

Alexander Hamilton, Alexis de Tocqueville, and the American Presidency

Matthew Chopp
Occidental College, Los Angeles, California, USA



Abstract

Alexander Hamilton and Alexis de Tocqueville are two of the most distinguished commentators on American democracy. In their writings, each man evaluated the American constitutional system and, more specifically, the American presidency. Most previous scholarship on their understanding of the American executive treats them individually; or, if compared to another thinker, they are not compared to one another. Since both men are still relied on by politicians, judges and the American public as authorities on American democracy, this essay examines the similarities and differences in their views on the American presidency. Specifically, I argue that Hamilton and Tocqueville understood presidential power similarly as both believed the president had implied powers and that the president must be a single person. However, the two thinkers viewed executive power differently as Hamilton thought the president should be eligible for re-election and did not have enough power, while Tocqueville believed the president should not be eligible for re-election and that the American presidency contained enough power. In doing so, I illuminate the complexities of their views on the executive and provide the reader with insight into the way two profound thinkers understood the proper role of the American executive.

Introduction

More than one hundred and fifty years after their respective deaths, Alexander Hamilton and Alexis de Tocqueville remain two of the most esteemed commentators on the

American political system. With this distinction, both men are continually cited by politicians, judges and the American public alike as authoritative sources on a wide variety of matters concerning American politics.¹The two

¹ For continued citation of Hamilton, see David Gray Adler, "The Law: Presidential Power and Foreign Affairs in the Bush Administration: The Use and Abuse of Alexander Hamilton."

Presidential Studies Quarterly 40, no. 3 (2010): 531–44. <http://www.jstor.org/stable/23044924> and Pamela C. Corley, Robert M. Howard, and David C. Nixon. "The Supreme Court and

men share additional similarities: both practiced law, served in the legislative and executive branches of their respective governments, and staunchly opposed the French Revolution. Beyond this professional and political resemblance lies the most crucial similarity for this paper: each man reflected deeply on the American constitutional system and in so doing, provided insight to their contemporaries and future generations alike on the merits of the United States Constitution. Within this similarity is also an important difference that must be noted for this paper, which is that Hamilton played an instrumental role in constructing the American constitutional system and greatly influenced the early application of the Constitution as Secretary of the Treasury, while Tocqueville was a detached, albeit friendly, observer of American democracy.

To this day, Hamilton and Tocqueville remain two of the most studied political thinkers on issues relating to American democracy. The

majority of scholarly literature pertaining to Hamilton's political thought surrounds his writings as Publius in *The Federalist*. Having written the majority of the essays and given the high esteem placed upon them since their release, Hamilton's writings in *The Federalist* have been examined from a myriad of lenses, centering predominantly on Hamilton's views of constitutional law. In particular, Hamilton's conception of presidential power has been studied extensively due to his status as one of the foremost authorities on the original understanding of the American presidency. Edward Corwin, Clinton Rossiter and Richard Loss have provided the most notable treatments of Hamilton's view of presidential power, with Corwin defining the ensuing scholarly debate in 1952 with his assertion that "the modern theory of Presidential power was the contribution primarily of Alexander Hamilton."²

Tocqueville, on the other hand, has been treated less often as a constitutional theorist. Rather, the bulk

Opinion Content: The Use of the Federalist Papers." *Political Research Quarterly* 58, no. 2 (2005): 332. For continued citation of Tocqueville, see Christine A. Corcos, "A Man for All Reasons: The Use of Tocqueville's Writing in U.S. Judicial Opinions," *Book Reviews* 46 (2008), http://digitalcommons.law.lsu.edu/book_section/s/46 and John J. Pitney Jr., "The Tocqueville Fraud." *The Weekly Standard* (November 12, 1995) <https://www.washingtonexaminer.com/weekly-standard/the-tocqueville-fraud>.

² Congressional Research Service. Edited by Edward S Corwin, *The Constitution of the United States of America: Analysis and Interpretation* § (1953); Clinton Rossiter, *Alexander Hamilton and the Constitution* (New York: Harcourt, Brace and World, 1964); and Richard Loss, *The Modern Theory of Presidential Power: Alexander Hamilton and the Corwin Thesis* (New York: Greenwood Press, 1990).

of scholarship has treated him as almost anything else. As Christine Corcos noted in 2008, political scientists, sociologists, political philosophers and historians have all claimed him as one of their own.³ Interestingly, a new, but small, trend in the scholarly examination of Tocqueville has begun to recast him as a deep and sincere thinker on American constitutional law. Beginning with Hugh Brogan in 1981 and continuing with other academics such as Robert Kraynak and Rebecca McCumbers Flavin, scholars have begun to seriously examine Tocqueville's views on the American constitution.⁴

Continuing the separate trends identified in the two aforementioned paragraphs, this essay treats Alexander Hamilton and Alexis de Tocqueville as serious thinkers who each provide profound insight on the American constitutional system. While this previous scholarship has accomplished its respective tasks, this essay attempts to combine the two separate strands of literature by comparing Hamilton and Tocqueville's views of presidential power. Given the continued relevance of each of these thinkers, an analysis is necessary to illuminate the complexities

of each man's view of presidential power; this ultimately leads toward a better understanding of their respective views on executive power and providing the reader with information to better contextualize contemporary debates over the president's role in the American constitutional order.

To do this, I compare Hamilton's conception of presidential power in his public and private writings from 1787 until 1804 to Tocqueville's as presented in *Democracy in America* (1835).⁵ Specifically, I identify two similarities and two differences in their thought that are integral in understanding each man's view of presidential power. Based on my research, I argue that Alexander Hamilton and Alexis de Tocqueville understood presidential power similarly, as both believed the president had implied powers and that the president must be a single person. However, at the same time, the two renowned thinkers viewed executive power differently, as Hamilton thought the president should be eligible for re-election and did not have enough power to govern effectively, while Tocqueville believed the president should not be eligible for re-election and that the American

³ Corcos, "A Man for All Reasons," (2008).

⁴ Hugh Brogan, "Tocqueville and the American Presidency," *Journal of American Studies* 15, no. 3 (1981): 357-75; Robert P. Kraynak "Tocqueville's Constitutionalism," *The American Political Science Review* 81, no. 4 (1987): 1175-95. <https://doi.org/10.2307/1962584>; and Rebecca McCumbers Flavin "Tocqueville's Critique of

the U.S. Constitution," *The European Legacy* 24, no. 7-8 (2019): 755-768.

⁵ I also examined Tocqueville's letters about America after 1840. While insightful, his later thoughts on the presidency concerned the proposed French president, so I excluded them from my analysis in this paper, given its focus on the American presidency.

presidency contained enough power to rule successfully.

The Existence of Implied Presidential Powers

Article II of the United States Constitution outlines the powers granted to the Executive Branch of the United States government. Given the ambiguous wording of Article II, the extent of presidential power has been debated since the Constitutional Convention of 1787. Specifically, one area of presidential power that has been hotly contested is whether the president has implied powers and, if so, what is the extent of those implied powers. Regarding this aspect of constitutional law, Hamilton and Tocqueville agree as they believe the Constitution grants the President implied powers.

Hamilton's belief in implied presidential powers is evident in his commentaries on the constitutionality of the Neutrality Proclamation of 1793, in which President George Washington declared the United States neutral in the conflict between Revolutionary France and Great Britain.⁶ In Hamilton's seven-letter defense of the Neutrality Proclamation, which he published under

⁶ Parts of this analysis have been discussed in another work of mine. For reference, see Matthew Chopp, "From *The Federalist* to *The Examination*: The Expansion of Presidential Power in Alexander Hamilton's Thought," Senior Honors Thesis, (Occidental College, 2022), 11-21.

the pseudonym Pacificus, he argued that Article II gave the president a "general grant of power."⁷ Reading Article II in this way indicates that Hamilton believed that the president had powers that went beyond what the document expressly allowed him to do. According to Hamilton, the president had prerogative powers, which enabled him to act as required in response to crises the authors of the Constitution could not have foreseen. In order to reach this conclusion, Hamilton cited a difference in the Vesting Clauses of Article I and II, respectively. As noted by James B. Staab, Hamilton's broad reading of presidential power rested on his observation that the Vesting Clause of Article I — which vests the powers in Congress — read "all legislative powers *herein granted* shall be vested in a Congress of the United States" (emphasis added), while "the Vesting Clause of Article II contained no similar limitation."⁸ By excluding the phrase "herein granted", Hamilton concluded that the authors of the Constitution intended for the president to have powers not explicitly mentioned in Article II.

Tocqueville, too, believed that the president had implied powers under the Constitution. Specifically, he thought

⁷ Alexander Hamilton, "Pacificus No. I, [29 June 1793]," in *The Papers of Alexander Hamilton*, <https://founders.archives.gov/documents/Hamilton/01-15-02-0038>.

⁸ James B. Staab, *The Political Thought of Justice Antonin Scalia: A Hamiltonian on the Supreme Court*. (Lanham: Rowman & Littlefield, 2006) 92.

that the Constitution of the United States granted the President certain powers not explicitly listed in the Constitution. As he wrote in *Democracy in America*, “[t]he president of the United States possesses prerogatives that are almost royal in magnitude.”⁹ Prerogative power, best described by John Locke in his *Second Treatise of Government*, is the “power to act according to discretion, for the public good, without the prescription of law.”¹⁰ So, by claiming that the President had prerogatives, Tocqueville signaled that the president had powers not explicitly listed in the Constitution or subsequent laws passed by Congress. Later in the same chapter, Tocqueville reaffirmed his understanding that the president had implied powers. In his discussion of the drafters of the Constitution, Tocqueville wrote that they “granted extensive prerogatives to the president.”¹¹ Again, Tocqueville makes it clear he believed the President had prerogative powers, which, in effect, meant that the Constitution gave the president the ability to act without expressly written approval in response to emergencies.

The Importance of Unity in the Executive Branch

⁹ Alexis de Tocqueville, *Democracy in America*, trans. Arthur Goldhammer (New York: Library of America, 2004), 142.

¹⁰ John Locke, *Second Treatise of Government*, ed. C.B. Macpherson (Indianapolis: Hackett Publishing, 1980), 84.

¹¹ Tocqueville, *Democracy in America*, 155.

¹² It is worth noting that this paper uses the phrase “unitary executive” to indicate a singular

The structure of the executive branch under the proposed United States Constitution received a great deal of attention from both supporters and opponents alike in the debate over ratification of the Constitution. The subsequent debate over the ideal number of people to occupy the presidency proved particularly controversial. The proponents of ratification believed the Constitution’s creation of a singular executive to be necessary for the president to perform his constitutional duty successfully and believed the creation of a multi-person executive council would remove responsibility of governance from the president himself. Writing as “A Native of Virginia” in April of 1788, an unknown author defended the unitary executive¹² on the basis that it “diminish[es] or annihilat[es] the responsibility annexed to the character of the President.”¹³ On the other side of the debate, Anti-Federalist writers argued against a unitary president and advocated instead for a plural executive. George Mason, a Virginian politician and leading Anti-Federalist author, referred to the lack of an executive council as a “fatal defect” of

president. It is not used to denote the contemporary use of that phrase, which implies a particular understanding of presidential power.

¹³ “A Native of Virginia: Observations upon the Proposed Plan of Federal Government, 2 April 1788,” in *Ratification of the Constitution by the States: Virginia (2)* (Madison: The State Historical Society of Wisconsin, 1990) 679-680.

the Constitution.¹⁴ This debate, although contentious between the Federalists and Anti-Federalists, is uncontroversial between Hamilton and Tocqueville, as both men thought that the executive must be a single person.

Hamilton believed unity in the executive is important because it enables the president to have enough power to govern the nation effectively. In order to properly utilize the office of the president, Hamilton thought that the president must have a sufficient amount of energy, given his belief that energy, or power, in the executive is “the leading character in the definition of good government.”¹⁵ A plural executive, however, would limit the energy in the executive according to Hamilton. Referring again to *Federalist* 70, Hamilton wrote that “decision, activity, secrecy, and dispatch will generally characterize the proceedings of one man in a much more eminent degree than the proceedings if any greater number; and in proportion as the number is increased, these qualities will be diminished.”¹⁶ In

effect, Hamilton thought that the quick decision-making that is needed in times of crisis would be harder to achieve as the number of people occupying the executive office grew. This quick decision-making is, of course, a crucial part of an energetic executive for Hamilton; and, since Hamilton believed that an executive with more than one person would compromise the executive’s ability to make quick decisions, he thought the president needed to be only one person.

Tocqueville also shared the same concern about a plural executive’s ability to effectively carry out the duties of the executive branch.¹⁷ He did not worry about whether the president would have enough energy to respond to a crisis. Rather, Tocqueville fretted over the ability of a plural executive to perform what he perceived as the executive branch’s most important function: the managing of foreign affairs. In his description of the general characteristics of a nation’s executive, Tocqueville remarked that “it is chiefly in the realm

¹⁴ George Mason, “Objections to This Constitution of Government, September 1787,” *The Papers of George Mason*, <https://www.archives.gov/files/legislative/resources/education/bill-of-rights/images/mason.pdf>.

¹⁵ Alexander Hamilton, James Madison, and John Jay. *The Federalist Papers*, edited by Rossiter, Clinton L., and Charles R. Kesler. (New York City, NY: Signet Classic, 2003), 421.

¹⁶ Hamilton, *The Federalist Papers*, 423.

¹⁷ Tocqueville continued to worry over a plural executive in the debate over the French

Constitution of 1848. In response to a proposed executive council of ministers, Tocqueville remarked that an executive council would make the executive “impotent[t] in the sphere of legislative power; total[ly] dependen[t] in that which is properly his,” taken from Alexis de Tocqueville, “Extracts from a Speech on the Election of the President,” October 5, 1848, in *Tocqueville on America after 1840: Letters and Other Writings*, eds. and trans. by Aurelian Craiutu and Jeremy Jennings (New York: Cambridge University Press, 2009), 406.

of foreign affairs that the executive power of a nation finds occasion to demonstrate its skill and strengths.”¹⁸ And Tocqueville believed it necessary for the leader of foreign affairs to be a singular person given his belief that “a negotiation can scarcely be undertaken and carried through to fruition except by one man.”¹⁹ Given the importance of negotiations in the realm of foreign affairs, it is clear that Tocqueville understood the necessity of having a single leader running the executive branch of the United States.

Echoing James Monroe’s aforementioned critique of a plural executive, both Hamilton and Tocqueville posited that a plural executive would lead to a decrease in responsibility of the leader(s) of the executive branch. As Hamilton wrote in *Federalist* 70, an ingredient that “constitutes safety in the republican sense... [is] a due responsibility.”²⁰ In effect, this meant a leader must be responsible for his actions to the people as it allows for citizens to rid themselves of an incompetent or corrupt leader. A plural executive, however, would remove this protection for the people by obscuring who exactly is responsible for a particular failure within the executive branch. Regarding this, Hamilton wrote that “the multiplication of the Executive

adds to the difficulty” of finding the responsible party for a particular misstep.²¹ Tocqueville also shared the same concern about a plural executive. Writing about the debate over an executive council at the Founding, Tocqueville remarked that “councils are dangerous because they ... diminish the responsibility of those who govern.”²² For the same reasons as Hamilton, Tocqueville thought a plural executive would decrease the executive’s accountability to the people.

Should the President be Eligible for Re-election?

The question over whether the American president should be able to stand for re-election and, if so, for how many terms has long been debated in the United States. During the Constitutional Convention, the issue over re-election figured prominently, with supporters and detractors warning of the potential negative ramifications resulting from their idea of the undesirable outcome. The Federalists worried that presidential term limits would bar worthy men from serving another term as president, while the Anti-Federalists agonized that eligibility for re-election would lead the President to become an elected king.²³

¹⁸ Tocqueville, *Democracy in America*, 141.

¹⁹ *Ibid*, 147.

²⁰ Hamilton, *The Federalist Papers*, 422.

²¹ *Ibid*, 426.

²² Tocqueville, *Democracy in America*, 136.

²³ For Federalist opposition to presidential term limits, see: Hamilton, *The Federalist Papers*, 434-39 and Alexander Contee Hanson, “Aristides:

Even Thomas Jefferson, a supporter of the Constitution, expressed dismay at the presidential election process citing it as a feature he “greatly dislike[d]” in a December 1787 letter to James Madison.²⁴ This debate, which the Federalists won at Ratification, ultimately culminated in 1947 with the Twenty-second Amendment to the Constitution limiting a president to serve a maximum of two full terms. Although it is now currently resolved, the issue figured prominently in the writings of both Hamilton and Tocqueville, highlighting a key difference in their understanding of the presidency. The former adamantly supported the ability for a president to be re-elected, while the latter thought it important for the president to be limited to one term.

For Hamilton, the president needed to be able to run for re-election. In *Federalist* 72, which notably examined only this issue, Hamilton argued that limiting the president to a single term would dis-incentivize the president from doing his best in office, make the president more inclined to usurp power, deprive the voters of candidates with experience in that job, deny the voters the right candidate for that particular

moment, and lead to a lack of stability in the executive branch.²⁵ In the interest of brevity, I will resort myself to only analyze two of his claims in depth: first, that eligibility for re-election would motivate the president to do a better job and, second, that it would remove the opportunity for voters to elect the best president.

Hamilton believed that re-election would motivate the president to do a better job in office. As he wrote in *Federalist* 72, re-election would “give to the officer himself the inclination and the resolution to act his part well.”²⁶ Here, Hamilton demonstrated his understanding that self-interest is the “most powerful incentive of human actions.”²⁷ As he understood it, it is in the self-interest of the president to be re-elected as one would assume the chief executive would want to maintain his power. In order to do that, the president must win the election and, in order to win the election, the president must show his virtues and competence to the American people. Thus, the opportunity for re-election would incentivize the president to perform well as it would coincide with his ultimate interest of keeping his power.

Remarks on the Proposed Plan, 31 January 1788,” <https://csac.history.wisc.edu/wp-content/uploads/sites/281/2017/07/Aristides1.pdf>. For Anti-Federalist support of presidential term limits, see: George Mason, “Cato Letter No. IV,” Jan. 3, 1788, in *The Complete Anti-Federalist*, edited by Storing, Herbert J., and Murray Dry. (Chicago, IL: University of Chicago Press, 1981).

²⁴ Thomas Jefferson, “From Thomas Jefferson to James Madison, 20 December 1787,” *The Papers of Thomas Jefferson*.

²⁵ Hamilton, *The Federalist Papers*, 435-38.

²⁶ *Ibid*, 435.

²⁷ Alexander Hamilton, “The Farmer Refuted, &c., [23 February] 1775,” *The Papers of Alexander Hamilton*.

Hamilton also thought that presidential re-election should be permitted because it would allow voters to select the best possible candidate. Given the massive responsibilities bestowed upon the president — namely, the Commander-in-Chief power — he believed the right person needed to be at the helm of the American government regardless of whether they had previously served in the role. The result of limiting re-election would be “banishing men from stations in which, in certain emergencies of the state, their presence might be of the greatest moment to the public interest or safety.”²⁸ In effect, Hamilton argued that there are certain historical moments that require a specific leader, namely wartime or an economic crisis, and that barring presidents from being re-elected prevents the public from selecting that particularly qualified individual. Thus, the Constitution ought not limit re-election according to Hamilton, so that the people can choose whomever is most qualified, regardless of whether they previously served as president.

Tocqueville’s assessment of whether the president should be re-elected contrasts with Hamilton’s as he

thought the president should not stand for re-election.²⁹ The first reason he cited is that re-election shifts the president’s attention toward being elected as opposed to governing effectively. Specifically, he wrote in *Democracy in America* that, if a president runs for re-election, “the government becomes a secondary interest for him; his primary interest is to secure the election.”³⁰ Unlike Hamilton, Tocqueville saw re-election and effective governing in juxtaposition to one another. For Tocqueville, as noted by Rebecca McCumbers Flavin, running for re-election causes the president to “cease to govern in the interest of the state, instead governing in the interest of his re-election.”³¹ In effect, running for re-election causes the president to focus on governing in a manner that best suits his political career, as opposed to governing in the best manner possible for the republic, which in some cases would go against his political interest. For this reason, Tocqueville believed the President should be limited to a single term.

Tocqueville also thought that the President should not be eligible for re-election because it would result in the President subordinating to the majority’s

²⁸ Hamilton, *The Federalist Papers*, 437

²⁹ Notably, Tocqueville’s opposition to presidential re-election reappeared in debates over the French Constitution of 1848. Specifically, he said that “we cannot accept the principle of immediate re-election” of the president from “Drafting of the Constitution,

Meetings of May 25 and May 27, 1848,” in *Tocqueville on America after 1840: Letters and Other Writings*, 391.

³⁰ Tocqueville, *Democracy in America*, 154.

³¹ Flavin “Tocqueville’s Critique of the U.S. Constitution,” 761.

will. According to Tocqueville, the president, if eligible for re-election, "is but a docile instrument in the hands of the majority. What it loves, he loves, and what it hates, he hates."³² Essentially, the president, if running for re-election, would tell the people what they want to hear as opposed to what is necessary in order to secure re-election. Ultimately, Tocqueville thought the president should not be eligible for re-election because it would lead the President to become too heavily influenced by the people's wants, instead of being guided by a sense of duty and morality.

Does the President Have Enough Power?

Since the introduction of the Constitution, people have debated whether the president has too much, too little or a sufficient amount of power. Alexander Hamilton's own view of this question shifted from *The Federalist* to his later writings on the sufficiency of American presidential power. Originally, Hamilton believed the president contained the requisite power — or, energy as he puts it — to execute the duties of the office, while his later writings reveal that he thought the president needed more power after

observing the strength of the Senate and rise of parties in the United States.³³ Treating Hamilton's later opinion as his more developed, given the fact that he had observed the presidency in action, I argue that Hamilton and Tocqueville differ on this question, as Hamilton ultimately believed the president did not have enough power while Tocqueville thought the American president possessed enough power, but did not use it effectively.

For Hamilton, the insufficiency of the American president's power is due, in large part, to the power of the president in relation to the Congress. In response to President Thomas Jefferson's 1801 State of the Union, Hamilton, under the pseudonym Lucius Crassus, wrote that "the Executive is rendered much too weak for competition [against the legislative branch]; almost too weak for self defence."³⁴ For Hamilton, the president needed to have enough power to battle over issues with the legislative branch. Here, Hamilton is using the conception of separation of powers set forth by James Madison in *Federalist* 51 in which Madison wrote that, amongst the branches of government, "ambition must be made to counteract ambition."³⁵ In effect, this meant that Hamilton thought the executive and legislative branches

³² Tocqueville, *Democracy in America*, 155.

³³ In a prior work, I have already made this argument in more detail. For reference, see Chopp, "From *The Federalist* to *The Examination: The Expansion of Presidential Power in Alexander Hamilton's Thought*," 30-38.

³⁴ Alexander Hamilton, "The Examination Number XIV," March 2, 1802, in *The Papers of Alexander Hamilton*.

³⁵ Madison, *The Federalist Papers*, 319.

needed to fight with one another over the exertion of various powers. However, given his observation that the president did not have enough power to make it a fair fight between the two branches, it is clear he believed that the president did not have enough power generally.

In contrast, Tocqueville believed that the United States President had more than enough power to effectively do his job. As he wrote in his analysis of the American President, the “president of the United States possesses prerogatives that are almost royal in magnitude.”³⁶ By referring to the prerogatives of the American president as “almost royal,” Tocqueville signaled to his reader that the presidency contained within it almost King-like power; in so doing, he implied that the American president had a potentially immense amount of power. Further, the Frenchman went on to remark that “the law allows [the president] to be strong, but circumstances keep him weak.”³⁷ Again, Tocqueville made clear his belief that the Constitution — which he refers to here as “the law” — grants the president a great deal of power. The issue for Tocqueville is not a lack of power, but a lack of utilization of presidential power. He believed the United States’ relatively weak position in the world limited the president from using his full authority under Article II of the Constitution. Ultimately, Tocqueville disagreed with Hamilton’s assessment of

the sufficiency of presidential power as the former believed the president had enough power but did not wield it, while the latter ultimately concluded that the president did not have enough power to compete with the power of the Senate and emergent parties.

Conclusion

Alexander Hamilton and Alexis de Tocqueville’s respective analyses of the American presidency are similar in that they both thought the Constitution contained implied presidential powers and that the president must be a single person. At the same time, they differed as Hamilton believed the president should be eligible for re-election, while Tocqueville did not; and Hamilton ultimately concluded that the president did not have enough power, while Tocqueville believed he did. Given contemporary debates over the rightful place of the president within the American constitutional order, this comparative analysis illuminates the ways in which these two keen observers of American politics thought about the presidency. Although the debates over the composition of the president and presidential re-election have been settled, the comparison helps us today to understand the presidency more clearly and helps delineate the philosophical underpinnings of the American executive. Without judging the merits of their particular views, this paper

³⁶ Tocqueville, *Democracy in America*, 142.

³⁷ *Ibid.*

provides insight into how to think about presidential power today.

New York City, NY: Signet Classics, 2003.

Acknowledgements

I would like to thank Professor Sharla Fett for her help in pushing me to more critically analyze Alexander Hamilton's writings, sharpen my prose, and for always providing general support throughout the process of researching Hamilton's political thought. I would also like to thank Professor Alec Arellano for teaching *The Federalist and Democracy in America* in such an engaging way, as his thoughtful presentation of these two books inspired me to pursue this project.

Hanson, Alexander Contee. "Aristides: Remarks on the Proposed Plan, 31 January 1788." <https://csac.history.wisc.edu/wp-content/uploads/sites/281/2017/07/Aristides1.pdf>.

Jefferson, Thomas. "The Papers of Thomas Jefferson." Accessed March 15, 2022. <https://founders.archives.gov/about/jefferson>

Locke, John. *Second Treatise of Government*. Edited by C.B. Macpherson. Indianapolis, IN: Hackett Publishing, 1980.

Bibliography

Primary Sources

Congressional Research Service. Edited by Edward S Corwin, *The Constitution of the United States of America: Analysis and Interpretation* § (1953).

Hamilton, Alexander. "The Papers of Alexander Hamilton." Accessed March 15, 2022. <https://founders.archives.gov/about/Hamilton>.

Hamilton, Alexander, James Madison, and John Jay. *The Federalist Papers*, edited by Rossiter, Clinton L., and Charles R. Kesler.

Mason, George. "Objections to This Constitution of Government, September 1787." *The Papers of George Mason*, <https://www.archives.gov/files/legislative/resources/education/bill-of-rights/images/mason.pdf>.

Ratification of the Constitution by the States: Virginia (2). edited by Kaminski, John P., Gaspare J. Saladino, Richard Leffer, Charles H. Schoenleber, and Marybeth Carlson. Madison, WI: The State Historical Society of Wisconsin, 1990.

Tocqueville, Alexis de. *Democracy in America*. Translated by Arthur

Goldhammer. New York: Library of America, 2004.

Tocqueville, Alexis de. *Tocqueville on America after 1840: Letters and Other Writings*. Edited and Translated by Aurelian Craiutu and Jeremy Jennings. New York: Cambridge University Press, 2009

Secondary Sources

Adler, David Gray. "The Law: Presidential Power and Foreign Affairs in the Bush Administration: The Use and Abuse of Alexander Hamilton." *Presidential Studies Quarterly* 40, no. 3 (2010): 531–44.
<http://www.jstor.org/stable/23044924>.

Brogan, Hugh. "Tocqueville and the American Presidency." *Journal of American Studies* 15, no. 3 (1981): 357–75.
doi:10.1017/S0021875800008902.

Chopp, Matthew. "From *The Federalist* to *The Examination*: The Expansion of Presidential Power in Alexander Hamilton's Thought." Senior Honors Thesis, Occidental College, 2022.

Corcos, Christine, "A Man for All Reasons: The Uses of Alexis de Tocqueville's Writings in U.S. Judicial Opinions" (2008). Book

Sections 46.

http://digitalcommons.law.lsu.edu/book_sections/46

Corley, Pamela C., Robert M. Howard, and David C. Nixon. "The Supreme Court and Opinion Content: The Use of the Federalist Papers." *Political Research Quarterly* 58, no. 2 (2005): 329–40.
<https://doi.org/10.2307/3595633>.

Flavin, Rebecca McCumbers, "Tocqueville's Critique of the U.S. Constitution," *The European Legacy* 24, no. 7-8 (2019): 755-768.

Kraynak, Robert P. "Tocqueville's Constitutionalism." *The American Political Science Review* 81, no. 4 (1987): 1175–95.
<https://doi.org/10.2307/1962584>.

Loss, Richard, *The Modern Theory of Presidential Power: Alexander Hamilton and the Corwin Thesis*. New York City, NY: Greenwood Press, 1990.

Mansfield Jr., Harvey, "Republicanizing the Executive," in *Saving the Revolution: The Federalist Papers and the American Founding*, edited by Charles R. Kesler. New York City, NY: Free Press, 1987.

Pitney Jr., John J., "The Tocqueville Fraud." *The Weekly Standard*

(November 12, 1995)

<https://www.washingtonexaminer.com/weekly-standard/the-tocqueville-fraud>.

Rossiter, Clinton. *Alexander Hamilton and the Constitution*. New York City, NY: Harcourt, Brace and World, 1964.

Staab, James B. *The Political Thought of Justice Antonin Scalia: A Hamiltonian on the Supreme Court*, Lanham, MD: Rowman & Littlefield, 2006.