he ought to be not only acquainted with the treaties between the United States and other nations, but also with the commercial policy and laws of other nations. He ought not to be altogether ignorant of the law of nations." – James Madison, Federalist No. 53, "The House of Representatives (continued)," Independent Journal, February 9, 1788

"[A]lthough the House of Representatives is not immediately to participate in foreign negotiations and arrangements, yet from the necessary connection between the several branches of public affairs, those particular branches will frequently deserve attention in the ordinary course of legislation, and will sometimes demand particular legislative sanction and co-operation." – James Madison, Federalist No. 53, "The House of Representatives (continued)," Independent Journal, February 9, 1788

"A few of the members, as happens in all such assemblies, will possess superior talents; will, by frequent reelections, become members of long standing; will be thoroughly masters of the public business, and perhaps not unwilling to avail themselves of those advantages. The greater the proportion of new members, and the less the information of the bulk of the members the more apt will they be to fall into the snares that may be laid for them. This remark is no less applicable to the relation which will subsist between the House of Representatives and the Senate." – James Madison, Federalist No. 53, "The House of Representatives (continued)," Independent Journal, February 9, 1788

The Essential Federalist Papers

"Each house is, as it necessarily must be, the judge of the elections, qualifications, and returns of its members; and whatever improvements may be suggested by experience, for simplifying and accelerating the process in disputed cases, so great a portion of a year would unavoidably elapse, before an illegitimate member could be dispossessed of his seat, that the prospect of such an event would be little check to unfair and illicit means of obtaining a seat." – James Madison, Federalist No. 53, "The House of Representatives (continued)," Independent Journal, February 9, 1788

The Essential Federalist Papers

FEDERALIST NO. 54

"It is not contended that the number of people in each State ought not to be the standard for regulating the proportion of those who are to represent the people of each State. The establishment of the same rule for the appointment of taxes, will probably be as little contested; though the rule itself in this case, is by no means founded on the same principle. In the former case, the rule is understood to refer to the personal rights of the people, with which it has a natural and universal connection. In the latter, it has reference to the proportion of wealth, of which it is in no case a precise measure, and in ordinary cases a very unfit one. But notwithstanding the imperfection of the rule as applied to the relative wealth and contributions of the States, it is evidently the least objectionable among the practicable rules, and had too recently obtained the general sanction of America, not to have found a ready preference with the convention. ... All this is admitted, it will perhaps be said; but does it follow, from an admission of numbers for the measure of representation, or of slaves combined with free citizens as a ratio of taxation, that slaves ought to be included in the numerical rule of representation? Slaves are considered as property, not as persons. They ought therefore to be comprehended in estimates of taxation which are founded on property, and to be excluded from representation which is regulated by a census of persons." – James Madison, Federalist No. 54, "Apportionment of Members of the House of Representatives Among the States," New York Packet, February 12, 1788

"In one respect, the establishment of a common measure for representation and taxation will have a very salutary effect. As the accuracy of the census to be obtained by the Congress will necessarily depend, in a considerable degree on the disposition, if not on the co-operation, of the States, it is of great importance that the States should feel as little bias as possible, to swell or to reduce the amount of their numbers. Were their share of representation alone to be governed by this rule, they would have an interest in exaggerating their inhabitants. Were the rule to decide their share of taxation alone, a contrary temptation would prevail. By extending the rule to both objects, the States will have opposite interests, which will control and balance each other, and produce the requisite impartiality." – James Madison, Federalist No. 54, "Apportionment of Members of the House of Representatives Among the States," New York Packet, February 12, 1788

The Essential Federalist Papers

FEDERALIST NO. 55

"[N]o political problem is less susceptible of a precise solution than that which relates to the number most convenient for a representative legislature; nor is there any point on which the policy of the several States is more at variance, whether we compare their legislative assemblies directly with each other, or consider the proportions which they respectively bear to the number of their constituents." – James Madison, Federalist No. 55, "The Total Number of the House of Representatives," Independent Journal, February 13, 1788

"Nothing can be more fallacious than to found our political calculations on arithmetical principles. Sixty or seventy men may be more properly trusted with a given degree of power than six or seven. But it does not follow that six or seven hundred would be proportionably a better depository. And if we carry on the supposition to six or seven thousand, the whole reasoning ought to be reversed. The truth is, that in all cases a certain number at least seems to be necessary to secure the benefits of free consultation and discussion, and to guard against too easy a combination for improper purposes; as, on the other hand, the number ought at most to be kept within a certain limit, in order to avoid the confusion and intemperance of a multitude." – James Madison, Federalist No. 55, "The Total Number of the House of Representatives," Independent Journal, February 13, 1788

"In all very numerous assemblies, of whatever character composed, passion never fails to wrest the sceptre from reason. Had every Athenian citizen been a Socrates, every Athenian assembly would still have been a mob." – James Madison, Federalist No. 55, "The Total Number of the House of Representatives," Independent Journal, February 13, 1788

"For the same reason that the limited powers of the Congress, and the control of the State legislatures, justify less frequent elections than the public safely might otherwise require, the members of the Congress need be less numerous than if they possessed the whole power of legislation, and were under no other than the ordinary restraints of other legislative bodies." – James Madison, Federalist No. 55, "The Total Number of the House of Representatives," Independent Journal, February 13, 1788

"I am unable to conceive that the people of America, in their present temper, or under any circumstances which can speedily happen, will choose, and every second year repeat the choice of, sixty-five or a hundred men who would be disposed to form and pursue a scheme of tyranny or treachery. I am unable to conceive that the State legislatures, which must feel so many motives to watch, and which possess so many means of counteracting, the federal legislature, would fail either to detect or to defeat a conspiracy of the latter against the liberties of their common constituents." – James Madison, Federalist No. 55, "The Total Number of the House of Representatives," Independent Journal, February 13, 1788

"I must pronounce that the liberties of America cannot be unsafe in the number of hands proposed by the federal Constitution." – James Madison, Federalist No. 55, "The Total Number of the House of Representatives," Independent Journal, February 13, 1788

"[T]he Constitution has provided a still further safeguard. The members of the Congress are rendered ineligible to any civil offices that may be created, or of which the emoluments may be increased, during the term of their election. No offices therefore can be dealt out to the existing members but such as may become vacant by ordinary casualties." – James Madison, Federalist No. 55, "The Total Number of the House of Representatives," Independent Journal, February 13, 1788

"As there is a degree of depravity in mankind which requires a certain degree of circumspection and distrust: So there are other qualities in human nature, which justify a certain portion of esteem and confidence. Republican government presupposes the existence of these qualities in a higher degree than any other form. Were the pictures which have been drawn by the political jealousy of some among us, faithful likenesses of the human character, the inference would be that there is not sufficient virtue among men for self-government; and that nothing less than the chains of despotism can restrain them from destroying and devouring one another." – James Madison, Federalist No. 55, "The Total Number of the House of Representatives," Independent Journal, February 13, 1788

The Essential Federalist Papers

FEDERALIST NO. 56

"It is a sound and important principle that the representative ought to be acquainted with the interests and circumstances of his constituents. But this principle can extend no further than to those circumstances and interests to which the authority and care of the representative relate. An ignorance of a variety of minute and particular objects, which do not lie within the compass of legislation, is consistent with every attribute necessary to a due performance of the legislative trust." – James Madison, Federalist No. 56, "The Total Number of the House of Representatives (continued)," Independent Journal, February 16, 1788

"What are to be the objects of federal legislation? Those which are of most importance, and which seem most to require local knowledge, are commerce, taxation, and the militia." – James Madison, Federalist No. 56, "The Total Number of the House of Representatives (continued)," Independent Journal, February 16, 1788

"Divide the largest State into ten or twelve districts, and it will be found that there will be no peculiar local interests in either, which will not be within the knowledge of the representative of the district. Besides this source of information, the laws of the State, framed by representatives from every part of it, will be almost of themselves a sufficient guide." – James Madison, Federalist No. 56, "The Total Number of the House of Representatives (continued)," Independent Journal, February 16, 1788

"A skillful individual in his closet with all the local codes before him, might compile a law on some subjects of taxation for the whole union, without any aid from oral information, and it may be expected that whenever internal taxes may be necessary, and particularly in cases requiring uniformity throughout the States, the more simple objects will be preferred." – James Madison, Federalist No. 56, "The Total Number of the House of Representatives (continued)," Independent Journal, February 16, 1788

"The representatives of each State will not only bring with them a considerable knowledge of its laws, and a local knowledge of their respective districts, but will probably in all cases have been members, and may even at the very time be members, of the State legislature, where all the local information and interests of the State are assembled, and from whence they may easily be conveyed by a very few hands into the legislature of the United States." – James Madison, Federalist No. 56, "The Total Number of the House of Representatives (continued)," Independent Journal, February 16, 1788

"Taking each State by itself, its laws are the same, and its interests but little diversified. A few men, therefore, will possess all the knowledge requisite for a proper representation of them. Were the interests and affairs of each individual State perfectly simple and uniform, a knowledge of them in one part would involve a knowledge of them in every other, and the whole State might be competently represented by a single member taken from any part of it. On a comparison of the different States together, we find a great dissimilarity in their laws, and in many other circumstances connected with the objects of federal legislation, with all of which the federal representatives ought to have some acquaintance." – James Madison, Federalist No. 56, "The Total Number of the House of Representatives (continued)," Independent Journal, February 16, 1788

The Essential Federalist Papers

FEDERALIST NO. 57

"The aim of every political constitution is, or ought to be, first to obtain for rulers men who possess most wisdom to discern, and most virtue to pursue, the common good of the society; and in the next place, to take the most effectual precautions for keeping them virtuous whilst they continue to hold their public trust. The elective mode of obtaining rulers is the characteristic policy of republican government. The means relied on in this form of government for preventing their degeneracy are numerous and various. The most effectual one, is such a limitation of the term of appointments as will maintain a proper responsibility to the people." – James Madison, Federalist No. 57, "The Alleged Tendency of the New Plan to Elevate the Few at the Expense of the Many Considered in Connection with Representation," New York Packet, February 19, 1788

"Who are to be the electors of the federal representatives? Not the rich, more than the poor; not the learned, more than the ignorant; not the haughty heirs of distinguished names, more than the humble sons of obscure and unpropitious fortune. The electors are to be the great body of the people of the United States." – James Madison, Federalist No. 57, "The Alleged Tendency of the New Plan to Elevate the Few at the Expense of the Many Considered in Connection with Representation," New York Packet, February 19, 1788

"Who are to be the objects of popular choice? Every citizen whose merit may recommend him to the esteem and confidence of his country. No qualification of wealth, of birth, of religious faith, or of civil profession is permitted to fetter the judgement or disappoint the inclination of the people. ... If we consider the situation of the men on whom the free suffrages of their fellow-citizens may confer the representative trust, we shall find it involving every security which can be devised or desired for their fidelity to their constituents." – James Madison, Federalist No. 57, "The Alleged Tendency of the New Plan to Elevate the Few at the Expense of the Many Considered in Connection with Representation," New York Packet, February 19, 1788

"There is in every breast a sensibility to marks of honor, of favor, of esteem, and of confidence, which, apart from all considerations of interest, is some pledge for grateful and benevolent returns. Ingratitude is a common topic of declamation against human nature; and it must be confessed that instances of it are but too frequent and flagrant, both in public and in private life. But the universal and extreme indignation which it inspires is itself a proof of the energy and prevalence of the contrary sentiment." – James Madison, Federalist No. 57, "The Alleged Tendency of the New Plan to Elevate the Few at the Expense of the Many Considered in Connection with Representation," New York Packet, February 19, 1788

"[T]hose ties which bind the representative to his constituents are strengthened by motives of a more selfish nature. His pride and vanity attach him to a form of government which favors his pretensions and gives him a share in its honors and distinctions. Whatever hopes or projects might be entertained by a few aspiring characters, it must generally happen that a great proportion of the men deriving their advancement from their influence with the people, would have more to hope from a preservation of the favor, than from innovations in the government subversive of the authority of the people." – James Madison, Federalist No. 57, "The Alleged Tendency of the New Plan to Elevate the Few at the Expense of the Many Considered in Connection with Representation," New York Packet, February 19, 1788

"[T]he House of Representatives is so constituted as to support in the members an habitual recollection of their dependence on the people. Before the sentiments impressed on their minds by the mode of their elevation can be effaced by the exercise of power, they will be compelled to anticipate the moment when their power is to cease, when their exercise of it is to be reviewed, and when they must descend to the level from which they were raised; there forever to remain unless a faithful discharge of their trust shall have established their title to a renewal of it." – James Madison, Federalist No. 57, "The Alleged Tendency of the New Plan to Elevate the Few at the Expense of the Many Considered in Connection with Representation," New York Packet, February 19, 1788

"I will add, as a fifth circumstance in the situation of the House of Representatives, restraining them from oppressive measures, that they can make no law which will not have its full operation on themselves and their friends, as well as on the great mass of the society. This has always been deemed one of the strongest bonds by which human policy can connect the rulers and the people together. It creates between them that communion of interests and sympathy of sentiments, of which few governments have furnished examples; but without which every government degenerates into tyranny. If it be asked, what is to restrain the House of Representatives from making legal discriminations in favor of themselves and a particular class of the society? I answer: the genius of the whole system; the nature of just and constitutional laws; and above all, the vigilant and manly spirit which actuates the people of America — a spirit which nourishes freedom, and in return is nourished by it. ... If this spirit shall ever be so far debased as to tolerate a law not obligatory on the legislature, as well as on the people, the people will be prepared to tolerate any thing but liberty." – James Madison, Federalist No. 57, "The Alleged Tendency of the New Plan to Elevate the Few at the Expense of the Many Considered in Connection with Representation," New York Packet, February 19, 1788

"Duty, gratitude, interest, ambition itself, are the chords by which they [House of Representatives] will be bound to fidelity and sympathy with the great mass of the people. It is possible that these may all be insufficient to control the caprice and wickedness of man. But are they not all that government will admit, and that human prudence can devise? Are they not the genuine and the characteristic means by which republican government provides for the liberty and happiness of the people? Are they not the identical means on which every State government in the Union relies for the attainment of these important ends? What then are we to

The Essential Federalist Papers

understand by the objection which this paper has combated? What are we to say to the men who profess the most flaming zeal for republican government, yet boldly impeach the fundamental principle of it; who pretend to be champions for the right and the capacity of the people to choose their own rulers, yet maintain that they will prefer those only who will immediately and infallibly betray the trust committed to them?" – James Madison, Federalist No. 57, "The Alleged Tendency of the New Plan to Elevate the Few at the Expense of the Many Considered in Connection with Representation," New York Packet, February 19, 1788

The Essential Federalist Papers

FEDERALIST NO. 58

"Within every successive term of ten years a census of inhabitants is to be repeated. The unequivocal objects of these regulations are, first, to readjust, from time to time, the apportionment of representatives to the number of inhabitants, under the single exception that each State shall have one representative at least; secondly, to augment the number of representatives at the same periods, under the sole limitation that the whole number shall not exceed one for every thirty thousand inhabitants." – James Madison, Federalist No. 58, "Objection That The Number of Members Will Not Be Augmented as the Progress of Population Demands Considered," Independent Journal, February 20, 1788

"Notwithstanding the equal authority which will subsist between the two houses on all legislative subjects, except the originating of money bills, it cannot be doubted that the House, composed of the greater number of members, when supported by the more powerful States, and speaking the known and determined sense of a majority of the people, will have no small advantage in a question depending on the comparative firmness of the two houses. ... This advantage must be increased by the consciousness, felt by the same side of being supported in its demands by right, by reason, and by the Constitution; and the consciousness, on the opposite side, of contending against the force of all these solemn considerations." – James Madison, Federalist No. 58, "Objection That The Number of Members Will Not Be Augmented as the Progress of Population Demands Considered," Independent Journal, February 20, 1788

"These considerations seem to afford ample security on this subject, and ought alone to satisfy all the doubts and fears which have been indulged with regard to it. Admitting, however, that they should all be insufficient to subdue the unjust policy of the smaller States, or their predominant influence in the councils of the Senate, a constitutional and infallible resource still remains with the larger States, by which they will be able at all times to accomplish their just purposes. The House of Representatives cannot only refuse, but they alone can propose, the supplies requisite for the support of government. They, in a word, hold the purse -- that powerful instrument by which we behold, in the history of the British Constitution, an infant and humble representation of the people gradually enlarging the sphere of its activity and importance, and finally reducing, as far as it seems to have wished, all the overgrown prerogatives of the other branches of the government. This power over the purse may, in fact, be regarded as the most complete and effectual weapon with which any constitution can arm the immediate representatives of the people, for obtaining a redress of every grievance, and for carrying into effect every just and salutary measure." – James Madison, Federalist No. 58, "Objection That The Number of Members Will Not Be Augmented as the Progress of Population Demands Considered," Independent Journal, February 20, 1788

"Those who represent the dignity of their country in the eyes of other nations, will be particularly sensible to every prospect of public danger, or of dishonorable stagnation in public affairs." – James Madison, Federalist No. 58, "Objection That The Number of Members Will Not Be Augmented as the Progress of Population Demands Considered," Independent Journal, February 20, 1788

"In the first place, the more numerous an assembly may be, of whatever characters composed, the greater is known to be the ascendancy of passion over reason. In the next place, the larger the number, the greater will be the proportion of members of limited information and of weak capacities." – James Madison, Federalist No. 58, "Objection That The Number of Members Will Not Be Augmented as the Progress of Population Demands Considered," Independent Journal, February 20, 1788

"[T]he more multitudinous a representative assembly may be rendered, the more it will partake of the infirmities incident to collective meetings of the people. Ignorance will be the dupe of cunning, and passion the slave of sophistry and declamation. The people can never err more than in supposing that by multiplying their representatives beyond a certain limit, they strengthen the barrier against the government of a few. Experience will forever admonish them that, on the contrary, after securing a sufficient number for the purposes of safety, of local information, and of diffusive sympathy with the whole society, they will counteract their own views by every addition to their representatives." – James Madison, Federalist No. 58, "Objection That The Number of Members Will Not Be Augmented as the Progress of Population Demands Considered," Independent Journal, February 20, 1788

"It has been said that more than a majority ought to have been required for a quorum; and in particular cases, if not in all, more than a majority of a quorum for a decision. That some advantages might have resulted from such a precaution, cannot be denied. It might have been an additional shield to some particular interests, and another obstacle generally to hasty and partial measures. But these considerations are outweighed by the inconveniences in the opposite scale. In all cases where justice or the general good might require new laws to be passed, or active measures to be pursued, the fundamental principle of free government would be reversed. It would be no longer the majority that would rule: the power would be transferred to the minority." – James Madison, Federalist No. 58, "Objection That The Number of Members Will Not Be Augmented as the Progress of Population Demands Considered," Independent Journal, February 20, 1788

The Essential Federalist Papers

FEDERALIST NO. 59

"[E]very government ought to contain in itself the means of its own preservation." – Alexander Hamilton, Federalist No. 59, "Concerning the Power of Congress to Regulate the Election of Members," New York Packet, February 22, 1788

"Nothing can be more evident, than that an exclusive power of regulating elections for the national government, in the hands of the State legislatures, would leave the existence of the Union entirely at their mercy. They could at any moment annihilate it, by neglecting to provide for the choice of persons to administer its affairs. It is to little purpose to say, that a neglect or omission of this kind would not be likely to take place." – Alexander Hamilton, Federalist No. 59, "Concerning the Power of Congress to Regulate the Election of Members," New York Packet, February 22, 1788

"[A]s it is more consonant to the rules of a just theory, to trust the Union with the care of its own existence, than to transfer that care to any other hands, if abuses of power are to be hazarded on the one side or on the other, it is more rational to hazard them where the power would naturally be placed, than where it would unnaturally be placed." – Alexander Hamilton, Federalist No. 59, "Concerning the Power of Congress to Regulate the Election of Members," New York Packet, February 22, 1788

"With so effectual a weapon in their hands as the exclusive power of regulating elections for the national government, a combination of a few such men, in a few of the most considerable States, where the temptation will always be the strongest, might accomplish the destruction of the Union, by seizing the opportunity of some casual dissatisfaction among the people (and which perhaps they may themselves have excited), to discontinue the choice of members for the federal House of Representatives." – Alexander Hamilton, Federalist No. 59, "Concerning the Power of Congress to Regulate the Election of Members," New York Packet, February 22, 1788

"It ought never to be forgotten, that a firm union of this country, under an efficient government, will probably be an increasing object of jealousy to more than one nation of Europe; and that enterprises to subvert it will sometimes originate in the intrigues of foreign powers, and will seldom fail to be patronized and abetted by some of them. Its preservation, therefore ought in no case that can be avoided, to be committed to the guardianship of any but those whose situation will uniformly beget an immediate interest in the faithful and vigilant performance of the trust." – Alexander Hamilton, Federalist No. 59, "Concerning the Power of Congress to Regulate the Election of Members," New York Packet, February 22, 1788

The Essential Federalist Papers

FEDERALIST NO. 60

"It is not difficult to conceive that this characteristic right of freedom [voting] may, in certain turbulent and factious seasons, be violated, in respect to a particular class of citizens, by a victorious and overbearing majority; but that so fundamental a privilege, in a country so situated and enlightened, should be invaded to the prejudice of the great mass of the people, by the deliberate policy of the government, without occasioning a popular revolution, is altogether inconceivable and incredible." – Alexander Hamilton, Federalist No. 60, "Concerning the Power of Congress to Regulate the Election of Members (continued)," Independent Journal, February 23, 1788

"The dissimilarity in the ingredients which will compose the national government, and still more in the manner in which they will be brought into action in its various branches, must form a powerful obstacle to a concert of views in any partial scheme of elections." – Alexander Hamilton, Federalist No. 60, "Concerning the Power of Congress to Regulate the Election of Members (continued)," Independent Journal, February 23, 1788

"There is sufficient diversity in the state of property, in the genius, manners, and habits of the people of the different parts of the Union, to occasion a material diversity of disposition in their representatives towards the different ranks and conditions in society." – Alexander Hamilton, Federalist No. 60, "Concerning the Power of Congress to Regulate the Election of Members (continued)," Independent Journal, February 23, 1788

"[T]he circumstance which will be likely to have the greatest influence in the matter [elections], will be the dissimilar modes of constituting the several component parts of the government. The House of Representatives being to be elected immediately by the people, the Senate by the State legislatures, the President by electors chosen for that purpose by the people, there would be little probability of a common interest to cement these different branches in a predilection for any particular class of electors." – Alexander Hamilton, Federalist No. 60, "Concerning the Power of Congress to Regulate the Election of Members (continued)," Independent Journal, February 23, 1788

"The several States are in various degrees addicted to agriculture and commerce. In most, if not all of them, agriculture is predominant. In a few of them, however, commerce nearly divides its empire, and in most of them has a considerable share of influence. In proportion as either prevails, it will be conveyed into the national representation; and for the very reason, that this will be an emanation from a greater variety of interests, and in much more various proportions, than are to be found in any single State, it will be much less apt to espouse either of them with a decided partiality, than the representation of any single State." – Alexander Hamilton, Federalist No. 60, "Concerning the Power of Congress to Regulate the Election of Members (continued)," Independent Journal, February 23, 1788

"[I]s there not danger of an opposite bias in the national government, which may dispose it to endeavor to secure a monopoly of the federal administration to the landed class? As there is little likelihood that the supposition of such a bias will have any terrors for those who would be immediately injured by it, a labored answer to this question will be dispensed with. It will be sufficient to remark, first, that for the reasons elsewhere assigned, it is less likely that any decided partiality should prevail in the councils of the Union than in those of any of its members. Secondly, that there would be no temptation to violate the Constitution in favor of the landed class, because that class would, in the natural course of things, enjoy as great a preponderancy as itself could desire. And thirdly, that men accustomed to investigate the sources of public prosperity upon a large scale, must be too well convinced of the utility of commerce, to be inclined to inflict upon it so deep a wound as would result from the entire exclusion of those who would best understand its interest from a share in the management of them." – Alexander Hamilton, Federalist No. 60, "Concerning the Power of Congress to Regulate the Election of Members (continued)," Independent Journal, February 23, 1788

"The importance of commerce, in the view of revenue alone, must effectually guard it against the enmity of a body which would be continually importuned in its favor, by the urgent calls of public necessity." – Alexander Hamilton, Federalist No. 60, "Concerning the Power of Congress to Regulate the Election of Members (continued)," Independent Journal, February 23, 1788

"[T]here is no method of securing to the rich the preference apprehended, but by prescribing qualifications of property either for those who may elect or be elected. But this forms no part of the power to be conferred upon the national government. Its authority would be expressly restricted to the regulation of the times, the places, the manner of elections." – Alexander Hamilton, Federalist No. 60, "Concerning the Power of Congress to Regulate the Election of Members (continued)," Independent Journal, February 23, 1788

"With a disposition to invade the essential rights of the community, and with the means of gratifying that disposition, is it presumable that the persons who were actuated by it would amuse themselves in the ridiculous task of fabricating election laws for securing a preference to a favorite class of men? Would they not be likely to prefer a conduct better adapted to their own immediate aggrandizement? Would they not rather boldly resolve to perpetuate themselves in office by one decisive act of usurpation, than to trust to precarious expedients which, in spite of all the precautions that might accompany them, might terminate in the dismissal, disgrace, and ruin of their authors? Would they not fear that citizens, not less tenacious than conscious of their rights, would flock from the remote extremes of their respective States to the places of election, to overthrow their tyrants, and to substitute men who would

The Essential Federalist Papers

be disposed to avenge the violated majesty of the people?" – Alexander Hamilton, Federalist No. 60, "Concerning the Power of Congress to Regulate the Election of Members (continued)," Independent Journal, February 23, 1788

The Essential Federalist Papers

FEDERALIST NO. 61

"The consequence of this diversity [election dates] would be that there could never happen a total dissolution or renovation of the body at one time. If an improper spirit of any kind should happen to prevail in it, that spirit would be apt to infuse itself into the new members, as they come forward in succession. The mass would be likely to remain nearly the same, assimilating constantly to itself its gradual accretions. There is a contagion in example which few men have sufficient force of mind to resist." – Alexander Hamilton, Federalist No. 61, "Concerning the Power of Congress to Regulate the Election of Members (continued)," New York Packet, February 26, 1788

"Uniformity in the time of elections seems not less requisite for executing the idea of a regular rotation in the Senate, and for conveniently assembling the legislature at a stated period in each year." – Alexander Hamilton, Federalist No. 61, "Concerning the Power of Congress to Regulate the Election of Members (continued)," New York Packet, February 26, 1788

"[T]he supposed danger of a gradual change being merely speculative, it would have been hardly advisable upon that speculation to establish, as a fundamental point, what would deprive several States of the convenience of having the elections for their own governments and for the national government at the same epochs." – Alexander Hamilton, Federalist No. 61, "Concerning the Power of Congress to Regulate the Election of Members (continued)," New York Packet, February 26, 1788

The Essential Federalist Papers

FEDERALIST NO. 62

"The qualifications proposed for senators, as distinguished from those of representatives, consist in a more advanced age and a longer period of citizenship. A senator must be thirty years of age at least; as a representative must be twenty-five. And the former must have been a citizen nine years; as seven years are required for the latter. The propriety of these distinctions is explained by the nature of the senatorial trust, which, requiring greater extent of information and stability of character, requires at the same time that the senator should have reached a period of life most likely to supply these advantages; and which, participating immediately in transactions with foreign nations, ought to be exercised by none who are not thoroughly weaned from the prepossessions and habits incident to foreign birth and education." – James Madison, Federalist No. 62, "The Senate," Independent Journal, February 27, 1788

"Among the various modes which might have been devised for constituting this branch of the government, that which has been proposed by the convention is probably the most congenial with the public opinion. It is recommended by the double advantage of favoring a select appointment, and of giving to the State governments such an agency in the formation of the federal government as must secure the authority of the former, and may form a convenient link between the two systems." – James Madison, Federalist No. 62, "The Senate," Independent Journal, February 27, 1788

"A common government, with powers equal to its objects, is called for by the voice, and still more loudly by the political situation, of America." – James Madison, Federalist No. 62, "The Senate," Independent Journal, February 27, 1788

"It is a misfortune incident to republican government, though in a less degree than to other governments, that those who administer it may forget their obligations to their constituents, and prove unfaithful to their important trust." – James Madison, Federalist No. 62, "The Senate," Independent Journal, February 27, 1788

"[A] senate, as a second branch of the legislative assembly, distinct from, and dividing the power with, a first, must be in all cases a salutary check on the government. It doubles the security to the people, by requiring the concurrence of two distinct bodies in schemes of usurpation or perfidy, where the ambition or corruption of one would otherwise be sufficient." – James Madison, Federalist No. 62, "The Senate," Independent Journal, February 27, 1788

"[A]s the improbability of sinister combinations will be in proportion to the dissimilarity in the genius of the two bodies, it must be politic to distinguish them from each other by every circumstance which will consist with a due harmony in all proper measures, and with the genuine principles of republican government." – James Madison, Federalist No. 62, "The Senate," Independent Journal, February 27, 1788

"It is not possible that an assembly of men called for the most part from pursuits of a private nature, continued in appointment for a short time, and led by no permanent motive to devote the intervals of public occupation to a study of the laws, the affairs, and the comprehensive interests of their country, should, if left wholly to themselves, escape a variety of important errors in the exercise of their legislative trust." – James Madison, Federalist No. 62, "The Senate," Independent Journal, February 27, 1788

"It may be affirmed, on the best grounds, that no small share of the present embarrassments of America is to be charged on the blunders of our governments; and that these have proceeded from the heads rather than the hearts of most of the authors of them." – James Madison, Federalist No. 62, "The Senate," Independent Journal, February 27, 1788

"A good government implies two things: first, fidelity to the object of government, which is the happiness of the people; secondly, a knowledge of the means by which that object can be best attained. Some governments are deficient in both these qualities; most governments are deficient in the first. I scruple not to assert, that in American governments too little attention has been paid to the last. The federal Constitution avoids this error; and what merits particular notice, it provides for the last in a mode which increases the security for the first." – James Madison, Federalist No. 62, "The Senate," Independent Journal, February 27, 1788

"An individual who is observed to be inconstant to his plans, or perhaps to carry on his affairs without any plan at all, is marked at once by all prudent people as a speedy victim to his own unsteadiness and folly - His more friendly neighbors may pity him, but all will decline to connect their fortunes with his; and not a few will seize the opportunity of making their fortunes out of his - One nation is to another what one individual is to another; with this melancholy distinction, perhaps, that the former, with fewer of the benevolent emotions than the latter, are under fewer restraints also from taking undue advantage of the indiscretions of each other. Every nation, consequently, whose affairs betray a want of wisdom and stability, may calculate on every loss which can be sustained from the more systematic policy of its wiser neighbors" – James Madison, Federalist No. 62, "The Senate," Independent Journal, February 27, 1788

"It will be of little avail to the people, that the laws are made by men of their own choice, if the laws be so voluminous that they cannot be read, or so incoherent that they cannot be understood; if they be repealed or revised before they are promulgated, or undergo such incessant changes that no man, who knows what the law is to-day, can guess what it will be to-morrow. Law is defined to be a rule of action; but how can that be a rule, which is little known, and less fixed?" – James Madison, Federalist No. 62, "The Senate," Independent Journal, February 27, 1788

The Essential Federalist Papers

"Every new regulation concerning commerce or revenue; or in any manner affecting the value of the different species of property, presents a new harvest to those who watch the change and can trace its consequences; a harvest reared not by themselves but by the toils and cares of the great body of their fellow citizens. This is a state of things in which it may be said with some truth that laws are made for the few not for the many." – James Madison, Federalist No. 62, "The Senate," Independent Journal, February 27, 1788

"In another point of view, great injury results from an unstable government. The want of confidence in the public councils damps every useful undertaking, the success and profit of which may depend on a continuance of existing arrangements. What prudent merchant will hazard his fortunes in any new branch of commerce when he knows not but that his plans may be rendered unlawful before they can be executed? What farmer or manufacturer will lay himself out for the encouragement given to any particular cultivation or establishment, when he can have no assurance that his preparatory labors and advances will not render him a victim to an inconstant government? In a word, no great improvement or laudable enterprise can go forward which requires the auspices of a steady system of national policy. ... But the most deplorable effect of all is that diminution of attachment and reverence which steals into the hearts of the people, towards a political system which betrays so many marks of infirmity, and disappoints so many of their flattering hopes. No government, any more than an individual, will long be respected without being truly respectable; nor be truly respectable, without possessing a certain portion of order and stability" – James Madison, Federalist No. 62, "The Senate," Independent Journal, February 27, 1788

"No government, any more than an individual, will long be respected without being truly respectable; nor be truly respectable, without possessing a certain portion of order and stability." – James Madison, Federalist No. 62, "The Senate," Independent Journal, February 27, 1788

The Essential Federalist Papers

FEDERALIST NO. 63

"Without a select and stable member of the government, the esteem of foreign powers will not only be forfeited by an unenlightened and variable policy, proceeding from the causes already mentioned, but the national councils will not possess that sensibility to the opinion of the world, which is perhaps not less necessary in order to merit, than it is to obtain, its respect and confidence." – James Madison, Federalist No. 63, "The Senate (continued)," Independent Journal, March 1, 1788

"What has not America lost by her want of character with foreign nations; and how many errors and follies would she not have avoided, if the justice and propriety of her measures had, in every instance, been previously tried by the light in which they would probably appear to the unbiased part of mankind?" – James Madison, Federalist No. 63, "The Senate (continued)," Independent Journal, March 1, 1788

"The objects of government may be divided into two general classes: the one depending on measures which have singly an immediate and sensible operation; the other depending on a succession of well-chosen and well-connected measures, which have a gradual and perhaps unobserved operation. The importance of the latter description to the collective and permanent welfare of every country, needs no explanation." – James Madison, Federalist No. 63, "The Senate (continued)," Independent Journal, March 1, 1788

"As the cool and deliberate sense of the community ought in all governments, and actually will in all free governments ultimately prevail over the views of its rulers; so there are particular moments in public affairs, when the people stimulated by some irregular passion, or some illicit advantage, or misled by the artful misrepresentations of interested men, may call for measures which they themselves will afterwards be the most ready to lament and condemn. In these critical moments, how salutary will be the interference of some temperate and respectable body of citizens, in order to check the misguided career, and to suspend the blow mediated by the people against themselves, until reason, justice and truth, can regain their authority over the public mind?" – James Madison, Federalist No. 63, "The Senate (continued)," Independent Journal, March 1, 1788

"It may be suggested, that a people spread over an extensive region cannot, like the crowded inhabitants of a small district, be subject to the infection of violent passions, or to the danger of combining in pursuit of unjust measures." – James Madison, Federalist No. 63, "The Senate (continued)," Independent Journal, March 1, 1788

"The people can never willfully betray their own interests: But they may possibly be betrayed by the representatives of the people; and the danger will be evidently greater where the whole legislative trust is lodged in the hands of one body of men, than where the concurrence of separate and dissimilar bodies is required in every public act." – James Madison, Federalist No. 63, "The Senate (continued)," Independent Journal, March 1, 1788

"[L]iberty may be endangered by the abuses of liberty as well as by the abuses of power; that there are numerous instances of the former as well as of the latter; and that the former, rather than the latter, are apparently most to be apprehended by the United States." – James Madison, Federalist No. 63, "The Senate (continued)," Independent Journal, March 1, 1788

"Before such a revolution can be effected, the Senate, it is to be observed, must in the first place corrupt itself; must next corrupt the State legislatures; must then corrupt the House of Representatives; and must finally corrupt the people at large. It is evident that the Senate must be first corrupted before it can attempt an establishment of tyranny." – James Madison, Federalist No. 63, "The Senate (continued)," Independent Journal, March 1, 1788

"Is there any man who can seriously persuade himself that the proposed Senate can, by any possible means within the compass of human address, arrive at the object of a lawless ambition, through all these obstructions?" – James Madison, Federalist No. 63, "The Senate (continued)," Independent Journal, March 1, 1788

"Besides the conclusive evidence resulting from this assemblage of facts, that the federal Senate will never be able to transform itself, by gradual usurpations, into an independent and aristocratic body, we are warranted in believing, that if such a revolution should ever happen from causes which the foresight of man cannot guard against, the House of Representatives, with the people on their side, will at all times be able to bring back the Constitution to its primitive form and principles." – James Madison, Federalist No. 63, "The Senate (continued)," Independent Journal, March 1, 1788

The Essential Federalist Papers

FEDERALIST NO. 64

"[E]nemies to particular persons, and opponents to particular measures, seldom confine their censures to such things only in either as are worthy of blame." – John Jay, Federalist No. 64, "The Powers of the Senate," Independent Journal, March 5, 1788

"By excluding men under thirty-five from the first office, and those under thirty from the second, it confines the electors to men of whom the people have had time to form a judgment, and with respect to whom they will not be liable to be deceived by those brilliant appearances of genius and patriotism, which, like transient meteors, sometimes mislead as well as dazzle." – John Jay, Federalist No. 64, "The Powers of the Senate," Independent Journal, March 5, 1788

"As the select assemblies for choosing the President, as well as the State legislatures who appoint the senators, will in general be composed of the most enlightened and respectable citizens, there is reason to presume that their attention and their votes will be directed to those men only who have become the most distinguished by their abilities and virtue, and in whom the people perceive just grounds for confidence." – John Jay, Federalist No. 64, "The Powers of the Senate," Independent Journal, March 5, 1788

"It was wise, therefore, in the convention to provide, not only that the power of making treaties should be committed to able and honest men, but also that they should continue in place a sufficient time to become perfectly acquainted with our national concerns, and to form and introduce a system for the management of them." – John Jay, Federalist No. 64, "The Powers of the Senate," Independent Journal, March 5, 1788

"The convention have done well, therefore, in so disposing of the power of making treaties, that although the President must, in forming them, act by the advice and consent of the Senate, yet he will be able to manage the business of intelligence in such a manner as prudence may suggest." – John Jay, Federalist No. 64, "The Powers of the Senate," Independent Journal, March 5, 1788

"The loss of a battle, the death of a prince, the removal of a minister, or other circumstances intervening to change the present posture and aspect of affairs, may turn the most favorable tide into a course opposite to our wishes. As in the field, so in the cabinet, there are moments to be seized as they pass, and they who preside in either should be left in capacity to improve them." – John Jay, Federalist No. 64, "The Powers of the Senate," Independent Journal, March 5, 1788

"All constitutional acts of power, whether in the executive or in the judicial department, have as much legal validity and obligation as if they proceeded from the legislature; and therefore, whatever name be given to the power of making treaties, or however obligatory they may be when made, certain it is, that the people may, with much propriety, commit the power to a distinct body from the legislature, the executive, or the judicial." – John Jay, Federalist No. 64, "The Powers of the Senate," Independent Journal, March 5, 1788

"[A] treaty is only another name for a bargain; and that it would be impossible to find a nation who would make any bargain with us, which should be binding on them absolutely, but on us only so long and so far as we may think proper to be bound by it." – John Jay, Federalist No. 64, "The Powers of the Senate," Independent Journal, March 5, 1788

"They who make laws may, without doubt, amend or repeal them; and it will not be disputed that they who make treaties may alter or cancel them; but still let us not forget that treaties are made, not by only one of the contracting parties, but by both; and consequently, that as the consent of both was essential to their formation at first, so must it ever afterwards be to alter or cancel them. The proposed Constitution, therefore, has not in the least extended the obligation of treaties." – John Jay, Federalist No. 64, "The Powers of the Senate," Independent Journal, March 5, 1788

"As all the States are equally represented in the Senate, and by men the most able and the most willing to promote the interests of their constituents, they will all have an equal degree of influence in that body, especially while they continue to be careful in appointing proper persons, and to insist on their punctual attendance. In proportion as the United States assume a national form and a national character, so will the good of the whole be more and more an object of attention, and the government must be a weak one indeed, if it should forget that the good of the whole can only be promoted by advancing the good of each of the parts or members which compose the whole. It will not be in the power of the President and Senate to make any treaties by which they and their families and estates will not be equally bound and affected with the rest of the community; and, having no private interests distinct from that of the nation, they will be under no temptations to neglect the latter." – John Jay, Federalist No. 64, "The Powers of the Senate," Independent Journal, March 5, 1788

"As to corruption, the case is not supposable. He must either have been very unfortunate in his intercourse with the world, or possess a heart very susceptible of such impressions, who can think it probable that the President and two thirds of the Senate will ever be capable of such unworthy conduct. The idea is too gross and too invidious to be entertained. But in such a case, if it should ever happen, the treaty so obtained from us would, like all other fraudulent contracts, be null and void by the law of nations." – John Jay, Federalist No. 64, "The Powers of the Senate," Independent Journal, March 5, 1788

The Essential Federalist Papers

"With respect to their [The Senate's] responsibility, it is difficult to conceive how it could be increased. Every consideration that can influence the human mind, such as honor, oaths, reputation, conscience, the love of country, and family affections and attachments, afford security for their fidelity." – John Jay, Federalist No. 64, "The Powers of the Senate," Independent Journal, March 5, 1788

The Essential Federalist Papers

FEDERALIST NO. 65

"A well-constituted court for the trial of impeachments is an object not more to be desired than difficult to be obtained in a government wholly elective. The subjects of its jurisdiction are those offenses which proceed from the misconduct of public men, or, in other words, from the abuse or violation of some public trust." – Alexander Hamilton, Federalist No. 65, "The Powers of the Senate (continued)," New York Packet, March 7, 1788

"The delicacy and magnitude of a trust which so deeply concerns the political reputation and existence of every man engaged in the administration of public affairs, speak for themselves." – Alexander Hamilton, Federalist No. 65, "The Powers of the Senate (continued)," New York Packet, March 7, 1788

"The awful discretion which a court of impeachments must necessarily have, to doom to honor or to infamy the most confidential and the most distinguished characters of the community, forbids the commitment of the trust to a small number of persons." – Alexander Hamilton, Federalist No. 65, "The Powers of the Senate (continued)," New York Packet, March 7, 1788

"The punishment which may be the consequence of conviction upon impeachment, is not to terminate the chastisement of the offender. After having been sentenced to a perpetual ostracism from the esteem and confidence, and honors and emoluments of his country, he will still be liable to prosecution and punishment in the ordinary course of law." – Alexander Hamilton, Federalist No. 65, "The Powers of the Senate (continued)," New York Packet, March 7, 1788

"If mankind were to resolve to agree in no institution of government, until every part of it had been adjusted to the most exact standard of perfection, society would soon become a general scene of anarchy, and the world a desert." – Alexander Hamilton, Federalist No. 65, "The Powers of the Senate (continued)," New York Packet, March 7, 1788

The Essential Federalist Papers

FEDERALIST NO. 66

"An absolute or qualified negative in the executive upon the acts of the legislative body is admitted, by the ablest adepts in political science, to be an indispensable barrier against the encroachments of the latter upon the former." – Alexander Hamilton, Federalist No. 66, "Objections to the Power of the Senate To Set as a Court for Impeachments Further Considered," Independent Journal, March 8, 1788

"It will be the office of the President to nominate, and, with the advice and consent of the Senate, to appoint. There will, of course, be no exertion of choice on the part of the Senate. They may defeat one choice of the Executive, and oblige him to make another; but they cannot themselves choose — they can only ratify or reject the choice of the President." – Alexander Hamilton, Federalist No. 66, "Objections to the Power of the Senate To Set as a Court for Impeachments Further Considered," Independent Journal, March 8, 1788

"The security essentially intended by the Constitution against corruption and treachery in the formation of treaties, is to be sought for in the numbers and characters of those who are to make them. The JOINT AGENCY of the Chief Magistrate of the Union, and of two thirds of the members of a body selected by the collective wisdom of the legislatures of the several States, is designed to be the pledge for the fidelity of the national councils in this particular." – Alexander Hamilton, Federalist No. 66, "Objections to the Power of the Senate To Set as a Court for Impeachments Further Considered," Independent Journal, March 8, 1788

"[W]hat reason is there, that a majority of the House of Representatives, sacrificing the interests of the society by an unjust and tyrannical act of legislation, should escape with impunity, more than two thirds of the Senate, sacrificing the same interests in an injurious treaty with a foreign power? The truth is, that in all such cases it is essential to the freedom and to the necessary independence of the deliberations of the body, that the members of it should be exempt from punishment for acts done in a collective capacity; and the security to the society must depend on the care which is taken to confide the trust to proper hands, to make it their interest to execute it with fidelity, and to make it as difficult as possible for them to combine in any interest opposite to that of the public good." – Alexander Hamilton, Federalist No. 66, "Objections to the Power of the Senate To Set as a Court for Impeachments Further Considered," Independent Journal, March 8, 1788

"So far as might concern the misbehavior of the Executive in perverting the instructions or contravening the views of the Senate, we need not be apprehensive of the want of a disposition in that body to punish the abuse of their confidence or to vindicate their own authority. We may thus far count upon their pride, if not upon their virtue." – Alexander Hamilton, Federalist No. 66, "Objections to the Power of the Senate To Set as a Court for Impeachments Further Considered," Independent Journal, March 8, 1788

The Essential Federalist Papers

FEDERALIST NO. 67

"There is hardly any part of the system which could have been attended with greater difficulty in the arrangement of it than this; and there is, perhaps, none which has been inveighed against with less candor or criticised with less judgment." – Alexander Hamilton, Federalist No. 67, "The Executive Department," New York Packet, March 11, 1788

"[T]here is no man who would not find it an arduous effort either to behold with moderation, or to treat with seriousness, the devices, not less weak than wicked, which have been contrived to pervert the public opinion in relation to the subject. They so far exceed the usual though unjustifiable licenses of party artifice, that even in a disposition the most candid and tolerant, they must force the sentiments which favor an indulgent construction of the conduct of political adversaries to give place to a voluntary and unreserved indignation." – Alexander Hamilton, Federalist No. 67, "The Executive Department," New York Packet, March 11, 1788

"The second clause of the second section of the second article empowers the President of the United States 'to nominate, and by and with the advice and consent of the Senate, to appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of United States whose appointments are not in the Constitution otherwise provided for, and which shall be established by law.'" – Alexander Hamilton, Federalist No. 67, "The Executive Department," New York Packet, March 11, 1788

"The ordinary power of appointment is confined to the President and Senate jointly, and can therefore only be exercised during the session of the Senate; but as it would have been improper to oblige this body to be continually in session for the appointment of officers and as vacancies might happen in their recess, which it might be necessary for the public service to fill without delay, the succeeding clause is evidently intended to authorize the President, singly, to make temporary appointments 'during the recess of the Senate, by granting commissions which shall expire at the end of their next session.'" – Alexander Hamilton, Federalist No. 67, "The Executive Department," New York Packet, March 11, 1788

The Essential Federalist Papers

FEDERALIST NO. 68

"The mode of appointment of the Chief Magistrate of the United States is almost the only part of the system, of any consequence, which has escaped without severe censure, or which has received the slightest mark of approbation from its opponents. The most plausible of these, who has appeared in print, has even deigned to admit that the election of the President is pretty well guarded. I venture somewhat further, and hesitate not to affirm, that if the manner of it be not perfect, it is at least excellent. It unites in an eminent degree all the advantages, the union of which was to be wished for." – Alexander Hamilton, Federalist No. 68, "The Mode of Electing the President," Independent Journal, March 12, 1788

"It was equally desirable that the immediate election should be made by men most capable of analyzing the qualities adapted to the station and acting under circumstances favorable to deliberation, and to a judicious combination of all the reasons and inducements which were proper to govern their choice. A small number of persons, selected by their fellow-citizens from the general mass, will be most likely to possess the information and discernment requisite to so complicated investigations." – Alexander Hamilton, Federalist No. 68, "The Mode of Electing the President," Independent Journal, March 12, 1788

"The choice of several, to form an intermediate body of electors, will be much less apt to convulse the community with any extraordinary or violent movements, than the choice of one who was himself to be the final object of the public wishes. And as the electors, chosen in each State, are to assemble and vote in the State in which they are chosen, this detached and divided situation will expose them much less to heats and ferments, which might be communicated from them to the people, than if they were all to be convened at one time, in one place." – Alexander Hamilton, Federalist No. 68, "The Mode of Electing the President," Independent Journal, March 12, 1788

"Nothing was more to be desired than that every practicable obstacle should be opposed to cabal, intrigue, and corruption. These most deadly adversaries of republican government might naturally have been expected to make their approaches from more than one quarter, but chiefly from the desire in foreign powers to gain an improper ascendant in our councils. How could they better gratify this, than by raising a creature of their own to the chief magistracy of the Union?" – Alexander Hamilton, Federalist No. 68, "The Mode of Electing the President," Independent Journal, March 12, 1788

"No senator, representative, or other person holding a place of trust or profit under the United States, can be of the numbers of the electors. Thus without corrupting the body of the people, the immediate agents in the election will at least enter upon the task free from any sinister bias." – Alexander Hamilton, Federalist No. 68, "The Mode of Electing the President," Independent Journal, March 12, 1788

"[T]he Executive should be independent for his continuance in office on all but the people themselves. He might otherwise be tempted to sacrifice his duty to his complaisance for those whose favor was necessary to the duration of his official consequence." – Alexander Hamilton, Federalist No. 68, "The Mode of Electing the President," Independent Journal, March 12, 1788

"The process of election affords a moral certainty, that the office of President will never fall to the lot of any man who is not in an eminent degree endowed with the requisite qualifications. Talents for low intrigue, and the little arts of popularity, may alone suffice to elevate a man to the first honors in a single State; but it will require other talents, and a different kind of merit, to establish him in the esteem and confidence of the whole Union, or of so considerable a portion of it as would be necessary to make him a successful candidate for the distinguished office of President of the United States." – Alexander Hamilton, Federalist No. 68, "The Mode of Electing the President," Independent Journal, March 12, 1788

"[T]he true test of a good government is its aptitude and tendency to produce a good administration." – Alexander Hamilton, Federalist No. 68, "The Mode of Electing the President," Independent Journal, March 12, 1788

"[T]he Vice-President may occasionally become a substitute for the President, in the supreme executive magistracy, all the reasons which recommend the mode of election prescribed for the one, apply with great if not with equal force to the manner of appointing the other." – Alexander Hamilton, Federalist No. 68, "The Mode of Electing the President," Independent Journal, March 12, 1788

The Essential Federalist Papers

FEDERALIST NO. 69

"The first thing which strikes our attention is, that the executive authority, with few exceptions, is to be vested in a single magistrate. This will scarcely, however, be considered as a point upon which any comparison can be grounded." – Alexander Hamilton, Federalist No. 69, "The Real Character of the Executive," New York Packet, March 14, 1788

"The President of the United States would be liable to be impeached, tried, and upon conviction of treason, bribery, or other high crimes and misdemeanors, removed from office; and would afterwards be liable to prosecution and punishment in the ordinary course of law. The person of the King of Great Britain is sacred and inviolable: There is no constitutional tribunal to which he is amenable, no punishment to which he can be subjected without involving the crisis of a national revolution." – Alexander Hamilton, Federalist No. 69, "The Real Character of the Executive," New York Packet, March 14, 1788

"The President is to be the 'commander-in-chief of the army and navy of the United States, and of the militia of the several States, when called into the actual service of the United States. He is to have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment; to recommend to the consideration of Congress such measures as he shall judge necessary and expedient; to convene, on extraordinary occasions, both houses of the legislature, or either of them, and, in case of disagreement between them with respect to the time of adjournment, to adjourn them to such time as he shall think proper; to take care that the laws be faithfully executed; and to commission all officers of the United States.'" – Alexander Hamilton, Federalist No. 69, "The Real Character of the Executive," New York Packet, March 14, 1788

The Essential Federalist Papers

FEDERALIST NO. 70

"Energy in the executive is a leading character in the definition of good government. It is essential to the protection of the community against foreign attacks; it is not less essential to the steady administration of the laws; to the protection of property against those irregular and high-handed combinations which sometimes interrupt the ordinary course of justice; to the security of liberty against the enterprises and assaults of ambition, of faction, and of anarchy." – Alexander Hamilton, Federalist No. 70, "The Executive Department Further Considered," Independent Journal, March 15, 1788

"A feeble executive implies a feeble execution of the government. A feeble execution is but another phrase for a bad execution; and a government ill executed, whatever may be its theory, must be, in practice, a bad government." – Alexander Hamilton, Federalist No. 70, "The Executive Department Further Considered," Independent Journal, March 15, 1788

"The ingredients which constitute energy in the Executive are, first, unity; secondly, duration; thirdly, an adequate provision for its support; fourthly, competent powers. ... The ingredients which constitute safety in the republican sense are, first, a due dependence on the people, secondly, a due responsibility." – Alexander Hamilton, Federalist No. 70, "The Executive Department Further Considered," Independent Journal, March 15, 1788

"Those politicians and statesmen who have been the most celebrated for the soundness of their principles and for the justice of their views, have declared in favor of a single Executive and a numerous legislature. They have with great propriety, considered energy as the most necessary qualification of the former, and have regarded this as most applicable to power in a single hand, while they have, with equal propriety, considered the latter as best adapted to deliberation and wisdom, and best calculated to conciliate the confidence of the people and to secure their privileges and interests." – Alexander Hamilton, Federalist No. 70, "The Executive Department Further Considered," Independent Journal, March 15, 1788

"Wherever two or more persons are engaged in any common enterprise or pursuit, there is always danger of difference of opinion. If it be a public trust or office, in which they are clothed with equal dignity and authority, there is peculiar danger of personal emulation and even animosity. From either, and especially from all these causes, the most bitter dissensions are apt to spring. Whenever these happen, they lessen the respectability, weaken the authority, and distract the plans and operation of those whom they divide." – Alexander Hamilton, Federalist No. 70, "The Executive Department Further Considered," Independent Journal, March 15, 1788

"Men often oppose a thing, merely because they have had no agency in planning it, or because it may have been planned by those whom they dislike. But if they have been consulted, and have happened to disapprove, opposition then becomes, in their estimation, an indispensable duty of self-love. They seem to think themselves bound in honor, and by all the motives of personal infallibility, to defeat the success of what has been resolved upon contrary to their sentiments. Men of upright, benevolent tempers have too many opportunities of remarking, with horror, to what desperate lengths this disposition is sometimes carried, and how often the great interests of society are sacrificed to the vanity, to the conceit, and to the obstinacy of individuals, who have credit enough to make their passions and their caprices interesting to mankind." – Alexander Hamilton, Federalist No. 70, "The Executive Department Further Considered," Independent Journal, March 15, 1788

"When a resolution too is once taken, the opposition must be at an end. That resolution is a law, and resistance to it punishable. But no favorable circumstances palliate or atone for the disadvantages of dissension in the executive department. Here, they are pure and unmixed. There is no point at which they cease to operate. They serve to embarrass and weaken the execution of the plan or measure to which they relate, from the first step to the final conclusion of it." – Alexander Hamilton, Federalist No. 70, "The Executive Department Further Considered," Independent Journal, March 15, 1788

"The united credit and influence of several individuals must be more formidable to liberty, than the credit and influence of either of them separately. When power, therefore, is placed in the hands of so small a number of men, as to admit of their interests and views being easily combined in a common enterprise, by an artful leader, it becomes more liable to abuse, and more dangerous when abused, than if it be lodged in the hands of one man; who, from the very circumstance of his being alone, will be more narrowly watched and more readily suspected, and who cannot unite so great a mass of influence as when he is associated with others." – Alexander Hamilton, Federalist No. 70, "The Executive Department Further Considered," Independent Journal, March 15, 1788

"A council to a magistrate, who is himself responsible for what he does, are generally nothing better than a clog upon his good intentions, are often the instruments and accomplices of his bad and are almost always a cloak to his faults." – Alexander Hamilton, Federalist No. 70, "The Executive Department Further Considered," Independent Journal, March 15, 1788

The Essential Federalist Papers

FEDERALIST NO. 71

"It is a general principle of human nature, that a man will be interested in whatever he possesses, in proportion to the firmness or precariousness of the tenure by which he holds it; will be less attached to what he holds by a momentary or uncertain title, than to what he enjoys by a durable or certain title; and, of course, will be willing to risk more for the sake of the one, than for the sake of the other. This remark is not less applicable to a political privilege, or honor, or trust, than to any article of ordinary property." – Alexander Hamilton, Federalist No. 71, "The Duration in Office of the Executive," New York Packet, March 18, 1788

"[A] man acting in the capacity of chief magistrate, under a consciousness that in a very short time he must lay down his office, will be apt to feel himself too little interested in it to hazard any material censure or perplexity, from the independent exertion of his powers, or from encountering the ill-humors, however transient, which may happen to prevail, either in a considerable part of the society itself, or even in a predominant faction in the legislative body." – Alexander Hamilton, Federalist No. 71, "The Duration in Office of the Executive," New York Packet, March 18, 1788

"The republican principle demands that the deliberate sense of the community should govern the conduct of those to whom they intrust the management of their affairs; but it does not require an unqualified complaisance to every sudden breeze of passion, or to every transient impulse which the people may receive from the arts of men, who flatter their prejudices to betray their interests." – Alexander Hamilton, Federalist No. 71, "The Duration in Office of the Executive," New York Packet, March 18, 1788

"It is a just observation, that the people commonly intend the PUBLIC GOOD. This often applies to their very errors. But their good sense would despise the adulator who should pretend that they always reason right about the means of promoting it. They know from experience that they sometimes err; and the wonder is that they so seldom err as they do, beset, as they continually are, by the wiles of parasites and sycophants, by the snares of the ambitious, the avaricious, the desperate, by the artifices of men who possess their confidence more than they deserve it, and of those who seek to possess rather than to deserve it." – Alexander Hamilton, Federalist No. 71, "The Duration in Office of the Executive," New York Packet, March 18, 1788

"When occasions present themselves, in which the interests of the people are at variance with their inclinations, it is the duty of the persons whom they have appointed to be the guardians of those interests, to withstand the temporary delusion, in order to give them time and opportunity for more cool and sedate reflection." – Alexander Hamilton, Federalist No. 71, "The Duration in Office of the Executive," New York Packet, March 18, 1788

"[H]owever inclined we might be to insist upon an unbounded complaisance in the Executive to the inclinations of the people, we can with no propriety contend for a like complaisance to the humors of the legislature. The latter may sometimes stand in opposition to the former, and at other times the people may be entirely neutral. In either supposition, it is certainly desirable that the Executive should be in a situation to dare to act his own opinion with vigor and decision." – Alexander Hamilton, Federalist No. 71, "The Duration in Office of the Executive," New York Packet, March 18, 1788

"It is one thing to be subordinate to the laws, and another to be dependent on the legislative body. The first comports with, the last violates, the fundamental principles of good government." – Alexander Hamilton, Federalist No. 71, "The Duration in Office of the Executive," New York Packet, March 18, 1788

"The representatives of the people, in a popular assembly, seem sometimes to fancy that they are the people themselves, and betray strong symptoms of impatience and disgust at the least sign of opposition from any other quarter; as if the exercise of its rights, by either the executive or judiciary, were a breach of their privilege and an outrage to their dignity. They often appear disposed to exert an imperious control over the other departments; and as they commonly have the people on their side, they always act with such momentum as to make it very difficult for the other members of the government to maintain the balance of the Constitution." – Alexander Hamilton, Federalist No. 71, "The Duration in Office of the Executive," New York Packet, March 18, 1788

The Essential Federalist Papers

FEDERALIST NO. 72

"The actual conduct of foreign negotiations, the preparatory plans of finance, the application and disbursement of the public moneys in conformity to the general appropriations of the legislature, the arrangement of the army and navy, the directions of the operations of war — these, and other matters of a like nature, constitute what seems to be most properly understood by the administration of government. The persons, therefore, to whose immediate management these different matters are committed, ought to be considered as the assistants or deputies of the chief magistrate, and on this account, they ought to derive their offices from his appointment, at least from his nomination, and ought to be subject to his superintendence." – Alexander Hamilton, Federalist No. 72, "The Same Subject Continued, and Re-Eligibility of the Executive Considered," Independent Journal, March 19, 1788

"To reverse and undo what has been done by a predecessor, is very often considered by a successor as the best proof he can give of his own capacity and desert; and in addition to this propensity, where the alteration has been the result of public choice, the person substituted is warranted in supposing that the dismissal of his predecessor has proceeded from a dislike to his measures; and that the less he resembles him, the more he will recommend himself to the favor of his constituents." – Alexander Hamilton, Federalist No. 72, "The Same Subject Continued, and Re-Eligibility of the Executive Considered," Independent Journal, March 19, 1788

"There are few men who would not feel much less zeal in the discharge of a duty when they were conscious that the advantages of the station with which it was connected must be relinquished at a determinate period, than when they were permitted to entertain a hope of obtaining, by meriting, a continuance of them." – Alexander Hamilton, Federalist No. 72, "The Same Subject Continued, and Re-Eligibility of the Executive Considered," Independent Journal, March 19, 1788

"Even the love of fame, the ruling passion of the noblest minds, which would prompt a man to plan and undertake extensive and arduous enterprises for the public benefit, requiring considerable time to mature and perfect them, if he could flatter himself with the prospect of being allowed to finish what he had begun, would, on the contrary, deter him from the undertaking, when he foresaw that he must quit the scene before he could accomplish the work, and must commit that, together with his own reputation, to hands which might be unequal or unfriendly to the task. The most to be expected from the generality of men, in such a situation, is the negative merit of not doing harm, instead of the positive merit of doing good." – Alexander Hamilton, Federalist No. 72, "The Same Subject Continued, and Re-Eligibility of the Executive Considered," Independent Journal, March 19, 1788

"An avaricious man, who might happen to fill the office, looking forward to a time when he must at all events yield up the emoluments he enjoyed, would feel a propensity, not easy to be resisted by such a man, to make the best use of the opportunity he enjoyed while it lasted, and might not scruple to have recourse to the most corrupt expedients to make the harvest as abundant as it was transitory; though the same man, probably, with a different prospect before him, might content himself with the regular perquisites of his situation, and might even be unwilling to risk the consequences of an abuse of his opportunities." – Alexander Hamilton, Federalist No. 72, "The Same Subject Continued, and Re-Eligibility of the Executive Considered," Independent Journal, March 19, 1788

"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 governors of nations? Where more desirable or more essential than in the first magistrate of a nation? Can it be wise to put this desirable and essential quality under the ban of the Constitution, and to declare that the moment it is acquired, its possessor shall be compelled to abandon the station in which it was acquired, and to which it is adapted?" – Alexander Hamilton, Federalist No. 72, "The Same Subject Continued, and Re-Eligibility of the Executive Considered," Independent Journal, March 19, 1788

"There is no nation which has not, at one period or another, experienced an absolute necessity of the services of particular men in particular situations; perhaps it would not be too strong to say, to the preservation of its political existence. How unwise, therefore, must be every such self-denying ordinance as serves to prohibit a nation from making use of its own citizens in the manner best suited to its exigencies and circumstances!" – Alexander Hamilton, Federalist No. 72, "The Same Subject Continued, and Re-Eligibility of the Executive Considered," Independent Journal, March 19, 1788

"It is not generally to be expected, that men will vary and measures remain uniform. The contrary is the usual course of things. And we need not be apprehensive that there will be too much stability, while there is even the option of changing; nor need we desire to prohibit the people from continuing their confidence where they think it may be safely placed, and where, by constancy on their part, they may obviate the fatal inconveniences of fluctuating councils and a variable policy." – Alexander Hamilton, Federalist No. 72, "The Same Subject Continued, and Re-Eligibility of the Executive Considered," Independent Journal, March 19, 1788

"If the exclusion [of the Executive] were to be perpetual, a man of irregular ambition, of whom alone there could be reason in any case to entertain apprehension, would, with infinite reluctance, yield to the necessity of taking his leave forever of a post in which his passion for power and pre-eminence had acquired the force of habit. And if he had been fortunate or adroit enough to conciliate the good-will of the people, he might induce them to consider as a very odious and unjustifiable restraint upon themselves, a provision which was calculated to debar them of the right of giving a fresh proof of their attachment to a favorite. There may be conceived circumstances in which this disgust of the people, seconding the thwarted ambition of such a favorite, might occasion greater danger

The Essential Federalist Papers

to liberty, than could ever reasonably be dreaded from the possibility of a perpetuation in office, by the voluntary suffrages of the community, exercising a constitutional privilege." – Alexander Hamilton, Federalist No. 72, "The Same Subject Continued, and Re-Eligibility of the Executive Considered," Independent Journal, March 19, 1788

"There is an excess of refinement in the idea of disabling the people to continue in office men who had entitled themselves, in their opinion, to approbation and confidence; the advantages of which are at best speculative and equivocal, and are overbalanced by disadvantages far more certain and decisive." – Alexander Hamilton, Federalist No. 72, "The Same Subject Continued, and Re-Eligibility of the Executive Considered," Independent Journal, March 19, 1788

The Essential Federalist Papers

FEDERALIST NO. 73

"There are men who could neither be distressed nor won into a sacrifice of their duty; but this stern virtue is the growth of few soils; and in the main it will be found that a power over a man's support is a power over his will. If it were necessary to confirm so plain a truth by facts, examples would not be wanting, even in this country, of the intimidation or seduction of the Executive by the terrors or allurements of the pecuniary arrangements of the legislative body." – Alexander Hamilton, Federalist No. 73, "The Provision For The Support of the Executive, and the Veto Power," New York Packet, March 21, 1788

"The propensity of the legislative department to intrude upon the rights, and to absorb the powers, of the other departments, has been already suggested and repeated; the insufficiency of a mere parchment delineation of the boundaries of each, has also been remarked upon; and the necessity of furnishing each with constitutional arms for its own defense, has been inferred and proved. From these clear and indubitable principles results the propriety of a negative, either absolute or qualified, in the Executive, upon the acts of the legislative branches. Without the one or the other, the former would be absolutely unable to defend himself against the depredations of the latter. He might gradually be stripped of his authorities by successive resolutions, or annihilated by a single vote. And in the one mode or the other, the legislative and executive powers might speedily come to be blended in the same hands." – Alexander Hamilton, Federalist No. 73, "The Provision For The Support of the Executive, and the Veto Power," New York Packet, March 21, 1788

"It [veto] not only serves as a shield to the Executive, but it furnishes an additional security against the enactment of improper laws. It establishes a salutary check upon the legislative body, calculated to guard the community against the effects of faction, precipitancy, or of any impulse unfriendly to the public good, which may happen to influence a majority of that body." – Alexander Hamilton, Federalist No. 73, "The Provision For The Support of the Executive, and the Veto Power," New York Packet, March 21, 1788

"The propriety of the thing does not turn upon the supposition of superior wisdom or virtue in the Executive, but upon the supposition that the legislature will not be infallible; that the love of power may sometimes betray it into a disposition to encroach upon the rights of other members of the government; that a spirit of faction may sometimes pervert its deliberations; that impressions of the moment may sometimes hurry it into measures which itself, on maturer reflexion, would condemn." – Alexander Hamilton, Federalist No. 73, "The Provision For The Support of the Executive, and the Veto Power," New York Packet, March 21, 1788

"The oftener the measure is brought under examination, the greater the diversity in the situations of those who are to examine it, the less must be the danger of those errors which flow from want of due deliberation, or of those missteps which proceed from the contagion of some common passion or interest. It is far less probable, that culpable views of any kind should infect all the parts of the government at the same moment and in relation to the same object, than that they should by turns govern and mislead every one of them." – Alexander Hamilton, Federalist No. 73, "The Provision For The Support of the Executive, and the Veto Power," New York Packet, March 21, 1788

"It may perhaps be said that the power of preventing bad laws includes that of preventing good ones; and may be used to the one purpose as well as to the other." – Alexander Hamilton, Federalist No. 73, "The Provision For The Support of the Executive, and the Veto Power," New York Packet, March 21, 1788

"The superior weight and influence of the legislative body in a free government, and the hazard to the Executive in a trial of strength with that body, afford a satisfactory security that the negative would generally be employed with great caution; and there would oftener be room for a charge of timidity than of rashness in the exercise of it." – Alexander Hamilton, Federalist No. 73, "The Provision For The Support of the Executive, and the Veto Power," New York Packet, March 21, 1788

"It is evident that there would be greater danger of his [President] not using his power [veto] when necessary, than of his using it too often, or too much." – Alexander Hamilton, Federalist No. 73, "The Provision For The Support of the Executive, and the Veto Power," New York Packet, March 21, 1788

"A man who might be afraid to defeat a law by his single VETO, might not scruple to return it for reconsideration; subject to being finally rejected only in the event of more than one third of each house concurring in the sufficiency of his objections. He would be encouraged by the reflection, that if his opposition should prevail, it would embark in it a very respectable proportion of the legislative body, whose influence would be united with his in supporting the propriety of his conduct in the public opinion." – Alexander Hamilton, Federalist No. 73, "The Provision For The Support of the Executive, and the Veto Power," New York Packet, March 21, 1788

"It is impossible to keep the judges too distinct from every other avocation than that of expounding the laws. It is peculiarly dangerous to place them in a situation to be either corrupted or influenced by the Executive." – Alexander Hamilton, Federalist No. 73, "The Provision For The Support of the Executive, and the Veto Power," New York Packet, March 21, 1788

The Essential Federalist Papers

FEDERALIST NO. 74

"The President of the United States is to be "commander-in-chief of the army and navy of the United States, and of the militia of the several States when called into the actual service of the United States." The propriety of this provision is so evident in itself, and it is, at the same time, so consonant to the precedents of the State constitutions in general, that little need be said to explain or enforce it. Even those of them which have, in other respects, coupled the chief magistrate with a council, have for the most part concentrated the military authority in him alone. Of all the cares or concerns of government, the direction of war most peculiarly demands those qualities which distinguish the exercise of power by a single hand. The direction of war implies the direction of the common strength; and the power of directing and employing the common strength, forms a usual and essential part in the definition of the executive authority." – Alexander Hamilton, Federalist No 74, "The Command of the Military and Naval Forces, and the Pardoning Power of the Executive," New York Packet, March 24, 1788

"Humanity and good policy conspire to dictate, that the benign prerogative of pardoning should be as little as possible fettered or embarrassed. The criminal code of every country partakes so much of necessary severity, that without an easy access to exceptions in favor of unfortunate guilt, justice would wear a countenance too sanguinary and cruel. As the sense of responsibility is always strongest, in proportion as it is undivided, it may be inferred that a single man would be most ready to attend to the force of those motives which might plead for a mitigation of the rigor of the law, and least apt to yield to considerations which were calculated to shelter a fit object of its vengeance." – Alexander Hamilton, Federalist No 74, "The Command of the Military and Naval Forces, and the Pardoning Power of the Executive," New York Packet, March 24, 1788

The Essential Federalist Papers

FEDERALIST NO. 75

"The essence of the legislative authority is to enact laws, or, in other words, to prescribe rules for the regulation of the society; while the execution of the laws and the employment of the common strength, either for this purpose or for the common defense, seem to comprise all the functions of the executive magistrate." – Alexander Hamilton, Federalist No. 75, "The Treaty-Making Power of the Executive," Independent Journal, March 26, 1788

"The history of human conduct does not warrant that exalted opinion of human virtue which would make it wise in a nation to commit interests of so delicate and momentous a kind as those which concern its intercourse with the rest of the world to the sole disposal of a magistrate, created and circumstanced, as would be a President of the United States. The power of making treaties is, plainly, neither the one nor the other. It relates neither to the execution of the subsisting laws, nor to the enactment of new ones; and still less to an exertion of the common strength. Its objects are CONTRACTS with foreign nations, which have the force of law, but derive it from the obligations of good faith." – Alexander Hamilton, Federalist No. 75, "The Treaty-Making Power of the Executive," Independent Journal, March 26, 1788

"It must indeed be clear to a demonstration that the joint possession of the power in question, by the President and Senate, would afford a greater prospect of security, than the separate possession of it by either of them." – Alexander Hamilton, Federalist No. 75, "The Treaty-Making Power of the Executive," Independent Journal, March 26, 1788

"Accurate and comprehensive knowledge of foreign politics; a steady and systematic adherence to the same views; a nice and uniform sensibility to national character; decision, secrecy, and despatch, are incompatible with the genius of a body [House of Representatives] so variable and so numerous." – Alexander Hamilton, Federalist No. 75, "The Treaty-Making Power of the Executive," Independent Journal, March 26, 1788

"[A]ll provisions which require more than the majority of any body to its resolutions, have a direct tendency to embarrass the operations of the government, and an indirect one to subject the sense of the majority to that of the minority." – Alexander Hamilton, Federalist No. 75, "The Treaty-Making Power of the Executive," Independent Journal, March 26, 1788

The Essential Federalist Papers

FEDERALIST NO. 76

"THE President is 'to nominate, and, by and with the advice and consent of the Senate, to appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not otherwise provided for in the Constitution. But the Congress may by law vest the appointment of such inferior officers as they think proper, in the President alone, or in the courts of law, or in the heads of departments. The President shall have power to fill up all vacancies which may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.'" – Alexander Hamilton, Federalist No. 76, "The Appointing Power of the Executive," New York Packet, April 1, 1788

"The sole and undivided responsibility of one man will naturally beget a livelier sense of duty and a more exact regard to reputation. He will, on this account, feel himself under stronger obligations, and more interested to investigate with care the qualities requisite to the stations to be filled, and to prefer with impartiality the persons who may have the fairest pretensions to them. He will have fewer personal attachments to gratify, than a body of men who may each be supposed to have an equal number; and will be so much the less liable to be misled by the sentiments of friendship and of affection. A single well-directed man, by a single understanding, cannot be distracted and warped by that diversity of views, feelings, and interests, which frequently distract and warp the resolutions of a collective body." – Alexander Hamilton, Federalist No. 76, "The Appointing Power of the Executive," New York Packet, April 1, 1788

"He [the Chief Magistrate] would be both ashamed and afraid to bring forward, for the most distinguished or lucrative stations, candidates who had no other merit than that of coming from the same State to which he particularly belonged, or of being in some way or other personally allied to him, or of possessing the necessary insignificance and pliancy to render them the obsequious instruments of his pleasure." – Alexander Hamilton, Federalist No. 76, "The Appointing Power of the Executive," New York Packet, April 1, 1788

"The institution of delegated power implies, that there is a portion of virtue and honor among mankind, which may be a reasonable foundation of confidence; and experience justifies the theory. It has been found to exist in the most corrupt periods of the most corrupt governments." – Alexander Hamilton, Federalist No. 76, "The Appointing Power of the Executive," New York Packet, April 1, 1788

"A man disposed to view human nature as it is, without either flattering its virtues or exaggerating its vices, will see sufficient ground of confidence in the probity of the Senate, to rest satisfied, not only that it will be impracticable to the Executive to corrupt or seduce a majority of its members, but that the necessity of its co-operation, in the business of appointments, will be a considerable and salutary restraint upon the conduct of that magistrate." – Alexander Hamilton, Federalist No. 76, "The Appointing Power of the Executive," New York Packet, April 1, 1788

The Essential Federalist Papers

FEDERALIST NO. 77

"A change of the Chief Magistrate...would not occasion so violent or so general a revolution in the officers of the government as might be expected, if he were the sole disposer of offices. Where a man in any station had given satisfactory evidence of his fitness for it, a new President would be restrained from attempting a change in favor of a person more agreeable to him, by the apprehension that a discountenance of the Senate might frustrate the attempt, and bring some degree of discredit upon himself." – Alexander Hamilton, Federalist No. 77, "The Appointing Power Continued and Other Powers of the Executive Considered," Independent Journal, April 2, 1788

"The POWER which can originate the disposition of honors and emoluments, is more likely to attract than to be attracted by the POWER which can merely obstruct their course. If by influencing the President be meant restraining him, this is precisely what must have been intended." – Alexander Hamilton, Federalist No. 77, "The Appointing Power Continued and Other Powers of the Executive Considered," Independent Journal, April 2, 1788

"[A]s there would be a necessity for submitting each nomination to the judgment of an entire branch of the legislature, the circumstances attending an appointment, from the mode of conducting it, would naturally become matters of notoriety; and the public would be at no loss to determine what part had been performed by the different actors. The blame of a bad nomination would fall upon the President singly and absolutely. The censure of rejecting a good one would lie entirely at the door of the Senate." – Alexander Hamilton, Federalist No. 77, "The Appointing Power Continued and Other Powers of the Executive Considered," Independent Journal, April 2, 1788

"Every mere council of appointment, however constituted, will be a conclave, in which cabal and intrigue will have their full scope. Their number, without an unwarrantable increase of expense, cannot be large enough to preclude a facility of combination. And as each member will have his friends and connections to provide for, the desire of mutual gratification will beget a scandalous bartering of votes and bargaining for places." – Alexander Hamilton, Federalist No. 77, "The Appointing Power Continued and Other Powers of the Executive Considered," Independent Journal, April 2, 1788

"In the only instances in which the abuse of the executive authority was materially to be feared, the Chief Magistrate of the United States would, by that plan, be subjected to the control of a branch of the legislative body. What more could be desired by an enlightened and reasonable people?" – Alexander Hamilton, Federalist No. 77, "The Appointing Power Continued and Other Powers of the Executive Considered," Independent Journal, April 2, 1788

The Essential Federalist Papers

FEDERALIST NO. 78

"[A]ll judges who may be appointed by the United States are to hold their offices during good behavior; which is conformable to the most approved of the State constitutions and among the rest, to that of this State. Its propriety having been drawn into question by the adversaries of that plan, is no light symptom of the rage for objection, which disorders their imaginations and judgments. The standard of good behavior for the continuance in office of the judicial magistracy, is certainly one of the most valuable of the modern improvements in the practice of government." – Alexander Hamilton, Federalist No. 78, "The Judiciary Department," Independent Journal, June 14, 1788

"Whoever attentively considers the different departments of power must perceive, that, in a government in which they are separated from each other, the judiciary, from the nature of its functions, will always be the least dangerous to the political rights of the Constitution; because it will be least in a capacity to annoy or injure them." – Alexander Hamilton, Federalist No. 78, "The Judiciary Department," Independent Journal, June 14, 1788

"The Executive not only dispenses the honors, but holds the sword of the community. The legislature not only commands the purse, but prescribes the rules by which the duties and rights of every citizen are to be regulated. The judiciary, on the contrary, has no influence over either the sword or the purse; no direction either of the strength or of the wealth of the society; and can take no active resolution whatever." – Alexander Hamilton, Federalist No. 78, "The Judiciary Department," Independent Journal, June 14, 1788

"[T]here is no liberty, if the power of judging be not separated from the legislative and executive powers." – Alexander Hamilton, Federalist No. 78, "The Judiciary Department," Independent Journal, June 14, 1788

"[L]iberty can have nothing to fear from the judiciary alone, but would have every thing to fear from its union with either of the other departments; that as all the effects of such a union must ensue from a dependence of the former on the latter, notwithstanding a nominal and apparent separation; that as, from the natural feebleness of the judiciary, it is in continual jeopardy of being overpowered, awed, or influenced by its co-ordinate branches." – Alexander Hamilton, Federalist No. 78, "The Judiciary Department," Independent Journal, June 14, 1788

"The complete independence of the courts of justice is peculiarly essential in a limited Constitution. By a limited Constitution, I understand one which contains certain specified exceptions to the legislative authority; such, for instance, as that it shall pass no bills of attainder, no ex post facto laws, and the like. Limitations of this kind can be preserved in practice no other way than through the medium of courts of justice, whose duty it must be to declare all acts contrary to the manifest tenor of the Constitution void. Without this, all the reservations of particular rights or privileges would amount to nothing." – Alexander Hamilton, Federalist No. 78, "The Judiciary Department," Independent Journal, June 14, 1788

"There is no position which depends on clearer principles, than that every act of a delegated authority, contrary to the tenor of the commission under which it is exercised, is void. No legislative act, therefore, contrary to the Constitution, can be valid. To deny this, would be to affirm, that the deputy is greater than his principal; that the servant is above his master; that the representatives of the people are superior to the people themselves; that men acting by virtue of powers, may do not only what their powers do not authorize, but what they forbid." – Alexander Hamilton, Federalist No. 78, "The Judiciary Department," Independent Journal, June 14, 1788; See also *Warning v. The Mayor of Savannah*, 60 Georgia, P.93; *First Trust Co. v. Smith*, 277 SW 762, *Marbury v. Madison*, 2 L Ed 60; and *Am.Juris. 2d Constitutional Law*, section 177-178

"If it be said that the legislative body are themselves the constitutional judges of their own powers, and that the construction they put upon them is conclusive upon the other departments, it may be answered, that this cannot be the natural presumption, where it is not to be collected from any particular provisions in the Constitution. It is not otherwise to be supposed, that the Constitution could intend to enable the representatives of the people to substitute their will to that of their constituents. It is far more rational to suppose, that the courts were designed to be an intermediate body between the people and the legislature, in order, among other things, to keep the latter within the limits assigned to their authority. The interpretation of the laws is the proper and peculiar province of the courts. A constitution is, in fact, and must be regarded by the judges, as a fundamental law. It therefore belongs to them to ascertain its meaning, as well as the meaning of any particular act proceeding from the legislative body. If there should happen to be an irreconcilable variance between the two, that which has the superior obligation and validity ought, of course, to be preferred; or, in other words, the Constitution ought to be preferred to the statute, the intention of the people to the intention of their agents." – Alexander Hamilton, Federalist No. 78, "The Judiciary Department," Independent Journal, June 14, 1788

"It can be of no weight to say that the courts, on the pretense of a repugnancy, may substitute their own pleasure to the constitutional intentions of the legislature. This might as well happen in the case of two contradictory statutes; or it might as well happen in every adjudication upon any single statute. The courts must declare the sense of the law; and if they should be disposed to exercise WILL instead of JUDGMENT, the consequence would equally be the substitution of their pleasure to that of the legislative body. The observation, if it prove any thing, would prove that there ought to be no judges distinct from that body. 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

The Essential Federalist Papers

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." – Alexander Hamilton, Federalist No. 78, "The Judiciary Department," Independent Journal, June 14, 1788

"[I]ndependence of the judges is equally requisite to guard the Constitution and the rights of individuals from the effects of those ill humors, which the arts of designing men, or the influence of particular conjunctures, sometimes disseminate among the people themselves, and which, though they speedily give place to better information, and more deliberate reflection, have a tendency, in the meantime, to occasion dangerous innovations in the government, and serious oppressions of the minor party in the community." – Alexander Hamilton, Federalist No. 78, "The Judiciary Department," Independent Journal, June 14, 1788

"The benefits of the integrity and moderation of the judiciary have already been felt in more States than one; and though they may have displeased those whose sinister expectations they may have disappointed, they must have commanded the esteem and applause of all the virtuous and disinterested. Considerate men, of every description, ought to prize whatever will tend to beget or fortify that temper in the courts: as no man can be sure that he may not be to-morrow the victim of a spirit of injustice, by which he may be a gainer to-day." – Alexander Hamilton, Federalist No. 78, "The Judiciary Department," Independent Journal, June 14, 1788

"That inflexible and uniform adherence to the rights of the Constitution, and of individuals, which we perceive to be indispensable in the courts of justice, can certainly not be expected from judges who hold their offices by a temporary commission. Periodical appointments, however regulated, or by whomsoever made, would, in some way or other, be fatal to their necessary independence." – Alexander Hamilton, Federalist No. 78, "The Judiciary Department," Independent Journal, June 14, 1788

"It has been frequently remarked, with great propriety, that a voluminous code of laws is one of the inconveniences necessarily connected with the advantages of a free government." – Alexander Hamilton, Federalist No. 78, "The Judiciary Department," Independent Journal, June 14, 1788

"[T]here can be but few men in the society who will have sufficient skill in the laws to qualify them for the stations of judges. And making the proper deductions for the ordinary depravity of human nature, the number must be still smaller of those who unite the requisite integrity with the requisite knowledge." – Alexander Hamilton, Federalist No. 78, "The Judiciary Department," Independent Journal, June 14, 1788

The Essential Federalist Papers

FEDERALIST NO. 79

"In the general course of human nature, a power over a man's subsistence amounts to a power over his will." – Alexander Hamilton, Federalist No. 79, "The Judiciary Continued," Independent Journal, June 18, 1788

"It will readily be understood that the fluctuations in the value of money and in the state of society rendered a fixed rate of compensation in the Constitution inadmissible. What might be extravagant to-day, might in half a century become penurious and inadequate. It was therefore necessary to leave it to the discretion of the legislature to vary its provisions in conformity to the variations in circumstances, yet under such restrictions as to put it out of the power of that body to change the condition of the individual for the worse. A man may then be sure of the ground upon which he stands, and can never be deterred from his duty by the apprehension of being placed in a less eligible situation." – Alexander Hamilton, Federalist No. 79, "The Judiciary Continued," Independent Journal, June 18, 1788

"The precautions for their [judges] responsibility are comprised in the article respecting impeachments. They are liable to be impeached for malconduct by the House of Representatives, and tried by the Senate; and, if convicted, may be dismissed from office, and disqualified for holding any other. This is the only provision on the point which is consistent with the necessary independence of the judicial character, and is the only one which we find in our own Constitution in respect to our own judges." – Alexander Hamilton, Federalist No. 79, "The Judiciary Continued," Independent Journal, June 18, 1788

"An attempt to fix the boundary between the regions of ability and inability, would much oftener give scope to personal and party attachments and enmities than advance the interests of justice or the public good. The result, except in the case of insanity, must for the most part be arbitrary; and insanity, without any formal or express provision, may be safely pronounced to be a virtual disqualification." – Alexander Hamilton, Federalist No. 79, "The Judiciary Continued," Independent Journal, June 18, 1788

"In a republic, where fortunes are not affluent, and pensions not expedient, the dismissal of men from stations in which they have served their country long and usefully, on which they depend for subsistence, and from which it will be too late to resort to any other occupation for a livelihood, ought to have some better apology to humanity than is to be found in the imaginary danger of a superannuated bench." – Alexander Hamilton, Federalist No. 79, "The Judiciary Continued," Independent Journal, June 18, 1788

The Essential Federalist Papers

FEDERALIST NO. 80

"[T]he judiciary authority of the Union ought to extend to these several descriptions of cases: 1st, to all those which arise out of the laws of the United States, passed in pursuance of their just and constitutional powers of legislation; 2d, to all those which concern the execution of the provisions expressly contained in the articles of Union; 3d, to all those in which the United States are a party; 4th, to all those which involve the PEACE of the CONFEDERACY, whether they relate to the intercourse between the United States and foreign nations, or to that between the States themselves; 5th, to all those which originate on the high seas, and are of admiralty or maritime jurisdiction; and, lastly, to all those in which the State tribunals cannot be supposed to be impartial and unbiased." – Alexander Hamilton, Federalist No. 80, "The Powers of the Judiciary," Independent Journal, June 18, 1788

"The States, by the plan of the convention, are prohibited from doing a variety of things, some of which are incompatible with the interests of the Union, and others with the principles of good government. The imposition of duties on imported articles, and the emission of paper money, are specimens of each kind. No man of sense will believe, that such prohibitions would be scrupulously regarded, without some effectual power in the government to restrain or correct the infractions of them. This power must either be a direct negative on the State laws, or an authority in the federal courts to overrule such as might be in manifest contravention of the articles of Union." – Alexander Hamilton, Federalist No. 80, "The Powers of the Judiciary," Independent Journal, June 18, 1788

"If there are such things as political axioms, the propriety of the judicial power of a government being coextensive with its legislative, may be ranked among the number. The mere necessity of uniformity in the interpretation of the national laws, decides the question." – Alexander Hamilton, Federalist No. 80, "The Powers of the Judiciary," Independent Journal, June 18, 1788

"It is to comprehend 'all cases in law and equity arising under the Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands and grants of different States; and between a State or the citizens thereof and foreign states, citizens, and subjects.' This constitutes the entire mass of the judicial authority of the Union." – Alexander Hamilton, Federalist No. 80, "The Powers of the Judiciary," Independent Journal, June 18, 1788

"From this review of the particular powers of the federal judiciary, as marked out in the Constitution, it appears that they are all conformable to the principles which ought to have governed the structure of that department, and which were necessary to the perfection of the system. If some partial inconveniences should appear to be connected with the incorporation of any of them into the plan, it ought to be recollected that the national legislature will have ample authority to make such exceptions, and to prescribe such regulations as will be calculated to obviate or remove these inconveniences. The possibility of particular mischiefs can never be viewed, by a well informed mind, as a solid objection to a general principle, which is calculated to avoid general mischiefs and to obtain general advantages." – Alexander Hamilton, Federalist No. 80, "The Powers of the Judiciary," Independent Journal, June 18, 1788

The Essential Federalist Papers

FEDERALIST NO. 81

"In the first place, there is not a syllable in the plan under consideration which directly empowers the national courts to construe the laws according to the spirit of the Constitution, or which gives them any greater latitude in this respect than may be claimed by the courts of every State." – Alexander Hamilton, Federalist No. 81, "The Judiciary Continued, and the Distribution of the Judicial Authority," Independent Journal, June 25 & 28, 1788

"[T]he Constitution ought to be the standard of construction for the laws, and that wherever there is an evident opposition, the laws ought to give place to the Constitution. But this doctrine is not deducible from any circumstance peculiar to the plan of the convention, but from the general theory of a limited Constitution." – Alexander Hamilton, Federalist No. 81, "The Judiciary Continued, and the Distribution of the Judicial Authority," Independent Journal, June 25 & 28, 1788

"[T]he supposed danger of judiciary encroachments on the legislative authority, which has been upon many occasions reiterated, is in reality a phantom. Particular misconstructions and contraventions of the will of the legislature may now and then happen; but they can never be so extensive as to amount to an inconvenience, or in any sensible degree to affect the order of the political system. This may be inferred with certainty, from the general nature of the judicial power, from the objects to which it relates, from the manner in which it is exercised, from its comparative weakness, and from its total incapacity to support its usurpations by force. And the inference is greatly fortified by the consideration of the important constitutional check which the power of instituting impeachments in one part of the legislative body, and of determining upon them in the other, would give to that body upon the members of the judicial department. This is alone a complete security. There never can be danger that the judges, by a series of deliberate usurpations on the authority of the legislature, would hazard the united resentment of the body intrusted with it, while this body was possessed of the means of punishing their presumption, by degrading them from their stations. While this ought to remove all apprehensions on the subject, it affords, at the same time, a cogent argument for constituting the Senate a court for the trial of impeachments." – Alexander Hamilton, Federalist No. 81, "The Judiciary Continued, and the Distribution of the Judicial Authority," Independent Journal, June 25 & 28, 1788

"The power of constituting inferior courts is evidently calculated to obviate the necessity of having recourse to the Supreme Court in every case of federal cognizance. It is intended to enable the national government to institute or authorize, in each State or district of the United States, a tribunal competent to the determination of matters of national jurisdiction within its limits." – Alexander Hamilton, Federalist No. 81, "The Judiciary Continued, and the Distribution of the Judicial Authority," Independent Journal, June 25 & 28, 1788

"The Supreme Court is to be invested with original jurisdiction, only "in cases affecting ambassadors, other public ministers, and consuls, and those in which A STATE shall be a party." Public ministers of every class are the immediate representatives of their sovereigns." – Alexander Hamilton, Federalist No. 81, "The Judiciary Continued, and the Distribution of the Judicial Authority," Independent Journal, June 25 & 28, 1788

"It is inherent in the nature of sovereignty not to be amenable to the suit of an individual without its consent. This is the general sense, and the general practice of mankind." – Alexander Hamilton, Federalist No. 81, "The Judiciary Continued, and the Distribution of the Judicial Authority," Independent Journal, June 25 & 28, 1788

"[T]he original jurisdiction of the Supreme Court would be confined to two classes of causes, and those of a nature rarely to occur. In all other cases of federal cognizance, the original jurisdiction would appertain to the inferior tribunals; and the Supreme Court would have nothing more than an appellate jurisdiction, 'with such exceptions and under such regulations as the Congress shall make.'" – Alexander Hamilton, Federalist No. 81, "The Judiciary Continued, and the Distribution of the Judicial Authority," Independent Journal, June 25 & 28, 1788

"[Judicial authority] has been carefully restricted to those causes which are manifestly proper for the cognizance of the national judicature; that in the partition of this authority a very small portion of original jurisdiction has been preserved to the Supreme Court, and the rest consigned to the subordinate tribunals; that the Supreme Court will possess an appellate jurisdiction, both as to law and fact, in all the cases referred to them, both subject to any exceptions and regulations which may be thought advisable; that this appellate jurisdiction does, in no case, abolish the trial by jury; and that an ordinary degree of prudence and integrity in the national councils will insure us solid advantages from the establishment of the proposed judiciary, without exposing us to any of the inconveniences which have been predicted from that source." – Alexander Hamilton, Federalist No. 81, "The Judiciary Continued, and the Distribution of the Judicial Authority," Independent Journal, June 25 & 28, 1788

The Essential Federalist Papers

FEDERALIST NO. 82

"THE erection of a new government, whatever care or wisdom may distinguish the work, cannot fail to originate questions of intricacy and nicety; and these may, in a particular manner, be expected to flow from the establishment of a constitution founded upon the total or partial incorporation of a number of distinct sovereignties. 'Tis time only that can mature and perfect so compound a system, can liquidate the meaning of all the parts, and can adjust them to each other in a harmonious and consistent WHOLE." – Alexander Hamilton, Federalist No. 82, "The Judiciary Continued," Independent Journal, July 2, 1788

"The principles established in a former paper [31] teach us that the States will retain all pre-existing authorities which may not be exclusively delegated to the federal head; and that this exclusive delegation can only exist in one of three cases: where an exclusive authority is, in express terms, granted to the Union; or where a particular authority is granted to the Union, and the exercise of a like authority is prohibited to the States; or where an authority is granted to the Union, with which a similar authority in the States would be utterly incompatible." – Alexander Hamilton, Federalist No. 82, "The Judiciary Continued," Independent Journal, July 2, 1788

"The only thing in the proposed Constitution, which wears the appearance of confining the causes of federal cognizance to the federal courts, is contained in this passage: "THE JUDICIAL POWER of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress shall from time to time ordain and establish." This might either be construed to signify, that the supreme and subordinate courts of the Union should alone have the power of deciding those causes to which their authority is to extend; or simply to denote, that the organs of the national judiciary should be one Supreme Court, and as many subordinate courts as Congress should think proper to appoint; or in other words, that the United States should exercise the judicial power with which they are to be invested, through one supreme tribunal, and a certain number of inferior ones, to be instituted by them. The first excludes, the last admits, the concurrent jurisdiction of the State tribunals; and as the first would amount to an alienation of State power by implication, the last appears to me the most natural and the most defensible construction." – Alexander Hamilton, Federalist No. 82, "The Judiciary Continued," Independent Journal, July 2, 1788

"The Constitution in direct terms gives an appellate jurisdiction to the Supreme Court in all the enumerated cases of federal cognizance in which it is not to have an original one, without a single expression to confine its operation to the inferior federal courts. The objects of appeal, not the tribunals from which it is to be made, are alone contemplated." – Alexander Hamilton, Federalist No. 82, "The Judiciary Continued," Independent Journal, July 2, 1788

"The evident aim of the plan of the convention is, that all the causes of the specified classes shall, for weighty public reasons, receive their original or final determination in the courts of the Union. To confine, therefore, the general expressions giving appellate jurisdiction to the Supreme Court, to appeals from the subordinate federal courts, instead of allowing their extension to the State courts, would be to abridge the latitude of the terms, in subversion of the intent, contrary to every sound rule of interpretation." – Alexander Hamilton, Federalist No. 82, "The Judiciary Continued," Independent Journal, July 2, 1788

The Essential Federalist Papers

FEDERALIST NO. 83

"Wilful abuses of a public authority, to the oppression of the subject, and every species of official extortion, are offenses against the government, for which the persons who commit them may be indicted and punished according to the circumstances of the case." – Alexander Hamilton, Federalist No. 83, "The Judiciary Continued in Relation to Trial by Jury," Independent Journal, July 5, 1788

"[T]he trial by jury must still be a valuable check upon corruption. It greatly multiplies the impediments to its success. As matters now stand, it would be necessary to corrupt both court and jury; for where the jury have gone evidently wrong, the court will generally grant a new trial, and it would be in most cases of little use to practice upon the jury, unless the court could be likewise gained. Here then is a double security; and it will readily be perceived that this complicated agency tends to preserve the purity of both institutions. By increasing the obstacles to success, it discourages attempts to seduce the integrity of either. The temptations to prostitution which the judges might have to surmount, must certainly be much fewer, while the co-operation of a jury is necessary, than they might be, if they had themselves the exclusive determination of all causes." – Alexander Hamilton, Federalist No. 83, "The Judiciary Continued in Relation to Trial by Jury," Independent Journal, July 5, 1788

"[E]ncroachments have generally originated with the men who endeavor to persuade the people they are the warmest defenders of popular liberty, but who have rarely suffered constitutional obstacles to arrest them in a favorite career - The truth is that the general GENIUS of a government is all that can be substantially relied upon for permanent effects -Particular provisions, though not altogether useless, have far less virtue and efficacy than are commonly ascribed to them; and the want of them will never be, with men of sound discernment, a decisive objection to any plan which exhibits the leading characters of a good government." – Alexander Hamilton, Federalist No. 83, "The Judiciary Continued in Relation to Trial by Jury," Independent Journal, July 5, 1788

The Essential Federalist Papers

FEDERALIST NO. 84

"The creation of crimes after the commission of the fact, or in other words, the subjecting of men to punishment for things which, when they were done, were breaches of no law, and the practice of arbitrary imprisonments, have been, in all ages, the favorite and most formidable instruments of tyranny. The observations of the judicious Blackstone, in reference to the latter, are well worthy of recital: "To bereave a man of life [says he] or by violence to confiscate his estate, without accusation or trial, would be so gross and notorious an act of despotism as must at once convey the alarm of tyranny throughout the whole nation; but confinement of the person, by secretly hurrying him to jail, where his sufferings are unknown or forgotten, is a less public, a less striking, and therefore a more dangerous engine of arbitrary government." – Alexander Hamilton, Federalist No. 84, "Certain General and Miscellaneous Objections to the Constitution Considered and Answered," Independent Journal, July 16, 1788

"Nothing need be said to illustrate the importance of the prohibition of titles of nobility. This may truly be denominated the cornerstone of republican government; for so long as they are excluded, there can never be serious danger that the government will be any other than that of the people." – Alexander Hamilton, Federalist No. 84, "Certain General and Miscellaneous Objections to the Constitution Considered and Answered," Independent Journal, July 16, 1788

"Here, in strictness, the people surrender nothing; and as they retain every thing they have no need of particular reservations. 'WE, THE PEOPLE of the United States, to secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.' Here is a better recognition of popular rights, than volumes of those aphorisms which make the principal figure in several of our State bills of rights, and which would sound much better in a treatise of ethics than in a constitution of government." – Alexander Hamilton, Federalist No. 84, "Certain General and Miscellaneous Objections to the Constitution Considered and Answered," Independent Journal, July 16, 1788

"I go further, and affirm that bills of rights, in the sense and to the extent in which they are contended for, are not only unnecessary in the proposed Constitution, but would even be dangerous. They would contain various exceptions to powers not granted; and, on this very account, would afford a colorable pretext to claim more than were granted. For why declare that things shall not be done which there is no power to do? Why, for instance, should it be said that the liberty of the press shall not be restrained, when no power is given by which restrictions may be imposed?" – Alexander Hamilton, Federalist No. 84, "Certain General and Miscellaneous Objections to the Constitution Considered and Answered," Independent Journal, July 16, 1788

"The executive and legislative bodies of each State will be so many sentinels over the persons employed in every department of the national administration; and as it will be in their power to adopt and pursue a regular and effectual system of intelligence, they can never be at a loss to know the behavior of those who represent their constituents in the national councils, and can readily communicate the same knowledge to the people." – Alexander Hamilton, Federalist No. 84, "Certain General and Miscellaneous Objections to the Constitution Considered and Answered," Independent Journal, July 16, 1788

"It ought also to be remembered that the citizens who inhabit the country at and near the seat of government will, in all questions that affect the general liberty and prosperity, have the same interest with those who are at a distance, and that they will stand ready to sound the alarm when necessary, and to point out the actors in any pernicious project. The public papers will be expeditious messengers of intelligence to the most remote inhabitants of the Union." – Alexander Hamilton, Federalist No. 84, "Certain General and Miscellaneous Objections to the Constitution Considered and Answered," Independent Journal, July 16, 1788

"The great bulk of the citizens of America are with reason convinced, that Union is the basis of their political happiness. Men of sense of all parties now, with few exceptions, agree that it cannot be preserved under the present system, nor without radical alterations." – Alexander Hamilton, Federalist No. 84, "Certain General and Miscellaneous Objections to the Constitution Considered and Answered," Independent Journal, July 16, 1788

The Essential Federalist Papers

FEDERALIST NO. 85

"The additional securities to republican government, to liberty and to property, to be derived from the adoption of the plan under consideration, consist chiefly in the restraints which the preservation of the Union will impose on local factions and insurrections, and on the ambition of powerful individuals in single States, who may acquire credit and influence enough, from leaders and favorites, to become the despots of the people." – Alexander Hamilton, Federalist No. 85, "Concluding Remarks," Independent Journal, August 13 & 16, 1788

"[T]he system, though it may not be perfect in every part, is, upon the whole, a good one; is the best that the present views and circumstances of the country will permit; and is such an one as promises every species of security which a reasonable people can desire." – Alexander Hamilton, Federalist No. 85, "Concluding Remarks," Independent Journal, August 13 & 16, 1788

"I should esteem it the extreme of imprudence to prolong the precarious state of our national affairs, and to expose the Union to the jeopardy of successive experiments, in the chimerical pursuit of a perfect plan. I never expect to see a perfect work from imperfect man. The result of the deliberations of all collective bodies must necessarily be a compound, as well of the errors and prejudices, as of the good sense and wisdom, of the individuals of whom they are composed." – Alexander Hamilton, Federalist No. 85, "Concluding Remarks," Independent Journal, August 13 & 16, 1788

"The establishment of a Constitution, in time of profound peace, by the voluntary consent of a whole people, is a PRODIGY..." – Alexander Hamilton, Federalist No. 85, "Concluding Remarks," Independent Journal, August 13 & 16, 1788