|  |  |  |
| --- | --- | --- |
| **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 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 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 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 are some people who believe  that strong executive is not necessary  in a republican government. This  understanding of a republican  government has no basis. A strong  executive is necessary in order to  create 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, 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. | In contrast, a weak executive will  ultimately lead to a bad form of  government. |
|  | Taking it for granted, therefore, that  all men of sense will agree in the  necessity of an energetic Executive, it  will only remain to inquire, what are  the ingredients which constitute this  energy? How far can they be  combined 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 that  remain regarding the executive are:  what makes a strong executive? Does  the proposed constitution provide a  strong executive? |
| 3.What are 4 ingredients of an energetic executive? | The ingredients which constitute  energy in the Executive are, first,  unity; secondly, duration; thirdly, an  adequate provision for its support;  fourthly, competent powers. | Unity in the executive, an adequate  time in office for an executive, support for the executive, and proper  authority all together make a strong  executive. |
| 4.How can a people (the republic) safeguard against abuse from an energetic executive? | The ingredients which constitute  safety in a republican sense are, first,  a due dependence on the people,  secondly, a due responsibility. | Dependency on the people as well as  a responsibility for the people creates  a safe republic. |
| 5.What, according to Hamilton, is the most necessary quality for a president? | Those politicians and statesmen who  have 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 they  have, with equal propriety, considered the latter as best adapted to deliberation and wisdom, and best  calculated to conciliate the confidence of the people and to secure their privileges and interests. | The Federalists support creating a  government that has a single  executive 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. Decision  making, fast action, secrecy, and  better performance will happen to a  greater degree with one person rather  than with multiple people. |
| 8. How can the unity of the presidency be destroyed? | This unity 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  cooperation of others, in the capacity  of 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 of  several of the States. New York and  New Jersey, if I recollect right, are the only States which have entrusted the executive authority wholly to single men. Both these methods of  destroying the unity of the Executive  have their partisans; but the votaries  of an executive council are the most  numerous. 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 to  two people. The second is by giving  one person power, but that person is  completely dependent on the opinions of the other. In Rome more than one person was given equal power.  Several state have executives who  rely 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 will  afford little instruction on this head.  As far, however, as it teaches any  thing, it teaches us not to be enamored of plurality in the  Executive. We have seen that the Achaeans, on an experiment of two  Praetors, 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 a  matter of astonishment, until we  advert to the singular position in  which the republic was almost  continually placed, and to the prudent policy pointed out by the  circumstances of the state, and  pursued by the Consuls, of making a  division of the government between  them. The patricians engaged in a  perpetual struggle with the plebeians  for the preservation of their ancient  authorities and dignities; the Consuls,  who were generally chosen out of the  former body, were commonly united  by the personal interest they had in  the defense of the privileges of their  order. In addition to this motive of  union, after the arms of the republic  had considerably expanded the  bounds of its empire, it became an  established custom with the Consuls  to divide the administration between  themselves by lot — one of them  remaining at Rome to govern the city  and its environs, the other taking the  command in the more distant  provinces. This expedient must, no  doubt, have had great influence in  preventing those collisions and  rival ships which might otherwise have embroiled the peace of the republic. | Ancient history has taught us that an  executive with multiple people does  not 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 why  we should not have a plural executive |
| 9. What problems might arise if the presidency were split between two people? | Wherever two or more persons are  engaged in any common enterprise or pursuit, there is always danger of  difference of opinion. If it be a public trust or office, in which they are clothed with equal dignity and  authority, there is peculiar danger of  personal emulation and even  animosity. From either, and especially from all these causes, the most bitter dissensions are apt to spring. Whenever these happen, they lessen the respectability, weaken the  authority, and distract the plans and  operation 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 the  magistracy. | There is always the danger that when  two people work together they can  have different opinions. This is  especially 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 where  one faction supports one executive  and another faction supports the  other. |
| 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** of  individuals, 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 either  because they were not involved in  planning it or they dislike someone  who did plan it. If someone consults  another person and they still  disapprove of something they will try  to reject it. Many times men of  otherwise, good character will still  disregard the interest of society and  follow their own self-interest.  This type of action raises a question about the effect of self-interest  on 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 free  government, inconveniences from the source just mentioned must  necessarily be submitted to in the  formation of the legislature; but it is  unnecessary, 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 is  oftener an evil than a benefit. The  differences of opinion, and the jarrings of parties in that department of the government, though they may  sometimes obstruct salutary plans,  yet often promote deliberation and  **circumspection**, and serve to check  excesses in the majority. When a  resolution too is once taken, the  opposition must be at an end. That  resolution is a law, and resistance to it punishable. But no favorable  circumstances **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 its  composition — 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 apprehended  from its plurality. | Disagreement is necessary within the  legislature in order to have a free  government; but it is unnecessary  within the executive branch. It would  be harmful to free government if the  legislature made quick decisions.  Debate allows for proper discussion  and good judgment to occur, which  checks the power of the majority.  After the legislature reaches an  agreement and passes a law all  disagreements 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 these  observations apply with principal  weight to the first case supposed —  that is, to a plurality of magistrates of  equal dignity and authority a scheme,  the advocates for which are not likely  to form a numerous sect; but they  apply, though not with equal, yet with considerable weight to the project of a council, whose concurrence is made  constitutionally necessary to the  operations 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 would  alone be sufficient to **tincture** the  exercise of the executive authority  with a spirit of habitual feebleness and **dilatoriness**. | Having a primary executive that must  answer to a council is also harmful. An interest group within the council  would weaken the whole executive  branch. Disagreements between  council 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 him  unworthy 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 of  pernicious measures, ought really to  fall. It is shifted from one to another  with so much dexterity, and under  such plausible appearances, that the  public 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 see  upon the whole that there has been  mismanagement, yet it may be  impracticable to pronounce to whose  account 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 their  opinions that it was impossible to  obtain any better resolution on the  point." These and similar pretexts are  constantly at hand, whether true or  false. 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 so  there was no proper action to take."  Would someone be able to figure out  was truly happened? Is there  someone dedicated enough to find the truth? |
|  | 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. | Illegal appointments to important  offices have occurred in states that  have both a governor and a council.  The governor has blamed the council  for making the illegal appointment  and the council has blamed the  governor. The people then cannot  determine who acted illegally. |
|  | 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 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 perpetual  magistrate; and it is a maxim which  has 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 in  power, he is not accountable for his  actions, 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 every  magistrate ought to be personally  responsible for his behavior in office  the reason which in the British  Constitution 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 who  holds 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 easily  confined when it is ONE"; that it is far more safe there should be a single  object for the jealousy and watchfulness of the people; and, in a  word, that all multiplication of the  Executive is rather dangerous than  friendly to liberty. | The idea that there needs to be an  executive council comes from the  republican idea that power is safer if  given to many men than just to one  man. But I do not think this rule  applies 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 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 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.  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 have  been suggested for the number of the council. The extreme of these  numbers, is not too great for an easy  combination; and from such a combination America would have  more to fear, than from the ambition  of 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 there  is more than one executive. Abuse of  power 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. |

|  |  |  |
| --- | --- | --- |
|  | 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. | In addition, an executive branch with  multiple executives would be too  expensive for the public to maintain.  Finally, before the debate over the  Constitution 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. |

Site: **Alexander Hamilton Project** at http://hamiltonprojectnu.wikidot.com

Source page: **Federalist 70** at http://hamiltonprojectnu.wikidot.com/federalist70lindley