

THE CONSTITUTION AND THE NEW REPUBLIC, 1787–1800

*Thus I consent, sir, to this Constitution, because I expect no better,
and because I am not sure that it is not the best. The opinions I have had
of its errors I sacrifice to the public good. . . .*

Benjamin Franklin, 1787

With these words, Benjamin Franklin, the oldest delegate at the Constitutional Convention in Philadelphia, attempted to overcome the skepticism of other delegates about the document that they had created. Would the new document, the Constitution, establish a central government strong enough to hold 13 states together in a union that could prosper and endure?

In September 1787, when Franklin, Washington, and other delegates signed the Constitution that they had drafted, their young country was in a troubled condition. This chapter will summarize the problems leading to the Constitutional Convention, the debates in the various states on whether to ratify the new plan of government, and the struggles of two presidents, Washington and Adams, to meet the domestic and international challenges of the 1790s.

The United States Under the Articles, 1781–1787

Four years separated the signing of the Treaty of Paris of 1783 and the meeting of the Constitutional Convention in Philadelphia. During that time, the government operated under the Articles of Confederation, which consisted of a one-house congress, no separate executive, and no separate judiciary (court system). The country faced several major problems.

Foreign Problems

Relations between the United States and the major powers of Europe were troubled from the start. States failed to adhere to the Treaty of Paris, which required that they restore property to Loyalists and repay debts to foreigners. In addition, the U.S. government under the Articles was too weak to stop Britain from maintaining military outposts on the western frontier and restricting trade.

Economic Weakness and Interstate Quarrels

Reduced foreign trade and limited credit because states had not fully repaid war debts contributed to widespread economic depression. The inability to levy national taxes and the printing of worthless paper money by many states added to the problems. In addition, the 13 states treated one another with suspicion and competed for economic advantage. They placed tariffs and other restrictions on the movement of goods across state lines. A number of states faced boundary disputes with neighbors that increased interstate rivalry and tension.

The Annapolis Convention

To review what could be done about the country's inability to overcome critical problems, George Washington hosted a conference at his home in Mt. Vernon, Virginia (1785). Representatives from Virginia, Maryland, Delaware, and Pennsylvania agreed that the problems were serious enough to hold further discussions at a later meeting at Annapolis, Maryland, at which all the states might be represented. However, only five states sent delegates to the Annapolis Convention in 1786. After discussing ways to improve commercial relations among the states, James Madison and Alexander Hamilton persuaded the others that another convention should be held in Philadelphia for the purpose of revising the Articles of Confederation.

Drafting the Constitution at Philadelphia

After a number of states elected delegates to the proposed Philadelphia convention, congress consented to give its approval to the meeting. It called upon all 13 states to send delegates to Philadelphia "for the sole and express purpose of revising the Articles of Confederation." Only Rhode Island, not trusting the other states, refused to send delegates.

The Delegates

Of the 55 delegates who went to Philadelphia for the convention in the summer of 1787, all were white, all were male, and most were college-educated. As a group, they were relatively young (averaging in their early forties). With few exceptions, they were far wealthier than the average American of their day. They were well acquainted with issues of law and politics. A number of them were practicing lawyers, and many had helped to write their state constitutions.

The first order of business was to elect a presiding officer and decide whether or not to communicate with the public at large. The delegates voted to conduct their meetings in secret and say nothing to the public about their discussions until their work was completed. George Washington was unanimously elected chairperson. Benjamin Franklin, the elder statesman at age 81, provided a calming and unifying influence. The work in fashioning specific articles of the Constitution was directed by James Madison (who came to be known as the Father of the Constitution), Alexander Hamilton, Gouverneur

Morris, and John Dickinson. While they represented different states, these convention leaders shared the common goal of wanting to strengthen the young nation.

Several major leaders of the American Revolution were not at the convention. John Jay, Thomas Jefferson, John Adams, and Thomas Paine were on diplomatic business abroad. Samuel Adams and John Hancock were not chosen as delegates. Patrick Henry, who opposed any growth in federal power, refused to take part in the convention.

Key Issues

The convention opened with the delegates disagreeing sharply on its fundamental purpose. Some wanted to simply revise the Articles. Strong nationalists, such as Madison and Hamilton, wanted to draft an entirely new document. The nationalists quickly took control of the convention.

Americans in the 1780s generally distrusted government and feared that officials would seize every opportunity to abuse their powers, even if they were popularly elected. Therefore, Madison and other delegates wanted the new constitution to be based on a system of checks and balances so that the power of each branch would be limited by the powers of the others.

Representation Especially divisive was the issue of whether the larger states such as Virginia and Pennsylvania should have proportionally more representatives in Congress than the smaller states such as New Jersey and Delaware. Madison's proposal—the Virginia Plan—favored the large states; it was countered by the New Jersey Plan, which favored the small states. The issue was finally resolved by a compromise solution. Roger Sherman of Connecticut proposed what was called the Connecticut Plan or the Great Compromise. It provided for a two-house Congress. In the Senate, states would have equal representation, but in the House of Representatives, each state would be represented according to the size of its population.

Slavery Two of the most contentious issues grew out of slavery. Should enslaved people be counted in the state populations? The delegates agreed to the Three-Fifths Compromise, which counted each enslaved individual as three-fifths of a person for the purposes of determining a state's level of taxation and representation. Should the slave trade be allowed? The delegates decided to guarantee that slaves could be imported for at least 20 years longer, until 1808. Congress could vote to abolish the practice after that date if it wished.

Trade The northern states wanted the central government to regulate interstate commerce and foreign trade. The South was afraid that export taxes would be placed on its agricultural products such as tobacco and rice. The Commercial Compromise allowed Congress to regulate interstate and foreign commerce, including placing tariffs (taxes) on foreign imports, but it prohibited placing taxes on any exports.

The Presidency The delegates debated over the president's term of office—some argued that the chief executive should hold office for life. The delegates limited the president's term to four years but with no limit on the number of terms. They also debated the method for electing a president. Rather than having voters elect a president directly, the delegates decided to assign to each state a number of electors equal to the total of that state's representatives and senators. This electoral college system was instituted because the delegates feared that too much democracy might lead to mob rule. Finally, the delegates debated what powers to give the president. They finally decided to grant the president considerable power, including the power to veto acts of Congress.

Ratification On September 17, 1787, after 17 weeks of debate, the Philadelphia convention approved a draft of the Constitution to submit to the states for ratification. Anticipating opposition to the document, the Framers (delegates) specified that a favorable vote of only nine states out of 13 would be required for ratification. Each state would hold popularly elected conventions to debate and vote on the proposed Constitution.

Federalists and Anti-Federalists

Ratification was fiercely debated for almost a year, from September 1787 until June 1788. Supporters of the Constitution and its strong federal government were known as Federalists. Opponents were known as Anti-Federalists. Federalists were most common along the Atlantic Coast and in the large cities while Anti-Federalists tended to be small farmers and settlers on the western frontier. (See table on the next page for more on the two groups.)

The Federalist Papers

A key element in the Federalist campaign for the Constitution was a series of highly persuasive essays written for a New York newspaper by James Madison, Alexander Hamilton, and John Jay. The 85 essays, later published in book form as *The Federalist Papers*, presented cogent reasons for believing in the practicality of each major provision of the Constitution.

Outcome

The Federalists won early victories in the state conventions in Delaware, New Jersey, and Pennsylvania—the first three states to ratify. By promising to add a bill of rights to the Constitution, they successfully addressed the Anti-Federalists' most telling objection. With New Hampshire voting yes in June 1788, the Federalists won the necessary nine states to achieve ratification of the Constitution. Even so, the larger states of Virginia and New York had not yet acted. If they failed to ratify, any chance for national unity and strength would be in dire jeopardy.

Debating the Constitution		
	Federalists	Anti-Federalists
Leaders	George Washington, Benjamin Franklin, James Madison, Alexander Hamilton	From Virginia: George Mason and Patrick Henry; From Massachusetts: James Winthrop and John Hancock; From New York: George Clinton
Arguments	Stronger central government was needed to maintain order and preserve the Union	Stronger central government would destroy the work of the Revolution, limit democracy, and restrict states' rights
Strategy	Emphasized the weaknesses of the Articles of Confederation; showed their opponents as merely negative opponents with no solutions	Argued that the proposed Constitution contained no protection of individual rights, that it gave the central government more power than the British ever had
Advantages	Strong leaders; well organized	Appealed to popular distrust of government based on colonial experiences
Disadvantages	Constitution was new and untried; as originally written, it lacked a bill of rights	Poorly organized; slow to respond to Federalist challenge

Virginia In 1788, Virginia was by far the most populous of the original 13 states. There, the Anti-Federalists rallied behind two strong leaders, George Mason and Patrick Henry, who viewed the Constitution and a strong central government as threats to Americans' hard-won liberty. Virginia's Federalists, led by Washington, Madison, and John Marshall, managed to prevail by a close vote only after promising a bill of rights.

Final States News of Virginia's vote had enough influence on New York's ratifying convention (combined with Alexander Hamilton's efforts) to win the day for the Constitution in that state. North Carolina in November 1789 and Rhode Island in May 1790 reversed their earlier rejections and thus became the last two states to ratify the Constitution as the new "supreme law of the land."

Adding the Bill of Rights

Did the Constitution need to list the rights of individuals? Anti-Federalists argued vehemently that it did, while Federalists argued that it was unnecessary.

Arguments for a Bill of Rights

Anti-Federalists argued that Americans had fought the Revolutionary War to escape a tyrannical government in Britain. What was to stop a strong central government under the Constitution from acting similarly? Only by adding a bill of rights could Americans be protected against such a possibility.

Arguments Against a Bill of Rights

Federalists argued that since members of Congress would be elected by the people, they did not need to be protected against themselves. Furthermore, people should assume that all rights were protected rather than create a limited list of rights that might allow unscrupulous officials to assert that unlisted rights could be violated at will.

In order to win adoption of the Constitution in the ratifying conventions, the Federalists finally backed off their position and promised to add a bill of rights to the Constitution as the first order of business for a newly elected Congress.

The First Ten Amendments

In 1789, the first Congress elected under the Constitution acted quickly to adopt a number of amendments listing people's rights. Drafted largely by James Madison, the amendments were submitted to the states for ratification. The ten that were adopted in 1791 have been known ever since as the U.S. Bill of Rights. Originally, they provided protection against abuses of power by the central (or federal) government. Since the ratification of the 14th Amendment in 1868, most of the protections have been extended to apply to abuses by state governments as well. Below is the text of the Bill of Rights.

First Amendment "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

Second Amendment "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed."

Third Amendment "No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner prescribed by law."

Fourth Amendment "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

Fifth Amendment “No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.”

Sixth Amendment “In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed; which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.”

Seventh Amendment “In suits of common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.”

Eighth Amendment “Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.”

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

Tenth 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.”

Washington's Presidency

Members of the first Congress under the Constitution were elected in 1788 and began their first session in March 1789 in New York City (then the nation's temporary capital). People assumed that George Washington would be the electoral college's unanimous choice for president, and indeed he was.

Organizing the Federal Government

Washington took the oath of office as the first U.S. president on April 30, 1789. From then on, what the Constitution and its system of checks and balances actually meant in practice would be determined from day to day by the decisions of Congress as the legislative branch, the president as the head of the executive branch, and the Supreme Court as the top federal court in the judicial branch.

Executive Departments As chief executive, Washington's first task was to organize new departments of the executive (law-enforcing) branch. The Constitution authorizes the president to appoint chiefs of departments, although they must be confirmed, or approved, by the Senate. Washington appointed four heads of departments: Thomas Jefferson as secretary of state, Alexander Hamilton as secretary of the treasury, Henry Knox as secretary of war, and Edmund Randolph as attorney general. These four men formed a cabinet of advisers with whom President Washington met regularly to discuss major policy issues. Today, presidents still meet with their cabinets to obtain advice and information.

Federal Court System The only federal court mentioned in the Constitution is the Supreme Court. Congress, however, was given the power to create other federal courts with lesser powers and to determine the number of justices making up the Supreme Court. One of Congress' first laws was the Judiciary Act of 1789, which established a Supreme Court with one chief justice and five associate justices. This highest court was empowered to rule on the constitutionality of decisions made by state courts. The act also provided for a system of 13 district courts and three circuit courts of appeals.

Hamilton's Financial Program

One of the most pressing problems faced by Congress under the Articles had been the government's financial difficulties. Alexander Hamilton, secretary of the treasury, presented to Congress a plan for putting U.S. finances on a stable foundation. Hamilton's plan included three main actions. (1) Pay off the national debt at face value and have the federal government assume the war debts of the states. (2) Protect the young nation's "infant" (new and developing) industries and collect adequate revenues at the same time by imposing high tariffs on imported goods. (3) Create a national bank for depositing government funds and printing banknotes that would provide the basis for a stable U.S. currency. Support for this program came chiefly from northern merchants, who would gain directly from high tariffs and a stabilized currency.

Opponents of Hamilton's financial plan included the Anti-Federalists, who feared that the states would lose power to the extent that the central government gained it. Thomas Jefferson led a faction of southern Anti-Federalists who viewed Hamilton's program as benefiting only the rich at the expense of indebted farmers. After much political wrangling and bargaining, Congress finally adopted Hamilton's plan in slightly modified form. For example, the tariffs were not as high as Hamilton wanted.

Debt Jefferson and his supporters agreed to Hamilton's urgent insistence that the U.S. government pay off the national debt at face value and also assume payment of the war debts of the states. In return for Jefferson's support on this vital aspect of his plan, Hamilton agreed to Jefferson's idea to establish the nation's capital in the South along the Potomac River (an area that, after Washington's death, would be named Washington, D.C.).

National Bank Jefferson argued that the Constitution did not give Congress the power to create a bank. But Hamilton took a broader view of the Constitution, arguing that the document's "necessary and proper" clause authorized Congress to do whatever was necessary to carry out its enumerated powers. Washington supported Hamilton on the issue, and the proposed bank was voted into law. Although chartered by the federal government, the Bank of the United States was privately owned. As a major shareholder of the bank, the federal government could print paper currency and use federal deposits to stimulate business.

Foreign Affairs

Washington's first term as president (1789–1793) coincided with the outbreak of revolution in France, a cataclysmic event that was to touch off a series of wars between the new French Republic and the monarchies of Europe. Washington's entire eight years as president, as well as the four years of his successor, John Adams, were taken up with the question of whether to give U.S. support to France, France's enemies, or neither side.

The French Revolution Americans generally supported the French people's aspiration to establish a republic, but many were also horrified by reports of mob hysteria and mass executions. To complicate matters, the U.S.–French alliance remained in effect, although it was an alliance with the French monarchy, not with the revolutionary republic. Jefferson and his supporters sympathized with the revolutionary cause. They also argued that, because Britain was seizing American merchant ships bound for French ports, the United States should join France in its defensive war against Britain.

Proclamation of Neutrality (1793) Washington, however, believed that the young nation was not strong enough to engage in a European war. Resisting popular clamor, in 1793 he issued a proclamation of U.S. neutrality in the conflict. Jefferson resigned from the cabinet in disagreement with Washington's policy.

"Citizen" Genêt Objecting to Washington's policy, "Citizen" Edmond Genêt, the French minister to the United States, broke all the normal rules of diplomacy by appealing directly to the American people to support the French cause. So outrageous was his conduct that even Jefferson approved of Washington's request to the French government that they remove the offending diplomat. Recalled by his government, Genêt chose to remain in the United States, where he married and became a U.S. citizen.

The Jay Treaty (1794) Washington sent Chief Justice John Jay on a special mission to Britain to talk that country out of its offensive practice of searching and seizing American ships and impressing seamen into the British navy. After a year of negotiations, Jay brought back a treaty in which Britain agreed to evacuate its posts on the U.S. western frontier. But the treaty said nothing about British seizures of American merchant ships. Narrowly ratified

by the Senate, the unpopular Jay Treaty angered American supporters of France, but it did maintain Washington's policy of neutrality, which kept the United States at peace.

The Pinckney Treaty (1795) Totally unexpected was the effect that the Jay Treaty had on Spain's policy toward its territories in the Americas. Seeing the treaty as a sign that the United States might be drawing closer to Spain's longtime foe Britain, Spain decided to consolidate its holdings in North America. The Spanish influence in the Far West had been strengthened by a series of Catholic missions along the California coast but they were concerned about their colonies in the Southeast. Thomas Pinckney, the U.S. minister to Spain, negotiated a treaty in which Spain agreed to open the lower Mississippi River and New Orleans to American trade. The right of deposit was granted to Americans so that they could transfer cargoes in New Orleans without paying duties to the Spanish government. Spain further agreed to accept the U.S. claim that Florida's northern boundary should be at the 31st parallel (not north of that line, as Spain had formerly insisted).

Domestic Concerns

In addition to coping with foreign challenges, stabilizing the nation's credit, and organizing the new government, Washington faced a number of domestic problems and crises.

PINCKNEY'S TREATY, 1795



American Indians Through the final decades of the 18th century, settlers crossed the Alleghenies and moved the frontier steadily westward into the Ohio Valley and beyond. In an effort to resist the settlers' encroachment on their lands, a number of the tribes formed the Northwest (or Western) Confederacy. Initially the tribes, including the Shawnee, Delaware, Iroquois, and others under the Miami war chief Little Turtle, won a series of bloody victories over the local militia. Americans on the frontier were incensed by evidence that the British were supplying the American Indians with arms and encouraging them to attack the "intruding" Americans. In 1794 the U.S. army led by General Anthony Wayne defeated the Confederacy tribes at the Battle of Fallen Timbers in northwestern Ohio. The next year, the chiefs of the defeated peoples agreed to the Treaty of Greenville, in which they surrendered claims to the Ohio Territory and promised to open it up to settlement.

The Whiskey Rebellion (1794) Hamilton, to make up the revenue lost because the tariffs were lower than he wanted, persuaded Congress to pass excise taxes, particularly on the sale of whiskey. In western Pennsylvania, the refusal of a group of farmers to pay the federal excise tax on whiskey seemed to pose a major challenge to the viability of the U.S. government under the Constitution. The rebelling farmers could ill afford to pay a tax on the whiskey that they distilled from surplus corn. Rather than pay the tax, they defended their "liberties" by attacking the revenue collectors.

Washington responded to this crisis by federalizing 15,000 state militiamen and placing them under the command of Alexander Hamilton. The show of force had its intended effect, causing the Whiskey Rebellion to collapse with almost no bloodshed. Some Americans applauded Washington's action, contrasting it with the previous government's helplessness to do anything about Shays's Rebellion. Among westerners, however, the military action was widely resented and condemned as an unwarranted use of force against the common people. The government's chief critic, Thomas Jefferson, gained in popularity as a champion of the western farmer.

Western Lands In the 1790s, the Jay Treaty and the victory at the Battle of Fallen Timbers gave the federal government control of vast tracts of land. Congress encouraged the rapid settlement of these lands by passing the Public Land Act in 1796, which established orderly procedures for dividing and selling federal lands at reasonable prices. The process for adding new states to the Union, as set forth in the Constitution, went smoothly. In 1791 Vermont became the first new state, followed by Kentucky in 1792 and Tennessee in 1796.

Political Parties

Washington's election by unanimous vote of the Electoral College in 1789 underscored the popular belief that political parties were not needed. The Constitution itself did not mention political parties, and the Framers assumed none would arise. They were soon proven wrong. The debates between Federalists and Anti-Federalists in 1787 and 1788 were the first indication that a two-party system would emerge as a core feature of American politics.

Origins

In colonial times, groups of legislators commonly formed temporary factions and voted together either for or against a specific policy. When an issue was settled, the factions would dissolve. The dispute between Federalists and Anti-Federalists over the ratification of the Constitution closely resembled the factional disputes of an earlier period. What was unusual about this conflict was that it was organized—at least by the Federalists—across state lines and in that sense prefigured the national parties that emerged soon afterward.

In the 1790s, sometimes called the Federalist era because it was dominated largely by Federalist policies, political parties began to form around two leading figures, Hamilton and Jefferson. The Federalist party supported Hamilton and his financial program. An opposition party known as the Democratic-Republican party supported Jefferson and tried to elect candidates in different states who opposed Hamilton's program. The French Revolution further solidified the formation of national political parties. Americans divided sharply over whether to support France. A large number of them followed Jefferson's lead in openly challenging President Washington's neutrality policy.

NEW STATES IN THE UNION, 1791–1796



Differences Between the Parties

The Federalists were strongest in the northeastern states and advocated the growth of federal power. The Democratic-Republicans were strongest in the southern states and on the western frontier and argued for states' rights. (See the table on the next page for additional differences between the parties.) By 1796, the two major political parties were already taking shape and becoming better organized. In that year, President Washington announced that he intended to retire to private life at the end of his second term.

Washington's Farewell Address

Assisted by Alexander Hamilton, the retiring president wrote a farewell address for publication in the newspapers in late 1796. In this message, which had enormous influence because of Washington's prestige, the president spoke about policies and practices that he considered unwise. He warned Americans

- not to get involved in European affairs
- not to make "permanent alliances" in foreign affairs
- not to form political parties
- not to fall into sectionalism

For the next century, future presidents would heed as gospel Washington's warning against "permanent alliances." However, in the case of political parties, Washington was already behind the times, since political parties were well on their way to becoming a vital part of the American political system.

One long-range consequence of Washington's decision to leave office after two terms was that later presidents followed his example. Presidents elected to two terms (including Jefferson, Madison, Monroe, and Jackson) would voluntarily retire even though the Constitution placed no limit on a president's tenure in office. The two-term tradition continued unbroken until 1940 when Franklin Roosevelt won election to a third term. Then, the 22nd Amendment, ratified in 1951, made the two-term limit a part of the Constitution.

John Adams' Presidency

Even as Washington was writing his Farewell Address, political parties were working to gain majorities in the two houses of Congress and to line up enough electors from the various states to elect the next president. The vice president, John Adams, was the Federalists' candidate, while former secretary of state Thomas Jefferson was the choice of the Democratic-Republicans.

Adams won by three electoral votes. Jefferson became vice-president, since the original Constitution gave that office to the candidate receiving the second highest number of electoral votes. (Since the ratification of the 12th Amendment in 1804, the president and vice-president have run as a team.)

Comparison of Federalist and Democratic-Republican Parties		
	Federalists	Democratic-Republicans
Leaders	John Adams Alexander Hamilton	Thomas Jefferson James Madison
View of the Constitution	Interpret loosely Create strong central government	Interpret strictly Create weak central government
Foreign Policy	Pro-British	Pro-French
Military Policy	Develop large peacetime army and navy	Develop small peacetime army and navy
Economic Policy	Aid business Create a national bank Support high tariffs	Favor agriculture Oppose a national bank Oppose tariffs
Chief Supporters	Northern business owners Large landowners	Skilled workers Small farmers Plantation owners

The XYZ Affair

Troubles abroad related to the French Revolution presented Adams with the first major challenge of his presidency. Americans were angered by reports that U.S. merchant ships were being seized by French warships and privateers. Seeking a peaceful settlement, Adams sent a delegation to Paris to negotiate with the French government. Certain French ministers, known only as X, Y, and Z because their names were never revealed, requested bribes as the basis for entering into negotiations. The American delegates indignantly refused. Newspaper reports of the demands made by X, Y, and Z infuriated many Americans, who now clamored for war against France. “Millions for defense, but not one cent for tribute” became the slogan of the hour. One faction of the Federalist party, led by Alexander Hamilton, hoped that by going to war the United States could gain French and Spanish lands in North America.

President Adams, on the other hand, resisted the popular sentiment for war. Recognizing that the U.S. Army and Navy were not yet strong enough to fight a major power, the president avoided war and sent new ministers to Paris.

The Alien and Sedition Acts

Anger against France strengthened the Federalists in the congressional elections of 1798 enough to win a majority in both houses. The Federalists took advantage of their victory by enacting laws to restrict their political opponents, the Democratic-Republicans. For example, since most immigrants voted Democratic-Republican, the Federalists passed the Naturalization Act, which increased from 5 to 14 the years required for immigrants to qualify for U.S. citizenship. They also passed the Alien Acts, which authorized the president to deport aliens considered dangerous and to detain enemy aliens in time of war. Most seriously, they passed the Sedition Act, which made it illegal for newspaper editors to criticize either the president or Congress and imposed fines or imprisonment for editors who violated the law.

The Kentucky and Virginia Resolutions

Democratic-Republicans argued that the Alien and Sedition Acts violated rights guaranteed by the 1st Amendment of the Constitution. In 1799, however, the Supreme Court had not yet established the principle of judicial review (see Chapter 7). Democratic-Republican leaders challenged the legislation of the Federalist Congress by enacting nullifying laws of their own in the state legislatures. The Kentucky legislature adopted a resolution that had been written by Thomas Jefferson, and the Virginia legislature adopted a resolution introduced by James Madison. Both resolutions declared that the states had entered into a “compact” in forming the national government, and, therefore, if any act of the federal government broke the compact, a state could nullify the federal law. Although only Kentucky and Virginia adopted nullifying resolutions in 1799, they set forth an argument and rationale that would be widely used in the nullification controversy of the 1830s (see Chapter 10).

The immediate crisis over the Alien and Sedition Acts faded when the Federalists lost their majority in Congress after the election of 1800, and the new Democratic-Republican majority allowed the acts to expire or repealed them. In addition, the Supreme Court under John Marshall asserted its power in deciding whether a certain federal law was constitutional.

The Election of 1800

During Adams’ presidency, the Federalists rapidly lost popularity. People disliked the Alien and Sedition Acts and complained about the new taxes imposed by the Federalists to pay the costs of preparing for a war against France. Though Adams avoided war, he had persuaded Congress that building up the U.S. Navy was necessary for the nation’s defense.

Election Results

The election of 1800 swept the Federalists from power in both the executive and legislative branches of the U.S. government. A majority of the presidential electors cast their ballots for two Democratic-Republicans: Thomas Jefferson and Aaron Burr. Because both these candidates received the same number of electoral ballots, it was necessary (according to the rules in the original Constitution) to hold a special election in the House of Representatives to break the tie. In December 1800 the Federalists still controlled the House. They debated and voted for days before they finally gave a majority to Jefferson. (Alexander Hamilton had urged his followers to vote for Jefferson, whom he considered less dangerous and of higher character than Burr.)

Democratic-Republican lawmakers elected in 1800 took control of both the House and the Senate when a new Congress met in March 1801.

A Peaceful Revolution

The passing of power in 1801 from one political party to another was accomplished without violence. This was a rare event for the times and a major indication that the U.S. constitutional system would endure the various strains that were placed upon it. The Federalists quietly accepted their defeat in the election of 1800 and peacefully relinquished control of the federal government to Jefferson's party, the Democratic-Republicans. The change from Federalist to Democratic-Republican control is known as the Revolution of 1800.

HISTORICAL PERSPECTIVES: WHAT DOES THE CONSTITUTION MEAN?

From the moment it was drafted in 1787, the U.S. Constitution has been a continuing subject of controversy. As political issues changed from one era to the next, Americans changed their views of how the Constitution should be interpreted. The dispute between the Federalists and the Anti-Federalists over the proper powers of the central government has never been completely resolved and, to a certain extent, continues to be debated by modern-day Republicans and Democrats.

In the decades preceding the Civil War (1790–1860), the chief constitutional issue concerned the nature of the federal union and whether the states could nullify acts of the federal government. The North's triumph in the Civil War settled the issue in favor of centralized power and against southern champions of states' rights. In the post-Civil War era, northerners regarded Hamilton and other Federalist Framers of the Constitution as heroes. At the same time, states'-rights advocates were portrayed as demagogues and traitors.

In the early 20th century, a change in politics again brought a change in scholars' views toward the Framers of the Constitution. Reacting to the excesses of big business, certain historians identified economic factors and class conflict as the primary force behind the Constitutional

Convention of 1787. Published in 1913, at the height of the Progressive era, Charles Beard's *An Economic Interpretation of the Constitution* argued that, in writing the Constitution, the Framers were chiefly motivated by their own economic interests in preserving their wealth and property. Beard's controversial thesis dominated historical scholarship on the Constitution for almost 50 years. Expanding on Beard's thesis, some historians have argued that even the sectional differences between northern Framers and southern Framers were chiefly economic in nature.

In recent years, many historians have concluded that the economic interpretation of the Framers' motives, while valid up to a point, oversimplifies the issues of the 1780s. Historians place greater stress on the philosophical and intellectual backgrounds of the delegates at Philadelphia and explain how they shared similar 18th-century views of liberty, government, and society.

KEY TERMS BY THEME

Founders (ID, CUL) James Madison Alexander Hamilton Framers of the Constitution Gouverneur Morris John Dickinson Federalists Anti-Federalists The Federalist Papers Bill of Rights; amendments Washington's Farewell Address "permanent alliances" Alien and Sedition Acts Kentucky and Virginia Resolutions Disputes (WXT) slave trade infant industries national bank tariffs; excise taxes	Expansion (PEO, POL) Battle of Fallen Timbers Treaty of Greenville Public Land Act (1796) A Constitution (POL) Mt. Vernon Conference Annapolis Convention Constitutional Convention checks and balances Virginia Plan New Jersey Plan Connecticut Plan; Great Compromise House of Representatives Senate Three-Fifths Compromise Commercial Compromise electoral college system legislative branch Congress	A New Republic (POL) executive departments; cabinet Henry Knox Edmund Randolph Judiciary Act (1789) federal courts Supreme Court national debt Whiskey Rebellion Federalist era Democratic-Republican party political parties two-term tradition John Adams Revolution of 1800 Foreign Affairs (WOR) French Revolution Proclamation of Neutrality (1793) "Citizen" Genêt Jay Treaty (1794) Pinckney Treaty (1795) right of deposit XYZ Affair
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MULTIPLE-CHOICE QUESTIONS

Questions 1–3 refer to the excerpt below.

“It is not denied that there are implied as well as express powers, and that the former are as effectually delegated as the latter.

“It is conceded that implied powers are to be considered as delegated equally with express ones. Then it follows, that as a power of erecting a corporation [such as a bank] may as well be implied as any other thing, it may as well be employed as an instrument or means of carrying into execution any of the specified powers. . . . But one may be erected in relation to the trade with foreign countries, or to the trade between the States . . . because it is the province of the federal government to regulate those objects, and because it is incident to a general sovereign or legislative power to regulate a thing, to employ all the means which relate to its regulation to the best and greatest advantage.”

—Alexander Hamilton, Constitutionality of the Bank
of the United States, 1791

1. Hamilton’s constitutional argument was based on which of the following types of powers?
 - (A) Employed
 - (B) Expressed
 - (C) Implied
 - (D) Regulated
2. Which of the following benefited most directly from the bank that Hamilton strongly supported?
 - (A) Manufacturers
 - (B) Farmers
 - (C) State governments
 - (D) Slaveowners
3. Who of the following would be most critical of Hamilton’s position on the bank?
 - (A) George Washington
 - (B) John Adams
 - (C) Thomas Jefferson
 - (D) Henry Knox

Questions 4–5 refer to the excerpt below.

“Friends and Fellow Citizens: I should now apprise you of the resolution I have formed to decline being considered among the number of those out of whom a choice is to be made. . . .

“I have already intimated to you the danger of parties . . . with particular reference to . . . geographical discriminations. . . .

“Let it simply be asked—where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths. . . .

“As a very important source of strength and security, cherish public credit . . . avoiding likewise the accumulation of debt . . . which unavoidable wars may have occasioned . . . in mind that toward the payment of debt there must be . . . taxes. . . .

“By interweaving our destiny with that of any part of Europe, [we] entangle our peace and prosperity in the toils of European ambition, rivalry, interest, humor, or caprice. . . . It is our true policy to steer clear of permanent alliances with any portion of the foreign world.”

—George Washington, Farewell Address, 1796

4. One of the strong reasons Washington and others warned against political parties was concern about
 - (A) damages to the national reputation
 - (B) divisive sectionalism
 - (C) rights of property owners
 - (D) unavoidable wars
5. Which of the following did Washington believe was very important for the United States to avoid?
 - (A) Excesses of patriotism
 - (B) Foreign alliances
 - (C) Raising taxes
 - (D) Religious obligations

Questions 6–8 refer to the excerpt below.

“Resolved, that the several States composing the United States of America are not united on the principle of unlimited submission to their general government; but that by compact under the style and title of a Constitution for the United States and of amendments thereto, they constituted a general government for specific purposes, delegated to that government certain definite powers, reserving, each State to itself, the residuary mass of right to their own self-government; and that whensoever the general government assumes undelegated powers, its acts are unauthoritative, void, and of no force. . . .

“That this would be to surrender the form of government we have chosen, and to live under one deriving its powers from its own will, and not from our authority; and that the co-States, recurring to their natural right in cases not made Federal, will concur in declaring these acts void and of no force.”

—Thomas Jefferon (anonomously), Kentucky Resolutions,
November 16, 1798

6. The Kentucky and Virginia Resolutions were issued in reaction to the
 - (A) ratification of the Bill of Rights
 - (B) passage of the Alien and Sedition Acts
 - (C) the revelations about the XYZ Affair
 - (D) the declaration of the Proclamation of Neutrality
7. According to the passage, the final decision on whether a federal law or action was legal should be made by
 - (A) Congress
 - (B) the president
 - (C) the Supreme Court
 - (D) each state
8. Which individual or group among the following would be the strongest supporter of the Kentucky Resolution?
 - (A) John Adams
 - (B) Democratic-Republicans
 - (C) Federalists
 - (D) Alexander Hamilton

SHORT-ANSWER QUESTIONS

Briefly answer the questions in complete sentences. A thesis is not required.

Question 1 is based on the excerpt below.

“Sir, suffer me to recall to your mind that time, in which the arms and tyranny of the British crown were exerted. . . .

“This, Sir, was a time when you clearly saw into the injustice of a State of slavery . . . that you publicly held forth this true and invaluable doctrine. . . . ‘We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain inalienable rights. . . .’

“But, Sir, how pitiable is it to reflect, that although you were so fully convinced of the benevolence of the Father of Mankind, and of his equal and impartial distribution of these rights and privileges, which he hath conferred upon them, that you should at the same time counteract his mercies, in detaining by fraud and violence so numerous a part of my brethren, under groaning captivity, and cruel oppression.”

—Benjamin Banneker, African American scientist and surveyor, letter to Secretary of State Thomas Jefferson, 1792

1. Using the excerpt, answer a, b, and c.
 - a) Briefly explain why Banneker questioned Jefferson’s actions on slavery.
 - b) Briefly explain why ONE of the following people would either support or question Banneker’s view.
 - Ben Franklin
 - John Adams
 - George Washington
 - c) Briefly explain how Thomas Jefferson might have responded to Banneker’s questions about slavery.

Question 2. Answer a, b, and c.

- a) Briefly explain how ONE of the following best supports the statement that “the United States Constitution is a bundle of compromises.” Provide at least ONE piece of evidence to support your explanation.
 - the office of the presidency
 - the system of representation
 - the institution of slavery
- b) Briefly explain a criticism of ONE of the compromises cited above.
- c) Identify and briefly explain the role played by an individual at the Constitutional Convention in bringing about ONE of the compromises mentioned above or a compromise not mentioned.

Question 3 is based on the excerpts below.

“The freedom of the press and opinions was never understood to give the right of publishing falsehoods and slanders, nor of exciting sedition, insurrection, and slaughter, with impunity. A man is always answerable for the malicious publication of falsehood; and what more does this bill require?”

“Such liberty of the press and of opinion is calculated to destroy all confidence between man and man; it leads to a dissolution of every bond of union; it cuts asunder every ligament that unites man to his family, man to his neighbor, man to society and to government. God deliver us from such liberty.”

—Congressional Representative John Allen, Speech for the Sedition Act,
1798

“Does the situation of the country, at this time require that any law of this kind should pass? Do there exist such new and alarming symptoms of sedition as render it necessary to adopt, in addition to the existing laws, any extraordinary measure for the purpose of suppressing unlawful combinations, and of restricting the freedom of speech and the press? For such were the objects of the bill, whatever modifications it might receive. . . .

“While, therefore, they support the bill in its present shape, do they not avow that the true object of the law is to enable one party to oppress the other. . . . Is it not their object to frighten and suppress all presses which they consider as contrary to their views; to prevent a free circulation of opinion; . . . to delude and deceive . . . and through those means, to perpetuate themselves in power?”

—Congressional Representative Albert Gallatin, Speech Against the
Sedition Act, 1798

3. Using the excerpts, answer a, b, and c.
- a) Briefly explain the main point of the first excerpt.
 - b) Briefly explain the main point of the second excerpt.
 - c) Provide ONE piece of evidence from the era before 1800 that is not included in the excerpt and explain how it supports the interpretation of either excerpt.

Question 4. Answer a, b, and c.

- a) Choose ONE of the choices below, and explain why it best supports this statement: “America’s first foreign policy under Presidents Washington and Adams had the primary goal of avoiding war.”
 - Citizen Genêt controversy
 - Jay Treaty
 - XYZ Affair
- b) Contrast your choice against ONE of the other options, demonstrating why that option is not as good as your choice.
- c) Briefly explain an argument for war involving ONE of the choices provided OR another situation during this period of the first two presidents.

THINK AS A HISTORIAN: QUESTIONS ABOUT ARGUMENTATION

A historical argument is a carefully written chain of thoughts that includes a clear thesis and analysis supported with evidence. Which **THREE** of the following questions would be best answered with an essay that makes a historical argument?

1. Summarize the differences between the Federalists and the Anti-Federalists.
2. Using more than one type of evidence, support or oppose this statement: “The Founders failed to see fundamental developments in American politics.”
3. Explain whether you agree or disagree that differences in foreign policy in the 1700s were rooted in economic interests.
4. Explain whether you think the information in this chapter supports or opposes the idea that compromise has been an essential part of American government since the founding of the country.
5. Explain the main points of Hamilton’s financial plan.

PERIOD 3 Review: 1754–1800

Long-Essay Questions

Directions: Write an essay to respond to one of each pair of questions. Cite relevant historical evidence in support of your generalizations and present your arguments clearly and logically.

Choose ONE of the following two long-essay questions.

1. It has been argued that the American Revolution came about primarily through an evolving series of meetings, conventions, and congresses. Support, modify, or refute this contention using specific evidence.
2. It has been argued that the United States Constitution came about primarily through an evolving series of meetings, conventions, and congresses. Support, modify, or refute this contention using specific evidence.

Choose ONE of the following two long-essay questions.

3. For some historians, the leadership provided by the Founders during events leading up to the Revolutionary War was the key to the successful developments. Support, modify, or refute this contention using specific evidence.
4. For some historians, the leadership provided by the Founders during events leading up to the writing of the Constitution was the key to the successful developments. Support, modify, or refute this contention using specific evidence.

Choose ONE of the following two long-essay questions.

5. For some, the role of enslaved African Americans and American Indians before and during the Revolutionary War had a significant influence on events. Support, modify, or refute this contention using specific evidence.
6. For some, the role of enslaved African Americans and American Indians before and during the writing of the Constitution had a significant influence on events. Support, modify, or refute this contention using specific evidence.

DOCUMENT-BASED QUESTION

Directions: Question 1 is based on the accompanying documents. The documents have been edited for the purpose of this exercise. You are advised to spend 15 minutes planning and 45 minutes writing your answer.

In your response you should do the following.

- State a relevant thesis that directly addresses all parts of the question.
 - Support the thesis or a relevant argument with evidence from all, or all but one, of the documents.
 - Incorporate analysis of all, or all but one, of the documents into your argument.
 - Focus your analysis of each document on at least one of the following: intended audience, purpose, historical context, and/or point of view.
 - Support your argument with analysis of historical examples outside the documents.
 - Connect historical phenomena relevant to your argument to broader events or processes.
 - Synthesize the elements above into a persuasive essay.
1. To what extent was the demand for no taxation without representation both the primary force motivating the American revolutionary movement and a symbol for democracy?

Document 1

Source: Resolution of the Virginia House of Burgesses, 1764

Resolved, That a most humble and dutiful Address be presented to his Majesty, imploring his Royal Protection of his faithful Subjects, the People of this Colony, in the Enjoyment of all their natural and civil Rights, as Men, and as Descendents of Britons; which rights must be violated, if Laws respecting the internal Government, and Taxation of themselves, are imposed upon them by any other Power than that derived from their own Consent, by and with the Approbation of their Sovereign, or his Substitute.

Document 2

Source: Resolutions of the Stamp Act Congress, 1765

Section 4. That the people of these colonies are not, and from their local circumstances cannot be, represented in the House of Commons in Great-Britain.

Section 5. That the only representatives of the people of these colonies, are persons chosen therein by themselves, and that no taxes ever have been, or can be constitutionally imposed on them, but by their respective legislatures.

Document 3

Source: Daniel Dulany, Maryland lawyer, “Considerations on the Propriety of Imposing Taxes in the British Colonies,” 1765

A right to impose an internal tax on the colonies, without their consent for the single purpose of revenue, is denied, a right to regulate their trade without their consent is admitted.

Document 4

Source: Joseph Warren, Boston patriot, speech in Boston, March 5, 1772

And as it was soon found that this taxation could not be supported by reason and argument, it seemed necessary that one act of oppression should be enforced by another, and therefore—contrary to our just rights as possessing, or at least having a just title to possess, all the liberties and immunities of British subjects, a standing army was established among us in time of peace; and evidently for the purpose of effecting that which it was one principal design of the founders of the constitution to prevent (when they declared a standing army in a time of peace to be against law), namely, for the enforcement of obedience to acts which, upon fair examination, appeared to be unjust and unconstitutional.

Document 5

Source: Second Continental Congress, Declaration of the Causes and Necessity of Taking Up Arms, July 6, 1775

They [Parliament] have undertaken to give and grant our money without our consent, though we have ever exercised an exclusive right to dispose of our own property; statutes have been passed for extending the jurisdiction of courts of Admiralty and Vice-Admiralty beyond their ancient limits; for depriving of the accustomed and inestimable privilege of trial by jury, in cases affecting both life and property; for suspending the legislature of one of the colonies; for interdicting all commerce to the capital of another; and for altering fundamentally the form of government established by charter, and secured by acts of its own legislature solemnly confirmed by the crown; for exempting the “murderers” of colonists from legal trial.

Document 6

Source: Thomas Paine, *Common Sense*, 1776

Small islands not capable of protecting themselves are the proper objects for kingdoms to take under their care; but there is something very absurd in supposing a continent to be perpetually governed by an island. In no instance hath nature made the satellite larger than its primary planet; and as England and America, with respect to each other, reverse the common order of nature, it is evident that they belong to different systems. England to Europe: America to itself.

Document 7

Source: Petition of Seven Free Negroes to the Massachusetts Legislature in Protest of Taxation Without the Right to Vote, February 10, 1780

Petitioners farther sheweth that we apprehend ourselves to be Aggrieved, in that while we are not allowed the Privilege of freemen of the State having no vote or influence in the Election of those that Tax us yet many of our Colour (as is well known) have cheerfully Entered the field of Battle in the defence of the Common Cause and that (as we conceive) against a similar Exertion of Power (in Regard to taxation).