

| Document | Key Content-Federalist Papers |
|--------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Federalist Paper 10- James Madison | <p>How does Madison define a “faction?”</p> <p>What danger do factions present?</p> <p>According to Madison, how can a “pure democracy” keep control of factions?</p> <p>According to Madison, how can a “republican democracy” keep control of factions?</p> <p>Explain how Madison believes a larger, republican democracy will better protect the rights of citizens.</p> |
| Federalist Paper 70— Alexander Hamilton | <p>Why does Hamilton believe a strong executive is necessary?</p> <p>Why does Hamilton believe a committee of executives would be more dangerous?</p> <p>What role does Hamilton expect the Congress and citizens to play in keeping the executive in check?</p> |
| Federalist Paper 51— James Madison | <p>What does Madison mean by saying each department should have a will of its own?</p> <p>According to Madison, what is the chief check on governmental power?</p> <p>According to Madison, what branch should be most powerful in a Republic?</p> <p>What could cause the system of checks and balances to break down?</p> |

| Document | Key Content-Anti-Federalist Papers |
|----------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Letter from a Federal Farmer (Richard Henry Lee?)</p> | <p>What is the farmer's first concern about the new constitution and the balance between federal and state governments?</p> <p>Why does the federal farmer claim the new constitution is not interested in equally preserving the rights of all men in the community?</p> <p>Do you agree with the federal farmer that the new constitution will clearly make one consolidated government at the expense of 13 republics? Why did the farmer think this would be a bad thing?</p> |
| <p>Brutus 1 (Judge Robert Yates?)</p> | <p>Why does Brutus begin by urging the people to be careful?</p> <p>What specific sections of the constitution does Brutus predict will be used to enlarge the power of the federal government?</p> <p>What concern did Brutus bring up regarding the size of a republic?</p> <p>Why does Brutus predict that the great officers of government would soon become "above the control of the people?"</p> |
| <p>Cato's Third Letter (Governor George Clinton?)</p> | <p>Why does Cato believe a consolidated government can never form a perfect union?</p> <p>Why does Cato believe a moderate government will not be possible under the new constitution?</p> <p>Why concerns does Cato bring up regarding the size of a republic?</p> |

In this Federalist Paper, Alexander Hamilton argues for a strong executive leader, as provided for by the Constitution, as opposed to the weak executive under the Articles of Confederation. Though some had called for an executive council, Hamilton defended a single executive as “far more safe” because “wherever two or more persons are engaged in any common...pursuit, there is always danger of difference of opinion...bitter dissensions are apt to spring.

Federalist Papers: No. 70 The Executive Department Further Considered

According to Hamilton, why is a strong executive necessary?

To the People of the State of New York:

THERE is an idea, which is not without its advocates, that a vigorous Executive is inconsistent with the genius of republican government. The enlightened well-wishers to this species of government must at least hope that the supposition is destitute of foundation; since they can never admit its truth, without at the same time admitting the condemnation of their own principles. 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. Every man the least conversant in Roman story, knows how often that republic was obliged to take refuge in the absolute power of a single man, under the formidable title of Dictator, as well against the intrigues of ambitious individuals who aspired to the tyranny, and the seditions of whole classes of the community whose conduct threatened the existence of all government, as against the invasions of external enemies who menaced the conquest and destruction of Rome.

There can be no need, however, to multiply arguments or examples on this head. 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 it may be in theory, must be, in practice, a bad government....

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...

[U]nity may be destroyed in two ways: either by vesting the power in two or more magistrates of equal dignity and authority; or by vesting it ostensibly

in one man, subject, in whole or in part, to the control and co-operation of others, in the capacity of counsellors to him. Of the first, the two Consuls of Rome may serve as an example... The Roman history records many instances of mischiefs to the republic from the dissensions between the Consuls, and between the military Tribunes, who were at times substituted for the Consuls. But it gives us no specimens of any peculiar advantages derived to the state from the circumstance of the plurality of those magistrates....

In the single instance in which the governor of this State is coupled with a council — that is, in the appointment to offices, we have seen the mischiefs of it in the view now under consideration. Scandalous appointments to important offices have been made. Some cases, indeed, have been so flagrant that ALL PARTIES have agreed in the impropriety of the thing. When inquiry has been made, the blame has been laid by the governor on the members of the council, who, on their part, have charged it upon his nomination; while the people remain altogether at a loss to determine, by whose influence their interests have been committed to hands so unqualified and so manifestly improper. In tenderness to individuals, I forbear to descend to particulars. It is evident from these considerations, that the plurality of the Executive tends to deprive the people of the two greatest securities they can have for the faithful exercise of any delegated power, first, the restraints of public opinion, which lose their efficacy, as well on account of the division of the censure attendant on bad measures among a number, as on account of the uncertainty on whom it ought to fall; and, second, the opportunity of discovering with facility and clearness the misconduct of the persons they trust, in order either to their removal from office or to their actual punishment in cases which admit of it...

[W]hen 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

What dangers does Hamilton see in having more than one executive (or Consul)?

According to Hamilton, how does having an executive and counsel make the executive less accountable to the public?

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...

I forbear to dwell upon the subject of expense; though it be evident that if the council should be numerous enough to answer the principal end aimed at by the institution, the salaries of the members, who must be drawn from their homes to reside at the seat of government, would form an item in the catalogue of public expenditures too serious to be incurred for an object of equivocal utility. I will only add that, prior to the appearance of the Constitution, I rarely met with an intelligent man from any of the States, who did not admit, as the result of experience, that the UNITY of the executive of this State was one of the best of the distinguishing features of our constitution.

PUBLIUS.

According to Hamilton, why is abuse more likely if a small group than a single person is the executive?

Overall:

After the Articles of Confederation, why do you think the nature of the executive was a matter of such concern for Americans?
(Please discuss necessary powers as well as accountability)

Topic 1.3: Government Power and Individual Rights

Source Analysis

Before You Read

Recall what you know about the debates between the Federalists and the Anti-Federalists. What were the fundamental differences in their beliefs on the function of government? Use the table below to organize your knowledge by specific categories.

| Category of Comparison | Federalists | Anti-Federalists |
|------------------------------------------|-------------|------------------|
| Proper role of government | | |
| Size and power of the central government | | |

*Required Document:
Excerpts from The Federalist No. 10
by James Madison*

Paired with Required Document: Excerpts from Brutus No. 1, October 18, 1787

Related Concepts:

- Direct or Pure Democracy
- Republic
- Federalism
- Pluralism
- Balance Between Order and Individual Rights

Comparison
Identify similarities and differences.

Source Analysis
Describe the author's claim(s), perspective, evidence, and reasoning.

The Federalist No. 10

As you read *Federalist No. 10* through a political science lens, you will focus on the argument for why a republic is a suitable government for a large country. Pay attention to how Madison supports this claim. Political scientists focus their analysis on the defense of the Constitution by those men who constructed and then advocated for it.

Consider how Madison develops an argument about how a large republic can best ensure individual rights. Consider the counter-argument he is answering or rebutting and how doing this reflects an awareness of comparison. *Brutus No. 1* is paired with this text. Try and predict what the arguments are in opposition to Madison's defense of the then-new government created at the Constitutional Convention.

Federalist 10

From the New York Packet.

Friday, November 23, 1787.

Author: James Madison

To the People of the State of New York:

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. ...

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. ...

aggregate: collected

Academic Vocabulary

Paraphrase Madison's definition of a *faction* in the space below the text.

What danger does Madison say factions present to the rights of other citizens?

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 of no cure for the mischiefs of faction. A common passion or interest will, in almost every case, be felt by a majority of the whole; a communication and concert result from the form of government itself; and there is nothing to check the inducements to sacrifice the weaker party or an obnoxious individual. Hence it is that such democracies 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.

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. Let us examine the points in which it varies from pure democracy, and we shall comprehend both the nature of the cure and the efficacy which it must derive from the Union.

Check Your Understanding

What is a “pure democracy” according to Madison?

Source Analysis

Highlight or underline the claim Madison makes regarding a *pure democracy's* ability to handle factions.

Academic Vocabulary

Paraphrase what Madison means by a *republic* in the space below the text.

The two great points of difference between a democracy and a republic are: first, the delegation of the government, in the latter, to a small number of citizens elected by the rest; secondly, the greater number of citizens, and greater sphere of country, over which the latter may be extended.

The effect of the first difference is, on the one hand, to refine and enlarge the public views, by passing them through the medium of a chosen body of citizens, whose wisdom may best discern the true interest of their country, and whose patriotism and love of justice will be least likely to sacrifice it to temporary or partial considerations. Under such a regulation, it may well happen that the public voice, pronounced by the representatives of the people, will be more consonant to the public good than if pronounced by the people themselves, convened for the purpose. On the other hand, the effect may be inverted. Men of factious tempers, of local prejudices, or of sinister designs, may, by intrigue, by corruption, or by other means, first obtain the suffrages, and then betray the interests, of the people. The question resulting is, whether small or extensive republics are more favorable to the election of proper guardians of the public weal; and it is clearly decided in favor of the latter by two obvious considerations:

In the first place, it is to be remarked that, however small the republic may be, the representatives must be raised to a certain number, in order to guard against the cabals of a few; and that, however large it may be, they must be limited to a certain number, in order to guard against the confusion of a multitude. Hence, the number of representatives in the two cases not being in proportion to that of the two constituents, and being proportionally greater in the small republic, it follows that, if the proportion of fit characters be not less in the large than in the small republic, the former will present a greater option, and consequently a greater probability of a fit choice.

factious: caused by a faction; inclined to form a faction

cabal: a group of people secretly united in a plot

Source Analysis

Highlight or underline the claim Madison makes about why a republic is the best form of government.

Source Analysis

Circle the evidence on this page that Madison uses to support his claim about the best form of government.

Connect to the Content

How is what Madison describes on this page evident in the structure of the U.S. Government?

*In the next place, as each representative will be chosen by a greater number of citizens in the large than in the small republic, it will be more difficult for unworthy candidates to practice with success the vicious arts by which elections are too often carried; and the suffrages of the people being more free, will be more likely to centre in men who possess the most attractive merit and the most diffusive and established characters.

It must be confessed that in this, as in most other cases, there is a mean, on both sides of which inconveniences will be found to lie. By enlarging too much the number of electors, you render the representatives too little acquainted with all their local circumstances and lesser interests; as by reducing it too much, you render him unduly attached to these, and too little fit to comprehend and pursue great and national objects. The federal Constitution forms a happy combination in this respect; the great and aggregate interests being referred to the national, the local and particular to the State legislatures.

Check Your Understanding

According to Madison, how does the larger number of voters lead to a better class of representatives?

Source Analysis

How does Madison continue to develop the idea he introduced earlier regarding the “just right” proportion of representatives to citizens or constituents?

The other point of difference is, the greater number of citizens and extent of territory which may be brought within the compass of republican than of democratic government; and it is this circumstance principally which renders factious combinations less to be dreaded in the former than in the latter. The smaller the society, the fewer probably will be the distinct parties and interests composing it; the fewer the distinct parties and interests, the more frequently will a majority be found of the same party; and the smaller the number of individuals composing a majority, and the smaller the compass within which they are placed, the more easily will they concert and execute their plans of oppression. Extend the sphere, and you take in a greater variety of parties and interests; you make it less probable that a majority of the whole will have a common motive to invade the rights of other citizens; or if such a common motive exists, it will be more difficult for all who feel it to discover their own strength, and to act in unison with each other. Besides other impediments, it may be remarked that, where there is a consciousness of unjust or dishonorable purposes, communication is always checked by distrust in proportion to the number whose concurrence is necessary.

Source Analysis

Here, Madison is expanding on an earlier point about the advantages of a large republic over a smaller one.

Underline what he is saying about how factions will be better managed in a large republic than in a small one.

How is that connected to protecting the rights of the people?

After You Read

Thinking Like a Political Scientist

Reasoning Process: Comparison

Use the table below to outline the comparison Madison made during his argument.

| | Republic | Pure Democracy |
|-------------------------|----------|----------------|
| Dealing with Factions | | |
| Structure of Government | | |

How does Madison use comparison to bolster his argument?

Political Science Disciplinary Practices

Source Analysis

What was Madison's purpose in defining terms such as *faction*, *pure democracy*, and *republic*? How does this strategy help to further his purpose?

Cite the evidence that was most useful in supporting Madison's claim about the best form of government.

Topic 1.6: Principles of American Government

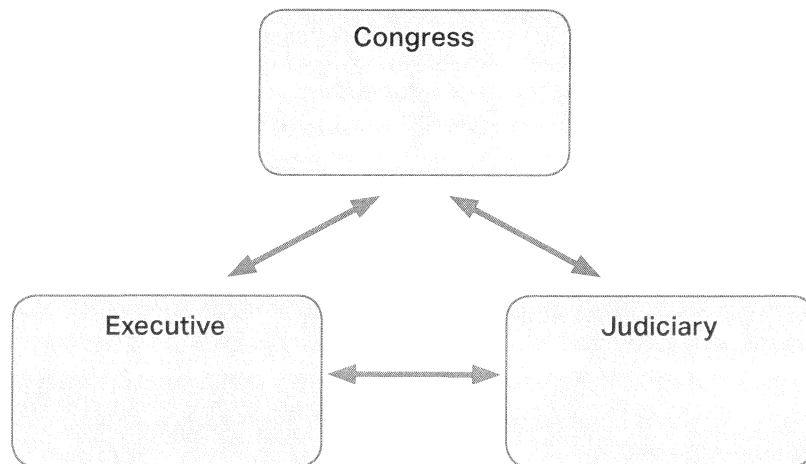
Source Analysis

Before You Read

In moving from the Articles of Confederation to the Constitution, newly created powers for the national government did present concerns for those Americans fearful of concentrated power.

In *Federalist No. 51*, Madison argued that separation of powers among three branches of government and a system of checks and balances would ensure that no one person or group of people would dominate the national government.

Before you read *Federalist No. 51*, use the graphic below to list what you already know about the ways in which each of the three branches of our federal government serves as a check on the others.



Required Document:
Excerpts from The Federalist No. 51 by James Madison

Paired with: Excerpts from Majority Opinion from Clinton v. City of New York

Related Concepts:

- Madisonian Model of Government
- Separation of Powers
- Checks and Balances
- Veto Power
- Judicial Review

Definition

Describe the assumptions and/or reasoning of a source or author.

Source Analysis

Explain how the author's argument or perspective relates to political principles, institutions, processes, policies, and behaviors.

The Federalist No. 51

In *Federalist No. 51*, James Madison explains and attempts to persuade the reader that the underlying principles of the then proposed Constitution would provide safeguards against abuse of power. In fact, these ideas of separation of powers, checks and balances, and federalism were contained in the Virginia Plan as penned by Madison himself. Political scientists refer to the manner in which our government is structured into three branches of government as the “Madisonian Model.”

From the New York Packet.

Friday, February 8, 1788.

Author: James Madison

To the People of the State of New York:

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.

Check Your Understanding

Use the space below the paragraph to summarize what Madison is saying in your own words.

Check Your Understanding

Why does Madison claim this document is being written?

partition: division

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. ...

Check Your Understanding

What “foundation” is Madison laying here?

Source Analysis

Highlight or underline what Madison claims is necessary for liberty to be maintained.

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 defense 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.

Connect to Content

Compare Madison’s argument in this paragraph to our government today. How do the branches resist being controlled by another?

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.

Source Analysis

Highlight or underline Madison’s claim about human nature in this passage.

Source Analysis

How is this view connected to his theory that checks and balances are necessary to avoid a concentration of power?

A dependence on the people is, no doubt, the primary control on the government; but experience has taught mankind the necessity of auxiliary precautions. ...

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.

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. May not this defect of an absolute negative be supplied by some qualified connection 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?

Check Your Understanding

What is the chief check on governmental power? According to Madison, is this chief check adequate?

Source Analysis

Circle which branch is the most powerful in a republic, according to Madison.

Connect to Content

How does the Constitution address this concentration of power in Congress?

Connect to Content

Relate Madison's argument about the power of the president relative to Congress to current political behavior.

After You Read

Thinking Like a Political Scientist

Reasoning Process: Definition

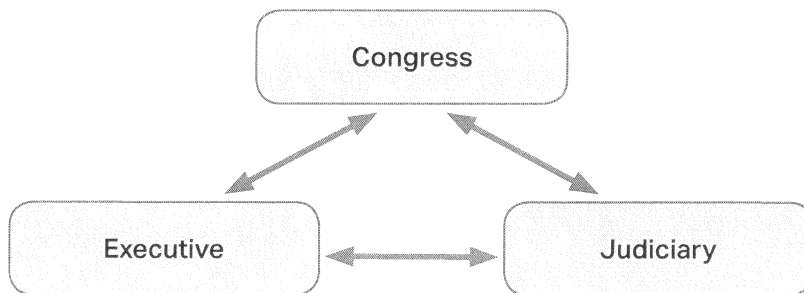
What is Madison’s reasoning for separation of powers and checks and balances?

What does Madison assume about the nature of people that makes the system of checks and balances necessary?

Political Science Disciplinary Practices

Source Analysis

Using the same diagram from the Before You Read, connect Madison’s outline of separation of powers to one way in which the system works and one issue that may cause the system to break down in our government today.



Ways the system works

Congress:

Executive:

Judiciary:

What may cause the system to break down

Congress:

Executive:

Judiciary:

George Clinton, Governor of New York, was an adversary of the Constitution. He composed several letters under the nome de plume "Cato." This essay is from the third letter of "Cato," The New-York Journal of October 25, 1787.

Extent of Territory Under Consolidated Government. Too Large to Preserve Liberty or Protect Property?

October 25, 1787

. . . The recital, or premises on which the new form of government is erected, declares a consolidation or union of all the thirteen parts, or states, into one great whole, under the form of the United States, for all the various and important purposes therein set forth. But whoever seriously considers the immense extent of territory comprehended within the limits of the United States, together with the variety of its climates, productions, and commerce, the difference of extent, and number of inhabitants in all; the dissimilitude of interest, morals, and politics, in almost every one, will receive it as an intuitive truth, that a consolidated republican form of government therein, can never form a perfect union, establish justice, insure domestic tranquility, promote the general welfare, and secure the blessings of liberty to you and your posterity, for to these objects it must be directed. This unkindred legislature therefore, composed of interests opposite and dissimilar in their nature, will in its exercise, emphatically be like a house divided against itself...

[Y]ou must risk much, by indispensably placing trusts of the greatest magnitude, into the hands of individuals whose ambition for power, and aggrandizement, will oppress and grind you. Where, from the vast extent of your territory, and the complication of interests, the science of government will become intricate and perplexed, and too mysterious for you to understand and observe; and by which you are to be conducted into a monarchy, either limited or despotic; the latter, Mr. Locke remarks, is a government derived from neither nature nor compact.

Political liberty, the great Montesquieu again observes, consists in security, or at least in the opinion we have of security; and this security, therefore, or the opinion, is best obtained in moderate governments, where the mildness of the laws, and the equality of the manners, beget a confidence in the people, which produces this security, or the opinion. This moderation in governments depends in a great measure on their limits, connected with their political distribution.

Why does Cato predict a "house divided against itself?"

How is moderation of government related to security according to Cato and Montesquieu?

The extent of many of the states of the Union, is at this time almost too great for the superintendence of a republican form of government, and must one day or other revolve into more vigorous ones, or by separation be reduced into smaller and more useful, as well as moderate ones. You have already observed the feeble efforts of Massachusetts against their insurgents; with what difficulty did they quell that insurrection; and is not the province of Maine at this moment on the eve of separation from her? The reason of these things is, that for the security of the property of the community — in which expressive term Mr. Locke makes life, liberty, and estate, to consist the wheels of a republic are necessarily slow in their operation...The extremes are also too remote from the usual seat of government, and the laws, therefore, too feeble to afford protection to all its parts, and insure domestic tranquility without the aid of another principle. If, therefore, this state [New York], and that of North Carolina, had an army under their control, they never would have lost Vermont, and Frankland, nor the state of Massachusetts suffered an insurrection, or the dismemberment of her fairest district; but the exercise of a principle which would have prevented these things, if we may believe the experience of ages, would have ended in the destruction of their liberties.

Will this consolidated republic, if established, in its exercise beget such confidence and compliance, among the citizens of these states, as to do without the aid of a standing army? I deny that it will. The malcontents in each state, who will not be a few, nor the least important, will be exciting factions against it. The fear of a dismemberment of some of its parts, and the necessity to enforce the execution Of revenue* as (a fruitful source of oppression) on the extremes and in the other districts of the government, will incidentally and necessarily require a permanent force, to be kept on foot. Will not political security, and even the opinion of it, be extinguished? Can mildness and moderation exist in a government where the primary incident in its exercise must be force? Will not violence destroy confidence, and can equality subsist where the extent, policy, and practice of it will naturally lead to make odious distinctions among citizens?

What dangers does Cato see in a government that is too far removed from its people?

According to Cato, if people feel removed and start to rebel, how will a distant government have to maintain power?

The people who may compose this national legislature from the southern states, in which, from the mildness of the climate, the fertility of the soil, and the value of its productions, wealth is rapidly acquired, and where the same causes naturally lead to luxury, dissipation, and a passion for aristocratic distinction; where slavery is encouraged, and liberty of course less respected and protected; who know not what it is to acquire property by their own toil, nor to economize with the savings of industry — will these men, therefore, be as tenacious of the liberties and interests of the more northern states, where freedom, independence, industry, equality and frugality are natural to the climate and soil, as men who are your own citizens, legislating in your own state, under your inspection, and whose manners and fortunes bear a more equal resemblance to your own?

It may be suggested, in answer to this, that whoever is a citizen of one state is a citizen of each, and that therefore he will be as interested in the happiness and interest of all, as the one he is delegated from. But the argument is fallacious, and, whoever has attended to the history of mankind, and the principles which bind them together as parents, citizens, or men, will readily perceive it. These principles are, in their exercise, like a pebble cast on the calm surface of a river — the circles begin in the center, and are small, active and forcible, but as they depart from that point, they lose their force, and vanish into calmness.

The strongest principle of union resides within our domestic walls. The ties of the parent exceed that of any other. As we depart from home, the next general principle of union is amongst citizens of the same state, where acquaintance, habits, and fortunes, nourish affection, and attachment. Enlarge the circle still further, and, as citizens of different states, though we acknowledge the same national denomination, we lose in the ties of acquaintance, habits, and fortunes, and thus by degrees we lessen in our attachments, till, at length, we no more than acknowledge a sameness of species. Is it, therefore, from certainty like this, reasonable to believe, that inhabitants of Georgia, or New Hampshire, will have the same obligations towards you as your own, and preside over your lives, liberties, and property, with the same care and attachment? Intuitive reason answers in the negative. . . .

What are the differences Cato lists between the characters, lifestyles, interests and loyalties of the different states?

Overall:

How large do you think is too large for republican government? Explain.

Do you think the increase in federal government power and force would lead to less individual liberty and moderation of laws? Explain.

Brutus No. 1

Brutus No. 1 is another required foundational document. It represents the Anti-Federalist point of view. As you read the text, consider how the author develops an argument about his concerns about the Constitution and the threat it presented to the states and the people. Compare this argument to Madison's argument in *Federalist No. 10*.

Source Information: *Brutus No. 1*, October 18, 1787

When the public is called to investigate and decide upon a question in which not only the present members of the community are deeply interested, but upon which the happiness and misery of generations yet unborn is in great measure suspended, the benevolent mind cannot help feeling itself peculiarly interested in the result ...

... Many instances can be produced in which the people have voluntarily increased the powers of their rulers; but few, if any, in which rulers have willingly abridged their authority. This is a sufficient reason to induce you to be careful, in the first instance, how you deposit the powers of government.

Check Your Understanding

Why does Brutus think that people should care about the form of government?

abridged: reduce, cut back on

... This government is to possess absolute and uncontrollable power, legislative, executive and judicial, with respect to every object to which it extends, for by the last clause of section 8th, article 1st, it is declared “that the Congress shall have power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution, in the government of the United States; or in any department or office thereof.” And by the 6th article, it is declared “that this constitution, and the laws of the United States, which shall be made in pursuance thereof, and the treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, any thing in the constitution, or law of any state to the contrary notwithstanding.” It appears from these articles that there is no need of any intervention of the state governments, between the Congress and the people, to execute any one power vested in the general government, and that the constitution and laws of every state are nullified and declared void, so far as they are or shall be inconsistent with this constitution, or the laws made in pursuance of it, or with treaties made under the authority of the United States. — The government then, so far as it extends, is a complete one, and not a confederation. ...

Source Analysis

Highlight or underline the claim Brutus makes about the government established by the Constitution.

Check Your Understanding

Circle where Brutus references the “Necessary and Proper” clause and the Supremacy clause.

Source Analysis

Use the space below the paragraph to explain how the author uses these clauses to support his sub-claim here.

Let us now proceed to enquire, as I at first proposed, whether it be best the thirteen United States should be reduced to one great republic, or not? It is here taken for granted, that all agree in this, that whatever government we adopt, it ought to be a free one; that it should be so framed as to secure the liberty of the citizens of America, and such an one as to admit of a full, fair, and equal representation of the people. The question then will be, whether a government thus constituted, and founded on such principles, is practicable, and can be exercised over the whole United States, reduced into one state?

If respect is to be paid to the opinion of the greatest and wisest men who have ever thought or wrote on the science of government, we shall be constrained to conclude, that a free republic cannot succeed over a country of such immense extent, containing such a number of inhabitants, and these encreasing in such rapid progression as that of the whole United States. Among the many illustrious authorities which might be produced to this point, I shall content myself with quoting only two. The one is the baron de Montesquieu, spirit of laws, chap. xvi. vol. I [book VIII]. "It is natural to a republic to have only a small territory, otherwise it cannot long subsist. In a large republic there are men of large fortunes, and consequently of less moderation; there are trusts too great to be placed in any single subject; he has interest of his own; he soon begins to think that he may be happy, great and glorious, by oppressing his fellow citizens; and that he may raise himself to grandeur on the ruins of his country. In a large republic, the public good is sacrificed to a thousand views; it is subordinate to exceptions, and depends on accidents. In a small one, the interest of the public is easier perceived, better understood, and more within the reach of every citizen; abuses are of less extent, and of course are less protected." Of the same opinion is the marquis Beccarari. ...

The territory of the United States is of vast extent; it now contains near three millions of souls, and is capable of containing much more than ten times that number. Is it practicable for a country, so large and so numerous as they will soon become, to elect a representation, that will speak their sentiments, without their becoming so numerous as to be incapable of transacting public business? It certainly is not.

Source Analysis

Circle what the "great thinkers" the author quotes have to say about a republic governing a small area and a large area.

Source Analysis

Explain how the Brutus uses the "great thinkers" to support his argument?

.....

.....

.....

Why is it significant that he describes them as "great thinkers"?

.....

.....

.....

Source Analysis

Circle the places in this paragraph where Brutus uses the size of the United States to support his argument.

In a republic, the manners, sentiments, and interests of the people should be similar. If this be not the case, there will be a constant clashing of opinions; and the representatives of one part will be continually striving against those of the other. This will retard the operations of government, and prevent such conclusions as will promote the public good. If we apply this remark to the condition of the United States, we shall be convinced that it forbids that we should be one government. ...

... The laws and customs of the several states are, in many respects, very diverse, and in some opposite; each would be in favor of its own interests and customs, and, of consequence, a legislature, formed of representatives from the respective parts, would not only be too numerous to act with any care or decision, but would be composed of such heterogeneous and discordant principles, as would constantly be contending with each other. ...

In a republic of such vast extent as the United-States, the legislature cannot attend to the various concerns and wants of its different parts. It cannot be sufficiently numerous to be acquainted with the local condition and wants of the different districts, and if it could, it is impossible it should have sufficient time to attend to and provide for all the variety of cases of this nature, that would be continually arising. ...

In so extensive a republic, the great officers of government would soon become above the control of the people, and abuse their power to the purpose of aggrandizing themselves, and oppressing them. ... the collecting of all the public revenues, and the power of expending them, with a number of other powers, must be lodged and exercised in every state, in the hands of a few. When these are attended with great honor and emolument, as they always will be in large states, so as greatly to interest men to pursue them, and to be proper objects for ambitious and designing men, such men will be ever restless in their pursuit after them. They will use the power, when they have acquired it, to the purposes of gratifying their own interest and ambition, and it is scarcely possible, in a very large republic, to call them to account for their misconduct, or to prevent their abuse of power.

These are some of the reasons by which it appears, that a free republic cannot long subsist over a country of the great extent of these states. If then this new constitution is calculated to consolidate the thirteen states into one, as it evidently is, it ought not to be adopted.

Source Analysis

Highlight or underline the claim Brutus is making here.

Source Analysis

For each of the remaining paragraphs, circle the evidence that the author uses to support the claim you identified above.

Source Analysis

Restate the conclusion of the argument.

.....
.....
.....
.....

After You Read

Thinking Like a Political Scientist

Reasoning Process: Comparison

List at least two categories of comparison that could be used to compare the arguments in *Federalist No. 10* and *Brutus No. 1*.

Describe Brutus' claim that states are better at protecting individual rights.

Political Science Disciplinary Practices

Source Analysis

Brutus raised concerns about the elements of the Constitution that proposed moving from a confederation to a federal system. Evaluate the evidence the author used to support these concerns. How well does it support his claims?

Letter #1 from the Federal Farmer to the Republican

“Letter #1 of the Federal Farmer to the Republican” is one of the most often read and cited works of the Anti-Federalists. While the author used the pseudonym, Federal Farmer, many have speculated these letters to be the work of Richard Henry Lee. Lee was a prominent Anti-Federalist who was selected to be a delegate to the Constitutional Convention but refused to serve.

This text presents a somewhat complex argument that can only be understood with a clear comprehension of some of the key provisions of the Articles of Confederation and the reasons that the Second Continental Congress and the states decided to create a weak central government. However, it is also critical to consider the weaknesses of the national government under the Articles of Confederation that led to the drafting of a completely new constitution in the summer of 1787.

As you read the text, consider how the government actually operated under the Articles of Confederation. Identify the challenges that some of the provisions of the Articles may have presented to the young country.

Published in pamphlet form in November 1787

OCTOBER 8th, 1787.

DEAR SIR,

MY letters to you last winter, on the subject of a well balanced national government for the United States, were the result of a free enquiry; when I passed from that subject to enquiries relative to our commerce, revenues, past administration, etc. I anticipated the anxieties I feel, on carefully examining the plan of government proposed by the convention. It appears to be a plan retaining some federal features; but to be the first important step, and to aim strongly at one consolidated government of the United States. It leaves the powers of government, and the representation of the people, so unnaturally divided between the general and state governments, that the operations of our system must be very uncertain.

Check Your Understanding

What about the proposed Constitution troubles the Federal Farmer?

Check Your Understanding

Circle the text where the author gives his opinion on the division of power between the national government and the states.

My uniform federal attachments, and the interest I have in the protection of property, and a steady execution of the laws, will convince you, that, if I am under any bias at all, it is in favor of any general system which shall promise those advantages.

The instability of our laws increases my wishes for firm and steady government; but then, I can consent to no government, which, in my opinion, is not calculated equally to preserve the rights of all orders of men in the community. My object has been to join with those who have endeavored to supply the defects in the forms of our governments by a steady and proper administration of them.

Though I have long apprehended that fraudulent debtors, and embarrassed men, on the one hand, and men, on the other, unfriendly to republican equality, would produce an uneasiness among the people, and prepare the way, not for cool and deliberate reforms in the governments, but for changes calculated to promote the interests of particular orders of men ...

I know our situation is critical, and it behooves us to make the best of it. A federal government of some sort is necessary. We have suffered the present to languish; and whether the confederation was capable or not originally of answering any valuable purposes, it is now but of little importance.

Check Your Understanding

Circle the two interests the Federal Farmer states he has.

Check Your Understanding

What are the main concerns of the author in these two paragraphs? Paraphrase them in the space below the paragraphs.

Concept Application

Why does the author believe a federal government of some sort is necessary?

. . . A constitution is now presented which we may reject, or which we may accept with or without amendments, and to which point we ought to direct our exertions is the question. To determine this question with propriety; we must attentively examine the system itself, and the probable consequences of either step. . . .

The first principal question that occurs, is, Whether, considering our situation, we ought to precipitate the adoption of the proposed constitution? If we remain cool and temperate, we are in no immediate danger of any commotions; we are in a state of perfect peace, and in no danger of invasions; the state governments are in the full exercise of their powers; and our governments answer all present exigencies, except the regulation of trade, securing credit, in some cases, and providing for the interest, in some instances, of the public debts; ...

....

The present moment discovers a new face in our affairs. Our object has been all along, to reform our federal system, and to strengthen our governments—to establish peace, order and justice in the community—but a new object now presents. The plan of government now proposed is evidently calculated totally to change, in time, our condition as a people. Instead of being thirteen republics, under a federal head, it is clearly designed to make us one consolidated government.

...

Concept Application

Circle the words and phrases in the passage that describe the author's feelings about how quickly the Constitution is being put forward for adoption.

Check Your Understanding

What is the Federal Farmer referring to when he states, "a new object now presents"?

Check Your Understanding

Circle what the author asserts is the real objective of the proposed Constitution.

precipitate: to move or act quickly, perhaps unwisely

We expected too much from the return of peace, and of course we have been disappointed. Our governments have been new and unsettled; and several legislatures, by making tender, suspension, and paper money laws, have given just cause of uneasiness to creditors.

By these and other causes, several orders of men in the community have been prepared, by degrees, for a change of government; and this very abuse of power in the legislatures, which in some cases has been charged upon the democratic part of the community, has furnished aristocratical men with those very weapons, and those very means, with which, in great measure, they are rapidly effecting their favorite object.

And should an oppressive government be the consequence of the proposed change, posterity may reproach not only a few overbearing, unprincipled men, but those parties in the states which have misused their powers.

....

—We shall view the convention with proper respect—and, at the same time, that we reflect there were men of abilities and integrity in it, we must recollect how disproportionately the democratic and aristocratic parts of the community were represented—Perhaps the judicious friends and opposers of the new constitution will agree, that it is best to let it rely solely on its own merits, or be condemned for its own defects.

The plan proposed appears to be partly federal, but principally however, calculated ultimately to make the states one consolidated government. ...

Connect to Content

Describe two weaknesses of the Articles of Confederation, as mentioned by the author.

Academic Vocabulary

How does the author use the word *oppressive* here to send a signal about the proposed Constitution?

Check Your Understanding

Paraphrase the author's position regarding some of the men who are arguing for change in the space below this paragraph.

Academic Vocabulary

What does the author's use of the word *consolidated* here say about his views on the power of the states?

There are three different forms of free government under which the United States may exist as one nation; and now is, perhaps, the time to determine to which we will direct our views.

1. Distinct republics connected under a federal head. In this case the respective state governments must be the principal guardians of the peoples rights, and exclusively regulate their internal police; in them must rest the balance of government. The congress of the states, or federal head, must consist of delegates amenable to, and removable by the respective states: This congress must have general directing powers; powers to require men and monies of the states; to make treaties; peace and war; to direct the operations of armies, &c. Under this federal modification of government, the powers of congress would be rather advisory or recommendatory than coercive.

2. We may do away the federal state governments, and form or consolidate all the states into one entire government, with one executive, one judiciary, and one legislature, consisting of senators and representatives collected from all parts of the union: In this case there would be a compleat consolidation of the states.

3. We may consolidate the states as to certain national objects, and leave them severally distinct independent republics, as to internal police generally. Let the general government consist of an executive, a judiciary, and balanced legislature, and its powers extend exclusively to all foreign concerns, causes arising on the seas to commerce, imports, armies, navies, Indian affairs, peace and war, and to a few internal concerns of the community; to the coin, post offices, weights and measures, a general plan for the militia, to naturalization, and, perhaps to bankruptcies, leaving the internal police of the community, in other respects, exclusively to the state governments; as the administration of justice in all causes arising internally, the laying and collecting of internal taxes, and the forming of the militia according to a general plan prescribed. In this case there would be a compleat consolidation, quoad [with respect to] certain objects only.

Content Application

The author describes three possible forms of government that could be instituted. After reading this first option, describe one way that it is similar to, and different from, the Articles of Confederation.

Check Your Understanding

How does this second option connect to the author's prior use of the term consolidation?

Check Your Understanding

How does this third option compare to the first and the second options?

Touching the first, or federal plan, I do not think much can be said in its favor: The sovereignty of the nation, without coercive and efficient powers to collect the strength of it, cannot always be depended on to answer the purposes of government; and in a congress of representatives of foreign states, there must necessarily be an unreasonable mixture of powers in the same hands.

As to the second, or compleat consolidating plan, it deserves to be carefully considered at this time by every American: If it be impracticable, it is a fatal error to model our governments, directing our views ultimately to it.

The third plan, or partial consolidation, is, in my opinion, the only one that can secure the freedom and happiness of this people. I once had some general ideas that the second plan was practicable, but from long attention, and the proceedings of the convention, I am fully satisfied, that this third plan is the only one we can with safety and propriety proceed upon.

...

Independent of the opinions of many great authors, that a free elective government cannot be extended over large territories, a few reflections must evince, that one government and general legislation alone never can extend equal benefits to all parts of the United States: Different laws, customs, and opinions exist in the different states, which by a uniform system of laws would be unreasonably invaded. The United States contain about a million of square miles, and in half a century will, probably, contain ten millions of people; and from the center to the extremes is about 800 miles.

Before we do away the state governments or adopt measures that will tend to abolish them, and to consolidate the states into one entire government several principles should be considered and facts ascertained:—These, and my examination into the essential parts of the proposed plan, I shall pursue in my next.

Your's, &c.

THE FEDERAL FARMER.

Check Your Understanding

Circle the issues or problems the author finds with the first and second options.

Check Your Understanding

Of the three discussed, which plan does the author believe would be the most likely to “secure the freedom and happiness of this people”? How does he support this conclusion?

Check Your Understanding

Highlight or underline the argument the author makes about why a “consolidated” government is not possible over a country the size (and future size) of the United States.