

ALEXANDER HAMILTON, JAMES MADISON, AND JOHN JAY

The document now known as the Constitution of the United States was composed in 1787 by the fifty-five delegates of the Constitutional Convention in Philadelphia. A declared compromise of divergent interests, its authority in the new nation at the time was by no means assured. A national debate on its legitimacy ensued. To the federal Constitution's defense came James Madison, Alexander Hamilton, and John Jay; sharing the pen name Publius, the three men argued the new Constitution's merits in a series of essays that became known as *The Federalist*.

In the eyes of many Americans, the proposed Constitution was an invitation to tyranny that neglected individual liberties even as it closed gaping holes in the nation's existing system of governance. The new document seemed most threatened in Hamilton's state of New York. In response, Hamilton conceived a public relations effort to promote the Constitution, by publishing pro-ratification treatises in the major newspapers. In all, eighty-five essays by the three authors appeared: John Jay authored five, Madison twenty-nine, and Hamilton fifty-one.

Alexander Hamilton (c.1755–1804) was born on the Caribbean island of Nevis, the illegitimate son of a married woman and a struggling Scottish businessman. After the death of his mother, Hamilton left the West Indies for New York, where he settled in 1772. Bright and ambitious, he enrolled in King's College (now Columbia University), intending to become a doctor. Serving as General George Washington's aide-de-camp during the Revolutionary War, he became a member of the Constitutional Convention in 1787. Hamilton, who believed economic prosperity required a strong government, was an outspoken proponent of centralized government and the architect of the country's financial institutions. He later served as the first secretary of the Treasury (1789–1795), exerted significant influence over foreign policy, and played a crucial role in shaping the government. His caustic wit

earned him many enemies, including Aaron Burr, whose political career suffered under Hamilton's criticism. Burr challenged Hamilton to a duel and on July 11, 1804, delivered a mortal wound. Hamilton died the next day.

James Madison (1751–1836) was the son of a Virginia planter and a member of the southern aristocracy. Though his health kept him from military service, he was active in revolutionary politics in his home state and was chosen for the Continental Congress (1780) and then the Constitutional Convention. Because of his efforts and influence at the convention, he is sometimes called the "father of the Constitution." Madison served in the U.S. House of Representatives from 1789 to 1797 and was secretary of state for eight years under Thomas Jefferson, whom he helped in engineering the Louisiana Purchase. In 1809 Madison succeeded Jefferson and was elected the nation's fourth president; he won a second term in 1812 and, although a proponent of peace, led the United States to victory in that year's war with Britain. Madison was the last of the leading founders to die when he passed away on June 28, 1836.

John Jay (1745–1829) was born in New York City. He became an attorney in 1768 and gained early fame with *The Address to the People of Great Britain* (1774), a tract outlining colonial demands on the mother country, which Jay wrote while representing New York in the First Continental Congress. He drafted New York's earliest constitution and in 1777 was made the state's first chief justice. Minister to Spain from 1779 to 1782, he spent much of the Revolutionary War on diplomatic service in Europe, where, along with Benjamin Franklin, he negotiated the Treaty of Paris, which was signed in 1783. Jay did not attend the Constitutional Convention, but his work in foreign affairs in the late 1780s under the encumbering Articles of Confederation shaped his support for a new U.S. Constitution; his five *Federalist* essays primarily concern foreign affairs. In 1789 President Washington appointed Jay the country's first chief justice of the Supreme Court, and his measured stewardship helped cement the court's reputation for impartiality. The unpopular Jay Treaty of 1794 with Great Britain spoiled Jay's hopes to succeed Washington as president, although he was elected governor of New York the following year. John Jay died on May 17, 1829.

BY JAMES MADISON

*The same subject continued, with the same view,
and concluded*

TO WHAT EXPEDIENT THEN shall we finally resort, for maintaining in practice the necessary partition of power among the several departments, as laid down in the constitution? The only answer that can be given is, that as all these exterior provisions are found to be inadequate, the defect must be supplied, by so contriving the interior structure of the government, as that its several constituent parts may, by their mutual relations, be the means of keeping each other in their proper places. Without presuming to undertake a full development of this important idea, I will hazard a few general observations, which may perhaps place it in a clearer light, and enable us to form a more correct judgment of the principles and structure of the government planned by the convention.

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. Were this principle rigorously adhered to, it would require that all the appointments for the supreme executive, legislative, and judiciary magistracies, should be drawn from the same fountain of authority, the people,

through channels having no communication whatever with one another. Perhaps such a plan of constructing the several departments, would be less difficult in practice, than it may in contemplation appear. Some difficulties, however, and some additional expense, would attend the execution of it. Some deviations, therefore, from the principle must be admitted. In the constitution of the judiciary department in particular, 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 in that department, must soon destroy all sense of dependence on the authority conferring them.

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.

But the 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. The provision for defence must in this, as in all other cases, be made commensurate to the danger of attack. 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. But what is government itself, but the greatest of all reflections on human nature? 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.

This policy of supplying, by opposite and rival interests, the defect of better motives, might be traced through the whole system of human affairs, private as well as public. We see it particularly displayed in all the subordinate distributions of power; where the constant aim is, to divide and arrange the several offices in such a manner as that each may be a check on the other; that the private interest of every individual may be a centinel over the public rights. These inventions of prudence cannot be less requisite in the distribution of the supreme powers of the state.

But it is not possible to give to each department an equal power of self-defence. 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. 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 defence 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. May not this defect of an absolute negative be supplied by some qualified connexion between this weaker department, and the weaker branch of the stronger department, by which the latter may be led to support the constitutional rights of the former, without being too much detached from the rights of its own department?

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.

There are moreover two considerations particularly applicable to the federal system of America, which place that system in a very interesting point of view.

First. 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.

Second. 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. There are but two methods of providing against this evil: the one, by creating a will in the community independent of the majority, that is, of the society itself; the other, by comprehending in the society so many separate descriptions of citizens, as will render an unjust combination of a majority of the whole very improbable, if not impracticable. The first method prevails in all governments possessing an hereditary or self-appointed authority. This, at best, is but a precarious security; because a power independent of the society may as well espouse the unjust views of the major, as the rightful interests of the minor party, and may possibly be turned against both parties. The second method will be exemplified in the federal republic of the United States. 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. 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. The degree of security in both cases will depend on the number of interests and sects; and this may be presumed to depend on the extent of country and number of people comprehended under the same government. This view of the subject must particularly recommend

a proper federal system to all the sincere and considerate friends of republican government: since it shows, that in exact proportion as the territory of the union may be formed into more circumscribed confederacies, or states, oppressive combinations of a majority will be facilitated; the best security under the republican form, for the rights of every class of citizens, will be diminished; and consequently, the stability and independence of some member of the government, the only other security, must be proportionally increased. 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. 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: and as, in the latter state, even the stronger individuals are prompted, by the uncertainty of their condition, to submit to a government which may protect the weak, as well as themselves: so, in the former state, will the more powerful factions or parties be gradually induced, by a like motive, to wish for a government which will protect all parties, the weaker as well as the more powerful. It can be little doubted, that if the state of Rhode-Island was separated from the confederacy, and left to itself, the insecurity of rights under the popular form of government within such narrow limits, would be displayed by such reiterated oppressions of factious majorities, that some power altogether independent of the people, would soon be called for by the voice of the very factions whose misrule had proved the necessity of it. In the extended republic of the United States, and among the great variety of interests, parties, and sects, which it embraces, a coalition of a majority of the whole society could seldom take place upon any other principles, than those of justice and the general good: whilst there being thus less danger to a minor from the will of the major party, there must be less pretext also, to provide for the security of the former, by introducing into the government a will not dependent on the latter: or, in other words, a will independent of the society itself. 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 practicable 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*.

PUBLIUS

THE WORLD OF THE FEDERALIST

- 1775 On April 19, the American Revolution begins with battles at Lexington and Concord, Massachusetts.
- 1776 On January 10, Thomas Paine publishes *Common Sense* as an anonymous fifty-page pamphlet denouncing the British monarch and monarchy in general. Adam Smith publishes *The Wealth of Nations*. In May, George Mason drafts Virginia's Declaration of Rights. Members of the Second Continental Congress sign the Declaration of Independence, which draws heavily from its Virginian counterpart. In July, George Washington takes command of the Continental Army.
- 1777 On November 15, the Articles of Confederation are formally endorsed by the Continental Congress; they are sent to the thirteen colonies for ratification. The Articles provide a system of governance during the upheaval of the Revolution.
- 1781 On March 1, the Articles of Confederation are ratified. In October, British General Charles Cornwallis surrenders to General Washington, ending military conflict.
- 1783 The Treaty of Paris, negotiated by John Jay, Benjamin Franklin, and John Adams, formally ends the Revolutionary War.
- 1784 Jay is appointed secretary for foreign affairs.
- 1786 In September, at the Annapolis Convention, which brings together delegates from five states, Alexander Hamilton promotes new laws governing interstate commerce; the meeting increases momentum in favor of a national convention to strengthen the Articles of Confederation.
- 1787 Congress agrees to amend the flawed Articles of Confederation. In May, the Constitutional Convention convenes in Philadelphia; the delegation drafts the U.S. Constitution, which is signed on September 17 and sent to the states for ratification. Amid widespread anxiety that the proposed government insufficiently protects individual liberty, the first *Federalist* paper is published in New York on October

27. Written by Hamilton, it appears under the pseudonym "Publius," a pen name shared by Hamilton, James Madison, and Jay. By the end of the year, thirty Publius essays are in print. In December, Delaware, Pennsylvania, and New Jersey ratify the Constitution.
- 1788 The promotional campaign continues until the final *Federalist* essay is published on August 16. In January, Georgia and Connecticut ratify the Constitution. Massachusetts, Maryland, South Carolina, and New Hampshire follow. In May, a collection of the Publius essays is published and becomes known as *The Federalist*. Virginia ratifies the Constitution, and New York follows suit but recommends that a bill of rights be added. By August, all eighty-five *Federalist* essays are in print. In France, the Marquis de Lafayette drafts "The Declaration of the Rights of Man and of the Citizen."
- 1789 In March, the U.S. Constitution takes effect and the first Congress of the United States is convened. On April 30, President George Washington delivers his first inaugural address. On June 8, Madison introduces the Bill of Rights amendments to the Constitution. North Carolina ratifies the Constitution. Washington appoints Jay the first chief justice of the Supreme Court. Hamilton is appointed secretary of the Treasury. Madison serves as congressman from Virginia in the House of Representatives. On July 14, the French Revolution begins with the storming of the Bastille in Paris.
- 1790 On April 17, Benjamin Franklin dies at the age of eighty-four.
- 1791 In England, Thomas Paine publishes the first part of *Rights of Man*, in part a response to Edmund Burke's *Reflections on the Revolution in France* (1790). On December 15, the Bill of Rights, the name given the first ten amendments to the U.S. Constitution, is adopted into law. These individual rights, established in George Washington's first term, address many of the concerns articulated by the Anti-Federalists.
- 1792 George Mason, an Anti-Federalist, dies.
- 1793 On March 4, George Washington, elected to a second term, delivers his second inaugural address. A Proclamation of Neutrality, issued in April, codifies American foreign policy.

- 1794 Washington sends Jay on a diplomatic mission to quell tensions with Britain; the resulting understanding becomes known as Jay's Treaty.
- 1795 During his absence Jay is elected governor of his home state of New York; he must retire from his seat on the Supreme Court in order to fill his new appointment.
- 1796 On September 17, George Washington delivers his farewell address. John Adams is elected the second president of the United States.
- 1797 Madison retires from Congress, returning to his estate, Montpelier, in Virginia.
- 1798 Congress passes the Alien and Sedition Acts, which restrict immigration and curtail press freedoms. The four laws are widely condemned as unconstitutional; Madison writes the Virginia Resolution, denouncing the laws.
- 1799 On December 14, George Washington dies.
- 1801 Thomas Jefferson is sworn in as the third U.S. president; he appoints Madison secretary of state.
- 1804 On July 11, Aaron Burr mortally wounds Alexander Hamilton in a duel on the cliffs at Weehawken, New Jersey; Hamilton dies the next day.
- 1809 Madison becomes the fourth president of the United States.
- 1812 The War of 1812 against Britain tests the resolve and abilities of the new U.S. government.
- 1814 The United States and Great Britain sign the Treaty of Ghent in Belgium, ending the War of 1812.
- 1815 Ignorant of the Treaty of Ghent, Andrew Jackson wins a decisive victory at the Battle of New Orleans.
- 1826 On July 4, Presidents John Adams and Thomas Jefferson die.
- 1829 On May 17, John Jay dies at his home in New York.
- 1836 On June 28, the last of the founding fathers, James Madison, dies.