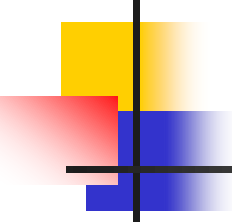


# The Federalist Papers

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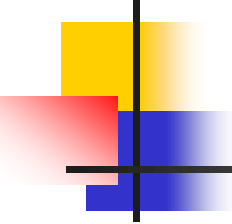
Alan Haffa



# What are they?

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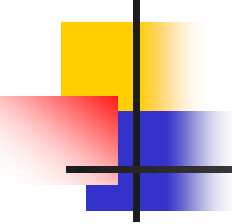
- Serial publication, Oct. 1787 to May 1778;
- New York Press; "Publius"
- Published in two volumes, March-May 1788
- Position papers that argue in favor of state adoption of the Constitution as proposed by the Philadelphia Constitutional Convention



# The Authors

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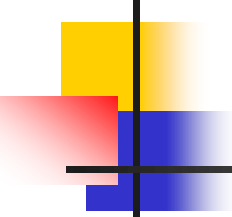
- Alexander Hamilton (1757-1804): Strong National Gov. Advocate; Rep. NY at Convention; first Secretary of the Treasury
- James Madison (1751-1836): Rep. Virginia at Convention; Served in Congress; Sec. of State; President
- John Jay (1745-1829): Neg. peace with England in 1783; Dept. of State; First Chief Justice



# Liberty versus Vigor (#1)

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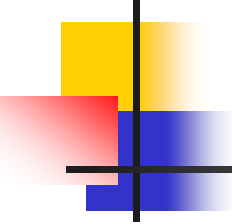
- Weak government or Strong
- “it will be forgotten that the vigor of government is essential to the security of liberty; that in contemplation of a sound and well-informed judgment, their interest can never be separated; and that a dangerous ambition more often lurks behind the specious mask of zeal for the rights of the people than under the forbidding appearance of zeal for the firmness and efficiency of government. 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.”



# Homogeneous People—One Nation (#2)

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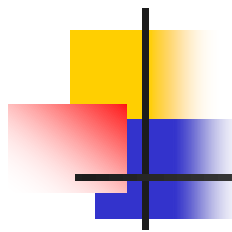
- State Rights versus Federal Vigor
- “Providence has been pleased to give this one connected country to one united people—a people descended from the same ancestors, speaking the same language, professing the same religion, attached to the same principles of government, very similar in their manners and customs...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.”



# Argument for Federal Gov.: Safety (#3)

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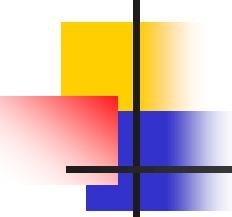
- The first responsibility of government is public safety, both against internal and external enemies
- Strong National Gov. better able to defend our international interests
- Multiple state powers allow of division by our enemies
- Less Strong; invites invasion and manipulation; Ex. Of Greek city-states
- Nat. gov. less likely to engage in war: "The national government...will not be affected by this pride, but will proceed with moderation and candor to consider and decide on the means most proper to extricate them from the difficulties which threaten them."



# Human Nature Dictates the Need for Vigorous Nat. Gov. (#6)

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- Independent states would become a source of civil war as states compete with each other
- “To presume a want of motives for such contests as an argument against their existence, would be to forget that men are ambitious, vindictive, and rapacious. To look for a continuation of harmony between a number of independent, unconnected sovereignties in the same neighborhood, would be to disregard the uniform course of human events...”
- Hobbes?

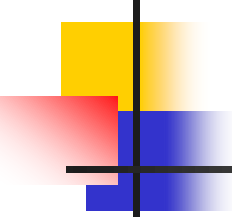


# Democracy versus Representative (#10)

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- “But the most common and durable source of factions has been the various and unequal distribution of property. Those who hold and those who are without property have ever formed distinct interests in society.”
- “When a majority is included in a faction, the form of popular government...enables it to sacrifice to its ruling passion or interest both the public good and the rights of other citizens. 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 form of popular government, is then the great object to which our inquiries are directed.”
- Union can better achieve this; representative government rather than pure democracy

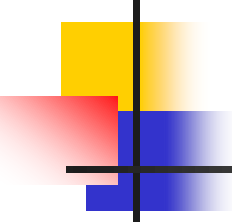




# Presidential Election and Electoral College (68)

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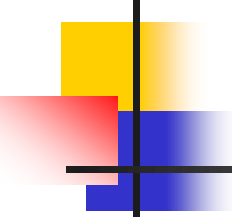
- “It was equally desirable, that the immediate election should be made by men most capable of analyzing the qualities adapted to the station, and action under circumstances most favorable to the deliberation, and to a judicious combination of all the reasons and inducements which were proper to govern 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 such complicated investigations.”
- Less likelihood of “tumult and disorder”
- Less corruption by foreign powers (the electors are not a preexisting body that could be bribed)
- Protection against Populism: “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...”



# “Unitary Executive” and the Powers of the President

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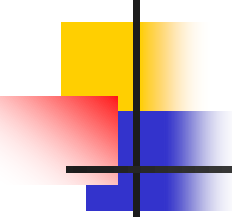
- Theory of Unitary Executive is that all federal power is vested in the President
- Article II which states "The executive Power shall be vested in a President of the United States of America."
- President is the head of all aspects of the Federal Government; independent agencies and commissions are extra-constitutional—FCC, SEC,
- No suit could be made between branches of government; EPA could not sue US military
- President Bush’s Legislative Signing Statements



# Federalist Papers on Unitary Theory (69; 70)

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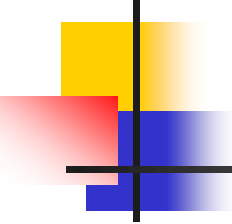
- They were concerned about the powers of the Executive being diluted
- Opposed a dual presidency—less accountable; “I was overruled” (Katrina?)
- conflict between dual executives could lead to civil war
- In times of war, in particular, need for executive direction (Roman Dictators); revolution and tyranny more likely to come from council than executive (Tribunes)
- “That unity is conducive to energy will not be disputed. Decision, activity, secrecy, and dispatch will generally characterize the proceedings of one man in a much more eminent degree than the proceedings of any greater number...”



# Balance of Powers

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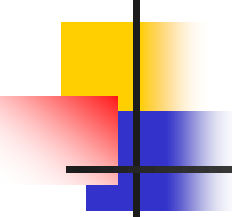
- Virginia established a positive model
- Venice as a negative model where the legislative becomes despotic
- “For this reason, that convention...laid its foundation on this basis, that the legislative, executive, and judiciary departments should be separate and distinct, so that no person should exercise the powers of more than one of them at the same time.”
- Goal was balance of power, not total and absolute separation



# Presidential Appointments (66)

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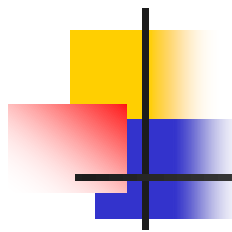
- “It will be the office of the President to nominate, and with the advice and consent of the Senate, to appoint. There will of course be no exertion of choice on the part of the Senate. They may defeat one choice of the executive, and oblige him to make another, but they cannot themselves choose—they can only ratify or reject the choice of the President.”



# The Three Powers Defined

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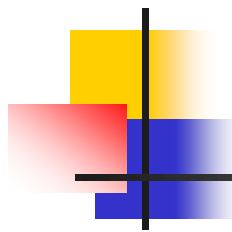
- “The President may require the opinion, in writing, of the principal officer in each executive department...”
- “The Executive not only dispenses the honors, but holds the sword of the community. The legislature not only commands the purse, but prescribes the rules by which the duties and rights of every citizen are to be regulated. The judiciary, on the contrary, has no influence over the sword or the purse; no direction either of the strength or of the wealth of society; and can take no active resolution whatever. It may truly be said to have neither force nor will, but merely judgment; and must depend ultimately upon the aid of the executive arm for the efficacy of its judgments.” (78)
- Consideration of Signing Letters and Executive Control of Federal Agencies and Commissions



# Pardons

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- “reprieves and pardons for offenses against the United States, except in cases of impeachment.”
- “Humanity and good policy condone to dictate that the benign prerogative of pardoning should be as little as possible fettered or embarrassed.”
- “The reflection that the fate of a fellow-creature depended on his sole fiat, would naturally inspire scrupulousness and caution; the dread of being accused of weakness or connivance would beget equal circumspection...”
- This power could be used to quell a rebellion (???)
- IS a single person better able to pardon rightly than a council?



# Summary

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- The vision of a Strong Federal Government to compensate for the weakness of Articles of Confederation
- Arguments based upon logic and analysis of history
- Distrust of Democracy; favored Representative Government as a protection of the property interests of the minority
- Senate “judicial review” is affirmed; but choice always lies with executive
- Unitary Executive implied in some ways but not all