

The Federalist Papers

The Federalist Papers provide foundational insight into the Constitution's design, especially concerning the powers of secrecy, intelligence, war, and defense.

Executive Secrecy and Discretion in National Security

Federalist No. 70 — Alexander Hamilton

“Decision, activity, secrecy, and dispatch will generally characterize the proceedings of one man in a much more eminent degree than the proceedings of any greater number...”

Context: Hamilton argues for a unitary executive able to act quickly and secretly in matters such as national defense.

Federalist No. 64 — John Jay

“There are cases where the most useful intelligence and the most proper measures might be defeated by indiscreet communication.”

Context: Jay defends the President's role in treaty-making and the need for diplomatic secrecy.

Federalist No. 23 — Alexander Hamilton

“The circumstances that endanger the safety of nations are infinite, and for this reason no constitutional shackles can wisely be imposed on the power to which the care of it is committed.”

Context: Hamilton suggests flexibility in national defense powers, allowing implied executive authority.

Federalist No. 64 — John Jay

“It seldom happens in the negotiation of treaties, of whatever nature, but that perfect secrecy and immediate dispatch are sometimes requisite.”

Context: Highlights the use of confidential intelligence in foreign affairs.