



The Brief, Not the Machine

WisdomForge Booklet — Ages 11–14

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About This Book

The Federalist is eighty-five newspaper essays written from 27 October 1787 to May 1788 by Alexander Hamilton, James Madison, and John Jay under the shared pen name Publius. The aim was a vote in New York. The Constitution had already been drafted in Philadelphia that summer. The essays tried to get a hard state to say yes.

This booklet is not the Constitution. It is not law. Courts quote Publius. Quoting is not enacting. If an essay and a clause disagree, the clause wins.

You already have a civic chain on the WisdomForge shelf: Magna Carta, the Declaration, the Constitution. These essays are the brief that *sold* the third instrument, written against people who thought the third betrayed the second. The Anti-Federalists — Brutus, Cato, Federal Farmer, and others — lost ratification and won the Bill of Rights. Read both sides or you are reading a monologue.

Six chapters follow the sitting map William already shipped: the mask, faction, ambition, courts, the lost list, the chain. This band gets one honest sentence on Federalist 54 and the three-fifths clause. It does not get the mixed-character paragraph. That paragraph is in the high and adult booklets. Do not walk away with the cartoon that “they thought enslaved people were 60% human.” Seats and taxes. Also a legal theory. Both. Neither is a kindness. One sentence, then the Constitution pack’s fuller treatment.

Each chapter has a story with context, a big idea, something to try, three talk-about-it questions, and a question to carry. The talk is for a table, not for a secret confidant. This rewrite puts a few real Avalon and Brutus sentences on the page at young-band length. High keeps the long remainder of Federalist 10 (pure democracy, two great points, “extend the sphere”). Do not skip the short quotes here and then invent them.

Chapter 1: Three Men, One Mask, One Vote



Illustration for Chapter 1

On 27 October 1787 the *Independent Journal* in New York printed the first letter signed Publius. The last newspaper numbers ran into May 1788. In between, Hamilton, Madison, and Jay produced a brief aimed at voters and convention delegates in a state that could kill the Constitution.

The Convention had sat behind closed doors from May to September. The draft was signed 17 September 1787. Article VII made the instrument law among ratifying states when nine conventions approved it. That broke the Articles' rule of unanimous amendment. The Articles had called the union a "firm league of friendship." Anti-Federalists called the nine-state rule a coup against the amendment process. Federalists called it an appeal from legislatures to the people. Both descriptions are arguments. Name both.

Publius is a Roman costume — Publius Valerius Publicola, a founder of the Roman Republic. Pseudonyms were the grammar of 1780s argument: Brutus, Cato, Federal Farmer, Centinel. The mask claimed republican authority and hid the faction. Hamilton chose the name and wrote the bulk. Madison wrote the classroom canon: 10, 39, 51, and (by modern consensus after Douglass Adair) disputed House and Senate numbers. Jay wrote 2–5 and 64; illness took him out. The 1818 Gideon edition was the first to print names next to numbers. Until then the mask still worked. It still works in footnotes that say "*The Federalist* argues" and skip the man.

They shared a 1787 goal. They did not share a later politics. By 1791 Hamilton was building the financial program and Madison was Jefferson's ally. Both reached back into the essays for ammunition. "The Federalist says" is a way of hiding which essay, which year, which man.

The McLean bound edition (two volumes, March and May 1788) used the honest title: *The Federalist: A Collection of Essays, Written in Favour of the New Constitution*. Print run about 500. After No. 16, out-of-state reprinting collapsed. After No. 23, the remaining sixty-two essays almost never left New York. James Wilson's State House Yard speech ran in thirty-four papers across twelve states — broader than almost any Publius number. Pauline Maier and the Documentary History reprint tables are the kill-shot against the myth that reasoned essays convinced America.

New York elected an Anti-Federalist convention. Governor George Clinton led the opposition. The *New-York Journal* was his paper. Cato began there on 27 September 1787, days after the Constitution was signed. Brutus followed in October. Hamilton organized Publius in part to answer that battery. Delegate elections returned a convention of 65. Contemporary reports put about 46 of them decidedly opposed. Nineteen Federalists. Hamilton and Jay were in the room as delegates; Madison was not — he was in Virginia. The convention met at Poughkeepsie in mid-June 1788.

What turned the room was news, not essays. 24 June: word that New Hampshire had ratified. Nine states. The Constitution would operate without New York. 2 July: Madison's dispatch that Virginia had ratified. The largest state was in. Isolation, not persuasion, became the Anti-Federalist problem. After that, the live question was no longer yes/no. It

was whether to ratify with amendments, to demand a second convention, or to stay out. Melancton Smith — likely Brutus — moved toward conditional ratification. Hamilton and the Federalists fought a second convention. John Jay’s separate pamphlet, *Address to the People of New-York, on the Subject of the Constitution* (signed “A Citizen of New-York,” not Publius), circulated in this window and was widely credited by contemporaries with converting waverers. Fed 85 points readers to it.

On 26 July the convention voted 30–27 to ratify. It also voted unanimously to send a circular letter to the other states urging a general convention to consider amendments. New York’s ratification message was the longest of any state’s: 25 proposed items in a declaration of rights and 31 amendments. The Federalists got the eleventh pillar. The Anti-Federalists got a written promise that the fight was not over. Fed 78 had barely existed as a newspaper essay. Do not teach “the essays won New York.”

Avalon, Federalist No. 1, the first job of the mask: this is a *choice*, not a commentary. Hamilton (the usual assignment) tells New York the question is whether societies can found government by thinking, not only by accident:

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. The urgency is the brief. Keep the two pages facing.

| Box | Job | |----|----| | Philadelphia, May–Sept 1787 | Draft the machine | | New York newspapers, Oct 1787–May 1788 | Sell it | | Poughkeepsie, June–July 1788 | Vote | | Gideon, 1818 | Print the names |

The essays sit in the second box. A sitting that opens “Hamilton, Madison, and Jay wrote the Constitution” has already failed.

Jay is the easiest trap. He had been president of the Continental Congress and would be the first Chief Justice. He had not been in the Pennsylvania State House that summer. When a classmate says “the authors of the Federalist wrote the Constitution,” put Jay in the right-hand column and watch the sentence break.

Reprint history is a fact, not a vibe. After No. 16, out-of-state reprinting collapses. After No. 23, sixty-two essays almost never leave New York. One excerpt of 38 in New Hampshire is the oft-cited exception. McLean’s volumes arrived after six, then eight, states had already

ratified, and after remaining delegates had been chosen. Kaminski: impact on New York citizens “negligible.” Maier: probably no more effective among rural New Yorkers than Mercy Otis Warren’s *Columbian Patriot*. Maggs notes the reverse possibility: the ratification debates may have influenced *The Federalist* as much as the other way around. Slight is not zero. Slight is not “swayed the nation.”

Authorship is another mask. Seventy-three essays are fairly certain. Twelve (49–58, 62–63) were fought over because Hamilton’s dying list and Madison’s later list overlapped — including 51 and 54. After Hamilton’s death in 1804, a memorandum attributed to him assigned himself the majority, including essays Madison also claimed. The 1818 Gideon edition followed Madison. Patriotism, party, and printer’s prestige all had a stake in the names. Eighteen through twenty are a separate, acknowledged Hamilton–Madison collaboration. Sixty-four is Jay.

Douglass Adair, “The Authorship of the Disputed Federalist Papers” (1944), argued Madison wrote all twelve disputed numbers. Frederick Mosteller and David Wallace, *Inference and Disputed Authorship: The Federalist* (1963/64), used Bayesian word-frequency analysis (“upon” versus “on,” “while” versus “whilst”) and reached the same assignment. That study became a landmark of computational humanities as much as of founding history. Modern classroom consensus follows them: Madison wrote 49–58 and 62–63. Hamilton wrote the rest except Jay’s five and the 18–20 collaboration.

Dissent still exists. Some stylometric work argues for collaboration, especially around 55. The starting-text problem is real: newspaper, McLean, and Gideon versions differ. Do not teach the computer as a miracle. Teach the best current assignment, with a remainder. If 51 is Madison, the tension with Hamilton’s 70 is between authors. If 54 is Madison, you may not dump the three-fifths brief on Hamilton to save a classroom saint. This band will give you one honest sentence on 54 in chapter 6, not the mixed-character paragraph.

The Articles’ own words belong on the facing page of Article VII. Congress had called the union a “firm league of friendship.” Nine conventions is not how a league amends itself. Honesty names the irregularity without turning the summer into a debunking skit.

Big Idea

The Federalist is advocacy for a text that already existed. Three authors shared a mask and not a later politics. Citation is not a clause.

Try This

1. Timeline on one page: Philadelphia → first Publius essay (27 Oct 1787) → McLean volumes → Poughkeepsie 30–27 (26 July 1788) → Gideon names (1818). Under the Poughkeepsie date, write “news from NH/VA, not Fed 78.” 2. Product and pitch columns. Constitution left,

essays right. Put Jay in the right column with a note: not in the Convention. Put Article VII under product and Fed 1's reflection-and-choice sentence under pitch. 3. Practice the reply out loud, then write it: "The essays explain. They do not enact. If Publius and the text disagree, the text wins." Check that you can name McLean's actual title without the later word "Papers."

Talk About It

1. Why hide three famous names under a Roman one? 2. If most essays never left New York, why do we still assign them? 3. When a friend says "the Founders believed," which year and which man do you ask for first?

If the pitch and the product come apart, which one is the law — and how would you show it on a page?

Chapter 2: Faction, Extent, and Brutus



Illustration for Chapter 2

Federalist 10 ran in the *New York Packet* on Friday, 23 November 1787. (Some newspaper histories also list 22 November in the *Independent Journal*. Name both if you use both. Avalon's header is the Packet date. Keep it.) Madison's definition is the whole essay in one sentence. Yale's text keeps the unusual verb. It is not a typo to modernize:

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, adverse to the rights of other citizens, or to the permanent and aggregate interests of the community.

You cannot remove the *causes* of faction without destroying liberty or giving everyone the same opinions. Avalon states the air-to-fire sentence in full. Copy it. Do not shrink it to “liberty is messy”:

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.

Relief is in controlling *effects*. A small pure democracy cannot. A common passion will be felt by a majority of the whole; there is nothing to check the sacrifice of the weaker party. A large republic can. Representation refines. Extent of territory makes concert harder. High will give you the long remainder — two great points of difference, “extend the sphere.” This band holds the definition, the air-to-fire sentence, and the opponent. That is enough to stop the slogan.

What the essay is doing: answering Montesquieu and the Anti-Federalists who said republics must be small. Madison inverts it: size is the cure.

What the essay is not doing: abolishing parties, abolishing passion, or promising just majorities. He is designing against majority faction, not against disagreement.

If a summary says “Madison thought factions were bad so we should have no parties,” it has not read No. 10. Young-band resistance is exactly that dismissal. The design is so no one party is the country.

On the table, shorter than high: Madison’s definition includes majority factions. Liberty is air to fire; he will not smother it. Causes sown in nature; property the durable source. Brutus says size is the disease. Hold both. Do not let a feed settle it.

Brutus I is the required pair. Sixteen essays in the *New York Journal*, October 1787–April 1788. Likely Melancton Smith (Constitution Center’s recent case; older guesses included Robert Yates). Brutus, 18 October 1787, puts the size claim in one sentence you can actually say:

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.

He frames the choice as two pictures, not a vibe:

whether the thirteen United States should be reduced to one great republic, governed by one legislature, and under the direction of one executive and judicial; or whether they should continue thirteen confederated republics, under the direction and control of a supreme federal head for certain defined national purposes only?

That is the structural objection. Hold it next to Madison. Do not pick a winner for the table. High will give you more of Brutus I (Necessary and Proper, supremacy, force not consent). Do not dump that remainder here.

Hume on parties is in Madison's reading. The concept is institutional, not a moral slogan from the Declaration. Fed 10 is about how passion behaves in assemblies.

Avalon, still No. 10, one more young-band sentence before you stop — not the long remainder high will give you. Property is the durable source, not a side note:

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

That line is why chapter 6 will not let you skip 54. If the durable source is property, and some of the property is persons, the temperature of "extent" changes. You do not need the mixed-character paragraph to hear that. You need the sentence, then the honest 54 line, then a stop.

Madison also names the two refused cures in order: destroy liberty, or give everyone the same opinions, passions, and interests. The second, he says, is as impracticable as the first is unwise. As long as reason is fallible and people may use it, different opinions will be formed. "Enlightened statesmen will not always be at the helm." If your table-talk stops at "factions are fights," you have not reached the definition. If it stops at "so we shouldn't have parties," you have refused the air-to-fire sentence.

A modern feed is a test of "extent." Networks collapse distance and unite passion at scale. Madison's geography does not automatically apply. Name the test. Do not let a model settle it. Integrity for this band: do not ask a model whether Madison would have liked a feed. Ask it to state the Avalon definition with *adversed*, then check the sentence. If it says "Madison hated parties," it has failed.

Brutus's next step, still young-band length, is not the Necessary-and-Proper remainder. It is the watching problem. In a republic of this continent's extent, he says, the people in general would be acquainted with very few of their rulers; they would know little of their proceedings. That is enough to hold next to Madison's claim that representation refines. High will quote the watching problem at length. Here, one clause is enough to keep the sitting from becoming a monologue.

| Essay | Danger | Cure | Opponent | |-----|-----|-----|-----| | Fed 10 | Majority faction
| Extended republic + representation | Brutus I (size is the disease) |

Big Idea

A faction is a group that can outvote rights. Madison refuses to kill liberty to kill factions. Brutus says a large republic hides capture. Both sentences belong in the same sitting.

Try This

1. Write Madison's definition in your own words, then check it against the Avalon sentence. The verb is *adversed*. The date on Avalon is Friday, 23 November 1787, *New York Packet*. Source before summary. 2. Name a faction from your world (team, feed, party). Ask Madison's question: what stops it from becoming the whole? Then ask Brutus's watching question: would people even know the rulers? 3. Two-column page: Madison 10 left, Brutus I right. Copy the *adversed* definition on the left and the "free republic cannot succeed" sentence on the right. No "who won."

Talk About It

1. Why is "so we shouldn't have parties" a misread of No. 10? 2. Does a large country still make concert harder when a feed is nationwide in a second? 3. Why assign Brutus at all if the Federalists won the vote?

What stops a group you belong to from becoming the only voice — structure, manners, or luck?

Chapter 3: If Men Were Angels



Illustration for Chapter 3

Federalist 51, 8 February 1788. The poster lines are load-bearing. Read them as a pair, not as a fridge magnet:

“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.”

“Ambition must be made to counteract ambition. The interest of the man must be connected with the constitutional rights of the place.”

Because men are not angels, government is necessary. Because governors are not angels, government must control itself. The great security is means *and* motive in each department.

Madison expects the legislature to predominate in a republic, so he splits it (House and Senate). The federal system adds a second division: two distinct governments over the same people. Double security. Justice is “the end of government.”

Virtue is not the design load. Character helps. The machine cannot require saints. The branches are not equal in political force. Congress is designed as the strongest; the others are armed against it. “Gridlock is always good” is not the essay. Checks prevent concentration. Hamilton 70 is the counterweight in the same series: energy in the executive, unity so blame is visible. Avalon, 18 March 1788, *New York Packet*:

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

Cato heard monarchy. Keep both ears. High quotes Cato’s king sentence. This band names the fear and keeps 70’s energy line. Do not reconcile 51 and 70 into one Founder mood.

After 1791 the tension is no longer literary. Hamilton reads implied powers and energy. Madison reads enumeration and the compound republic. Pacificus versus Helvidius (1793) puts new Roman masks on opposite briefs.

Avalon, No. 51, the sentence classrooms drop when they steal the angels. The people are the primary control. The machine is the backup:

A dependence on the people is, no doubt, the primary control on the government; but experience has taught mankind the necessity of auxiliary precautions.

A sitting that treats 51 as cynicism has dropped the primary control. A sitting that treats elections as enough has dropped the auxiliary. Young-band try: pick a fight between president, Congress, and Court that you have actually heard named at dinner. Who had motive to resist? Who had means? If the answer is “the base” or “the feed,” you are no longer inside Madison’s machine — and that is worth saying out loud.

Hamilton’s ingredients of energy, still No. 70, are four and not a mood: unity, duration, adequate support, competent powers. Safety, in the republican sense, is dependence on the people and responsibility. A council, he says, hides blame: “I was overruled by my council.”

Cato, beginning 27 September 1787 in the *New-York Journal* (often attributed to Clinton), warns that the presidency tends toward monarchy and that distance itself is danger. High will quote Cato's king sentence. This band keeps the pairing without the long remainder: energy as visibility, Cato as crown-fear.

Do not average 51 and 70. They are in the same series and they pull. After the Bank fight of 1791, they pull harder. File 7.4 is chronology, not a caucus.

Young-band chronology, short: Madison writes amendments in 1789; Hamilton writes the Bank in 1791; they use the old essays against each other; in 1793 they put new Roman masks on (Pacificus / Helvidius). Jay is not a spectator — Chief Justice, then the Jay Treaty. "The Founders believed" without a year is how a caucus hides. This band does not recruit 7.4 / 7.5 / 5.6. It names the year.

Big Idea

Checks are a psychology of office, not a vocabulary word. Connect self-interest to the rights of the place, because the staff will not be angels.

Try This

1. Three boxes: law, execution, judgment. For each, write one *means* and one *motive* to resist the others. If motive is "the team," you have left 51. 2. Split the legislative box in half. Label why Madison feared one room. Write the auxiliary-precautions sentence under the boxes. 3. Write one sentence from 51 (angels or ambition) and one from 70 (energy) that pull opposite directions. Do not reconcile them. Keep Cato's crown-fear in a margin note; the king sentence itself is in high.

Talk About It

1. Is "ambition watching ambition" cynicism, or the condition of freedom? 2. If one branch stops using its means, whose failure is that — 51's design or later people? 3. Why did Cato hear "king" in Hamilton's energy?

When a branch refuses to check another, is that virtue, fear, or a feed — and how would Madison tell?

Chapter 4: Neither Force nor Will



Illustration for Chapter 4

Federalist 78 is Hamilton on the judiciary. It first appeared in the McLean edition, 1788 — book fame, not morning-paper fame. Ages 11–14 may take this chapter. Ages 5–10 omitted it.

Hamilton's claim, as a block you can underline, not as three words in a paragraph:

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.

It is "the least dangerous" to the political rights of the Constitution. Because it is weak, it must be independent: tenure during good behavior. Because the Constitution is fundamental law, courts must prefer it to ordinary statutes when they conflict. He does not use the later phrase "judicial review." That is the argument. When a statute is contrary to the manifest tenor of the Constitution, the court should treat it as void. This does not make judges superior to Congress. It makes the Constitution superior to both — the people having bound their agents. High and adult finish the unused stretch: good-behavior as a brace, deputy-not-greater. This band keeps the weapons paragraph.

Tenure is the brace Hamilton bolts onto that weakness. Avalon, still No. 78, McLean 1788 — one sentence, not the unused remainder high and adult will finish:

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, he says, it is a barrier to the prince; in a republic, a barrier to the representative body. Brutus hears unaccountable aristocracy. Hold both. Do not let "life tenure" become a team jersey.

Marbury v. Madison, 5 U.S. 137 (1803), names the practice. Do not teach *Marbury* as if it is in the 1787 text. Do not teach 78 as if Marshall copied it word for word. The argument is in 78. The power as practiced is a history. High will put the void-act / deputy-not-greater block on the page. Adult will put it on the page as a read-aloud. This band keeps FORCE / WILL, good-behavior as a brace, and one Brutus XI sentence. That is the young-band weapons kit.

Brutus XI–XV is the required counter-text. An independent federal judiciary, appointed for life, with equity jurisdiction and no higher appeal, will expand its own power by interpretation. The court will not be the least dangerous branch. It will be the engine of consolidation. Brutus XI, 31 January 1788, in one short sentence you can put facing Hamilton:

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.

Brutus's fear is not ignorant. A sitting that assigns 78 without Brutus is a monologue. High will give you Brutus XV's "independent of heaven itself." Do not dump it here.

"Least dangerous" is a 1788 claim about institutional weapons. It is not a prophecy. If someone says the Court is the most dangerous branch now, 78's premise failed, or the other branches surrendered the means Madison gave them. Which?

| Claim | Hamilton 78 | Brutus | |-----|-----|-----| | Weapons | No sword, no purse |
Interpretation is a weapon | | Tenure | Brace for weakness | Unaccountable aristocracy | |
Review | Constitution > statute | Engine of consolidation |

Big Idea

Hamilton sells independent judges as a guard for a limited constitution. Brutus sells them as a consolidation engine. "Least dangerous" is a 1788 design claim, not a scoreboard.

Try This

1. Copy Hamilton's FORCE / WILL / judgment block from this chapter. Underline the three nouns. Check the block against Avalon (McLean 1788), not against a textbook gloss. 2. Write Brutus's fear in Brutus's terms, then check the short sentence from Brutus XI above ("opinions ... will have the force of law"). Source before summary. No winner line. 3. Open *Marbury*'s holding in one sentence and Fed 78 in one sentence. Mark what 1803 adds. Write 5 U.S. 137 (1803) so the citation is a case, not a vibe.

Talk About It

1. Why would a *weak* branch need life tenure? 2. If courts have become central to every fight, did 78 fail or did the other branches stop using 51? 3. Why is "Hamilton invented judicial review out of nothing" too cheap?

When a court quotes Federalist 78, is it reading the law or borrowing a famous brief — and how would you tell?

Chapter 5: The List Hamilton Did Not Want



Illustration for Chapter 5

Federalist 84 is the argument that lost. Hamilton: a bill of rights is unnecessary in a government of enumerated powers, and listing rights risks surrendering the rest. Bills of rights, he says, are reservations against kings who claimed all power. The Constitution grants only listed powers. Exceptions for ungranted powers “would afford a colorable

pretext” to claim more. He points to limits already in the 1787 text: habeas corpus, no bill of attainder or ex post facto, no religious test, criminal jury.

Avalon, the press example — one short danger sentence, not the whole origin story (high and adult keep Magna Carta, sword in hand):

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 ratifying conventions did not buy Hamilton’s brief. Massachusetts, South Carolina, New Hampshire, Virginia, and New York all ratified with recommended amendments. New York’s list was the longest: 25 rights items and 31 amendments, plus a circular letter urging a general convention. North Carolina and Rhode Island waited.

Madison, who had thought a list unnecessary in 1788, introduces amendments in the First Congress (speech of 8 June 1789) 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.

The Ninth Amendment is Hamilton’s second point, inverted into a shield. National Archives:

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

The Tenth is the compound-republic concession written as a reservation. The First through Eighth are the parchment Brutus and Federal Farmer demanded.

Storing’s line: the Constitution we have is a Federalist frame with Anti-Federalist amendments. They lost the vote and won the first ten amendments. They did not win a second convention or a substantially smaller House. Do not turn a splice into a knockout. “Hamilton opposed rights” is false. “Hamilton thought a list was the wrong instrument, and Madison later wrote the list anyway” is the lesson. The Federalist does not contain the First Amendment. Anyone who quotes Publius as the source of free speech has the genealogy wrong.

Avalon, No. 84, the colorable-pretext sentence at young-band length — not the Magna Carta origin story, which high and adult keep as a block:

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?

The Anti-Federalists were not confused. They had watched legislatures and they wanted parchment barriers. Hamilton thought structure was the barrier. American practice kept both — and still argues about which one works. Opposition to a list is not opposition to liberty. A sitting on 84 should end at the First Congress, not at Hamilton's last sentence. The lesson is how a lost argument still shaped the winning text.

The Ninth is the answer written as a shield. Copy it. Then stop. Federal Farmer's constructive demand — House too small, no bill of rights, tax and army power too broad — is why Madison could steal the ground in 1789 without admitting defeat. Pair Farmer with one of Amendments 1–8. No monologue.

New York's ratification message (Avalon, 26 July 1788) is the longest. It recommended amendments and sent a circular letter urging a general convention. Fed 85 is Hamilton's argument against that second convention. Madison's 8 June 1789 speech is the political answer: write the list in Congress so the convention does not reopen the frame. Learning and strategy can both be true. You do not have to pick one to keep the genealogy honest.

Big Idea

84 is a lost brief that still shaped the winning text. Structure versus parchment is the fight. America kept both. The Ninth is their compromise in one sentence.

Try This

1. Two columns: Hamilton's three moves in 84 / Madison's 8 June 1789 reasons for a list. Under Hamilton, copy the colorable-pretext sentence. Under Madison, write "list in Congress, not a second convention." 2. Copy Amendment 9 from the Archives sentence in this chapter. Write one sentence: same fear as 84, opposite tool. 3. Pair Federal Farmer's demand with one of Amendments 1–8. No monologue. Then write one X: second convention — what they did not win.

Talk About It

1. Why is "Hamilton didn't want us to have rights" a slide, not a reading? 2. Was Madison's 1789 list hypocrisy, learning, or both — and what evidence would tell? 3. What did Anti-Federalists *not* win (second convention, smaller House)?

If a list can shrink liberty by implying the rest is gone, what sentence did America add to stop that shrinking?

Chapter 6: Compound Republic, Civic Chain, One Honest Sentence



Illustration for Chapter 6

Federalist 39: the Constitution is neither a league of sovereign states nor a single national people. It is a compound. Federal in foundation (ratified by the people of the states in

convention). Mixed in sources of power (House national, Senate federal). National in operation (laws act on persons, unlike the Articles). Federal in extent (enumerated powers; remainder with the states). Mixed in amendment. “Compound republic” is the name for that pile of tests. It is not a slogan for states’ rights or for one nation.

Do not flatten 39 into Lincoln 1861 or Calhoun 1832. Madison in 1788 is designing a government that can act without asking a state legislature’s permission for each law. The Civil War and the Fourteenth Amendment change the compound. Teaching 39 as the last word on union is a category error.

Union versus confederacy is the first third of the series, not the classroom hits. 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 to state legislatures 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.

Concrete failures Publius sells, and that the record supports: credit (Congress had borrowed from France and the Dutch with no independent revenue); commerce (states taxed one another’s goods; New York’s port fees hit New Jersey and Connecticut); force and diplomacy (Britain still occupied Northwest forts; Spain closed the Mississippi); Shays’ Rebellion (1786–87), western Massachusetts farmers — many of them veterans — closing courts over debt and taxes, the Confederation unable to help. Whether Publius is fair to the uprising is a later scholarly fight. The exhibit in 1787 was: what can this government actually do?

The Annapolis Convention (September 1786) was supposed to talk trade. Five states sent twelve men. Hamilton’s resolution called for a broader meeting in Philadelphia the next May. A meeting about trade became a meeting about everything. Congress authorized Philadelphia to *revise* the Articles. The Convention proposed a replacement and a new ratification path. Honesty requires saying so.

Hamilton 15–22: a league that cannot tax, regulate commerce, make states perform, or defend itself. “The political monster of an *imperium in imperio*.” Jay 2–5: one coast should not become rival alliances. Publius later treats popular ratification as the cure. That is an argument, not a fact that erases the irregularity. The Articles failed at specific tasks. The Constitution creates new dangers (Brutus). Both can be true.

Civic chain:

| Document | Job | |-----|----| | Magna Carta | Charter forced from a king; later a store of due-process arguments | | Declaration | Public claim of right; not a government | | Constitution | The machine | | *The Federalist* | The brief that sold the machine |

Both sides claimed 1776. Brutus applied 1776 to Philadelphia (distant sovereign again). Publius said a league could not keep the independence the Declaration announced. The Bill of Rights is the splice.

This band, one honest sentence, then stop: the essays defending the Constitution also defended counting enslaved people as three-fifths for power in Congress. That was about seats and taxes. It was also a legal theory of mixed personhood. Neither is a kindness. Read the clause in the Constitution pack (5.3) so you do not walk away with the cartoon. The mixed-character paragraph itself — “divested of two fifths of the MAN” — waits for high and adult. Do not skip slavery by silence. Do not dump the paragraph on this band.

Do not recruit Publius to a modern caucus. Which essay, which year, which man in 1791? File 7.4 (Hamilton versus Madison after 1788), 7.5 (republicanism versus liberalism), and 5.6 (the series as a party document) are shown, not recruited. “The Founders believed” without a number is how a caucus hides.

Hamilton 15, still unused in this band as a sentence, names the Articles’ monster: an *imperium in imperio* — a government inside a government that cannot make the inner government perform. Jay 2–5 argues that one coast should not become rival alliances. Both are union-as-security briefs. Brutus I applies 1776 to Philadelphia: they had just left a distant sovereign. Both sides claim the Declaration. That is the living conversation, civic-document style.

The Fourteenth Amendment’s later answer to the three-fifths clause is another booklet. This booklet’s job is to refuse the greatest-hits album that prints 10, 51, and 78 and calls that *The Federalist* — while still not dumping 54’s mixed-character paragraph on ages 11–14.

If you remember only three things: pitch is not product; pair every famous claim with Brutus or Cato; the list Hamilton opposed is now in the Constitution because the other side won that clause.

Big Idea

The compound republic is a pile of tests, not a team jersey. The civic chain has four jobs. The price of union includes a counting rule this band names in one sentence and does not theorize.

Try This

1. Fill Madison's five tests from 39 in a table: foundation, sources, operation, extent, amendment. Next to "operation," write "laws on persons, unlike the Articles." 2. Four-link paper chain. Label the job of each link. Point to which link is advocacy. Put "firm league of friendship" under the Articles year, not under 1787. 3. Write the young-band 54 sentence. Then write the cartoon version ("they thought enslaved people were 60% human"). Draw an X through the cartoon. Do not copy the mixed-character paragraph from high.

Talk About It

1. Why is "we're a democracy, not a republic" a word fight Madison is not having? 2. If 1788 impact was slight, why is afterlife (courts, classes) a different event? 3. What is lost if a curriculum skips the three-fifths sentence to protect 10 and 51?

Four objects, four jobs — which job is this booklet doing, and which job must it refuse?

For the Grown-Up Reader

This middle booklet follows Harry's young-band map: the six sittings William already shipped, Brutus paired with 10 and 78, 84 as a lost brief, Poughkeepsie as news-and-isolation rather than conversion-by-footnote. Federalist 54 is one honest sentence plus a pointer into the Constitution pack. The mixed-character paragraph is not here. Little-band omit of 78 is not repeated; this band can take "neither force nor will."

Quotes now on the page at young-band length: McLean title; Fed 1 reflection-and-choice (Avalon); Madison's faction definition with *adversed* and the full air-to-fire sentence (Fed 10, Avalon, *New York Packet*, 23 November 1787); one Brutus I extent sentence (TAH, 18 October 1787); angels and ambition (Fed 51, Avalon); Fed 70 energy line (Avalon); FORCE / WILL / judgment as a block (Fed 78, Avalon); one Brutus XI sentence on opinions as law (TAH, 31 January 1788); Fed 84 press question (Avalon); Ninth Amendment (National Archives); Publius's address line. Pauline Maier, *Ratification*; DHRC reprint pattern as reported in this pack's 3.4 and 7.2; Storing's frame-plus-amendments. No invented sayings. No family names. No recruiting 7.4 / 7.5 / 5.6 to a caucus.

If a student wants the Globe-level 54 paragraph, Fed 10's unused remainder (pure democracy, two great points, "extend the sphere"), Cato's king sentence, Brutus XV's "independent of heaven itself," or Adair's authorship tables as a research protocol, that is the high booklet.

This band's quotes were checked against Avalon and TeachingAmericanHistory. Packet date for No. 10 is 23 November 1787. The Yale text keeps *adversed*. Mixed-character and two-fifths stay out of this file on purpose. Little-band omit of 78 and 54 is not repeated here: 78 is in; 54 is one sentence plus the cartoon X.

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 *The Federalist* is not a costume of the Constitution. It is a New York brief that later America mistook for official meaning, and every generation has to take the mask off without throwing the essays away.
