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| **Questions** | **Federalist 70** | **Annotations** |
| 1. What benefits does a strong presidency provide to a representative democracy? | THERE is an idea, which is not without its advocates, that a vigorousExecutive is inconsistent with thegenius of republican government. The enlightened well wishersto 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 highhanded 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 inRoman story, knows how often thatrepublic was obliged to take refuge inthe 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 ofwhole classes of the communitywhose conduct threatened theexistence of all government, asagainst the invasions of externalenemies who menaced the conquestand destruction of Rome. | There are some people who believethat strong executive is not necessaryin a republican government. Thisunderstanding of a republicangovernment has no basis. A strongexecutive is necessary in order tocreate a good government. It provides protection against foreign attacks; it is essential for implementing law; it helps protect private property; it secures liberty. In fact, Rome would often turn power over to a single ruler in order to protect the state. |
| 2.Why does a weak executive create a bad government? | There can be no need, however, tomultiply arguments or examples onthis 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. | In contrast, a weak executive willultimately lead to a bad form ofgovernment. |
|  | Taking it for granted, therefore, thatall men of sense will agree in thenecessity of an energetic Executive, itwill only remain to inquire, what arethe ingredients which constitute thisenergy? How far can they becombined with those other ingredients which constitute safety in the republican sense? And how far does this combination characterize the plan which has been reported by the convention? | Therefore, the only questions thatremain regarding the executive are:what makes a strong executive? Doesthe proposed constitution provide astrong executive? |
| 3.What are 4 ingredients of an energetic executive? | The ingredients which constituteenergy in the Executive are, first,unity; secondly, duration; thirdly, anadequate provision for its support;fourthly, competent powers. | Unity in the executive, an adequatetime in office for an executive, support for the executive, and properauthority all together make a strongexecutive. |
| 4.How can a people (the republic) safeguard against abuse from an energetic executive? | The ingredients which constitutesafety in a republican sense are, first,a due dependence on the people,secondly, a due responsibility. | Dependency on the people as well asa responsibility for the people createsa safe republic. |
| 5.What, according to Hamilton, is the most necessary quality for a president? | Those politicians and statesmen whohave been the most celebrated for the soundness of their principles and for the justice of their views, have declared in favor of a single Executive and a numerous legislature. They have with great propriety, considered**energy as the most necessary****qualification** of the former, and have regarded this as most applicable to power in a single hand, while theyhave, with equal propriety, considered the latter as best adapted to deliberation and wisdom, and bestcalculated to conciliate the confidence of the people and to secure their privileges and interests. | The Federalists support creating agovernment that has a singleexecutive and a numerous legislature. They believe that a single executive will create a strong executive branch and a numerous legislature, that represents the people, will secure the peoples rights and interests. |
| 6. Define **Executive Privilege**-7. Although exe priv is **not** in the constitution, how is its use justified? | That unity is conducive to energy will not be disputed. Decision, activity, **secrecy**, and dispatch will generally characterize the proceedings of one man in a much more eminent degree than the proceedings of any greater number; and in proportion as the number is increased, these qualities will be diminished. | Unity leads to strength. Decisionmaking, fast action, secrecy, andbetter performance will happen to agreater degree with one person ratherthan with multiple people. |
| 8. How can the unity of the presidency be destroyed? | This unity may be destroyed in twoways: either by vesting the power intwo or more **magistrates** of equaldignity and authority; or by vesting it**ostensibly** in one man, subject, inwhole or in part, to the control andcooperation of others, in the capacityof counsellors to him. Of the first, the two Consuls of Rome may serve as an example; of the last, we shall find examples in the constitutions ofseveral of the States. New York andNew Jersey, if I recollect right, are the only States which have entrusted the executive authority wholly to single men. Both these methods ofdestroying the unity of the Executivehave their partisans; but the votariesof an executive council are the mostnumerous. They are both liable, if not to equal, to similar objections, and may in most lights be examined in conjunction. | Unity can be destroyed in two ways.The first is by giving equal power totwo people. The second is by givingone person power, but that person iscompletely dependent on the opinions of the other. In Rome more than one person was given equal power.Several state have executives whorely on the opinions of other people.Only New York and New Jersey have given complete power to a single executive. Some people support the idea of creating an executive council rather than having a single executive. |
|  | The experience of other nations willafford little instruction on this head.As far, however, as it teaches anything, it teaches us not to be enamored of plurality in theExecutive. We have seen that the Achaeans, on an experiment of twoPraetors, were induced to abolish one. 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. That the dissensions between them were not more frequent or more fatal, is amatter of astonishment, until weadvert to the singular position inwhich the republic was almostcontinually placed, and to the prudent policy pointed out by thecircumstances of the state, andpursued by the Consuls, of making adivision of the government betweenthem. The patricians engaged in aperpetual struggle with the plebeiansfor the preservation of their ancientauthorities and dignities; the Consuls,who were generally chosen out of theformer body, were commonly unitedby the personal interest they had inthe defense of the privileges of theirorder. In addition to this motive ofunion, after the arms of the republichad considerably expanded thebounds of its empire, it became anestablished custom with the Consulsto divide the administration betweenthemselves by lot — one of themremaining at Rome to govern the cityand its environs, the other taking thecommand in the more distantprovinces. This expedient must, nodoubt, have had great influence inpreventing those collisions andrival ships which might otherwise have embroiled the peace of the republic. | Ancient history has taught us that anexecutive with multiple people doesnot work. |
|  | But quitting the dim light of historical research, attaching ourselves purely to the dictates of reason and good sense, we shall discover much greater cause to reject than to approve the idea of plurality in the Executive, under any modification whatever. | Not only can we learn from history,but there are also other reasons whywe should not have a plural executive |
| 9. What problems might arise if the presidency were split between two people? | Wherever two or more persons areengaged in any common enterprise or pursuit, there is always danger ofdifference of opinion. If it be a public trust or office, in which they are clothed with equal dignity andauthority, there is peculiar danger ofpersonal emulation and evenanimosity. From either, and especially from all these causes, the most bitter dissensions are apt to spring. Whenever these happen, they lessen the respectability, weaken theauthority, and distract the plans andoperation of those whom they divide. If they should unfortunately assail the supreme executive magistracy of a country, consisting of a plurality of persons, they might impede or frustrate the most important measures of the government, in the most critical emergencies of the state. And what is still worse, they might split the community into the most violent and irreconcilable factions, adhering differently to the different individuals who composed themagistracy. | There is always the danger that whentwo people work together they canhave different opinions. This isespecially dangerous if the two people are given equal power. Competition between the two or a dislike for one another can occur. In addition, disagreements are bound to happen. All of these problems can lead to a loss of respect and authority, and in the case of an executive council, divide within the executive branch will occur, where some council members may criticize the primary executive. This can also lead to slowing government action, even in times of emergency. Moreover, it can lead to creating factions within a state whereone faction supports one executiveand another faction supports theother. |
| 10. How do human weaknesses complicate decision-making, according to Hamilton? | **Men often oppose a thing, merely****because they have had no agency in planning it, or because it may have been planned by those whom they dislike. But if they have been consulted, and have happened to disapprove, opposition then becomes, in their estimation, an indispensable duty of selflove.** They seem to think themselves bound in honor, and by all the motives of personal infallibility, to defeat the success of what has been resolved upon contrary to their sentiments. Men of upright, benevolent tempers have too many opportunities of remarking, with horror, to what desperate lengths this disposition is sometimes carried, and how often the great interests of society are sacrificed to the vanity, to the conceit, and to the **obstinacy** ofindividuals, who have credit enough to make their passions and their **caprices** interesting to mankind. Perhaps the question now before the public may, in its consequences, afford melancholy proofs of the effects of this despicable frailty, or rather detestable vice, in the human character. | Men often oppose something eitherbecause they were not involved inplanning it or they dislike someonewho did plan it. If someone consultsanother person and they stilldisapprove of something they will tryto reject it. Many times men ofotherwise, good character will stilldisregard the interest of society andfollow their own self-interest.This type of action raises a question about the effect of self-intereston human character. |
| 11. What are characteristics of the legislative branch?12. Why is disagreement within the legislative branch beneficial, while in the executive branch it is detrimental? | Upon the principles of a freegovernment, inconveniences from the source just mentioned mustnecessarily be submitted to in theformation of the legislature; but it isunnecessary, and therefore unwise, to introduce them into the constitution of the Executive. It is here too that they may be most **pernicious**. In the legislature, promptitude of decision isoftener an evil than a benefit. Thedifferences of opinion, and the jarrings of parties in that department of the government, though they maysometimes obstruct salutary plans,yet often promote deliberation and**circumspection**, and serve to checkexcesses in the majority. When aresolution too is once taken, theopposition must be at an end. Thatresolution is a law, and resistance to it punishable. But no favorablecircumstances **palliate** or atone for the disadvantages of dissension in the executive department. Here, they are pure and unmixed. There is no point at which they cease to operate. They serve to embarrass and weaken the execution of the plan or measure to which they relate, from the first step to the final conclusion of it. They constantly counteract those qualities in the Executive which are the most necessary ingredients in itscomposition — vigor and expedition, and this without any counterbalancing good. In the conduct of war, in which the energy of the Executive is the **bulwark** of the national security, everything would be to be apprehendedfrom its plurality. | Disagreement is necessary within thelegislature in order to have a freegovernment; but it is unnecessarywithin the executive branch. It wouldbe harmful to free government if thelegislature made quick decisions.Debate allows for proper discussionand good judgment to occur, whichchecks the power of the majority.After the legislature reaches anagreement and passes a law alldisagreements within the government must end. Disagreement within the executive branch would have no benefit to free government. It would continue without an end and ultimately lead to slow action within the executive branch. Strength and fast action is necessary within the executive branch, especially during times of war, and having multiple executives would be an obstacle to both qualities. |
|  | It must be confessed that theseobservations apply with principalweight to the first case supposed —that is, to a plurality of magistrates ofequal dignity and authority a scheme,the advocates for which are not likelyto form a numerous sect; but theyapply, though not with equal, yet with considerable weight to the project of a council, whose concurrence is madeconstitutionally necessary to theoperations of the **ostensible** Executive. An artful **cabal** in that council would be able to distract and to **enervate** the whole system of administration. If no such cabal should exist, the mere diversity of views and opinions wouldalone be sufficient to **tincture** theexercise of the executive authoritywith a spirit of habitual feebleness and **dilatoriness**. | Having a primary executive that mustanswer to a council is also harmful. An interest group within the councilwould weaken the whole executivebranch. Disagreements betweencouncil members could lead to a weak and slow acting executive branch. |
|  | But one of the weightiest objections to a plurality in the Executive, and which lies as much against the last as the first plan, is, that it tends to **conceal faults** and **destroy responsibility**. Responsibility is of two kinds — to censure and to punishment. The first is the more important of the two, especially in an elective office. Man, in public trust, will much oftener act in such a manner as to render himunworthy of being any longer trusted, than in such a manner as to make him obnoxious to legal punishment. But the multiplication of the Executive adds to the difficulty of detection in either case. It often becomes impossible, amidst mutual accusations, to determine on whom the blame or the punishment of a pernicious measure, or series ofpernicious measures, ought really tofall. It is shifted from one to anotherwith so much dexterity, and undersuch plausible appearances, that thepublic opinion is left in suspense about the real author. The circumstances which may have led to any national miscarriage or misfortune are sometimes so complicated that, where there are a number of actors who may have had different degrees and kinds of agency, though we may clearly seeupon the whole that there has beenmismanagement, yet it may beimpracticable to pronounce to whoseaccount the evil which may have been incurred is truly chargeable. | The most important argument against having either multiple executives or an executive council is that no person could be help accountable or responsible for illegal actions. In order to hold someone responsible they must be subject to disapproval and to punishment. Having multiple executives makes it difficult to hold someone responsible and accountable to the public or to be punished by law. The public would not be able to determine who acted illegally. Executives could blame one another, and the public would not be able to hold anyone accountable and would not be able to punish anyone. |
|  | "I was overruled by my council. The council were so divided in theiropinions that it was impossible toobtain any better resolution on thepoint." These and similar pretexts areconstantly at hand, whether true orfalse. And who is there that will either take the trouble or incur the odium, of a strict scrutiny into the secret springs of the transaction? Should there be found a citizen zealous enough to undertake the unpromising task, if there happen to be collusion between the parties concerned, how easy it is to clothe the circumstances with so much ambiguity, as to render it uncertain what was the precise conduct of any of those parties? | The primary executive might say, "It was the council that acted wrongly.The council was in disagreement sothere was no proper action to take."Would someone be able to figure outwas truly happened? Is theresomeone dedicated enough to find the truth? |
|  | In the single instance in which thegovernor of this State is coupled with a council — that is, in theappointment to offices, we have seenthe mischiefs of it in the view nowunder consideration. Scandalousappointments to important officeshave been made. Some cases, indeed,have been so flagrant that ALLPARTIES have agreed in theimpropriety 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. | Illegal appointments to importantoffices have occurred in states thathave both a governor and a council.The governor has blamed the councilfor making the illegal appointmentand the council has blamed thegovernor. The people then cannotdetermine who acted illegally. |
|  | It is evident from these considerations, that the plurality ofthe Executive tends to deprive thepeople of the two greatest securitiesthey 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 learness 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. | Thus, plurality in the executive branch denies the people the two greatest confidences they have for someone in power: first, the restraint of public opinion, and second, discovering when someone acts illegally and being able to punish that person. |
|  | In England, the king is a perpetualmagistrate; and it is a maxim whichhas obtained for the sake of the public peace, that he is unaccountable for his administration, and his person sacred. Nothing, therefore, can be wiser in that kingdom, than to annex to the king a constitutional council, who may be responsible to the nation for the advice they give. Without this, there would be no responsibility whatever in the executive department — an idea inadmissible in a free government. But even there the king is not bound by the resolutions of his council, though they are answerable for the advice they give. He is the absolute master of his own conduct in the exercise of his office, and may observe or disregard the counsel given to him at his sole discretion. | In England, the kind is always inpower, he is not accountable for hisactions, and he is a sacred person.Thus, the king's council is always held responsible for illegal action. If the council was not held responsible no one would be for breaking the law. However, the kind is not bound to follow the advice of his council and acts as he wants. |
|  | But in a republic, where everymagistrate ought to be personallyresponsible for his behavior in officethe reason which in the BritishConstitution dictates the propriety of a council, not only ceases to apply, but turns against the institution. In the monarchy of Great Britain, it furnishes a substitute for the prohibited responsibility of the chief magistrate, which serves in some degree as a hostage to the national justice for his good behavior. In the American republic, it would serve to destroy, or would greatly diminish, the intended and necessary responsibility of the Chief Magistrate himself. | But in a republic, every person whoholds office should be responsible for his actions. Thus, the British model does not work in a republic. In the American republic, the British model would destroy the responsibility of the executive branch. |
|  | The idea of a council to the Executive, which has so generally obtained in the State constitutions, has been derived from that maxim of republican jealousy which considers power as safer in the hands of a number of men than of a single man. If the maxim should be admitted to be applicable to the case, I should contend that the advantage on that side would not counterbalance the numerous disadvantages on the opposite side. But I do not think the rule at all applicable to the executive power. I clearly concur in opinion, in this particular, with a writer whom the celebrated Junius pronounces to be "deep, solid, and ingenious," that "the executive power is more easilyconfined when it is ONE"; that it is far more safe there should be a singleobject for the jealousy and watchfulness of the people; and, in aword, that all multiplication of theExecutive is rather dangerous thanfriendly to liberty. | The idea that there needs to be anexecutive council comes from therepublican idea that power is safer ifgiven to many men than just to oneman. But I do not think this ruleapplies to executive power. Executive power is safest in a single executive and giving power to more than one executive is dangerous to liberty*.* |
|  | A little consideration will satisfy us,that the species of security sought for in the multiplication of the Executive, is unattainable. Numbers must be so great as to render combination difficult, or they are rather a source of danger than of security. The united credit and influence of several individuals must be more formidable to liberty, than the credit and influence of either of them separately.When power, therefore, is placed inthe hands of so small a number ofmen, as to admit of their interests and views being easily combined in acommon enterprise, by an artfulleader, it becomes more liable toabuse, and more dangerous whenabused, than if it be lodged in thehands 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. The Decemvirs of Rome, whose name denotes their number, were more to be dreaded in their **usurpation** than any ONE of them would have been. No person would think of proposing an Executive much more numerous than that body; from six to a dozen havebeen suggested for the number of the council. The extreme of thesenumbers, is not too great for an easycombination; and from such a combination America would havemore to fear, than from the ambitionof any single individual. A council to a magistrate, who is himself responsible for what he does, are generally nothing better than a clog upon his good intentions, are often the instruments and accomplices of his bad and are almost always a cloak to his faults. | Security will not be achieved if thereis more than one executive. Abuse ofpower is much more dangerous when committed by a few men than when committed by one man. The ambition of many men is much more dangerous than the ambition of one man. An executive council could lead to illegal action and at the same time conceal who is actually responsible. |

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|  | I forbear to dwell upon the subject of expense; though it be evident that if the council should be numerousenough to answer the principal endaimed at by the institution, thesalaries 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 beincurred for an object of equivocalutility. I will only add that, prior to the appearance of the Constitution, Irarely met with an intelligent manfrom any of the States, who did notadmit, as the result of experience,that the UNITY of the executive of this State was one of the best of thedistinguishing features of ourconstitution. | In addition, an executive branch withmultiple executives would be tooexpensive for the public to maintain.Finally, before the debate over theConstitution began, most people I met agreed that the unity of the New York state executive was one of the best parts of our state constitution. |

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