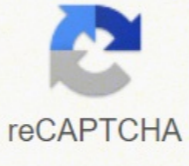




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The differences of opinion, and the jarrings of parties in that department of the government, though they may sometimes obstruct salutary plans, yet often promote deliberation and circumspection, and serve to check excesses in the majority. I will 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. 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. 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. Scandalous appointments to important offices have been made. 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. 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. In addition to this mode 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. Wherever two or more persons are engaged in any common enterprise or pursuit, there is always danger of difference of opinion. 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 set; 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. 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. Decision, activity, secrecy, and despatch 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. This expedient must, no doubt, have had great influence in preventing those collisions and rivalships which might otherwise have embroiled the peace of the republic. But the multiplication of the Executive adds to the difficulty of detection in either case. He asserts, “energy in the executive is the leading character in the definition of good government. Whenever these happen, they lessen the respectability, weaken the authority, and distract the plans and operation of those whom they divide. How far can they be combined with those other ingredients which constitute safety in the republican sense? 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. Here, they are pure and unmixed. 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. Federalist No. 70 (1788) — “The Executive Department Further Considered,” written by Alexander Hamilton. 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. The ingredients which constitute energy in the Executive are, first, unity; secondly, duration; an adequate provision for its support; fourthly, competent powers. 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. Both these methods of destroying the unity of the Executive have their partisans; but the votaries of an executive council are the most numerous. There is no point at which they cease to operate. 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. 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. That unity is conducive to energy will not be disputed. They are both liable, if not to equal, to similar objections, and may in most lights be examined in conjunction. In tenderness to individuals, I forbear to descend to particulars. 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. 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 legislature, promptitude of decision is oftener an evil than a benefit. But if they have been consulted, and have happened to disapprove, opposition then becomes, in their estimation, an indispensable duty of self-love. 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. 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? 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. 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. 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. PUBLIUS. 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. Some cases, indeed, have been so flagrant that ALL PARTIES have agreed in the impropriety of the thing. 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. 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. 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? When a resolution has been taken, the opposition must be at an end. Nothing, therefore, can be wiser in celebrating the soundness of their principles and for the justice of their views, have declared in favor of a single Executive and a numerous legislature. The Decemvirs of Rome, whose name denotes their number, 3 were more to be dreaded in their usurpation than any ONE of them would have been. 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 seditious 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. 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. That resolution is a law, and resistance to it punishable. A little consideration will satisfy us, that the species of security sought for in the multiplication of the Executive, is unattainable. 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. “I was overruled by my council. From either, and especially from all these causes, the most bitter dissensions are apt to spring. As far, however, as it teaches any thing, it teaches us not to be enamoured of plurality in the Executive. In this Federalist Paper, Alexander Hamilton argues for a strong executive leader, as provided for by the Constitution, as opposed to the weak executive under the Articles of Confederation. The united credit and influence of several individuals must be more formidable to liberty, than the credit and influence of either of them separately. 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 high-handed combinations which sometimes interrupt the ordinary course of justice; to the security of liberty against the enterprises and assaults of ambition, of greediness, and of avarice; and, in a word, to the safety of the people themselves. It would be vain to object, that a single executive is less dangerous to democracy than a council, because it is easier to identify and remove one corrupt person than to discover who among several leaders is a bad actor. Federalist 70 Alexander Hamilton and the Executive Branch. His nameMost referenced federalist paper concerning the presidencyHamilton argued for “energy in the executive”This energy is the justification for expansion of president’s powersPower of president meant to provide energy, secrecy and dispatch seen in monarchsGovernment is meant to provide for the common or public goodPresident must be able to protect against foreign attack, administer the laws, and protect property, and secure liberty (thus why he must be energetic)President must protect liberty against factions, anarchy, and greedExample of Roman consuls with power to be dictator in emergencyOne executive is preferable; more than one will encourage conflict and dissent, the president needs to be able to act quickly and factions are bad here (but they are okay in Congress as seen in Federalist 10)Once Congress passes laws, arguments are over and execution of laws need to be swiftSingle executive makes fault easier to establish and hold responsibleMultiple executives would require a huge expenseNew York had a single executive and it worked well THERE is an idea, which is not without its advocates, that a vigorous Executive is inconsistent with the genius of republican government. 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. 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. 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. Whenever these happen, they lessen the respectability, weaken the authority.” Hamilton also argued that a single executive would be watched “more narrowly” and vigilantly by the people than a group of people would be. We have seen that the Achaeans, on an experiment of two Prætors, were induced to abolish one. There can be no need, however, to multiply arguments or examples on this head. Numbers must be so great as to render combination difficult, or they are rather a source of danger than of security. 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. 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. A feeble Executive implies a feeble execution of the government. An artful cabal in that council would be able to distract and to enervate the whole system of administration. It is essential to the protection of the community against foreign attacks...to the steady administration of the laws, to the protection of property...to justice; [and] to the security of liberty....” Though some had called for an executive council, Hamilton defended a single executive as “far more safe” because “wherever two or more persons are engaged in any common...pursuit, there is always danger of difference of opinion...bitter dissensions are apt to spring. 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. And how far does this combination characterize the plan which has been reported by the convention? But I do not think the rule at all applicable to the executive power. 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. 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. But even there the king is not bound by the resolutions of his council, though they are answerable for the advice they give. 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. Responsibility is of two kinds — to censure and to punishment. Energy in the Executive is a leading character in the definition of good government.

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