

The Federalist Papers 70

Summary and Analysis of Essay 70

Summary:

Many people think that a vigorous and strong president is incompatible with a republican form of government. Hamilton, however, does not agree. An energetic and forceful president is essential to good government. National defense, sound administration of the law, and the protection of property rights all depend upon the vitality of the Presidency. In addition, an energetic president best protects liberty when faction, anarchy, and the excessive ambitions of others threaten it. Anyone familiar with Roman history knows that it was often the Roman dictator who prevented the fall of the council. Men agree that the president should be strong. What, then constitutes strength and energy? What characteristics do we look for? Can sufficient strength in the Presidency be combined with the principles of republican government?

An energetic executive branch must be characterized by unity, sufficient powers, and a certain degree of secrecy. For these reasons, one chief executive is better than two or more. Two people, granted equal power and authority, are bound to differ. Personal ambition can never be totally subdued, and a dual presidency would be marked by dissension, weakened authority, and the growth of conflicting factions. It is unnecessary and unwise to establish an executive branch that would make this form of divisiveness possible and likely. Conflict and argument are dangerous in the executive branch where decisions must be prompt; in the Congress, on the other hand, differences of opinion force discussion and deliberation. This is quite proper in the legislative branch and helps to prevent coercion by majority. The function of the legislature is to pass laws; once a law is passed, effective opposition comes to an end. But the executive branch is charged with the execution of the laws; a law once passed should be executed promptly. Furthermore, in case of war, when so much depends upon a strong presidency, divisiveness could destroy the national security.

The same arguments against having two presidents can be made in opposition to an executive council. In either a plural or council form of executive, faults and defects are more easily concealed, and no person can be held responsible. The American president, unlike the English king, must not be immune from censure, accountability, or punishment. The English king is not held responsible for his administration, and his person is sacred. Sometimes a king forms a council to act as a buffer between him and his subjects. But such a council in no way diminished the king's power; he is not even bound by the resolutions the council passes. The council functions as a public relations body while, at the same time, it protects the king in his absolute power.

In conclusion, Hamilton claims that there is the matter of expense. Those who recommend a council form of executive admit that the council should be large. That

being so, the salaries of the council members would constitute too great an expense for the nation to tolerate. Second, before the Constitution was written, intelligent men agreed that New York's single executive was one of the most admirable features of state government.

Analysis:

This essay concerning the powers of the executive department is one of the most referenced federalist papers concerning the presidency. Hamilton writes, "energy in the executive" is one of the most important parts of the executive department of the country, as defined in the Constitution. This "energy" is one of the most written about components and excuses for expansion of presidential power, especially in the 20th century. If the Federalist Papers can be said to have "themes," one of those themes would be the importance of energy in making the Constitution come alive. In this essay, Hamilton demonstrates the necessity energy is to the president and his duties. The office and power of the president was consciously designed to provide the energy, secrecy, and dispatch traditionally associated with the monarchical form.

Another important aspect of this essay is the evidence of the proportion and participation principles and their relation to each other in the state. Since Hamilton considers the individual's protection the end of the government, an explanation of the protection principle can be derived from his specification of that end. In other Federalist Papers, Hamilton claims that with government being instituted for the distribution of justice, the end of government is "the public happiness" or the "public good." More specifically, the people's happiness means the protection of their "general liberty," their "rights." From his distinction between liberty and property and life and property follows Hamilton's classification of those rights into the categories commonly used in his time, namely, the rights of life, liberty, and property.

Of these rights, those of property are most important. Their greater weight, as compared with the rights of liberty, follows Hamilton's enumeration, in order of importance, of the advantages of an energetic executive. He mentions, first, the protection of the community against foreign attacks; second, the steady administration of the laws; third, the protection of property against irregular and high-handed combinations that sometimes interrupt the ordinary courts of justice; and fourth, the security of liberty. Hamilton thus puts the protection of property before the security of liberty and connects it more closely with that all-embracing end of government, justice. The prevalence of property before liberty is confirmed when Hamilton states that among vested rights, those concerning life and property are most important. When, finally, he refers hardly ever to the right of life and very often to that of property, the conclusion can be drawn that either he considers the right of life to be already accepted, or he attributes a greater weight to the right of property, which he once referred to as "the great and fundamental distinction of society."