

Hamilton

All communities divide themselves into the few and the many. The first are the rich and the well born; the other, the mass of the people. The voice of the people has been said to be the voice of God; and however, generally this maxim has been quoted and believed, it is not true in fact. The people are turbulent and changing; they seldom judge or determine right. Give therefore to the first class a distinct, permanent share in the government. They will check the unsteadiness of the second; and as they cannot receive any advantage by a change, they therefore will ever maintain a good government .

Can a democratic assembly, who annually [through annual elections] revolve in the mass of the people, be supposed to steadily pursue the public good? Nothing but a permanent body can check the impudence of democracy. Their turbulent and uncontrolling disposition requires checks. (1787)

Take mankind in general, they are vicious – their passions may be operated upon...Take mankind as they are, and what are they governed by? Their passions. There may be in every government a few choice spirits, who may act from more worthy motives. One great error is that we suppose mankind more honest than they are. Our prevailing passions are ambition and interest; and it will be the duty of a wise government to avail itself of those passions, in order to make them subservient to the public good. (1787)

Your people, sir, is a great beast.
(According to legend, 1792)

Hamilton's views of mankind:

Jefferson

Those who labor in the earth are the chosen people of God, if ever he had chosen a people... (1784)

Men...are naturally divided into two parties. Those who fear and distrust the people...Those who identify themselves with the people, have confidence in them, cherish and consider them as the most honest and safe...depository of the public interest. (1824)

Every government degenerates when trusted to the rulers...alone. The people themselves are its only safe depositories. (1787)

I have such reliance on the good sense of the body of the people and the honesty of their leaders that I am not afraid of their letting things go wrong to any length in any cause. (1788)

Whenever the people are well informed, they can be trusted with their own government; whenever things get so far wrong as to attract their notice, they may be relied on to set them to rights. (1789)

I am not among those who fear the people. They, and not the rich, are our dependence for continued freedom . (1816)

I have great confidence in the common sense of mankind in general. (1800)

Jefferson's views of mankind:

Elastic clause: *Congress shall have the power to make all laws which shall be necessary and proper for the carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any other officer or department thereof.*

10th Amendment: *The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the states respectively, or to the people.*

Hamilton

“Necessary” often means no more than needful, requisite, incidental, useful, or conducive to...[A] restrictive interpretation of the word “necessary” is also contrary to this sound maxim of construction: namely, that the powers contained in a constitution...ought to be construed liberally in advancement of the public good.”

If the end be clearly comprehended within any of the specified powers, and if the measure have an obvious relation to that end, and is not forbidden by any particular provision of the Constitution, it may safely be deemed to come within the compass of the national authority.

There is also this further criterion, which may materially assist the decision: Does the proposed measure abridge a pre-existing right of any state or of any individual? If it does not, there is a strong presumption in favor of its constitutionality

Describe Hamilton’s *loose constructionist* interpretation of the Constitution below.

Jefferson

I consider the foundations of the Constitution as laid on this ground – *that all powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states, or to the people* [10th Amendment]. To take a single step beyond the boundaries thus specifically drawn around the powers of Congress is to take possession of a boundless field of power, no longer susceptible of any definition.

The incorporation of a bank, and the powers assumed by this bill, have not, in my opinion, been delegated to the United States.

The second general phrase is “to make all laws *necessary* and proper for carrying into execution the enumerated powers.” But they can all be carried into execution without a bank. A bank therefore is not *necessary*, and consequently, not authorized by this phrase.

Describe Jefferson’s *strict constructionist* interpretation of the Constitution below.