



A Classic That Lost Its First Election

WisdomForge Booklet — Ages Adult

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About This Book

You have already been told that *The Federalist* explains the Constitution. This booklet is the correction, not the hymn.

The essays are a New York ratification campaign: 27 October 1787 through May 1788, Hamilton, Madison, Jay, one Roman mask, a vote that did not turn on footnotes. The Constitution is the instrument. Publius is advocacy that became a commentary because later courts, lawyers, and teachers needed one. Use is not authority. Authority is not accuracy.

If you already read the high booklet, this one is not a reprint. High is source protocol for a course of study. Adult is civic literacy for rooms where nobody grades you except the people who have to live with what you said: a school-board packet, a jury hallway, a hiring policy, a news chyron, a mailer that begins “the Founders believed.” The sitting map is the same six beats. The sentences you owe are the same. The Practice is not.

You will still pair Brutus with 10 and 78. You will still read 54 aloud. You will still refuse to recruit Publius to a caucus. You will not receive legal advice. You will not receive pastoral advice. You will receive the record, including the ugly page.

Chapter 1: What You Are Quoting When You Quote Publius



Illustration for Chapter 1

A mailer that says “the Founders wrote the Federalist Papers, so this is what the Constitution means” has already stacked three errors. The Convention drafted. The essays argued afterward. Three men shared a mask and split within four years.

Avalon, Federalist No. 1 (usually Hamilton), 27 October 1787. The mailer’s “Founders believed” is not this sentence. This sentence is a choice, not a clause:

It has been frequently remarked that it seems to have been reserved to the people of this country, by their conduct and example, to decide the important question, whether societies of men are really capable or not of establishing good government from reflection and choice, or whether they are forever destined to depend for their political constitutions on accident and force.

Article VII does not say that. Article VII says nine conventions. If the rewrite of the mailer cannot bear author, number, and year, the sentence was ornament.

The closed doors in Philadelphia ended 17 September 1787. Article VII broke the Articles’ unanimity rule. Name that without a smear: they were sent to revise a league and produced a replacement that needed nine conventions. Publius later treats popular ratification as the cure. That is his argument.

The *Independent Journal* printed the first Publius on 27 October. McLean bound *The Federalist: A Collection of Essays, Written in Favour of the New Constitution* in two volumes, about five hundred copies, many unsold when the fight ended. After No. 16, out-of-state reprinting collapses. After No. 23 the remaining essays almost never left New York. One excerpt of 38 in New Hampshire is the oft-cited exception. James Wilson’s State House Yard speech ran in thirty-four papers across twelve states — broader than almost any Publius number. McLean arrived after six, then eight, states had already ratified. If a host says the essays “swayed the nation,” you owe those three facts without notes: reprint collapse, McLean 500, Poughkeepsie isolation.

Poughkeepsie is a civic room, not a conversion story. Governor Clinton led the opposition. The *New-York Journal* was his paper. Cato began 27 September 1787. Brutus followed in October. Hamilton organized Publius in part to answer that battery. Elections returned about forty-six Anti-Federalists of sixty-five. Hamilton and Jay sat as delegates; Madison was in Virginia. 24 June 1788: New Hampshire made nine. 2 July: Virginia news. Isolation, not footnotes, became the problem. Melancton Smith moved toward conditional ratification. Jay’s *Citizen of New-York* pamphlet — not a Publius number — was credited by contemporaries. 30–27 on 26 July, eleventh pillar, longest ratification message (25 rights items, 31 amendments), circular letter for a general convention. Kaminski’s “negligible.” Maier’s comparison to the *Columbian Patriot*. Fed 78 barely existed as a newspaper essay

when the vote turned. If your dinner conversation needs the essays to have won New York, it needs a mascot, not Maier.

Gideon 1818 printed names. After Hamilton's death in 1804, a memorandum attributed to him assigned himself the majority, including essays Madison also claimed. The twelve traditionally disputed numbers are 49–58 and 62–63. (18–20 are an acknowledged collaboration. 64 is Jay.) Douglass Adair (1944) assigned the twelve to Madison. Mosteller and Wallace (1963/64) reached the same assignment by word frequency ("upon" versus "on," "while" versus "whilst"). Consensus follows them. Remainder exists: some stylometry still argues collaboration, especially around 55; newspaper / McLean / Gideon texts differ. If you quote 54 as Hamilton to protect Madison, you are doing party history. If 51 is Madison, the tension with Hamilton's 70 is between authors, not a mood swing. Authorship lists were party documents. Treating them as neutral metadata repeats 1804.

Afterlife: *Calder* (1798) and a long citation habit. Teachers. Originalists. Living-constitutionalists. Eskridge asked why originalists may read these essays and disdain legislative history. Closed record or prestige. Tag the claim before you borrow the sentence in a meeting.

1791 is not 1788. Bank. Pacificus/Helvidius. Jay Treaty. The third Publius is a Federalist officeholder, not a spectator. "The Federalist says" without a year is how a caucus hides.

Big Idea

You are quoting a brief that lost its first election and won the syllabus. The brief is worth reading. It is not an enactment. Name man, date, paper, clause.

Practice

1. **Mailer markup.** Take one sentence from a real or invented civic mailer that cites "the Federalist." Rewrite it with author, number, year. If the rewrite kills the sentence, the sentence was ornament.
2. **School-board packet.** One page for parents: four boxes (Magna Carta / Declaration / Constitution / Federalist) and the job of each. No "founding documents" blob.
3. **News versus DHRC.** Next time a host says the essays "swayed the nation," you owe three facts: reprint collapse, McLean 500, Poughkeepsie isolation. Deliverable: three sentences you can say without notes.
4. **Hiring / state-action hygiene.** If your workplace training slides quote Publius as "constitutional law," flag citation ≠ clause. You are not counsel. You are a reader who will not launder a brief into a statute.

Reflect

When you need Publius to be official meaning, what work are you asking a lost campaign to do for you?

Chapter 2: Majority Faction in a Collapsed Distance



Illustration for Chapter 2

Madison's definition in No. 10 still earns its keep because it includes *majority* factions. A group you like can be a faction. A group that wins can be a faction. Liberty is air to that fire; he will not smother it. He will try to make concert harder.

Practice that says "read Avalon aloud" without the sentences is a hole. Avalon, *New York Packet*, Friday, 23 November 1787. Yale keeps *adversed*. Read it in the room. Do not modernize the verb on the fly:

By a faction, I understand a number of citizens, whether amounting to a majority or a minority of the whole, who are united and actuated by some common impulse of passion, or of interest, adversed to the rights of other citizens, or to the permanent and aggregate interests of the community.

Liberty is to faction what air is to fire, an aliment without which it instantly expires. But it could not be less folly to abolish liberty, which is essential to political life, because it nourishes faction, than it would be to wish the annihilation of air, which is essential to animal life, because it imparts to fire its destructive agency.

But the most common and durable source of factions has been the various and unequal distribution of property.

A room that stops at the fire metaphor has recruited Madison. If the room then says "so Madison wanted a large country," you owe the unused remainder of the cure — not as a seminar protocol, as a read-aloud the mailer never prints. Avalon, still No. 10, *Packet* 23 November 1787:

From this view of the subject it may be concluded that a pure democracy, by which I mean a society consisting of a small number of citizens, who assemble and administer the government in person, can admit of no cure for the mischiefs of faction. A common passion or interest will, in almost every case, be felt by a majority of the whole; a communication and concert result from the form of government itself; and there is nothing to check the inducements to sacrifice the weaker party or an obnoxious individual.

A republic, by which I mean a government in which the scheme of representation takes place, opens a different prospect, and promises the cure for which we are seeking.

The two great points of difference between a democracy and a republic are: first, the delegation of the government, in the latter, to a small number of citizens elected by the rest; secondly, the greater number of citizens, and greater sphere of country, over which the latter may be extended.

The effect of the first difference is, on the one hand, to refine and enlarge the public views, by passing them through the medium of a chosen body of citizens, whose wisdom may best discern the true interest of their country, and whose patriotism and love of justice will be least likely to sacrifice it to temporary or partial considerations. ... On the other hand, the effect may be inverted. Men of factious tempers, of local prejudices, or of sinister designs, may, by intrigue, by corruption, or by other means, first obtain the suffrages, and then betray the interests, of the people.

Extend the sphere, and you take in a greater variety of parties and interests; you make it less probable that a majority of the whole will have a common motive to invade the rights of other citizens; or if such a common motive exists, it will be more difficult for all who feel it to discover their own strength, and to act in unison with each other.

A rage for paper money, for an abolition of debts, for an equal division of property, or for any other improper or wicked project, will be less apt to pervade the whole body of the Union than a particular member of it.

That is the medicine. Brutus's watching problem is the test: if you cannot know the rulers, refinement is a hope and extent is cover. High assigns the facing-page protocol. Adult assigns the room: read both, then ask what your feed did to "extent." You do not reprint high's source-protocol Practice here.

Brutus's objection is the adult one you already have in your mouth if you distrust scale. Namedrop is a monologue. TeachingAmericanHistory, Brutus I, 18 October 1787 — one spoken sentence you owe when someone says the Founders designed a large republic so you'd be free:

If respect is to be paid to the opinion of the greatest and wisest men who have ever thought or wrote on the science of government, we shall be constrained to conclude, that a free republic cannot succeed over a country of such immense extent, containing such a number of inhabitants, and these increasing in such rapid progression as that of the whole United States.

Hold it next to Madison. Do not ask a model which is "right."

Brutus I on Necessary and Proper and supremacy, still a spoken page, not a namedrop. TeachingAmericanHistory, 18 October 1787:

This government is to possess absolute and uncontrollable power, legislative, executive and judicial, with respect to every object to which it extends, for by the last clause of section 8th, article 1st, it is declared "that the Congress shall have power to

make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution, in the government of the United States; or in any department or office thereof.” And by the 6th article, it is declared “that this constitution, and the laws of the United States, which shall be made in pursuance thereof, and the treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, any thing in the constitution, or law of any state to the contrary notwithstanding.”

The government then, so far as it extends, is a complete one, and not a confederation. ... The powers of the general legislature extend to every case that is of the least importance — there is nothing valuable to human nature, nothing dear to freemen, but what is within its power.

That is the consolidation fear Madison’s sphere has to answer. A mailer that quotes “extend the sphere” without this page is a monologue.

Your feed is a faction machine. It unites passion without territory. Madison’s “extent” assumed geography. You do not have to decide that Madison is obsolete. You do have to notice that the variable he counted on has changed. Adult resistance — “this is just pluralism with better branding” — then has to explain why he thinks small democracies fail *faster*. If you cannot, you are scoring a slogan, not No. 10.

Hume is in the reading list. Beard is too crude. Silence about 54 is cruder. Property factions in 10 meet human property in 54. You will not skip that meeting; it is chapter 6.

When a mailer quotes “liberty is to faction what air is to fire” as a vibe about diversity, you owe the next sentences. Avalon: two refused cures (destroy liberty; enforce sameness); majority *or* minority; the durable source is unequal property. A room that stops at the fire metaphor has recruited Madison. A school-board packet that says “Madison hated parties” has failed No. 10. Practice the correction out loud: he expects many groups; he designs against a majority that can sacrifice the weaker party.

Big Idea

Faction is not “the other team.” It is any concert adverse to others’ rights or to the lasting public. Extent was the 1788 control. A network is a test of that control, not a vibe.

Practice

1. **Minutes of a group you sit on** (PTA, vestry, union, board). Mark one item where a majority passion could sacrifice a weaker party. Write Madison’s question in the margin. Do not mail the minutes to anyone as legal analysis.

2. **Feed audit, one evening.** Which recommendation united a passion at scale? Did extent make concert harder, or easier? One paragraph.

3. **Brutus in the room.** At the next “the Founders designed a large republic so we’d be free” comment, you owe Brutus I in one spoken sentence. Practice it.

4. **Model fail log.** Ask a model what Fed 10 says about parties. If it says abolish them, keep the transcript. That is the civics-test ghost.

Reflect

If your coalition is a majority, what in No. 10 still binds *you*?

Chapter 3: When the Motive Leaves the Office



Illustration for Chapter 3

51's bet is that ambition attaches to the *place*. The senator resists the president because the Senate's rights are the senator's interest. If ambition now attaches to the party, the donor, or the feed, Madison's machine is running without the fluid he specified. That is an empirical question for a room you actually sit in. It is not a prompt for despair-as-identity.

Avalon, No. 51, 8 February 1788. Read the paragraph in the room, not the fridge magnet:

Ambition must be made to counteract ambition. The interest of the man must be connected with the constitutional rights of the place. It may be a reflection on human nature, that such devices should be necessary to control the abuses of government. But what is government itself, but the greatest of all reflections on human nature? If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself. A dependence on the people is, no doubt, the primary control on the government; but experience has taught mankind the necessity of auxiliary precautions.

The primary control is the people. Auxiliary precautions are the machine. If your meeting treats 51 as “Founders were cynics,” you dropped the primary control. If it treats “just vote” as enough, you dropped the auxiliary. Say which leak you are looking at.

70’s bet is that one visible executive can be watched and blamed. Avalon, 18 March 1788:

Energy in the Executive is a leading character in the definition of good government. ... 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.

Cato IV, 8 November 1787, the facing sentence you owe when someone hears “king” and you hear “visibility”:

wherein does this president, invested with his powers and prerogatives, essentially differ from the king of Great-Britain (save as to name, the creation of nobility and some immaterial incidents, the offspring of absurdity and locality)

You live with a presidency Hamilton would barely recognize: staff, agencies, war powers, media. Do not pretend 70 describes your year. Ask which *reasons* (visibility, blame, execution) still apply when the “one person” is a system.

1791 is the warning label on every quotation. The same men used the same essays for a Bank and against a Bank. If your meeting needs “Hamilton believed” to settle implied powers, it is doing legislative history with a campaign trail. File 7.3.

The chronology, in the room, so “falling out” does not pass. 1789–90: Madison introduces amendments; Hamilton, as Treasury, begins the financial program; they are still, in public,

colleagues of the ratification fight. 1790–91: Hamilton’s *Report on Public Credit* and the Bank. Madison opposes assumption as Hamilton framed it, opposes the Bank as extra-constitutional, and begins to argue that republicanism requires a sovereign public opinion, not “confidence” in an energetic executive. Jefferson joins him. The Republican party starts here, not in 1800. Both men reach for *The Federalist*. Hamilton reads implied powers and energy (23, 33, 70). Madison reads enumerated powers and the compound republic (39, 45–46). 1793–94: Neutrality. Hamilton as Pacificus claims residual foreign-affairs power. Madison as Helvidius calls that “new principles and new constructions.” The Roman masks are back. They are no longer the same Roman. Jay becomes Chief Justice, then negotiates the Jay Treaty (1794), which Republicans treat as a betrayal of 1776. The third Publius is a Federalist officeholder, not a spectator. 1804: Hamilton dies; a list attributed to him claims two-thirds of the essays. Every “the Founders believed” quotation from these essays has a year attached. If the year is 1791 or 1793, you are not quoting Publius. You are quoting a party leader who used to be Publius. Jefferson is not Publius. Do not recruit 7.4 / 7.5 / 5.6.

Big Idea

Checks fail when motive leaves the office. Energy fails when blame leaves the person. The 1790s split is the first data point, not a soap opera.

Practice

1. **Office-versus-team.** For one recent public fight (no caucus recruitment), who had *constitutional* means to resist, and did they use them? If not, 51’s fluid leaked. One page.
2. **Blame map.** Who can a voter fire for a regulation, a war, a delay? 70 wants an answer. Write the honest one, including “no one.”
3. **Pacificus/Helvidius, two indexes.** Residual executive foreign affairs versus “new constructions.” Tag which index your news is using. You are not picking a team for 1793.
4. **Angel test at work.** A committee that cannot be blamed is Hamilton’s nightmare. Name one committee you sit on. Who is visible?

Reflect

If you cannot say who had motive *and* means, are you still inside Madison’s machine, or only inside a vocabulary?

Chapter 4: Courts, Citation, and the Hallway



Illustration for Chapter 4

Hamilton sold judgment without force. Brutus sold interpretation as force. *Marbury* named a practice. Your hallway argument about “unelected judges” is usually 78 plus Brutus plus a docket, mashed. Unmash them.

Avalon, No. 78, McLean 1788. The weapons, then the brace, then the void-act inference. Read them aloud. Practice that says “read Avalon” without these sentences is a hole:

Whoever attentively considers the different departments of power must perceive, that, in a government in which they are separated from each other, the judiciary, from the nature of its functions, will always be the least dangerous to the political rights of the Constitution; because it will be least in a capacity to annoy or injure them. The Executive not only dispenses the honors, but holds the sword of the community. The legislature not only commands the purse, but prescribes the rules by which the duties and rights of every citizen are to be regulated. The judiciary, on the contrary, has no influence over either the sword or the purse; no direction either of the strength or of the wealth of the society; and can take no active resolution whatever. It may truly be said to have neither FORCE nor WILL, but merely judgment; and must ultimately depend upon the aid of the executive arm even for the efficacy of its judgments.

The standard of good behavior for the continuance in office of the judicial magistracy, is certainly one of the most valuable of the modern improvements in the practice of government. In a monarchy it is an excellent barrier to the despotism of the prince; in a republic it is a no less excellent barrier to the encroachments and oppressions of the representative body.

The complete independence of the courts of justice is peculiarly essential in a limited Constitution. By a limited Constitution, I understand one which contains certain specified exceptions to the legislative authority; such, for instance, as that it shall pass no bills of attainder, no ex-post-facto laws, and the like. Limitations of this kind can be preserved in practice no other way than through the medium of courts of justice, whose duty it must be to declare all acts contrary to the manifest tenor of the Constitution void. Without this, all the reservations of particular rights or privileges would amount to nothing. ... There is no position which depends on clearer principles, than that every act of a delegated authority, contrary to the tenor of the commission under which it is exercised, is void. No legislative act, therefore, contrary to the Constitution, can be valid. To deny this, would be to affirm, that the deputy is greater than his principal; that the servant is above his master; that the representatives of the people are superior to the people themselves.

You may agree or not. You may not mash 1788, 1803, and this year’s docket into one growl. Jury hallway: instructions, not a seminar.

Avalon continues — the unused stretch after FORCE / WILL, the intermediate-body argument a hallway mash never reaches:

Some perplexity respecting the rights of the courts to pronounce legislative acts void, because contrary to the Constitution, has arisen from an imagination that the doctrine would imply a superiority of the judiciary to the legislative power. ... There is no position which depends on clearer principles, than that every act of a delegated authority, contrary to the tenor of the commission under which it is exercised, is void. ... It is far more rational to suppose, that the courts were designed to be an intermediate body between the people and the legislature, in order, among other things, to keep the latter within the limits assigned to their authority. The interpretation of the laws is the proper and peculiar province of the courts. A constitution is, in fact, and must be regarded by the judges, as a fundamental law. ... If there should happen to be an irreconcilable variance between the two, that which has the superior obligation and validity ought, of course, to be preferred; or, in other words, the Constitution ought to be preferred to the statute, the intention of the people to the intention of their agents.

Nor does this conclusion by any means suppose a superiority of the judicial to the legislative power. It only supposes that the power of the people is superior to both; and that where the will of the legislature, declared in its statutes, stands in opposition to that of the people, declared in the Constitution, the judges ought to be governed by the latter rather than the former.

That is 78's inference, not Marshall's caption. Mark what 1803 adds. Mark what Brutus denies: that the same court, in equity, with no appeal, will stay a servant.

Brutus XI and XV, facing page, so the hallway is not a monologue:

The opinions of the supreme court, whatever they may be, will have the force of law; because there is no power provided in the constitution, that can correct their errors, or controul their adjudications. From this court there is no appeal.

In short, they are independent of the people, of the legislature, and of every power under heaven. Men placed in this situation will generally soon feel themselves independent of heaven itself.

When a court quotes Federalist 78, it may be (a) claiming Framers intent, (b) claiming ratifier understanding, (c) claiming public meaning, or (d) borrowing prestige. Most popular commentary cannot name which. If you cannot, you are not doing originalism or its critique. You are decorating.

File 7.3, in the hallway, not as a seminar tag. Intent: Publius as a window on drafters — but only two of three were in the room, they did not bind the others, they later contradicted

themselves. Ratifiers' understanding: most ratifiers outside New York did not read most essays; New York's convention was elected against the Constitution. Public meaning: more defensible, still leaky; Publius is one informed speaker writing to win, Brutus another. A method that cites 78 and not Brutus XI on "judicial power" has chosen a speaker. Eskridge asked why originalists may read these essays and disdain statutory legislative history. Closed record or prestige. Both answers on the table. Tag the claim before you borrow the sentence in a meeting.

Citation is not a clause (5.4, 6.3). The Court has cited Publius since the 1790s. It is not required to. A limited constitution still needs someone to say when a statute contradicts the text; Hamilton says judges; Brutus says those judges will consolidate. Whether 78's premise remains true is a later question this booklet will not let a model settle.

Jury hygiene: you are not there to recite 78. You are there to decide facts under instructions. If a fellow juror says "the Federalist says the Court..." the adult move is: we have instructions, not a seminar. Save Publius for after.

Big Idea

Least dangerous was a 1788 weapons claim. Interpretation as power was Brutus's weapons claim. Prestige citation is a third thing. Tag them.

Practice

1. **Opinion footnote.** Find one Supreme Court opinion that cites *The Federalist* (this pack 6.3 names the habit; *Calder* 1798 is early). Tag the use: intent / understanding / public meaning / ornament.
2. **Brutus spoken.** One sentence you can say when someone calls the Court "least dangerous" as if it were a measurement.
3. **Marbury not in Article III.** Write the clause. Write 78. Write 1803. Three lines. The mash is the error.
4. **Hallway script.** Two sentences, no advice: "That's a brief from 1788. The instruction is the law in this room."

Reflect

What do you want 78 to do for you that you do not want to ask of Article III?

Chapter 5: The List in the Rooms You Actually Enter



Illustration for Chapter 5

Hamilton lost 84. Madison wrote a list. The Ninth is the fear of lists enacted as protection. The Tenth is 39's remainder. Storing's frame-plus-amendments is the genealogy. Your rights-talk that quotes Fed 10 as the source of speech has the family tree wrong.

Avalon, No. 84, in the room. Bills of rights began as bargains with kings; Magna Carta, sword in hand; then the colorable pretext and the press. Read the sentences. Do not summarize them into "Hamilton opposed rights":

It has been several times truly remarked that bills of rights are, in their origin, stipulations between kings and their subjects, abridgements of prerogative in favor of privilege, reservations of rights not surrendered to the prince. Such was MAGNA CHARTA, obtained by the barons, sword in hand, from King John. ... Here, in strictness, the people surrender nothing; and as they retain every thing they have no need of particular reservations.

I go further, and affirm that bills of rights, in the sense and to the extent in which they are contended for, are not only unnecessary in the proposed Constitution, but would even be dangerous. They would contain various exceptions to powers not granted; and, on this very account, would afford a colorable pretext to claim more than were granted. For why declare that things shall not be done which there is no power to do? Why, for instance, should it be said that the liberty of the press shall not be restrained, when no power is given by which restrictions may be imposed?

Americans demanded the press sentence anyway. Madison wrote it. The Ninth tried to stop the colorable-pretext reading. A slide that stops at "Hamilton opposed rights" is a weapon. Rewrite it or throw it out.

Adult rooms: a school-board policy that cites "the Founders' Bill of Rights" as if Publius drafted it; an HR slide that treats 84 as "Hamilton against liberty"; a sermon or a podcast that needs Anti-Federalists to be either villains or oracles. The correction is documentary. They lost the vote. They won 1–10. They did not win a second convention. Madison learned. Learning is not a smear.

National Archives, Amendment IX, the sentence a board should hear aloud when someone treats the fridge list as closed:

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Madison, 8 June 1789, introduces amendments in the First Congress because ratification politics required it, because he had come to see a list as useful against the federal government he had just built, and because a second convention was the alternative Fed 85

feared. You may mark the reasons as learning, strategy, or both. You may not flatten them into hypocrisy without evidence. New York's Avalon ratification of 26 July 1788 is the longest list in the room: 25 rights items, 31 amendments, circular letter. That list is why the First Congress wrote parchment instead of reopening the frame.

You may prefer structure to parchment or parchment to structure. American practice kept both and still argues which works. 84 is a design claim about enumeration, not a claim that speech does not matter.

Big Idea

The list is an Anti-Federalist victory inside a Federalist frame. Hamilton opposed a *list*, not liberty. Your room should survive that sentence.

Practice

1. **Slide rewrite.** Replace “Hamilton didn’t want rights” with “Hamilton thought enumeration made a list the wrong tool; Madison wrote the list; read Amendment 9.” If the slide cannot bear the longer sentence, the slide was a weapon.
2. **Packet for a board.** One paragraph: 1787 text shipped without 1–10; conventions demanded them; 1791 enacted them; Ninth answers 84. No policy recommendation.
3. **Amendment 9 read aloud** in a room that talks about “enumerated rights” as if the list were closed. Then stop. The sentence does the work.
4. **What they did not win** — second convention — said once so the victory stays sized.

Reflect

If you only defend the rights on the fridge list, what did Hamilton predict you would forget?

Chapter 6: Four Jobs, and the Page the Syllabus Skips



Illustration for Chapter 6

Compound republic: tests, not jerseys. Civic chain: four jobs. Union as security was a brief against a league that could not tax or keep promises. The Articles of Confederation, ratified

in 1781 while the war was still on, created a “firm league of friendship” among sovereign states. Congress could declare war and make treaties. It could not tax. It could not regulate interstate commerce. It could not enforce its resolutions on persons. It sent requisitions and hoped. That design was not a drafting error. It was a theory: distant coercive power is what they had just fought. By 1786 the theory looked like insolvency — credit (France and the Dutch), commerce (New York port fees hitting New Jersey and Connecticut), diplomacy (British forts, Spain on the Mississippi), Shays’ Rebellion as the exhibit of a government that could not help a state. Annapolis (September 1786) was supposed to talk trade. Five states, twelve men. Philadelphia was authorized to *revise* the Articles and produced a replacement. The Convention exceeded its charge. Honesty, not a smear. Publius later treats popular ratification as the cure. That is his argument. Both can be true next to Brutus’s new dangers.

Hamilton 15 named the monster: *imperium in imperio*. Jay 2–5 argued one coast should not become rival alliances. A school-board packet that collapses those briefs into “they wanted a strong government” has already left the record.

Federalist 54 is in the book. Madison, consensus. *New York Packet*, 12 February 1788. Ventriloquy of a Southern brother, then acceptance of reasoning he calls a little strained. Mixed character of persons and of property. “This is in fact their true character.” “Divested of two fifths of the MAN.” Seats and taxes. Also a theory. Neither is a kindness. Northern exclusion from the count was not humanitarian. Southern inclusion as “persons” was not abolition.

Practice that says “read Avalon aloud” without the sentences is a hole. Avalon, No. 54, the mixed-character block, then the capitals. Read them in a room of adults who asked for it. No speech after. Let the words sit:

In being protected, on the other hand, in his life and in his limbs, against the violence of all others, even the master of his labor and his liberty; and in being punishable himself for all violence committed against others, the slave is no less evidently regarded by the law as a member of the society, not as a part of the irrational creation; as a moral person, not as a mere article of property. The federal Constitution, therefore, decides with great propriety on the case of our slaves, when it views them in the mixed character of persons and of property. This is in fact their true character. It is the character bestowed on them by the laws under which they live. ...

Let the compromising expedient of the Constitution be mutually adopted, which regards them as inhabitants, but as debased by servitude below the equal level of free inhabitants, which regards the SLAVE as divested of two fifths of the MAN.

Read the last phrase aloud. Do not paraphrase into “they counted as three-fifths of a person” and move on. The capitals are in the 1788 book. The rest of the eighty-five numbers are nearly silent. Teach No. 54 next to No. 10. When the durable source of faction is property, and the property is persons, the extended-republic theory changes temperature. You may conclude the union was worth the clause. You may not be told the price was unpaid.

Imani Perry: strategy with an anti-democratic residue. Wood and Wilentz on the clause, used with care. Beard too crude; silence cruder. White-supremacist misuse and “everyone did it” misuse are both refusals to teach the text. Do not ask whether Madison was “a racist.” State 54, check Avalon.

Locke’s exclusion/slavery (cross-link Harry 6.5 / Locke S7) sits next to this page. The Constitution pack’s 5.3, 7.2, 7.5 sit next to it. The Fourteenth’s answer to 54 is another booklet, already accepted as four-prose. This booklet’s job is to refuse the greatest-hits album that prints 10, 51, and 78 and calls that *The Federalist*.

You may conclude the union was worth the clause or not. You may not be told the price was unpaid.

Big Idea

A classic that requires silence about 54 is a mascot. Mixed character is Madison’s accepted sentence. The chain’s third instrument was sold with that sentence in the brief.

Practice

1. **Read-aloud protocol.** Mixed-character paragraph and two-fifths-of-the-MAN sentence, Avalon, in a room of adults who asked for it. No speech after. Let the words sit.
2. **Cartoon, clause, theory.** Three index cards. X the cartoon. Keep seats-and-taxes. Keep mixed-character-as-true. 54 is the third card.
3. **Authorship hygiene.** If a podcast dumps 54 on Hamilton, you owe “consensus: Madison; Adair; do not save the classroom saint.”
4. **Price unpaid.** One paragraph: union-as-security (Jay 2–5, Hamilton 15–22) purchased in part with Art. I §2. No verdict required. No unpaid-price denial allowed.

Reflect

What work does skipping 54 do for a citizenship you want — and is that work honest?

For the Grown-Up Reader

This adult booklet is civic rooms, not high school protocols with the word “adult” pasted on. Practice aims at mailers, packets, jury hallways, hiring slides, and read-alouds. It is not legal advice, pastoral advice, or a vote. High remains the place for Research Prompt (Avalon Fed 1 vs Archives Art. VII) and evidence-type tags as coursework. Adult assumes you will not be graded and will still owe the sentences.

Quotes: McLean title; Fed 10, 51, 70, 78, 54 (Avalon); Ninth Amendment (Archives); Maier *Ratification*; Kaminski on New York; DHRC reprint pattern (Harry 3.4, 7.2); Adair 1944; Mosteller–Wallace; Storing; *Calder v. Bull* (1798) as early citation habit; Madison 8 June 1789; *Marbury* (1803). No invented sayings. No family names. 7.4 / 7.5 / 5.6 shown, not recruited. Locke S7 and Constitution 7.2 / 7.5 cross-linked, not summarized from memory.

About WisdomForge

WisdomForge turns founding documents and great thinkers into booklets for every age. Each figure or document gets four booklets: ages 5–10, 11–14, 15–18, and adults. The same text, told at the right depth. Because a brief that became unofficial philosophy has to be read as a brief — against the clause, against Brutus, and against the page the syllabus skips.

Sources

Primary

- *The Federalist* Nos. 1, 10, 39, 51, 54, 70, 78, 84, 85 — Avalon Project, Yale Law School; Library of Congress full text - McLean edition title page (1788): *The Federalist: A Collection of Essays, Written in Favour of the New Constitution* - Articles of Confederation, “firm league of friendship” - U.S. Constitution, Arts. I, II, III, VII; Amendments I–X (National Archives) - *Marbury v. Madison*, 5 U.S. 137 (1803) - New York ratification, 26 July 1788 (Avalon) - Madison, speech introducing amendments, 8 June 1789 - Brutus I, XI–XV; Cato letters (TeachingAmericanHistory.org; Constitution Center) - Jay, *Address to the People of New-York* (“A Citizen of New-York”)

Secondary

- Pauline Maier, *Ratification* (2010) - Ray Raphael, *Journal of the American Revolution* (2013) - DHRC reprint tables; John Kaminski on New York - Douglass Adair, “The Authorship of the Disputed Federalist Papers” (1944) - Mosteller and Wallace, *Inference and Disputed Authorship* (1963/64) - Herbert J. Storing, *What the Anti-Federalists Were For* (1981) - Saul Cornell, *The Other Founders* (1999) - Bernard Bailyn, ed., *The Debate on the Constitution*

(Library of America, 1993) - Gregory Maggs (2007); William N. Eskridge Jr. on *The Federalist* versus legislative history - This pack's Harry files 1.1–7.6, HANDOFF hardEdges (Fed 54; no caucus; essays not law; essays did not win Poughkeepsie)

Adapted by Airia Edge for WisdomForge. Not gold. Not shipped.
