

# Federalist Papers

## SUBJECT GUIDE

- Federalist 1 Hamilton gives an introduction to the essays, an overview of objections to the new Constitution by the Anti-Federalists, and a synopsis of what the following essays will address.
- Federalist 2 Jay makes the argument that the Articles of Confederation which united the states with a national government have to be replaced not by dismembering the Union but by a Union “more wisely framed.”
- Federalist 3 Jay addresses safety of the people and concludes safety would be greater with a Union under a national Government than thirteen individual states or three or four distinct confederacies under individual Governments.
- Federalist 4 Jay continues the safety of the people argument relative to foreign force but this time the consideration is would we be safer as a united Union or a divided thirteen states if there was a war whereas the previous paper argued there would be less likelihood of war if united rather than divided.
- Federalist 5 In this paper Jay continues his house divided comments by discussing how dividing the nation into several confederacies would lead “to discord, jealousy and mutual injuries” among them.
- Federalist 6 Answering the Anti-Federalists’ claim that commercially-minded republics of sovereign states are not disposed to war from neighboring countries. Hamilton’s summary of history shows that we would not have an expectation of peace and cordiality between members of the present confederacy in a state of separation.
- Federalist 7 Hamilton explicitly refers to problems that arose because of weakness in the Articles of Confederation, which he co-wrote. The discussion in the preceding papers and in this assumes that if the draft Constitution is not ratified then even the weak unity the states had would be dissolved, leaving thirteen independent disunited States which might form several confederacies.
- Federalist 8 In this paper, Hamilton discusses when standing armies are necessary, the benefits and dangers to the protected populations, and whether States united or disunited would require standing armies.
- Federalist 9 Critics had made two arguments that Hamilton addresses in this paper. The first is that Republicanism is not a peaceful form of government, and the second is that the proposed Confederation is too large in land area to survive, i.e., too many diverse interests.
- Federalist 10 James Madison lays out how the writers of the constitution defined the form of government that would protect minority rights from organized and united factions that intended to pass legislation injurious to the liberty of the minority or detrimental to the good of the country.
- Federalist 11 The importance of a Union to trade and commercial prosperity is Hamilton’s subject of this paper.
- Federalist 12 Having demonstrated the positive effects of a Union upon the commercial prosperity of the States in the last paper, Hamilton now shows that the Union also makes it more efficient for tax revenue needed for the government to be collected.
- Federalist 13 Hamilton talks about government functions that would have to be repeated in full in every one of the states if there was no Union, streamlining costs and efficiencies.
- Federalist 14 In this paper, Hamilton returns to the issue of whether a republic can extend over a large geographic area, which critics argue against.
- Federalist 15 Hamilton addresses the issue of “the insufficiency of the present confederation to the preservation of the Union.” All previous papers extolled the benefits of a Union relative to a disunited States. There are problems that can only be resolved by a united nation.

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- Federalist 16 Hamilton returns to the argument begun in the last paper that the laws passed by Federal Government must apply to the individual citizens and not just to the States.
- Federalist 17 Hamilton returns to the argument begun in the last paper that the laws passed by Federal Government must apply to the individual citizens and not just to the States. The solution to this problem is a difficult argument for it requires States to yield their sovereignty to the Federal Government such that laws made by the Federal Government apply directly to the people and do not require actions or consent of the State Legislatures.
- Federalist 18 Madison describes two confederacies of antiquity that were similar to the current confederacy and how they failed.
- Federalist 19 Madison bolsters the argument that a confederacy of sovereign States organized by the Article of Confederacy will not survive.
- Federalist 20 Madison concludes the series of three discussing historical experiments with federations of sovereign members with a condemnation of the United Netherlands, a confederation of aristocracies.
- Federalist 21 Having summarized in the last three papers the structure and events that determined the fates of other confederacies; Hamilton addresses two specific problems with the confederacy of the United States, namely the want of a sanction to its laws and a means of regulating contributions or revenues from the States.
- Federalist 22 Hamilton tackles defects in the Articles of Confederacy such as the lack of control of commerce between the States, the inability to raise an Army, the problems with equal voting power by large and small States, the ability of a minority to prevent government action, lack of a national supreme court, and the need for more than a single government body.
- Federalist 23 Hamilton addresses these questions: what are the responsibilities of the Federal Government, what powers are needed to accomplish these responsibilities and what persons shall have these powers?
- Federalist 24 Hamilton deals with a single subject: the objection against standing armies in peace time.
- Federalist 25 Hamilton continues discussing whether states or a national government should raise a standing army in peace time.
- Federalist 26 Hamilton examines the concern of citizens about their rights when a strong national government has a standing army.
- Federalist 27 Hamilton answers the allegation that the proposed constitution cannot operate without the aid of a military force to execute its laws. Specifically, the selection of the Senate is explored.
- Federalist 28 This paper continues the discussion of standing armies in peace time with Hamilton's admission that there may be times when a national government will be required to use force to suppress seditions and insurrections within the states. He also addresses the idea that an army could become so large or powerful that it would be used against the people.
- Federalist 29 In this paper, Hamilton discusses state militias as a way to counteract fears about a strong national military tyrannizing the people.
- Federalist 30 Hamilton begins a discussion of the need for the Union to raise sufficient revenue through taxes to allow it to execute of its responsibilities.
- Federalist 31 In this paper, Hamilton presents the primary argument against giving the federal government unlimited power to tax.
- Federalist 32 Hamilton gives insight into the intent of the Constitution on the topic of States rights taken by the Union and some remaining with the States.
- Federalist 33 Hamilton explores the Constitutional power of the Legislature to make laws which would supersede state laws.
- Federalist 34 The topic Hamilton addresses is why the constitution provides that the States and the Union have co-equal authority to tax objects (except duties and imports, which are taxed only by the national government).

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- Federalist 35 Hamilton tackles two topics: what would be the case if the Union could only tax certain objects, rather than having an indefinite power of taxation? And will the House of Representatives represent all classes of people?
- Federalist 36 Hamilton begins by revisiting the discussion of the types of people that will likely be the representatives of the House of Representatives: merchants, professionals, and land owners. He then addresses a new objection related to taxation (internal taxation).
- Federalist 37 Madison recounts some major difficulties in the controversial parts of the proposed Constitution but gives no reasons at this time for the choices made. One of these is walking the line between a stable and effective government and securing personal liberties; another is balancing the authority of the national government with that of the states.
- Federalist 38 Madison explores the questions involved in the fact that those objecting to the proposed Constitution offer no alternative which would have fewer objections.
- Federalist 39 Madison begins the “candid survey of the plan of government reported by the Convention” by defining a republican form of government and then answering critics concerning whether the proposed plan is federal or national, that is, a confederacy of States or a consolidation of States. The proposed Constitution is neither a national nor a federal constitution but a composition of both. Ratification is federal, sources of power are both, operation is national, extent of powers is federal, and amending authority is both.
- Federalist 40 In this paper, Madison addresses one question “whether the Convention were authorized to frame and propose this mixed Constitution” or was the authorization merely to amend the Articles of Confederation.
- Federalist 41 Madison now lays out the Constitution in two parts. The first deals with the powers invested in the Government and the restraints upon that power. The second deals with the structure of the Government and the distribution of this power among the various branches. Madison spells out six specific powers that the people will give to the national government through the Constitution:  
“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.”  
He begins discussing them in depth, starting with #1: “security against foreign danger.”
- Federalist 42 Madison discusses #2, and #3.
- Federalist 43 In this paper, Madison discusses #4, the miscellaneous powers. There are nine mentioned: 1. power to protect copyrights; 2. exclusive legislation over Washington DC and other national properties; 3. the power to declare the punishment of treason to the person convicted of it; 4. to admit new states to the union; 5. to make all rules for territories of the nation; 6. to guarantee to every state a republican form of government, to protect each against invasion, and — when asked by the legislature or executive — protect against domestic violence; 7. to honor all debts entered into before the adoption of this Constitution as being as valid; 8. to provide for amendments to be ratified by three-fourths of the States; and 9. the ratification of the conventions of nine States shall be sufficient to establish this Constitution between those states.
- Federalist 44 Madison describes #5 and #6, and provides rationale for their inclusion.
- Federalist 45 Madison explains how the Constitution is designed to protect states’ rights: “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.”
- Federalist 46** Madison continues the discussion of the last paper by considering whether the Federal Government or State Governments will have the support of the people.
- Federalist 47 Madison addresses concerns, probably originating with political critic Montesquieu, that there must be total separation between the executive, legislative, and judicial branches of government.
- Federalist 48 Madison introduces the idea that each branch of government must have at least one way to defend itself against the others.

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- Federalist 49 Madison agrees with Thomas Jefferson that in the rare cases of correcting the constitution, the people should be involved, but for the probably frequent encroachments of power by one branch over another, the inclusion of the people would not be a good idea. He explains why.
- Federalist 50 This paper from Madison continues the discussion of how to enforce the constitution by keeping the three departments within their constitutional bounds.
- Federalist 51 Madison provides a few general observations intended to inform as to the reasons the government is formed as it is in the Constitution.
- Federalist 52 This paper concerning the House of Representatives begins a more detailed examination of the branches of government. Madison considers two issues, the qualifications for representatives and their term of office. Much has been said about a republican form of government where the people elect their representatives. But in our Constitution that only applies to the House of Representatives.
- Federalist 53 Madison asks the question that had been proposed by Anti-Federalists, whether biennial elections be necessary or useful?
- Federalist 54 This paper is about the number of representatives granted to each state based on population, but in it, Madison also discusses the rationale for counting only three fifths of the total number of slaves in a state.
- Federalist 55 Madison deals with how many members there should be in the House of Representatives, a subject that apparently drew considerable attention and argument. The arguments were four fold; first such a small number will be an unsafe depository of the public's interests, second they will not possess adequate knowledge of the local interests of the numerous constituents, third they will be taken only from the upper class of citizens, and fourth as small as the number is relative to the population this will only get worse as the country grows. The rest of the paper deals only with the first argument.
- Federalist 56 Madison discusses the second charge against the number of representatives in the House of Representatives, that it will be too small to possess adequate knowledge of the interests of the constituents.
- Federalist 57 Here, Madison addresses the third charge against the House of Representatives, that it will be taken from the class of citizens which will have the least in common with the mass of the people and be the most likely to sacrifice the many for the aggrandizement of the few.
- Federalist 58 Madison now addresses the remaining charge against the House of Representatives which is that the number of members will not be increased as the populations increase.
- Federalist 59 Hamilton reappears in this and the next two papers to discuss Article I Section 4 of "the Constitution which authorizes the national legislature to regulate in the last resort the election of its own members." The authorization is in these words: "The times and places and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations except as to places of choosing Senators."
- Federalist 60 Hamilton continues, discusses why the Constitution does not give the states the whole power to regulate elections for members of the federal government. This paper discusses why that power is not given exclusively to the federal government.
- Federalist 61 This paper addresses the critics who suggest that the constitution should require that all elections should be had in the counties where the electors reside.
- Federalist 62 Madison now turns to the senate listing the areas to be considered. 1. the qualifications of senators. 2. the appointment of them by the state legislatures. 3. the equality of representation in the senate. 4. the number of senators and the term for which they are to be elected. 5. the powers vested in the senate. The first four are discussed in this paper.
- Federalist 63 Madison begins with a continuation of the last discussing the number of senators and the term of office. It is probably the longest one yet encountered so the opposition to the subject must have been considerable.

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- Federalist 64 John Jay discusses the power given to the president to make treaties with the advice and consent of the senate.
- Federalist 65 Hamilton continues the discussion of the powers of the senate focusing in this paper on it being the court for the trial of impeachments. He discusses why other possible ways the court could be constituted for this function would not be as favorable.
- Federalist 66 In this paper, Hamilton reviews the principal objections against the Senate being the court for the trial of impeachments. The first questions whether the legislative and judiciary functions should be in the same body in violation of the principle of separation of powers. The second objection is that giving this power when combined with other powers to make treaties and appointment to offices will result in the body becoming aristocratic and obtaining too much weight.
- Federalist 67 Hamilton now begins a discussion of the executive branch. Fully half of this article is a rail against the critics of the Constitution who bestow upon the office of the president powers that equate the president with that of the King of Great Britain. The other half is used to refute a single misrepresentation as an example of their attempts to enlist the aversion of the people to monarchy.
- Federalist 68 Hamilton discusses the method of appointing the person to be President of the United States, a method which received very little criticism and was considered by the author to be if not perfect at least excellent.
- Federalist 69 This rather lengthy paper down plays the power of the President of the United States by comparing his powers to that of the King of Great Britain and in some instances to the governors of various States. The purpose is to counter arguments claiming the presidency has too much power and might become a monarchy.
- Federalist 70 In Federalist 70, Hamilton begins a discussion of the need for sustainability and effectiveness in the executive branch. He defines energy in the executive as unity, duration, an adequate provision for its support and competent powers. He expounds first on unity.
- Federalist 71 He then discusses duration, the second requisite to the energy of the executive authority.
- Federalist 72 Now, Hamilton discusses why there are no term limits for the President in the Constitution and gives a brief discussion to counter the arguments of those favoring limits.
- Federalist 73 This paper continues discussing the energy of the executive with two subjects, with Hamilton discussing salary and the veto power.
- Federalist 74 This shortest of all the papers continues the discussion of presidential powers beginning with a short mention of being Commander in Chief of the armed forces and then with the rest of the paper on the power to pardon.
- Federalist 75 The President is to have power “by and with the advice and consent of the senate to make treaties provided two-thirds of the senators present concur.” Questions were raised by skeptics asking why not just the president, or why not just the senate, why was the house not included, and why only those members present and not the entire senate? Hamilton answers those questions.
- Federalist 76 Hamilton lays out the president’s power to nominate and with the advice and consent of the senate appoint ambassadors, public ministers, supreme court judges, and various other officials. He answers suggestions that the president should be able to appoint, not just nominate, these people.
- Federalist 77 This, Hamilton’s last paper on presidential powers, continues the discussion of nominating people for administration positions and touches on a few remaining powers not yet mentioned: giving information to congress on the state of the union; making recommendations on measures he considers expedient; convening them or either branch upon extraordinary occasions; adjoining them when they cannot themselves agree upon a time; receiving ambassadors and other public ministers; faithfully executing the laws; and commissioning all the officers of the United States.
- Federalist 78 Now Hamilton begins an examination of the judiciary department of the proposed government. It examines primarily the term of office for judges but in making the case for lifetime appointments it details the responsibilities of the federal courts.

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- Federalist 79      Hamilton continues with a discussion of the compensation for judges and how they can be removed from office.
- Federalist 80      In this very lengthy paper, Hamilton discusses the proper extent of federal judiciary authority of the union. He first defines six classes of authority and then states why that authority is important for the union.
- Federalist 81      This paper returns to the objection that the Supreme Court might become activist and there being no remedy for such actions, and after that discusses the partitioning of the judiciary authority between the different courts.
- Federalist 82      This paper addresses several questions regarding the relationship between the state courts and the federal courts.
- Federalist 83      This entire very long paper tries to justify why the Constitution is quiet on the subject of trial by jury in civil cases and why this is not a problem. Hamilton explains that a lack of mention does not equal prohibition.
- Federalist 84      This paper covers a few subjects which did not fall under previous heading or were forgotten. They include the Bill of Rights, issues regarding the location of the seat of government, and issues related to expenses. Hamilton begins by trying to defend the fact that a Bill of Rights is not included in the draft constitution.
- Federalist 85      In the last Federalist, Hamilton makes the argument that the draft Constitution should be ratified now. He notes that many of those who criticize the national Constitution plan are devoted to the same elements in their own state plan (NY).