

1 FEDERALIST No. 25. The Same Subject Continued (The
2 Powers Necessary to the Common Defense Further
3 Considered)

4 From the New York Packet. Friday, December 21, 1787.

5 HAMILTON

6 To the People of the State of New York:

7 IT MAY perhaps be urged that the objects enumerated in the preceding number ought to be
8 provided for by the State governments, under the direction of the Union. But this would be, in reality,
9 an inversion of the primary principle of our political association, as it would in practice transfer the
10 care of the common defense from the federal head to the individual members: a project oppressive to
11 some States, dangerous to all, and baneful to the Confederacy.

12 The territories of Britain, Spain, and of the Indian nations in our neighborhood do not border on
13 particular States, but encircle the Union from Maine to Georgia. The danger, though in different
14 degrees, is therefore common. And the means of guarding against it ought, in like manner, to be the
15 objects of common councils and of a common treasury. It happens that some States, from local
16 situation, are more directly exposed. New York is of this class. Upon the plan of separate provisions,
17 New York would have to sustain the whole weight of the establishments requisite to her immediate
18 safety, and to the mediate or ultimate protection of her neighbors. This would neither be equitable as
19 it respected New York nor safe as it respected the other States. Various inconveniences would attend
20 such a system. The States, to whose lot it might fall to support the necessary establishments, would be
21 as little able as willing, for a considerable time to come, to bear the burden of competent provisions.
22 The security of all would thus be subjected to the parsimony, improvidence, or inability of a part. If
23 the resources of such part becoming more abundant and extensive, its provisions should be
24 proportionally enlarged, the other States would quickly take the alarm at seeing the whole military
25 force of the Union in the hands of two or three of its members, and those probably amongst the most
26 powerful. They would each choose to have some counterpoise, and pretenses could easily be contrived.
27 In this situation, military establishments, nourished by mutual jealousy, would be apt to swell beyond

1 their natural or proper size; and being at the separate disposal of the members, they would be engines
2 for the abridgment or demolition of the national authority.

3 Reasons have been already given to induce a supposition that the State governments will too
4 naturally be prone to a rivalry with that of the Union, the foundation of which will be the love of
5 power; and that in any contest between the federal head and one of its members the people will be
6 most apt to unite with their local government. If, in addition to this immense advantage, the ambition
7 of the members should be stimulated by the separate and independent possession of military forces, it
8 would afford too strong a temptation and too great a facility to them to make enterprises upon, and
9 finally to subvert, the constitutional authority of the Union. On the other hand, the liberty of the
10 people would be less safe in this state of things than in that which left the national forces in the hands
11 of the national government. As far as an army may be considered as a dangerous weapon of power, it
12 had better be in those hands of which the people are most likely to be jealous than in those of which
13 they are least likely to be jealous. For it is a truth, which the experience of ages has attested, that the
14 people are always most in danger when the means of injuring their rights are in the possession of those
15 of whom they entertain the least suspicion.

16 The framers of the existing Confederation, fully aware of the danger to the Union from the separate
17 possession of military forces by the States, have, in express terms, prohibited them from having either
18 ships or troops, unless with the consent of Congress. The truth is, that the existence of a federal
19 government and military establishments under State authority are not less at variance with each other
20 than a due supply of the federal treasury and the system of quotas and requisitions.

21 There are other lights besides those already taken notice of, in which the impropriety of restraints
22 on the discretion of the national legislature will be equally manifest. The design of the objection, which
23 has been mentioned, is to preclude standing armies in time of peace, though we have never been
24 informed how far it is designed the prohibition should extend; whether to raising armies as well as to
25 KEEPING THEM UP in a season of tranquillity or not. If it be confined to the latter it will have no
26 precise signification, and it will be ineffectual for the purpose intended. When armies are once raised
27 what shall be denominated "keeping them up," contrary to the sense of the Constitution? What time
28 shall be requisite to ascertain the violation? Shall it be a week, a month, a year? Or shall we say they
29 may be continued as long as the danger which occasioned their being raised continues? This would be

1 to admit that they might be kept up IN TIME OF PEACE, against threatening or impending danger,
2 which would be at once to deviate from the literal meaning of the prohibition, and to introduce an
3 extensive latitude of construction. Who shall judge of the continuance of the danger? This must
4 undoubtedly be submitted to the national government, and the matter would then be brought to this
5 issue, that the national government, to provide against apprehended danger, might in the first instance
6 raise troops, and might afterwards keep them on foot as long as they supposed the peace or safety of
7 the community was in any degree of jeopardy. It is easy to perceive that a discretion so latitudinary as
8 this would afford ample room for eluding the force of the provision.

9 The supposed utility of a provision of this kind can only be founded on the supposed probability,
10 or at least possibility, of a combination between the executive and the legislative, in some scheme of
11 usurpation. Should this at any time happen, how easy would it be to fabricate pretenses of approaching
12 danger! Indian hostilities, instigated by Spain or Britain, would always be at hand. Provocations to
13 produce the desired appearances might even be given to some foreign power, and appeased again by
14 timely concessions. If we can reasonably presume such a combination to have been formed, and that
15 the enterprise is warranted by a sufficient prospect of success, the army, when once raised, from
16 whatever cause, or on whatever pretext, may be applied to the execution of the project.

17 If, to obviate this consequence, it should be resolved to extend the prohibition to the RAISING of
18 armies in time of peace, the United States would then exhibit the most extraordinary spectacle which
19 the world has yet seen, that of a nation incapacitated by its Constitution to prepare for defense, before
20 it was actually invaded. As the ceremony of a formal denunciation of war has of late fallen into disuse,
21 the presence of an enemy within our territories must be waited for, as the legal warrant to the
22 government to begin its levies of men for the protection of the State. We must receive the blow, before
23 we could even prepare to return it. All that kind of policy by which nations anticipate distant danger,
24 and meet the gathering storm, must be abstained from, as contrary to the genuine maxims of a free
25 government. We must expose our property and liberty to the mercy of foreign invaders, and invite
26 them by our weakness to seize the naked and defenseless prey, because we are afraid that rulers, created
27 by our choice, dependent on our will, might endanger that liberty, by an abuse of the means necessary
28 to its preservation.

1 Here I expect we shall be told that the militia of the country is its natural bulwark, and would be at
2 all times equal to the national defense. This doctrine, in substance, had like to have lost us our
3 independence. It cost millions to the United States that might have been saved. The facts which, from
4 our own experience, forbid a reliance of this kind, are too recent to permit us to be the dupes of such
5 a suggestion. The steady operations of war against a regular and disciplined army can only be
6 successfully conducted by a force of the same kind. Considerations of economy, not less than of
7 stability and vigor, confirm this position. The American militia, in the course of the late war, have, by
8 their valor on numerous occasions, erected eternal monuments to their fame; but the bravest of them
9 feel and know that the liberty of their country could not have been established by their efforts alone,
10 however great and valuable they were. War, like most other things, is a science to be acquired and
11 perfected by diligence, by perseverance, by time, and by practice.

12 All violent policy, as it is contrary to the natural and experienced course of human affairs, defeats
13 itself. Pennsylvania, at this instant, affords an example of the truth of this remark. The Bill of Rights
14 of that State declares that standing armies are dangerous to liberty, and ought not to be kept up in
15 time of peace. Pennsylvania, nevertheless, in a time of profound peace, from the existence of partial
16 disorders in one or two of her counties, has resolved to raise a body of troops; and in all probability
17 will keep them up as long as there is any appearance of danger to the public peace. The conduct of
18 Massachusetts affords a lesson on the same subject, though on different ground. That State (without
19 waiting for the sanction of Congress, as the articles of the Confederation require) was compelled to
20 raise troops to quell a domestic insurrection, and still keeps a corps in pay to prevent a revival of the
21 spirit of revolt. The particular constitution of Massachusetts opposed no obstacle to the measure; but
22 the instance is still of use to instruct us that cases are likely to occur under our government, as well as
23 under those of other nations, which will sometimes render a military force in time of peace essential
24 to the security of the society, and that it is therefore improper in this respect to control the legislative
25 discretion. It also teaches us, in its application to the United States, how little the rights of a feeble
26 government are likely to be respected, even by its own constituents. And it teaches us, in addition to
27 the rest, how unequal parchment provisions are to a struggle with public necessity.

28 It was a fundamental maxim of the Lacedaemonian commonwealth, that the post of admiral should
29 not be conferred twice on the same person. The Peloponnesian confederates, having suffered a severe
30 defeat at sea from the Athenians, demanded Lysander, who had before served with success in that

1 capacity, to command the combined fleets. The Lacedaemonians, to gratify their allies, and yet
2 preserve the semblance of an adherence to their ancient institutions, had recourse to the flimsy
3 subterfuge of investing Lysander with the real power of admiral, under the nominal title of vice-
4 admiral. This instance is selected from among a multitude that might be cited to confirm the truth
5 already advanced and illustrated by domestic examples; which is, that nations pay little regard to rules
6 and maxims calculated in their very nature to run counter to the necessities of society. Wise politicians
7 will be cautious about fettering the government with restrictions that cannot be observed, because they
8 know that every breach of the fundamental laws, though dictated by necessity, impairs that sacred
9 reverence which ought to be maintained in the breast of rulers towards the constitution of a country,
10 and forms a precedent for other breaches where the same plea of necessity does not exist at all, or is
11 less urgent and palpable.

12 PUBLIUS

1 **FEDERALIST No. 26. The Idea of Restraining the**
2 **Legislative Authority in Regard to the Common Defense**
3 **Considered.**

4 **For the Independent Journal. Saturday, December 22, 1788**

5 HAMILTON

6 To the People of the State of New York:

7 IT WAS a thing hardly to be expected that in a popular revolution the minds of men should stop
8 at that happy mean which marks the salutary boundary between POWER and PRIVILEGE, and
9 combines the energy of government with the security of private rights. A failure in this delicate and
10 important point is the great source of the inconveniences we experience, and if we are not cautious to
11 avoid a repetition of the error, in our future attempts to rectify and ameliorate our system, we may
12 travel from one chimerical project to another; we may try change after change; but we shall never be
13 likely to make any material change for the better.

14 The idea of restraining the legislative authority, in the means of providing for the national defense,
15 is one of those refinements which owe their origin to a zeal for liberty more ardent than enlightened.
16 We have seen, however, that it has not had thus far an extensive prevalency; that even in this country,
17 where it made its first appearance, Pennsylvania and North Carolina are the only two States by which
18 it has been in any degree patronized; and that all the others have refused to give it the least
19 countenance; wisely judging that confidence must be placed somewhere; that the necessity of doing it,
20 is implied in the very act of delegating power; and that it is better to hazard the abuse of that confidence
21 than to embarrass the government and endanger the public safety by impolitic restrictions on the
22 legislative authority. The opponents of the proposed Constitution combat, in this respect, the general
23 decision of America; and instead of being taught by experience the propriety of correcting any extremes
24 into which we may have heretofore run, they appear disposed to conduct us into others still more
25 dangerous, and more extravagant. As if the tone of government had been found too high, or too rigid,
26 the doctrines they teach are calculated to induce us to depress or to relax it, by expedients which, upon
27 other occasions, have been condemned or forborne. It may be affirmed without the imputation of
28 invective, that if the principles they inculcate, on various points, could so far obtain as to become the

1 popular creed, they would utterly unfit the people of this country for any species of government
2 whatever. But a danger of this kind is not to be apprehended. The citizens of America have too much
3 discernment to be argued into anarchy. And I am much mistaken, if experience has not wrought a
4 deep and solemn conviction in the public mind, that greater energy of government is essential to the
5 welfare and prosperity of the community.

6 It may not be amiss in this place concisely to remark the origin and progress of the idea, which aims
7 at the exclusion of military establishments in time of peace. Though in speculative minds it may arise
8 from a contemplation of the nature and tendency of such institutions, fortified by the events that have
9 happened in other ages and countries, yet as a national sentiment, it must be traced to those habits of
10 thinking which we derive from the nation from whom the inhabitants of these States have in general
11 sprung.

12 In England, for a long time after the Norman Conquest, the authority of the monarch was almost
13 unlimited. Inroads were gradually made upon the prerogative, in favor of liberty, first by the barons,
14 and afterwards by the people, till the greatest part of its most formidable pretensions became extinct.
15 But it was not till the revolution in 1688, which elevated the Prince of Orange to the throne of Great
16 Britain, that English liberty was completely triumphant. As incident to the undefined power of making
17 war, an acknowledged prerogative of the crown, Charles II. had, by his own authority, kept on foot in
18 time of peace a body of 5,000 regular troops. And this number James II. increased to 30,000; who
19 were paid out of his civil list. At the revolution, to abolish the exercise of so dangerous an authority, it
20 became an article of the Bill of Rights then framed, that "the raising or keeping a standing army within
21 the kingdom in time of peace, UNLESS WITH THE CONSENT OF PARLIAMENT, was against
22 law."

23 In that kingdom, when the pulse of liberty was at its highest pitch, no security against the danger
24 of standing armies was thought requisite, beyond a prohibition of their being raised or kept up by the
25 mere authority of the executive magistrate. The patriots, who effected that memorable revolution,
26 were too temperate, too wellinformed, to think of any restraint on the legislative discretion. They were
27 aware that a certain number of troops for guards and garrisons were indispensable; that no precise
28 bounds could be set to the national exigencies; that a power equal to every possible contingency must
29 exist somewhere in the government: and that when they referred the exercise of that power to the

1 judgment of the legislature, they had arrived at the ultimate point of precaution which was reconcilable
2 with the safety of the community.

3 From the same source, the people of America may be said to have derived an hereditary impression
4 of danger to liberty, from standing armies in time of peace. The circumstances of a revolution
5 quickened the public sensibility on every point connected with the security of popular rights, and in
6 some instances raise the warmth of our zeal beyond the degree which consisted with the due
7 temperature of the body politic. The attempts of two of the States to restrict the authority of the
8 legislature in the article of military establishments, are of the number of these instances. The principles
9 which had taught us to be jealous of the power of an hereditary monarch were by an injudicious excess
10 extended to the representatives of the people in their popular assemblies. Even in some of the States,
11 where this error was not adopted, we find unnecessary declarations that standing armies ought not to
12 be kept up, in time of peace, WITHOUT THE CONSENT OF THE LEGISLATURE. I call them
13 unnecessary, because the reason which had introduced a similar provision into the English Bill of
14 Rights is not applicable to any of the State constitutions. The power of raising armies at all, under
15 those constitutions, can by no construction be deemed to reside anywhere else, than in the legislatures
16 themselves; and it was superfluous, if not absurd, to declare that a matter should not be done without
17 the consent of a body, which alone had the power of doing it. Accordingly, in some of these
18 constitutions, and among others, in that of this State of New York, which has been justly celebrated,
19 both in Europe and America, as one of the best of the forms of government established in this country,
20 there is a total silence upon the subject.

21 It is remarkable, that even in the two States which seem to have meditated an interdiction of military
22 establishments in time of peace, the mode of expression made use of is rather cautionary than
23 prohibitory. It is not said, that standing armies SHALL NOT BE kept up, but that they OUGHT
24 NOT to be kept up, in time of peace. This ambiguity of terms appears to have been the result of a
25 conflict between jealousy and conviction; between the desire of excluding such establishments at all
26 events, and the persuasion that an absolute exclusion would be unwise and unsafe.

27 Can it be doubted that such a provision, whenever the situation of public affairs was understood to
28 require a departure from it, would be interpreted by the legislature into a mere admonition, and would
29 be made to yield to the necessities or supposed necessities of the State? Let the fact already mentioned,

1 with respect to Pennsylvania, decide. What then (it may be asked) is the use of such a provision, if it
2 cease to operate the moment there is an inclination to disregard it?

3 Let us examine whether there be any comparison, in point of efficacy, between the provision alluded
4 to and that which is contained in the new Constitution, for restraining the appropriations of money
5 for military purposes to the period of two years. The former, by aiming at too much, is calculated to
6 effect nothing; the latter, by steering clear of an imprudent extreme, and by being perfectly compatible
7 with a proper provision for the exigencies of the nation, will have a salutary and powerful operation.

8 The legislature of the United States will be OBLIGED, by this provision, once at least in every two
9 years, to deliberate upon the propriety of keeping a military force on foot; to come to a new resolution
10 on the point; and to declare their sense of the matter, by a formal vote in the face of their constituents.
11 They are not AT LIBERTY to vest in the executive department permanent funds for the support of
12 an army, if they were even incautious enough to be willing to repose in it so improper a confidence.
13 As the spirit of party, in different degrees, must be expected to infect all political bodies, there will be,
14 no doubt, persons in the national legislature willing enough to arraign the measures and criminate the
15 views of the majority. The provision for the support of a military force will always be a favorable topic
16 for declamation. As often as the question comes forward, the public attention will be roused and
17 attracted to the subject, by the party in opposition; and if the majority should be really disposed to
18 exceed the proper limits, the community will be warned of the danger, and will have an opportunity
19 of taking measures to guard against it. Independent of parties in the national legislature itself, as often
20 as the period of discussion arrived, the State legislatures, who will always be not only vigilant but
21 suspicious and jealous guardians of the rights of the citizens against encroachments from the federal
22 government, will constantly have their attention awake to the conduct of the national rulers, and will
23 be ready enough, if any thing improper appears, to sound the alarm to the people, and not only to be
24 the VOICE, but, if necessary, the ARM of their discontent.

25 Schemes to subvert the liberties of a great community REQUIRE TIME to mature them for
26 execution. An army, so large as seriously to menace those liberties, could only be formed by progressive
27 augmentations; which would suppose, not merely a temporary combination between the legislature
28 and executive, but a continued conspiracy for a series of time. Is it probable that such a combination
29 would exist at all? Is it probable that it would be persevered in, and transmitted along through all the

1 successive variations in a representative body, which biennial elections would naturally produce in
2 both houses? Is it presumable, that every man, the instant he took his seat in the national Senate or
3 House of Representatives, would commence a traitor to his constituents and to his country? Can it be
4 supposed that there would not be found one man, discerning enough to detect so atrocious a
5 conspiracy, or bold or honest enough to apprise his constituents of their danger? If such presumptions
6 can fairly be made, there ought at once to be an end of all delegated authority. The people should
7 resolve to recall all the powers they have heretofore parted with out of their own hands, and to divide
8 themselves into as many States as there are counties, in order that they may be able to manage their
9 own concerns in person.

10 If such suppositions could even be reasonably made, still the concealment of the design, for any
11 duration, would be impracticable. It would be announced, by the very circumstance of augmenting
12 the army to so great an extent in time of profound peace. What colorable reason could be assigned, in
13 a country so situated, for such vast augmentations of the military force? It is impossible that the people
14 could be long deceived; and the destruction of the project, and of the projectors, would quickly follow
15 the discovery.

16 It has been said that the provision which limits the appropriation of money for the support of an
17 army to the period of two years would be unavailing, because the Executive, when once possessed of a
18 force large enough to awe the people into submission, would find resources in that very force sufficient
19 to enable him to dispense with supplies from the acts of the legislature. But the question again recurs,
20 upon what pretense could he be put in possession of a force of that magnitude in time of peace? If we
21 suppose it to have been created in consequence of some domestic insurrection or foreign war, then it
22 becomes a case not within the principles of the objection; for this is levelled against the power of
23 keeping up troops in time of peace. Few persons will be so visionary as seriously to contend that
24 military forces ought not to be raised to quell a rebellion or resist an invasion; and if the defense of the
25 community under such circumstances should make it necessary to have an army so numerous as to
26 hazard its liberty, this is one of those calamities for which there is neither preventative nor cure. It
27 cannot be provided against by any possible form of government; it might even result from a simple
28 league offensive and defensive, if it should ever be necessary for the confederates or allies to form an
29 army for common defense.

1 But it is an evil infinitely less likely to attend us in a united than in a disunited state; nay, it may be
2 safely asserted that it is an evil altogether unlikely to attend us in the latter situation. It is not easy to
3 conceive a possibility that dangers so formidable can assail the whole Union, as to demand a force
4 considerable enough to place our liberties in the least jeopardy, especially if we take into our view the
5 aid to be derived from the militia, which ought always to be counted upon as a valuable and powerful
6 auxiliary. But in a state of disunion (as has been fully shown in another place), the contrary of this
7 supposition would become not only probable, but almost unavoidable.

8 PUBLIUS

1 **FEDERALIST No. 27. The Same Subject Continued**
2 **(The Idea of Restraining the Legislative Authority in Regard**
3 **to the Common Defense Considered)**

4 **From the New York Packet. Tuesday, December 25, 1787.**

5 HAMILTON

6 To the People of the State of New York:

7 IT HAS been urged, in different shapes, that a Constitution of the kind proposed by the convention
8 cannot operate without the aid of a military force to execute its laws. This, however, like most other
9 things that have been alleged on that side, rests on mere general assertion, unsupported by any precise
10 or intelligible designation of the reasons upon which it is founded. As far as I have been able to divine
11 the latent meaning of the objectors, it seems to originate in a presupposition that the people will be
12 disinclined to the exercise of federal authority in any matter of an internal nature. Waiving any
13 exception that might be taken to the inaccuracy or inexplicitness of the distinction between internal
14 and external, let us inquire what ground there is to presuppose that disinclination in the people. Unless
15 we presume at the same time that the powers of the general government will be worse administered
16 than those of the State government, there seems to be no room for the presumption of ill-will,
17 disaffection, or opposition in the people. I believe it may be laid down as a general rule that their
18 confidence in and obedience to a government will commonly be proportioned to the goodness or
19 badness of its administration. It must be admitted that there are exceptions to this rule; but these
20 exceptions depend so entirely on accidental causes, that they cannot be considered as having any
21 relation to the intrinsic merits or demerits of a constitution. These can only be judged of by general
22 principles and maxims.

23 Various reasons have been suggested, in the course of these papers, to induce a probability that the
24 general government will be better administered than the particular governments; the principal of
25 which reasons are that the extension of the spheres of election will present a greater option, or latitude
26 of choice, to the people; that through the medium of the State legislatures which are select bodies of
27 men, and which are to appoint the members of the national Senate there is reason to expect that this
28 branch will generally be composed with peculiar care and judgment; that these circumstances promise

1 greater knowledge and more extensive information in the national councils, and that they will be less
2 apt to be tainted by the spirit of faction, and more out of the reach of those occasional ill-humors, or
3 temporary prejudices and propensities, which, in smaller societies, frequently contaminate the public
4 councils, beget injustice and oppression of a part of the community, and engender schemes which,
5 though they gratify a momentary inclination or desire, terminate in general distress, dissatisfaction,
6 and disgust. Several additional reasons of considerable force, to fortify that probability, will occur when
7 we come to survey, with a more critical eye, the interior structure of the edifice which we are invited
8 to erect. It will be sufficient here to remark, that until satisfactory reasons can be assigned to justify an
9 opinion, that the federal government is likely to be administered in such a manner as to render it
10 odious or contemptible to the people, there can be no reasonable foundation for the supposition that
11 the laws of the Union will meet with any greater obstruction from them, or will stand in need of any
12 other methods to enforce their execution, than the laws of the particular members.

13 The hope of impunity is a strong incitement to sedition; the dread of punishment, a proportionably
14 strong discouragement to it. Will not the government of the Union, which, if possessed of a due degree
15 of power, can call to its aid the collective resources of the whole Confederacy, be more likely to repress
16 the FORMER sentiment and to inspire the LATTER, than that of a single State, which can only
17 command the resources within itself? A turbulent faction in a State may easily suppose itself able to
18 contend with the friends to the government in that State; but it can hardly be so infatuated as to
19 imagine itself a match for the combined efforts of the Union. If this reflection be just, there is less
20 danger of resistance from irregular combinations of individuals to the authority of the Confederacy
21 than to that of a single member.

22 I will, in this place, hazard an observation, which will not be the less just because to some it may
23 appear new; which is, that the more the operations of the national authority are intermingled in the
24 ordinary exercise of government, the more the citizens are accustomed to meet with it in the common
25 occurrences of their political life, the more it is familiarized to their sight and to their feelings, the
26 further it enters into those objects which touch the most sensible chords and put in motion the most
27 active springs of the human heart, the greater will be the probability that it will conciliate the respect
28 and attachment of the community. Man is very much a creature of habit. A thing that rarely strikes
29 his senses will generally have but little influence upon his mind. A government continually at a distance
30 and out of sight can hardly be expected to interest the sensations of the people. The inference is, that

1 the authority of the Union, and the affections of the citizens towards it, will be strengthened, rather
2 than weakened, by its extension to what are called matters of internal concern; and will have less
3 occasion to recur to force, in proportion to the familiarity and comprehensiveness of its agency. The
4 more it circulates through those channels and currents in which the passions of mankind naturally
5 flow, the less will it require the aid of the violent and perilous expedients of compulsion.

6 One thing, at all events, must be evident, that a government like the one proposed would bid much
7 fairer to avoid the necessity of using force, than that species of league contend for by most of its
8 opponents; the authority of which should only operate upon the States in their political or collective
9 capacities. It has been shown that in such a Confederacy there can be no sanction for the laws but
10 force; that frequent delinquencies in the members are the natural offspring of the very frame of the
11 government; and that as often as these happen, they can only be redressed, if at all, by war and violence.

12 The plan reported by the convention, by extending the authority of the federal head to the
13 individual citizens of the several States, will enable the government to employ the ordinary magistracy
14 of each, in the execution of its laws. It is easy to perceive that this will tend to destroy, in the common
15 apprehension, all distinction between the sources from which they might proceed; and will give the
16 federal government the same advantage for securing a due obedience to its authority which is enjoyed
17 by the government of each State, in addition to the influence on public opinion which will result from
18 the important consideration of its having power to call to its assistance and support the resources of
19 the whole Union. It merits particular attention in this place, that the laws of the Confederacy, as to
20 the ENUMERATED and LEGITIMATE objects of its jurisdiction, will become the SUPREME
21 LAW of the land; to the observance of which all officers, legislative, executive, and judicial, in each
22 State, will be bound by the sanctity of an oath. Thus the legislatures, courts, and magistrates, of the
23 respective members, will be incorporated into the operations of the national government AS FAR AS
24 ITS JUST AND CONSTITUTIONAL AUTHORITY EXTENDS; and will be rendered auxiliary
25 to the enforcement of its laws.(1) Any man who will pursue, by his own reflections, the consequences
26 of this situation, will perceive that there is good ground to calculate upon a regular and peaceable
27 execution of the laws of the Union, if its powers are administered with a common share of prudence.
28 If we will arbitrarily suppose the contrary, we may deduce any inferences we please from the
29 supposition; for it is certainly possible, by an injudicious exercise of the authorities of the best
30 government that ever was, or ever can be instituted, to provoke and precipitate the people into the

1 wildest excesses. But though the adversaries of the proposed Constitution should presume that the
2 national rulers would be insensible to the motives of public good, or to the obligations of duty, I would
3 still ask them how the interests of ambition, or the views of encroachment, can be promoted by such
4 a conduct?

5 PUBLIUS

6 1. The sophistry which has been employed to show that this will tend to the destruction of the State
7 governments, will, in its will, in its proper place, be fully detected.

1 FEDERALIST No. 28. The Same Subject Continued
2 (The Idea of Restraining the Legislative Authority in Regard
3 to the Common Defense Considered)

4 For the Independent Journal. Wednesday, December 26,
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6 HAMILTON

7 To the People of the State of New York:

8 THAT there may happen cases in which the national government may be necessitated to resort to
9 force, cannot be denied. Our own experience has corroborated the lessons taught by the examples of
10 other nations; that emergencies of this sort will sometimes arise in all societies, however constituted;
11 that seditions and insurrections are, unhappily, maladies as inseparable from the body politic as tumors
12 and eruptions from the natural body; that the idea of governing at all times by the simple force of law
13 (which we have been told is the only admissible principle of republican government), has no place but
14 in the reveries of those political doctors whose sagacity disdains the admonitions of experimental
15 instruction.

16 Should such emergencies at any time happen under the national government, there could be no
17 remedy but force. The means to be employed must be proportioned to the extent of the mischief. If it
18 should be a slight commotion in a small part of a State, the militia of the residue would be adequate
19 to its suppression; and the national presumption is that they would be ready to do their duty. An
20 insurrection, whatever may be its immediate cause, eventually endangers all government. Regard to
21 the public peace, if not to the rights of the Union, would engage the citizens to whom the contagion
22 had not communicated itself to oppose the insurgents; and if the general government should be found
23 in practice conducive to the prosperity and felicity of the people, it were irrational to believe that they
24 would be disinclined to its support.

25 If, on the contrary, the insurrection should pervade a whole State, or a principal part of it, the
26 employment of a different kind of force might become unavoidable. It appears that Massachusetts
27 found it necessary to raise troops for repressing the disorders within that State; that Pennsylvania, from
28 the mere apprehension of commotions among a part of her citizens, has thought proper to have

1 recourse to the same measure. Suppose the State of New York had been inclined to re-establish her
2 lost jurisdiction over the inhabitants of Vermont, could she have hoped for success in such an
3 enterprise from the efforts of the militia alone? Would she not have been compelled to raise and to
4 maintain a more regular force for the execution of her design? If it must then be admitted that the
5 necessity of recurring to a force different from the militia, in cases of this extraordinary nature, is
6 applicable to the State governments themselves, why should the possibility, that the national
7 government might be under a like necessity, in similar extremities, be made an objection to its
8 existence? Is it not surprising that men who declare an attachment to the Union in the abstract, should
9 urge as an objection to the proposed Constitution what applies with tenfold weight to the plan for
10 which they contend; and what, as far as it has any foundation in truth, is an inevitable consequence of
11 civil society upon an enlarged scale? Who would not prefer that possibility to the unceasing agitations
12 and frequent revolutions which are the continual scourges of petty republics?

13 Let us pursue this examination in another light. Suppose, in lieu of one general system, two, or
14 three, or even four Confederacies were to be formed, would not the same difficulty oppose itself to the
15 operations of either of these Confederacies? Would not each of them be exposed to the same casualties;
16 and when these happened, be obliged to have recourse to the same expedients for upholding its
17 authority which are objected to in a government for all the States? Would the militia, in this
18 supposition, be more ready or more able to support the federal authority than in the case of a general
19 union? All candid and intelligent men must, upon due consideration, acknowledge that the principle
20 of the objection is equally applicable to either of the two cases; and that whether we have one
21 government for all the States, or different governments for different parcels of them, or even if there
22 should be an entire separation of the States, there might sometimes be a necessity to make use of a
23 force constituted differently from the militia, to preserve the peace of the community and to maintain
24 the just authority of the laws against those violent invasions of them which amount to insurrections
25 and rebellions.

26 Independent of all other reasonings upon the subject, it is a full answer to those who require a more
27 peremptory provision against military establishments in time of peace, to say that the whole power of
28 the proposed government is to be in the hands of the representatives of the people. This is the essential,
29 and, after all, only efficacious security for the rights and privileges of the people, which is attainable in
30 civil society.(1)

1 If the representatives of the people betray their constituents, there is then no resource left but in the
2 exertion of that original right of self-defense which is paramount to all positive forms of government,
3 and which against the usurpations of the national rulers, may be exerted with infinitely better prospect
4 of success than against those of the rulers of an individual state. In a single state, if the persons intrusted
5 with supreme power become usurpers, the different parcels, subdivisions, or districts of which it
6 consists, having no distinct government in each, can take no regular measures for defense. The citizens
7 must rush tumultuously to arms, without concert, without system, without resource; except in their
8 courage and despair. The usurpers, clothed with the forms of legal authority, can too often crush the
9 opposition in embryo. The smaller the extent of the territory, the more difficult will it be for the people
10 to form a regular or systematic plan of opposition, and the more easy will it be to defeat their early
11 efforts. Intelligence can be more speedily obtained of their preparations and movements, and the
12 military force in the possession of the usurpers can be more rapidly directed against the part where the
13 opposition has begun. In this situation there must be a peculiar coincidence of circumstances to insure
14 success to the popular resistance.

15 The obstacles to usurpation and the facilities of resistance increase with the increased extent of the
16 state, provided the citizens understand their rights and are disposed to defend them. The natural
17 strength of the people in a large community, in proportion to the artificial strength of the government,
18 is greater than in a small, and of course more competent to a struggle with the attempts of the
19 government to establish a tyranny. But in a confederacy the people, without exaggeration, may be said
20 to be entirely the masters of their own fate. Power being almost always the rival of power, the general
21 government will at all times stand ready to check the usurpations of the state governments, and these
22 will have the same disposition towards the general government. The people, by throwing themselves
23 into either scale, will infallibly make it preponderate. If their rights are invaded by either, they can
24 make use of the other as the instrument of redress. How wise will it be in them by cherishing the union
25 to preserve to themselves an advantage which can never be too highly prized!

26 It may safely be received as an axiom in our political system, that the State governments will, in all
27 possible contingencies, afford complete security against invasions of the public liberty by the national
28 authority. Projects of usurpation cannot be masked under pretenses so likely to escape the penetration
29 of select bodies of men, as of the people at large. The legislatures will have better means of information.
30 They can discover the danger at a distance; and possessing all the organs of civil power, and the

1 confidence of the people, they can at once adopt a regular plan of opposition, in which they can
2 combine all the resources of the community. They can readily communicate with each other in the
3 different States, and unite their common forces for the protection of their common liberty.

4 The great extent of the country is a further security. We have already experienced its utility against
5 the attacks of a foreign power. And it would have precisely the same effect against the enterprises of
6 ambitious rulers in the national councils. If the federal army should be able to quell the resistance of
7 one State, the distant States would have it in their power to make head with fresh forces. The
8 advantages obtained in one place must be abandoned to subdue the opposition in others; and the
9 moment the part which had been reduced to submission was left to itself, its efforts would be renewed,
10 and its resistance revive.

11 We should recollect that the extent of the military force must, at all events, be regulated by the
12 resources of the country. For a long time to come, it will not be possible to maintain a large army; and
13 as the means of doing this increase, the population and natural strength of the community will
14 proportionably increase. When will the time arrive that the federal government can raise and maintain
15 an army capable of erecting a despotism over the great body of the people of an immense empire, who
16 are in a situation, through the medium of their State governments, to take measures for their own
17 defense, with all the celerity, regularity, and system of independent nations? The apprehension may
18 be considered as a disease, for which there can be found no cure in the resources of argument and
19 reasoning.

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21 1. Its full efficacy will be examined hereafter.