The Federalist Papers

If men were angels, no government would be necessary. – James Madison

During the Revolutionary War, Americans set up a new national government. They worried that a strong central government might crush their rights as had the British government. They wanted something new, so they drew up a plan of government called the Articles of Confederation. Each state approved it.

This document created a national government that had little power. The government could not raise taxes, nor could it control trade among the states. It could not even draft soldiers into an army. Each state was only loosely bound to the others.

When the war ended in 1783, it seemed that the United States might break into 13 separate countries. The United States was in debt, and trade among the states was difficult.

By 1787, something had to be done. Delegates from the 13 states met in Philadelphia. Many wanted a new national government. It had to be strong enough to hold together the new nation, but it could not be too strong. It must not take away their freedom.

Over the summer, the delegates wrote a new plan for government: the Constitution. The delegates signed the Constitution on September 17, 1787. The Constitution would be the “law of the land,” but first it had to be approved by nine of the 13 states. The signers knew that approval of the Constitution would not be easy since many people opposed it. People in every state talked about one question: Should they accept the new Constitution?

Hamilton, Jay, and Madison

Just days after the new Constitution was signed, many New York newspapers began to attack it. They said that the new Constitution took away the rights Americans had won in the Revolution.

Alexander Hamilton was a lawyer from New York who had helped write the Constitution, and he was the only delegate from New York who signed it. The others had refused to sign, because they agreed with the critics in the newspapers. Hamilton feared that New York might not approve the Constitution and decided to write essays arguing with the critics.

Hamilton wanted a strong central government. He even favored one stronger than the one outlined in the new Constitution. But Hamilton supported the Constitution as a great improvement over the Articles of Confederation. In October 1787, he published his first essay defending the Constitution. He signed it using the Roman name “Publius.” (Political writers then often used pen names.) Hamilton soon asked two other men, James Madison and John Jay, to write articles. They also used the name “Publius.”
James Madison is sometimes called the Father of the Constitution. He played a major role at the Constitutional Convention. As a delegate from Virginia, he kept notes of the talks and wrote much of the Constitution. John Jay had helped negotiate the Treaty of Paris, which ended the Revolutionary War, but had not helped write the Constitution. He was serving as secretary of foreign affairs, a diplomatic office, when Hamilton asked him to help write the essays.

Hamilton, Madison, and Jay wrote 85 essays for the New York papers. The essays drew much praise, and many people outside of New York wanted to read them. One New York newspaper printed the essays as a book (in two volumes) called The Federalist. By this time, most people knew that “Publius” was actually Hamilton, Jay, and Madison.

The Federalist was also called the Federalist Papers. It helped convince New Yorkers that the Constitution was a good model for a new government. Today, the Federalist Papers helps us understand what the writers of the Constitution had in mind when they drafted that amazing document 200 years ago.

What The Federalist Papers Said

The Federalist Papers addressed issues about the Constitution. In Federalist Paper, No. 23, Hamilton listed the main goals of government. One was “common defense.” This meant keeping law and order at home and protecting the nation from “external attacks.” Another big goal was to control trade between states and with other nations. A third goal was dealing with “foreign countries.”

In Federalist Paper, No. 51, Madison told why government is needed. “If men were angels, no government would be necessary.” He then explained why government needs checks on it. “If angels were to govern men,” no checks would be needed. “In framing a government which is to be administered by men over men,” he continued, “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.” In other words, government had to have power, but not too much power.

The Federalist Papers explained how the Constitution set up such a government. Much of the Federalist Papers explained three basic ideas behind the Constitution:

1. The Constitution separates the powers of the national government.
2. The Constitution creates a federal form of government.
3. The Constitution sets up a republic.
Separation of Powers

The Constitution puts many checks on government. One is called the **separation of powers**. Congress, the president, and the courts have separate powers. Congress makes laws, the president carries them out, and the courts say what the laws mean. In Federalist Paper, No. 47, Madison told why the powers of government should be separated. He said: Putting “all powers . . . in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny.” In other words, giving one person or group all the power will unjustly take away other people’s freedom.
Federalism

Another check on government is federalism. The Constitution lists the powers of the national government and reserves all other powers for the states. This dual system of state and national governments is known as federalism. As Madison explained in Federal Paper, No. 46, the federal system lets state governments, which are closer to the people, meet the “personal interests of the people.” The states also serve to check the power of the federal government.

A Republic

The Federalist Papers emphasized that the Constitution created a republic. A republic is a representative democracy, which is a system in which people elect those who govern them. A republic relies on the consent of the governed. In Federalist Paper, No. 39, Madison defined a republic as a government that gets its powers from the people and is run “by persons holding their offices . . . for a limited period, or during good behavior.”

Madison went on to point out that the Constitution follows these rules. The people directly elect the members of the House of Representatives and indirectly choose the president and senators. (Under the Constitution, Senators were elected by the state legislatures. The president was elected by the Electoral College.)

The Constitution set the terms for president (four years), senator (six years), and member of Congress (two years). It gave federal judges life terms (as long as they show “good behavior”).

In Federalist Paper, No. 78, Hamilton explained why judges should serve such long terms. He said that the courts must protect the Constitution, and life terms for judges will give them an “independent spirit.” Judges must know that they don’t have to agree with Congress or the president to keep their jobs. “This independence of the judges,” Madison wrote, “is equally requisite to guard the Constitution and the rights of individuals . . . .”

Many thinkers believed that a republic could not work in a large country. They thought it could only work properly in states or cities where people knew the community and could work for the common good. In a large country, they argued, the government is far from the people, and special interests, or factions, would take over.

In Federalist Paper, No. 10, Madison responded that large republics actually prevented special interests from taking over. Madison said that in a large republic, “. . . you take in a greater variety of . . . interests; you make it less probable that a majority . . . will have a common motive to invade the rights of other citizens . . . .” In other words, in a large republic, the special interests balance each other out.

The Federalist Papers stressed that the Constitution was setting up a government that would preserve freedom. The new government would be strong enough to protect the nation, but it would not be too strong as to take away people’s freedom. Its powers would be limited and checked through federalism and the separation of powers. It also would be a republic, based on the consent of the governed.

The Anti-Federalists

Those opposed to the Constitution were called the Anti-Federalists. They also wrote essays in New York newspapers. They, too, used Roman pen names: “Brutus” and “Cato” and some others.
They made several points. 
First, they said that Congress, the president, and the courts would have too much power, more power than the old British government. The British had crushed American freedom. They said the government created by the Constitution would also.

Second, they wanted the states to keep their power. They thought that only small governments, close to the people, could insure freedom. A strong national government would not listen to the people.

Third, they said that the Constitution should have a bill of rights.
This last point struck a chord. Many people wanted a bill of rights. They had just fought a war to be free and did not want the new government to take away their rights.

In Federalist Paper, No. 84, Hamilton said that a bill of rights was not needed. He said the new government would not have the power to abuse people’s rights. He asked: Why say “that things shall not be done which there is no power to do?”

Approval of the Constitution

By June 1788, most states had approved the Constitution. But several states still had not. The two biggest states, New York and Virginia, were still debating. To get these states to approve the Constitution, the Federalists promised that a bill of rights would be added to it. With this promise, the states approved the Constitution.

James Madison was elected to Congress from Virginia. When the first Congress met in 1789, he saw it as his duty to add a bill of rights to the Constitution. He drafted proposed amendments to the Constitution. Congress passed 10 of the amendments, and these amendments are called the Bill of Rights. They list many rights: freedom of speech, freedom of religion, right to a jury trial, and many other rights that Americans today still think are important to a free society.

The Constitution was not perfect. It did not outlaw slavery. This was not done until after the Civil War when the 13th Amendment was added. The Constitution also did not give women the right to vote. This was not done until after World War I when the 19th Amendment was adopted.

Over the years, other changes to the Constitution have been made. In 1913, the 17th Amendment let the people of each state, instead of the state legislature, elect senators. In 1951, the 22nd Amendment limited presidents to two terms in office.

In all, only 27 amendments have been added to the Constitution. It created a democratic government that has lasted more than 200 years. The Federalist Papers helped create this government.