



UNLOCKING
THE
FEDERALIST PAPERS

Edited by
Scott D. Cosenza & Claire M. Griffin

We attempt in this volume to accomplish what the subtitle suggests: unlock the full wisdom, thought and power of the *Federalist Papers* to countless generations of young Americans.

2

A Bulwark Against Foreign Danger

The Constitution as a Defense Against Foreign Aggression

by **Christopher Donesa & Jamil N. Jaffer**

Federalist Papers referenced in essay: #3, 14, 15, 24

A. In 1787, the fledgling Union was far from a global superpower. Alexander Hamilton argues that America had instead “reached almost the last stage of national humiliation (No. 15).” British and Spanish troops either occupied or threatened key “territories or important posts,” and the national government could do almost nothing to stop them. The nation’s mariners could not even freely navigate the great Mississippi River. To add insult to injury, the United States had not yet repaid its foreign debts from the Revolutionary War.

B. But if America was too young to truly command its vast explored and unexplored territories, one might have hoped its success in declaring and winning its independence from the British Empire would have earned some dignity, diplomatic respect, and influence in the world. To the contrary, however, Hamilton discovered the federal government’s lack of any real power or authority to speak with one voice for the several states had led to just the opposite: “*The imbecility of our government even forbids them to treat with us. Our ambassadors abroad are the mere pageants of mimic sovereignty* (No. 15).” Although the United

States had become a free and independent nation, even in the eyes of its key political leaders, its standing in the world could only be described as uncertain, if not downright shabby.

C. This situation, in the view of the authors of the *Federalist Papers*, was directly tied to the weak and ineffectual form of government established by the Articles of Confederation. The most meaningful powers of any national government—the ability to raise money and armies to support the national interest and defend its territories—had been left in the hands of the states. Hamilton described the situation bluntly (No. 15): “*We have neither troops, nor treasury, nor government.*” And, as a result, in Hamilton’s view, the nation was in no “*condition to resent or to repel [any foreign] aggression.*” The federal government even lacked the basic power to require the several states to accept the treaty ending the Revolutionary War. While the federal government established by the Articles technically had the ability to pass constitutionally binding legislation with respect to the security of the nation “*in practice [these laws were] mere recommendations which the States observe or disregard[ed] at their option.*”

D. All of this was more troubling in light of the significant foreign threats still facing the nation. Because fear from foreign attack is so far from the America of today—strong, confident in itself, and secure in its possessions and interests—Hamilton’s concerns bear repeating:

Though a wide ocean separates the United States from Europe, yet there are various considerations that warn us against an excess of confidence or security. On one side of us, and stretching far into our rear, are growing settlements subject to the dominion of Britain. On the other side, and extending to meet the British settlements,

are colonies and establishments subject to the dominion of Spain. This situation and the vicinity of the West India Islands, belonging to these two powers create between them, in respect to their American possessions and in relation to us, a common interest.... A future concert of views between these nations ought not to be regarded as improbable. (No. 24)

The United States was faced with the prospect of being surrounded by forces of two historical global powers, Britain and Spain, both of whom might have reason to join with the other to evict the new government in America and reestablish themselves in the expanding Western Hemisphere. Defending against these superpowers and other foreign threats would require a single military force—a seagoing navy—ready to defend the American territory effectively, with strength and resolve.

E. The purely foreign threats weren't the only ones facing the young nation. America was faced with three separate potential conflicts: Britain and Spain and their possessions on both sides of the nation, and the Native Americans within and on the boundaries of the American territories. As Hamilton noted, “*the savage tribes on our Western frontier ought to be regarded as our natural enemies, their natural allies, because they have most to fear from us, and most to hope from them* (No. 24).” The defense of the American nation against this internal threat would require a strong and effective land-based fighting force:

Previous to the Revolution, and ever since the peace, there has been a constant necessity for keeping small garrisons on our Western frontier. No person can doubt that these will continue to be indispensable, if it should only be against the ravages and depredations of the IndiansIf we should not be willing to be exposed, in a

naked and defenseless condition, to their insults and encroachments, we should find it expedient to increase our frontier garrisons in some ratio to the force by which our Western settlements might be annoyed. (No. 24)

F. Hamilton further argued such a fighting force would also serve to protect the nation from the additional threat posed by the British and Spanish forces already located on the American continent, as well as protect the new nation's commerce with its closest (albeit hostile) trading partners:

It may be added that some of those posts will be keys to the trade with the Indian nations. Can any man think it would be wise to leave such posts in a situation to be at any instant seized by one or the other of two neighboring and formidable powers? To act this part would be to desert all the usual maxims of prudence and policy. (No. 24)

G. Troublingly, some of the state governments had even begun conducting their own independent negotiations with foreign nations and tribes. As noted by John Jay, this had already led to serious consequences for the nation as a whole.

Not a single Indian war has yet been occasioned by aggressions of the present federal government, feeble as it is; but there are several instances of Indian hostilities having been provoked by the improper conduct of individual States, who, either unable or unwilling to restrain or punish offenses, have given occasion to the slaughter of many innocent inhabitants. (No. 3)

H. The Federalists feared the situation would get worse as the individual states began to interact more aggressively and actively

within the territories of the European nations on their borders.

The neighborhood of Spanish and British territories, bordering on some States and not on others, naturally confines the causes of quarrel more immediately to the borderers. The bordering States, if any, will be those who, under the impulse of sudden irritation, and a quick sense of apparent interest or injury, will be most likely, by direct violence, to excite war with these nations; and nothing can so effectually obviate that danger as a national government. (No. 3)

I. Foreign affairs, defense, and trade situations of the new nation had become so dysfunctional that it was one of the highest priorities for those seeking to draft a new constitution. In Hamilton’s view, the then-current “*circumstances combined, admonish [the American nation] not to be too sanguine in considering ourselves as entirely out of the reach of danger* (No. 24).” The Constitution, as written and ratified, creates a strong, single union against external threats. This union ensures the nation speaks with one voice in the areas of commerce and foreign policy, and has the necessary military might to carry out its policies. The jealousies and passions of the several states, as well as the response to perceived slights experienced by any state, would be moderated by a strong national government. A strong, single union would better ensure the national position against foreign powers by making single decisions about when and how to go to war. “*One good national government affords vastly more security against the dangers of [foreign aggression] than can be derived from any other quarter* (No. 3).”

J. To carry out this mission, the new constitution sought to provide the new government with the clear authority to declare war, raise an army and a navy, regulate commerce with foreign

nations and Indian tribes, define and punish violations of agreements between nation-states, call upon the various militias of the several states to protect the nation from both internal and external threats, and generally provide for the common defense. These provisions, combined with the provision of the Constitution, authorizing the federal government to “make all Laws...necessary and proper for carrying into Execution” these authorities, served to significantly strengthen the new federal government to protect itself and its people against threats posed by external actors. The new constitution also set limits on the ability of the states to engage in unilateral [individual] foreign negotiations restricting them from entering into compacts with other nations, prohibited them from keeping troops or warships in a time of peace or engaging in war without the federal government’s consent except in very specific circumstances, and limited them in the imposition of duties and taxes on imports and exports except where absolutely necessary.

K. This new constitution created a limited, but powerful federal government, which respected the rights of the states, but had the capabilities and authorities to maintain a strong union against external threat. This Constitution was seen as a “*bulwark against foreign danger, as the conservator of peace among ourselves, as the guardian of our commerce and other common interest* (No. 14).” The document crafted by the Founders ultimately led to creation of a nation-state with the capability and wherewithal to profoundly shape the course of history, a promise that modern America continues to deliver some 225 years later.