

THE FEDERALIST

The *Federalist* is a collection of 85 letters to the public over the pseudonym of Publius that appeared in the newspapers of New York City beginning on October 27, 1787 and that concluded on August 16, 1788. It was recognized that a clear-cut vote against the Constitution in any one of FOUR key states would destroy the writers' hopes for a "more perfect union." This effort was conceived by Alexander Hamilton as a supplement to his political activities at the New York constitutional convention.

The issue began on October 1, 1787 when protagonists New York Governor George Clinton and Alexander Hamilton exchanged letters in daily newspapers regarding the value of discarding the Articles of Confederation and adopting the newly written Constitution.

Ten days after the Philadelphia Convention adjourned, Gov. Clinton wrote his first letter attacking the Constitution to the New York Journal. On October 7, 1787, Alexander Hamilton responded to "Cato" with "Caesar."

John Jay [1745-1829] New York lawyer, authored the New York Constitution of 1777. negotiator of the Treaty of 1783 [peace and independence with Great Britain], Secretary of Foreign Affairs under the Articles of Confederation, and later to become the first Chief Justice of the U.S. Supreme Court.

Alexander Hamilton [1755-1804] New York lawyer who attended the convention irregularly but was the greatest supporter after the convention. First Secretary of Treasury.

James Madison [1751-1836] A Virginian and at the age of 36 was one of the youngest to attend the constitutional convention, kept thorough notes of the proceedings, was Jefferson's Secretary of State, and later President of the U.S. [1809-1817]. The "Father of the Constitution."

Authorship of these essays was generally as follows:

John Jay **wrote 5**

Madison wrote approximately 17 [Rossiter claims 26]

Hamilton wrote approximately 63 [Rossiter claims 51]

Hamilton/Madison jointly 3

The New York "Poughkeepsie Convention" voted to accept the Constitution -30 to 27-it **was** on the condition that a second convention would be called if N.Y.'s amendments were not accepted. The adoption of the Bill of Rights on December 30, 1791 reduced the pressure for such a convention.

Primary Source Worksheet 5

The Federalist (No. 51)

(Use with Chapter 3, Section I, textbook pages 62-69.)

During 1787 and 1788, Alexander Hamilton, James Madison, and John Jay wrote a series of 85 essays to persuade states (particularly New York and Virginia) to ratify the Constitution. Together, these essays are known as *The Federalist*. Read the following passage from *The Federalist* (No. 51), in which Madison discusses the separation of powers among, and the independence of, the three branches of government. On a separate sheet of paper, answer the questions that follow.

[How] shall we [maintain] . . . the necessary partition of power among the several departments . . . ? The only answer . . . is . . . by so contriving . . . the government as that its several constituent parts may, by their mutual relations, be the means of keeping each other in their proper places....

Each department should have & will of its own; and . . . as little agency [power] as possible in the appointment of members of the others. . . . Appointments for the supreme executive, legislative, and judiciary magistracies should be drawn from . . . the people. . . . [But] in the . . . judiciary . . . it might be inexpedient to insist rigorously on the principle: first, because peculiar qualifications being essential in the members, the primary consideration ought to be to select that mode of choice which best secures these qualifications; secondly because the permanent tenure by which the appointments are held . . . must soon destroy all sense of dependence on the authority conferring them. . . .

But the great security . . . consists in giving . . . each department the necessary constitutional means and personal motives to resist

encroachments of the others. . . . Ambition must be made to counteract ambition. . . . 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 . . . the necessity of auxiliary precautions. . . .

But it is not possible to give each department an equal power of self-defense. In republican government, the legislature] necessarily predominates. The remedy . . . is to divide [it] into different branches . . . as little connected with each other as . . . their common functions . . . will admit. . . . The weakness of the executive may require . . . [fortifying]. An absolute negative on the legislature appears. . . to be the natural defense with which the executive . . . should be armed.

From The Federalist. edited by H.C. Lodge. (1895).

COMPREHENSION

1. How did Madison think the necessary separation of powers among the three branches should be achieved?
2. (a) What did Madison consider to be the greatest difficulty in creating a government? (b) What solution did he suggest?
3. What two reasons did Madison give to argue that the judiciary should be selected differently from the other two branches?

CRITICAL THINKING

4. *Finding evidence.* How are Madison's concerns about the "equal power of self-defense" reflected in our system of checks and balances?
5. *Evaluating for objectivity.* Is Madison, generally credited as being the chief architect of the Constitution, a good source of information about the document? Why or why not?