Chapter 6: The Constitution and the New Republic, 1787 - 1800

1. The United States Under the Articles, 1781-1787
   1. Foreign Problems
      1. failed to uphold the Treaty of Paris, did not return Loyalist property or repay debts to foreigners
      2. weak central government unable to stop British restrictions on trade and British military outposts on the western frontier
      3. no standing army
   2. Weaknesses
      1. unable to levy national taxes, so they couldn’t pay the debt
      2. no national currency, so states printed worthless paper money, contributing to inflation
      3. intense interstate competition using tariffs because national government unable to regulate interstate commerce
      4. states also had boundary disputes
      5. one state one vote, didn’t address proportional representation
   3. different groups’ desires
      1. wealthy and powerful people wanted to solve the economic problems
      2. manufacturers wanted a uniformly high national duty to replace the state tariffs
      3. merchants and shippers wanted a single, national commercial policy to replace the state policies
      4. people who were owed money wanted states to stop issuing paper money, because that would reduce the value of what they received in payment
      5. investors wanted government to fund the debt
      6. large property owners wanted protection from mobs, a reaction to Shays’ Rebellion
   4. **The Annapolis Convention**
      1. first conference to solve those problems
      2. **James Madison** and **Alexander Hamilton** persuaded others to hold another convention to solve problems
2. Drafting the Constitution at Philadelphia
   1. Rhode Island was the only state not to send a delegate to the Philadelphia convention
   2. purpose was to revise the Articles of Confederation
   3. The Delegates
      1. college-educated, wealthy, relatively young (early forties), experience with politics
      2. professions: lawyers, merchants
      3. voted not to share their work with the public
      4. each state had a vote and decisions by majority rule
      5. **George Washington** elected chairperson
      6. **James Madison, Alexander Hamilton, Gouverneur Morris,** and **John Dickinson** wrote the Constitution
      7. did not participate: **John Jay, Thomas Jefferson, John Adams, Thomas Paine** all on diplomatic business abroad  
         **Samuel Adams** and **John Hancock** not chosen as delegates  
         **Patrick Henry** opposed growth in federal power, refused to take part in convention
   4. The Issues
      1. decided to create an entirely new document but with checks and balances to assuage the concern of corrupt government
      2. Representation
         1. **Virginia Plan**- Madison’s proposal which favored the large states by allowing them proportionally more representatives in Congress than the smaller states
         2. **New Jersey Plan**- favored the small states by allowing each state the same number of representatives
         3. **Great Compromise/Connecticut Plan**- provided two-house Congress, each state has equal representation in Senate but is represented proportionally in the House of Representatives
      3. Slavery
         1. **Three-Fifths Compromise**- each slave was counted as three-fifths of a person for the purposes of determining a state’s level of taxation and representation
            1. compromise between those who only wanted to count free people and those who wanted to count slaves as well
         2. guarantee that slaves could be imported for at least 20 years longer, at which time Congress *could* vote to abolish slavery
         3. some also wanted slaves to be considered property, so they could tax them
      4. Trade
         1. North wanted government to regulate interstate commerce and foreign trade
         2. South was afraid of export taxes on its tobacco and rice, which would discourage foreign trade, their main revenue
         3. **Commercial Compromise**- Congress could regulate interstate and foreign commerce  
            could place tariffs on foreign *imports* but not any *exports*
      5. Powers and election of the president
         1. president given considerable power, able to veto Congress
         2. instead of having an office for life, the president’s term was limited to four years, but no term limit set
         3. electoral college instituted with a number of electors equal to the total of that state’s representatives and senators due to fear of mob rule
      6. Principles of the Constitution
         1. federalism- division of powers between state and federal
            1. stemmed from belief that sovereignty was from the people

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| State (local and particular)  reserved powers | Concurrent- shared powers | Federal (aggregate interests)  delegated powers |
| Amendments 9 and 10 |  | Article I, Section 8 |
| driver’s license, schools, marriage/divorce, birth/death certificates | taxation, roads, debts | navy, army, common defense, science/arts, post offices, currency, regulates international and interstate trade, declares war |

* + - 1. limited government- addressed by Bill of Rights
      2. popular sovereignty- electoral college...sort of
      3. separation of powers
      4. checks and balances to soothe public fear of despotism and of mob rule
    1. Ratification
       1. in **1787**, a draft was submitted to the states for ratification
       2. only approval of nine states out of thirteen necessary for ratification
       3. chosen through *popularly* elected conventions

1. Federalists and Anti-Federalists

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|  | Federalists | Anti-Federalists |
| General locations | Atlantic Coast and in large cities | small farmers and settlers on the western frontier |
| leaders | George Washington, Benjamin Franklin, James Madison, Alexander Hamilton | George Mason, Patrick Henry, James Winthrop, John Hancock, George Clinton |
| arguments | needed to maintain order and preserve the Union | destroy the work of the Revolution, limit democracy and restrict states’ rights |
| strategy | emphasized weakness of Articles of Confederation REVIEW THEM IN YOUR HEAD RIGHT NOW GRACE | proposed Constitution didn’t protect individual rights, 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 experience |
| disadvantages | Constitution was new and untried, originally lacked a bill of rights | poorly organized |

* 1. **The Federalist Papers** were a series of persuasive essays written by **James Madison, Alexander Hamilton** and **John Jay** which gave reasons to believe in the practicality of the Constitution
     1. Federalist #10- strong central government defends against factious mob tyranny of direct democracies
     2. #51- separation of powers
  2. won the necessary nine states by promising to add a bill of rights to the constitution, but needed to convince **Virginia** and **New York**, because there would otherwise be no national unity and strength
  3. All thirteen states eventually ratify the constitution, New York ratifies because of economic expediency

1. Adding **the Bill of Rights**
   1. Arguments For a Bill of Rights
      1. only through adding a bill of rights could Americans be protected from a strong central government acting tyrannically like the British
   2. Arguments Against a Bill of Rights
      1. unnecessary, since members of Congress would be elected by the people and the people don’t need to be protected against themselves
      2. better to assume all rights are protected than to create a limited list of rights
      3. but Federalists ditched this argument, compromised and added a bill of rights to the Constitution
   3. The First Ten Amendments
      1. 1st Amendment- freedom of religion, speech, press, assembly and petition  
         separation of church and state
      2. 2nd Amendment- right to keep and bear arms in a state militia
      3. 3rd Amendment- anti-Quartering Act
      4. 4th Amendment- no unreasonable searches or seizures of the people’s property (response to Townshend Acts with the writs of assistance)
      5. 5th Amendment- cannot be deprived of life, liberty or property without due process of law  
         cannot stand trial twice for the same crime (double jeopardy)
      6. 6th Amendment- right to speedy and public trial and right to call and question witnesses
      7. 7th Amendment- civil cases (person suing another), citizens have right to trial by jury
      8. 8th Amendment- those accused or convicted of crimes are protected against excessive bail and fines and cruel and unusual punishments
      9. 9th Amendment- rights not specifically mentioned in the Constitution are also guaranteed against government infringement
      10. 10th Amendment- rights not specifically delegated to federal government belong to the states or to the people
2. Washington’s Presidency
   1. Washington was the unanimous choice for president
   2. Organizing the Federal Government
      1. President appoints chiefs of departments who are confirmed/approved by the Senate
      2. **Thomas Jefferson** was secretary of state
      3. **Alexander Hamilton** was secretary of the treasury
      4. **Henry Knox** was secretary of war
      5. **Edmund Randolph** was attorney general
      6. formed cabinet of advisers
      7. set precedent as a method of obtaining advice and information from key leaders in the administration
   3. Federal court system
      1. Supreme Court the only federal court mentioned in the Constitution
      2. Congress given the power to create other federal courts with lesser powers and to determine the number of justices making up the Supreme Court
      3. **Judiciary Act of 1789** established a Supreme Court with one chief justice and five associate justices
         1. empowered to rule on the constitutionality of decisions made by state courts
         2. also created 13 district courts and 3 circuit courts of appeals
   4. **Hamilton’s Financial Program**
      1. original plan:
         1. pay off the national debt at face value and have the federal government assume the war debts of the states to establish credit
         2. protect the young nation’s infant industries and collect adequate revenues at the same time by imposing high tariffs on imported goods
         3. excise tax on alcohol
         4. create a nationally chartered bank for depositing government funds and for printing banknotes that would provide the basis for a stable US currency
      2. modified plan:
         1. US government pay off national debt at face value and assume state war debts
            1. in return, nation’s capital would be at Washington DC, in the South
         2. tariffs (taxes on imports) were set lower than Hamilton wanted, so in return excise tax was passed on whiskey
         3. national bank- privately owned, but US was a major shareholder and could print paper currency and use federal deposits
            1. Jefferson argued for literal interpretation of the Constitution, which did not give Congress the power to create a bank
            2. Hamilton interpreted more, “necessary and proper” clause allowed Congress to do whatever necessary
      3. supporters- northern merchants who would gain from high tariffs and stabilized currency
      4. opponents- Anti-Federalists and small farmers who feared the states would lose power
         1. **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
         2. resented Federalists’ appointing and awarding government positions to allies and supporters-- felt it was aristocratic
         3. in opposition, created the Republican party to represent the interests of the people
         4. parties had been discouraged by Washington
   5. Foreign Affairs
      1. French Revolution: Washington and his successor John Adams had to decide whether to support France, France’s enemies or remain neutral
      2. Aid Revolution
         1. Jefferson and his supporters sympathized with the revolutionary cause
         2. argued that US was already involved because Britain was seizing American merchant ships bound for French ports
      3. **Proclamation of neutrality (1793)**- Washington didn’t believe the US was strong enough, so he proclaimed neutrality. Jefferson resigned in protest
      4. **Citizen Genet**, French minister to the United States appealed directly to the American people to support the revolutionary French cause, ignoring US’s proclamation of neutrality, so was removed
      5. **Jay Treaty**
         1. wanted: compensation for US shipping (Britain had been assaulting them!), withdrawal of British troops from frontier and new commercial treaty
         2. actual results: did not achieve these goals, but did establish American sovereignty over Northwest and good commercial relationship with Britain
         3. angered American supporters of France (Republicans), because US was getting buddy buddy with Britain
      6. **Pinckney Treaty**- in response to America seeming to get close with Britain, Spain consolidated holdings in North America
         1. Spain agreed to open lower Mississippi River and New Orleans to American trade; no more taxes to the Spanish government on American cargo
         2. Spain accepted smaller Florida, cut off at the 31st parallel
   6. Domestic concerns
      1. Native Americans
         1. status of Indians not clear in Constitution, not counted in population, not represented but not foreign nations either
         2. settlers encroached further upon the lands of Native Americans
         3. British supplied the natives with arms and encouraged them to attack the Americans
         4. **Battle of Fallen Timbers (1794)-** defeated natives in northwestern Ohio, leading to **Treaty of Greenville,** where they surrendered claims to the Ohio territory and promised to open it up to settlement
      2. **The Whisky Rebellion** **(1794)**
         1. unable to pay the excise tax on whiskey, farmers defended their liberties by attacking the revenue collectors
         2. in response, Washington federalized 15,000 state militiamen to scare them into obedience
         3. Washington used his role as chief commander to fulfill his role as chief executive
         4. supporters contrasted it with the government’s helplessness in response to Shays’ Rebellion
         5. westerners and Thomas Jefferson saw it as an unwarranted use of force against the people
      3. Western Lands
         1. **Public 1776 Land Act**- established orderly procedures for dividing and selling federal lands at reasonable prices
   7. Political Parties
      1. Washington’s unanimous vote made people think that political parties were not needed
      2. but debates between Federalists and Anti-Federalists indicated that parties would emerge
         1. groups of legislators banded together temporarily to vote for or against a specific law and then would disband
         2. Federalists were unusual in that they were organized across state lines
      3. Differences Between the Parties

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|  | Federalists | Democratic-Republicans |
| Leaders | John Adams  Alexander Hamilton | Thomas Jefferson  James Madison |
| View of the Constitution | loose interpretation  - Article 1 Section 8 Clause 18 is the **Elastic Clause** (“necessary and proper,” implied powers)  strong central government | strict, literal interpretation  weak central government |
| foreign policy | Pro-British | Pro-French |
| Military Policy | large peacetime army and navy | small peacetime army and navy |
| Domestic Policy | aid business  national bank  tariffs | favor agriculture  no national bank  opposed tariffs |
| Chief Supporters | northern businessmen  large landowners | skilled workers  small farmers  plantation owners |

* 1. Washington’s Farewell Address
     1. told Americans:
        1. not to get involved in European affairs
        2. against making permanent alliances in foreign affairs
        3. not forming political parties
        4. avoid sectionalism
     2. only heeded the foreign policy neutrality; political parties were already being formed
     3. Washington started two term tradition

1. John Adams’ Presidency (1797-1901)
   1. Federalists’ candidate was John Adams and the Democratic-Republicans’ candidate was Thomas Jefferson
   2. vice president was the runner up (Jefferson), which would be changed by the 12th Amendment
   3. **The XYZ Affair**
      1. French warships and privateers seized US merchant ships
      2. X, Y, and Z, certain French ministers, requested bribes as the basis for entering into negotiations
      3. news of this infuriated Americans who clamored for war against France   
         “Millions for defense, but not one cent for tribute”  
         “No! No! Not a sixpence!”
      4. undeclared war (Quasi War) with France began
   4. **The Alien and Sedition Acts**
      1. Federalists strong because of the XYZ Affair so they wanted to silence the Republican opposition
      2. **Naturalization Act**- increased from 5 to 14 years the number of years required for immigrants to qualify for US citizenship because most immigrants voted Democratic-Republican because they supported everyone getting land
      3. **Alien Act**- authorized the president to deport any aliens considered dangerous and to detain any enemy aliens in time of war
         1. discouraged immigration
      4. **Sedition Act**- made it illegal for newspaper editors to criticize either the president or Congress, imposed heavy penalties on editors who violated the law
         1. keep the nation seeming unified despite Jefferson’s newspaper buddies bullying
         2. libel and sedition are vague terms, easily abused
   5. **The Kentucky and Virginia Resolutions**
      1. in response, Republican leaders passed nullifying laws of their own in the state legislatures
      2. Kentucky adopted Thomas Jefferson’s work; Virginia adopted James Madison’s work
      3. both declared that the states entered into a “compact” in forming the national government, and if any act of the federal government broke the compact, a state could nullify the federal law
      4. immediate crisis faded because:
         1. only Virginia and Kentucky voided the congressional statutes
         2. Federalists lost majority in Congress, Republicans allowed acts to expire/repealed them
         3. John Marshall’s Supreme Court asserted its power as court of last resort in deciding whether or not a certain federal law was constitutional’
2. The Election of 1800 (Revolution of 1800)
   1. Federalists lost popularity because people didn’t like the Alien and Sedition Acts and complained about the new taxes imposed by the Federalists to pay off the costs of “preparing for a war against France”
   2. Thomas Jefferson won over Aaron Burr in the House of Representatives tie-breaker because Alexander Hamilton urged his Federalist followers to vote for Jefferson
   3. peaceful revolution- peaceful change from one political party to another