

CHAPTER 4 THE EMERGING NATION

I. THE ARTICLES OF CONFEDERATION

A. The Background of the Articles of Confederation

The Second Continental Congress was the *de facto*¹ government of the United States from 1775 to 1781. The word *de facto* describes a government that exists but has no legal sanction. The Congress was entirely without constitutional authority. It assumed control over colonial affairs and took responsibility for the direction of the War of Independence as a matter of necessity. The states, however, were still sovereign—as their lack of cooperation with the Congress indicated. The delegates to the Second Continental Congress were very much aware of the need for some kind of formal government. Pursuant to this need, the Congress appointed a special committee to draft a written constitution for the United States. The committee began its work in 1776, shortly before the Declaration of Independence was written. In 1777 the Congress adopted the fruit of this committee’s labor, the Articles of Confederation.

Although the Articles of Confederation were adopted by the Congress in 1777, final ratification was not forthcoming until 1781. The delay was caused by Maryland’s insistence that states claiming land beyond the Allegheny Mountains give up those claims to the central government. Maryland and the other landless states (six in total) argued that the states (notably Virginia and New York) who, by virtue of their colonial charters, possessed the vast tracts of land in question would not have retained control if the other states had not also fought for the land. The Articles required unanimous approval; so Maryland held out until 1781 when Virginia and New York finally surrendered their western claims. The first constitution of the United States went into effect on March 1, 1781.

The Articles established a confederate system of government for the United States. In such a system the central government is made subordinate to the local governments (in this case, the states). Under the Articles, each state remained sovereign but was joined in a “firm league of friendship” to deal with common problems. The central government had no direct authority to regulate the conduct of individuals. It made regulations for the states but existed and operated only through their sufferance.

¹ *de facto* – actually existing even if not legal

The day of final approval of the Articles (March 1, 1781) was marked by fireworks and celebrating, yet no significant changes took place in the government. The Articles merely legitimized what the Second continental Congress had been doing, whose work was taken over by the Congress of the Confederation. The Articles did establish a “firm league of friendship” and a “perpetual Union” that was far superior to the de facto Continental Congress.

1. De facto describes a _____ that exists but has no legal sanction.
2. Articles of Confederation were adopted in _____, with final ratification in _____.
3. First Constitution of the United States went into effect on _____. (date)

B. Government Under the Articles of Confederation

1. The National Government. The chief agency of the national government was the Congress. Each state was represented in Congress by not less than two and not more than seven members. The exact number of representatives was left to the state’s discretion, but each state had only one vote. Congress was a *unicameral*² legislature; that is, it had only one chamber, or house. There was no executive branch of government, and the Articles of Confederation did not provide for a head of state or executive officer. Congress was presided over by a president, but he possessed no more power than any other delegate. While Congress was not in session, a Committee of the States, composed of one representative from each state, exercised all the powers of Congress except those that required the consent of two-thirds of the states. (Article IX [9] specifically enumerates those areas of legislation that require two-thirds vote of Congress, such as war and peace.) The Articles also did not provide for a national judiciary, but Congress was provided with the necessary machinery to settle disputes between states. Article IX (9) says, “The United States in Congress assembled shall also be the last resort on appeal in all disputes and differences now subsisting or that hereafter may arise between two or more states.....” Congress, in effect, was a court of appeals for the settlement of interstate disputes.

2. Congressional Powers. Congressional powers were limited to those that the colonies had recognized as belonging to the Crown and Parliament.

Congress had seven basic powers:

- (1). To deal with war and peace issues*
- (2). To raise and maintain an army and navy.

² unicameral – composed of a single house

- (3). To negotiate treaties with foreign nations.*
- (4). To manage affairs of Indians, who were not members of any state.
- (5). To coin money and regulate weights and measures.
- (6). To borrow money.*
- (7). To establish a post office and charge postage.

*powers that required the consent of at least nine states

Most of the powers of congress were essentially managerial and were decided by a simple majority vote. The major powers of Congress could be exercised only with the consent of at least nine of the states.

3. Limitations on Congressional Power. The severe limitations on Congressional power reflected the fear and suspicion of many Americans concerning any central authority. At the time the Articles of Confederation were being framed, Americans were fighting to rid themselves of what they considered tyranny. This tyranny had manifested itself in the form of commercial restrictions (Navigation Acts) and “unfair” taxation. The framers of the new government did not wish to give up their newly acquired privileges and sovereignty to an American Parliament. As was pointed out in the discussion of Congressional powers, Congress was given only the authority that the colonists recognized as having belonged to the British government.

Congress was not given the power to levy taxes, either on the states or on the citizens of the states. There were only two ways in which Congress could raise revenue: namely, by borrowing and by requesting money from the states. The states were required to supply money in proportion to the value of their improved lands. Article VIII says:

All charges of war, and all other expenses that shall be incurred for the common defense or general welfare, and allowed by the United States in Congress assembled, shall be defrayed out of common treasury, which shall be supplied by the several states, in proportion to the value of all land within each state, granted to or surveyed for any person, as such land and the buildings and improvements thereon shall be estimated according to such mode as the United States in Congress assembled, shall from time to time direct and appoint.

The taxes for paying that proportion shall be laid and levied by the authority and direction of the legislatures of the several states within the time agreed upon by the United States in Congress assembled.

While Congress had the authority to requisition sums of money, it had no power whatsoever to compel the states to turn over any money. The central government had to depend on the goodness and generosity of the state government for revenue. The states constantly shirked their financial obligations to the central government. Payments were irregular, incomplete, and more often than not, nonexistent. As a result, the United States was continually near bankruptcy.

Congress was also denied the power to regulate interstate and foreign commerce. The central government could not impose duties on either exports or imports; and as a result, a valuable source of revenue (from tariffs) was lost. No uniform commercial policy could be adopted by the government. The states could levy duties and control the exportation or importation of goods for their state. The states engaged in trade wars that often threatened to erupt into shooting wars.

The central government was further handicapped due to its inability to enforce its authority. It has been already mentioned that the Confederation was a union of states, with the government resting completely upon the states and not the people. Congress could not pass laws and enforce them upon the people; it could only pass resolutions, warn the states, and trust that the agencies of state government would pay attention. Congress could not even force the states to live up to their obligations as prescribed in Article XIII, (13) which states:

Every state shall abide by the determinations of the United States in Congress assembled, on all questions which by this confederation are submitted to them. And the Articles of this Confederation shall be inviolably observed by every state, and the Union shall be perpetual; *nor shall any alteration at any time hereafter be made in any of them; unless such alteration be agreed to in a Congress of the United States, and be afterwards confirmed by the legislatures of every state.*

Amendment of the Articles required unanimous concurrence by the states. This provision made revision virtually impossible. The Articles, when ratified in 1781, were not adequate to meet the political and economic problems facing the new nation. Indeed, the provisions of the Articles caused and compounded these problems. Had amendment been an easier procedure, some of the defects could have been eliminated, thus preventing some of the failures of the new government.

4. The chief agency of the national government was _____.
5. The Articles of Confederation did not provide for a head of state or _____
_____.
6. Congress had _____ basic powers.
7. Congress was not given the power to _____ _____.
8. Two ways Congress could raise revenue were _____ or _____ _____.
9. congress was denied the power to _____ interstate and _____ commerce.
10. Amendment of the Articles required _____ concurrence by the states.
11. The Articles were not adequate to meet the _____ and _____ problems.

C. Movement to Revise the Articles of Confederation

1. Attempts at Amendment Failed. All attempts at amendment failed, and the responsibility for failure must be given to the “unanimous consent: provision in Article XIII (13). As early as 1781, Congress proposed an amendment that would grant it the authority to impose a duty of five percent on all imports into the United States. This amendment, the *Impost*³ of 1781, was ratified by all the states except Rhode Island. Rhode Island saw this amendment as an encroachment upon the sovereignty of the states. Later, Virginia also withdrew its approval, and the amendment failed. In 1783 a modified version of the Impost of 1781 was proposed, but New York refused to ratify it. These and other amendments were all aimed at giving Congress power over taxation, so as to provide an independent source of revenue. The power to tax, however, could become a formidable political weapon, and those who feared a strong central government preferred to keep this power in the hands of the states.

2. The Annapolis Convention. Commercial rivalry among the states had become so acute by 1786 that the Virginia legislature issued a call for a convention at Annapolis, Maryland. The call for the Convention grew out of the successful settlement of a dispute between Virginia and Maryland over the use of the Potomac river the year before. Delegates from five states met in Annapolis to discuss the problem of interstate trade, but such a meager representation could not hope to settle the issue confronting the Confederation.

In light of this problem, Alexander Hamilton and James Madison persuaded the delegates to adopt a report criticizing the Articles. Drafted by Hamilton, the report also asked the Congress of the Confederation to call a special convention “to devise such further provisions as shall . . . appear necessary to render the constitution of the federal government adequate to the exigencies of the Union.”

The report, adopted by the Annapolis Convention, was not met with immediate support. Congress reluctantly agreed to call the convention in February 1787 and invited the various states to send delegates to Philadelphia in May 1787.

Congress specified that the purpose of the meeting was “for the sole and express purpose of revising the Articles of Confederation . . .” Leaders such as George Washington refused to give support to the Convention when it was first called. Reports of lawlessness and anarchy from Massachusetts (Shay’s Rebellion) quickly changed Washington’s mind, and he gave his support to the idea.

As the delegates traveled to Philadelphia from their respective states in the spring of 1787, they were not aware of the great achievement that would result from their meeting. It was

³ Impost – a tax especially on imported goods

their purpose to revise the Articles so as to bring political and economic stability to the United States. They wanted a government with dignity and strength, which would be respected by all nations. Some delegates had more in mind than mere revision; they were contemplating a complete change of government.

12. In 1781, Congress proposed an amendment that would grant it the authority to impose a duty of _____ percent on all imports.
13. The convention was called because of a successful settlement of a dispute between Virginia and Maryland over the use of the _____.
14. The purpose of the meeting of Congress was “ _____.”

D. Achievement Under the Articles of Confederation

The Confederation, in spite of the weaknesses of the Articles, must be credited with several important achievements. It negotiated the final peace settlement, Treaty of Paris (1783), that brought the War for Independence to a successful conclusion. The Articles secured American unity for over eight years and prepared Americans for the federal Union that was to come. The step from the Continental Congress to the Confederation was considered a radical one by most Americans in 1781. The states regarded themselves as sovereign and independent entities, and their citizens had no national concept of being “American” –they regarded themselves as Virginians or New Yorkers or one of the other states. In view of these facts, the Articles of Confederation was a major achievement. To have gone from the Second Continental Congress directly to the present Constitution of the United States would probably have been impossible. The Confederation was a necessary stepping stone to the strong federal Union created by the Constitution.

The Congress of the Confederation passed two significant pieces of legislation that formed the basis of federal land and colonial policy for over a hundred years. Congress was responsible for vast areas of western land that had been surrendered to the central government by several states. This area was commonly known as the Northwest Territory.

1. Land Ordinance of 1785. The Land Ordinance of 1785, drafted by Thomas Jefferson, provided that land in the Northwest should be sold and that the revenue received should be used to help pay off the national debt. The land was to be divided into townships, 6 miles

square. Each township was divided into 36 sections of 640 acres each. Land could be sold by the section, half section, quarter section, and even smaller units, at a dollar per acre. It was also provided that the sale of one section in each township would be set aside for schools.

2. Northwest Ordinance of 1787. The most significant achievement under the Articles was the Northwest Ordinance of 1787. This law set a lasting pattern for the organization of new territorial government. It formed the basis of America's colonial policy. According to the Ordinance, the Northwest Territory would be divided into three to five states. Each area should pass through two evolutionary territorial stages:

1). The territory would be administered by a governor and officials appointed by Congress.

2). When the population of a territory reached five thousand free adult males, it could establish a territorial government. This government would consist of an elected legislature, a legislative council (bicameral legislature), a governor, and judges—all appointed by Congress. When the population of a territory reached sixty thousand, it could draft a state constitution, elect its own governing officials, and apply for admission into the Union on an equal footing with the other states. The Northwest Ordinance further forbade slavery in these territories.

15. One of the important achievements of the Articles was the negotiated final _____ settlement.
16. Vast areas of western land that had been surrounded to the central government was known as the _____.
17. One provision of the Land Ordinance of 1785 was that one section of each township be set aside for _____.
18. According to the Northwest Ordinance of 1787 the Northwest Territory would be divided into _____ to _____ states.

II. THE UNITED STATES CONSTITUTION

A. The Constitutional Convention

The Constitutional Convention had been scheduled to begin on May 14, 1787, but due to late arrivals, it was not officially convened until May 25. Out of the seventy-four delegates who had been appointed by twelve states, fifty-five attended. Rhode Island was the only state that

declined Congress' invitation to meet in Philadelphia. The members of the assembly varied in political opinion and in ability. They were men of property and wealth: speculators in land, merchants, shippers, money-lenders, and lawyers. Few held extreme political views such as those of Alexander Hamilton, who advocated a highly centralized and aristocratic government. (Hamilton preferred a monarchy to a republic.) Generally, the members of the Convention believed in the liberty of individuals but feared the excesses of democracy. To these men, democracy meant rule by the mob. The Confederation had already experienced the excesses of democracy. Indeed, it was the fear of anarchy that had brought many of the delegates to Philadelphia. In the weeks to follow, the delegates lacked accord on many issues; but most agreed that a government of law, not of men, should bind the nation together.

The general mood of the Convention can be best described in terms of those men who were not present. The "firebrands" of the War of Independence period were conspicuously absent. Patrick Henry refused to come because he "smelt a rat." John Hancock, Samuel Adams, Richard Henry Lee, and Thomas Paine were all denied a hand in forming the new government. Thomas Jefferson was in Paris, but he was able to make indirect contributions to the deliberations through his correspondence with James Madison. He sent Madison the works of Polybius, a Greek historian, and other ancient writers who discussed the subject of "mixed government." The principle of "mixed government," better known perhaps as the system of "checks and balances," forms the basis of the American Constitution.

The Nationalists, those who favored a strong national government, asked that the deliberations of the Convention be kept secret. In the interest of free debate, the Convention agreed that nothing discussed would be printed. Neither the public nor the press was allowed admission to the meeting room, and armed guards were placed inside and outside the hall. George Washington was chosen as president of the Convention. Though he addressed the assembly only twice, Washington was perhaps the most influential man present. He was in general support of the Nationalists' cause but used his influence and prestige to bring about a spirit of compromise and solidity. History owes to James Madison a great debt; what we know of the Convention's discussions was recorded by Madison. The official secretary kept only a bare record of motions and votes, but Madison took great pains to record everything that took place at the meetings. His leadership at the Convention and his recording of the deliberations earned Madison the distinction of being known later as the "Father of the Constitution." Eighty-two-year old Benjamin Franklin was also present at the meeting. Franklin was internationally known and respected as a scientist, statesman, and thinker. His presence at the Convention gave to it an added measure of prestige and stability.

19. Of the 74 delegates appointed to attend the Constitutional Convention, only _____ attended.
20. The members of the Convention believed in the _____ of individuals but _____ the excesses of democracy.
21. The principle of “mixed government” is better known as the system of “_____.”
22. Even though the Nationalists wanted nothing discussed to be printed, _____ recorded everything that took place.
23. Madison became known as the “_____.”

B. The Work of the Constitutional Convention

1. Articles of Confederation Discarded. At the very outset of the Convention, the majority of the delegates agreed that the Articles of Confederation should be discarded. This action was a bold step and, technically, an illegal one. The Congress of the Confederation had authorized the Convention only to revise the Articles, not to abandon the whole document. It must be remembered, however, that the decisions reached by the Convention were not binding on the states. Hamilton, who was in favor of a strong national government, reflected the feelings of many delegates when he said, “We can only propose and recommend—the power of ratifying or rejecting is still in the states.” Article XIII (13) was clear concerning abandonment of the Confederation. It declared, “And the Articles of this Confederation shall be inviolably observed by every state, and the Union shall be perpetual...”

In addition, Article II (2) guaranteed, “Each state retains its sovereignty, freedom, and independence...” It was true, as Hamilton said, that the power to reject or approve was in the hands of the states, but it was equally true that the delegates had begun a peaceful political change that would end in the dissolution of the Confederation.

2. Creating a New National Government. Once the initial decision had been made to scrap the Articles of Confederation, the delegates began the task of creating a new national government. This undertaking probably would have been impossible had it not been for a general concurrence on certain basic issues on the part of the leading delegates. Areas of agreement can be summarized as follows:

- a. The new government should be republican in form.

b. The government should be “mixed” or balanced so that no single interest would dominate. There should be a balance between a strong executive to represent authority; a senate to represent the states; and a lower house to represent the people.

c. One of the chief responsibilities of government was to protect property.

d. Only those who owned property should be allowed to vote, as they were the best guardians of liberty. (No voting qualifications were written into the Constitution; it was left to the states’ discretion.)

e. The new government should have three branches: legislative, executive, and judicial.

f. The powers of Congress should be effectively increased.

On May 29, Governor Edmund Randolph of Virginia presented a plan for a new national government. The Virginia Resolutions, as they were called, were authored principally by James Madison. The plan provided for (1) a bicameral legislature in which each state was represented according to population, (2) a lower house elected by the qualified *electorate*⁴ in each state, (3) an upper house chosen by the members of the lower house from a list of nominees supplied by the states, (4) a chief executive, elected by the legislature and vested with the power to veto legislation, and (5) a federal judiciary established to enforce federal laws. Naturally, the larger states rallied around the plan because it would enable them to dominate the national government.

The smaller states opposed the Nationalist program prepared by Virginia. In such a government, they argued, their interests would be trampled under foot by the majorities formed by the large states. As a counter-proposal, William Paterson of New Jersey presented a plan that merely amended the Articles of Confederation. This plan was offered in spite of the Convention’s agreement to discard the Articles. The New Jersey Plan had these provisions: (1) keep the Articles of Confederation and give all states equal representation in Congress, (2) give Congress the power to levy direct taxes and regulate commerce, (3) establish a plural (more than one member) executive with no right to veto legislation, and (4) establish a federal judiciary to enforce the national law. This plan protected the interests of the small states and retained more state sovereignty than did the Virginian resolutions.

The large states defeated the New Jersey Plan, and a long and bitter debate ensued. Finally, on July 16, the debate came to an end when Roger Sherman of Connecticut suggested a compromise to break the deadlock. The Connecticut Compromise, sometimes referred to as the Great Compromise, provided for (1) a bicameral legislature, (2) a lower house (House of

⁴ electorate – those people qualified to vote in an election.

Representatives) elected by the people and apportioned according to population, and (3) an upper house (Senate) consisting of two representatives from each state, elected by the state legislatures.

Having agreed on the Connecticut Compromise, the Convention was then able to hammer out the final details of the new government (August-September 1787). Of the many problems that had to be settled during this period, two very important issues caused conflict between the northern and southern states. At the heart of this dispute was the South’s “peculiar institution” of slavery.

The first problem dealt with the slave’s status: should he be counted as a whole man, as a fraction of a man, or not as a man at all? The North felt that the slaves should be counted in deciding each state’s share of direct federal taxes. The southern states, naturally did not want the slaves included in the count. The South did desire that the slaves be counted when determining their representation in the House of Representatives, but the North opposed the idea. Out of this conflict arose one of the “great settlements” of the Convention. It was agreed that a slave might count as three-fifths of a man when determining representation and taxes. The “three-fifths” Compromise was incorporated into the Connecticut Compromise, and thus representation in the House of Representatives was based on the number of free citizens plus three-fifths of the slaves.

The other issue dealt with the slave trade. All the states except South Carolina and Georgia wished to put a stop to the further importation of human chattel into the United States. Georgia and South Carolina argued loudly that their rice crops would suffer without more slave labor. The other southern states had imported enough slaves; procreation would take care of future needs. By way of compromise, it was agreed that Congress would make no law prohibiting the slave trade until 1808.

24. _____ presence at the Convention gave it an added measure of prestige and stability.
25. The majority of the delegates at the Convention agreed that the Articles should be _____.
26. One of the chief responsibilities of government was to protect _____.
27. The new government should have three branches: _____, _____, _____.
28. People qualified to vote in an election are called _____.
29. a. The Connecticut Compromise was sometimes referred to as the _____.
- b. This Compromise provided for (1) _____,

(2) _____

(3) _____

30. The problem of a slave's status concerning representation and taxes was settled when the agreement was made that a slave would count as _____ of a man.

3. **The Structure of the Government.** The structure of the government was finally completed in mid-September 1787. Many details were carefully worked out between August and September. The basic structure of the government was based on Montesquieu's work, *Spirit of the Laws*, in which he prescribes a system of checks and balances among the three branches of government (legislative, executive, judicial) to preserve liberty. The Constitutional Convention finally established the American government as made up of five major institutions: (1) the House of Representatives, (2) the Senate, (3) the President (Executive Department), (4) the Supreme Court, and (5) the Electoral College.

C. Fundamental Principles of the Constitution

The Constitution sets forth several basic principles, the acceptance and practice of which are absolutely necessary for our existence as a nation.

1. **The United States is a Republic.** The United States is a republic and was so founded by the fathers of our country. A republic is a government in which the citizens elect, or acquiesce to, representatives who are charged with the responsibility of administration in accordance with the requirements of law rather than of men. Ours was not to be a government run according to the whims of public opinions, nor was it designed to bend to the will of a dictator. As a republic, our government was designed to protect liberty and justice in an atmosphere of order and stability.

2. **Supremacy of the Constitution.** Perhaps one of the most important principles is the power of the combined states should be brought down upon any state that refused obedience to the national government. Alexander Hamilton and James Madison rejected this concept of coercion. As a government of law, the national government would compel obedience on the basis of law, not of force. Article VI (6), section 2 reads:

“This Constitution, and the laws of the United States, which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the Supreme law of the land; and the judges in every state shall be

bound thereby, anything in the Constitution or laws of any State to be contrary notwithstanding.”

This clause not only declares the supremacy of the Constitution but also the supremacy of the national government. The federal government has the power to act directly on the citizen because state officials are specially bound to enforce the acts of Congress.

3. Division of Powers. By definition, a federal union, as was established under the Constitution, provides for a division of powers between the national government and the state governments. The framers of the Constitution wanted to retain the states as important parts of the government and, at the same time, establish a powerful Union. Under our federal system, the states have the powers necessary to take care of local matters, while the federal government has enough power to deal with problems that concern the nation as a whole. Neither one has absolute authority, but both are limited to those areas of responsibility prescribed in the Constitution.

Four areas of power are described in the Constitution: (1) delegated powers, (2) implied powers, (3) reserved powers, and (4) concurrent powers. The national government is a government of delegated, or enumerated, powers that are specifically listed in Article I, Section 8 of the Constitution.

31. a. The basic structure of the government was based on _____.
- b. This structure is a system of checks & balances among _____ branches of government which are: _____, _____, & _____.
32. The Convention established the American government to be made up of 5 major institutions which were: (1) _____, (2) _____, (3) _____, (4) _____, (5) _____.
33. The United States is a _____ and was so _____ by the fathers of our country.
34. The national government would compel _____ on the basis of law, not of _____.
35. Four areas of power described in the Constitution are: _____, _____, _____, _____.

Article I, Section 8. Powers of Congress. The Congress shall have power:

- (1). *To lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States;*
- (2). *To borrow money on the credit of the United States;*
- (3). *To regulate commerce with foreign nations, and among the several states, and with the Indian tribes;*
- (4). *To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;*
- (5). *To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;*
- (6). *To provide for the punishment of counterfeiting the securities and current coin of the United States;*
- (7). *To establish post offices and post roads;*
- (8). *To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries;*
- (9). *To constitute tribunals inferior to the Supreme Court;*
- (10). *To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations;*
- (11). *To declare war; grant letters of marque and reprisal, and make rules concerning captures on land and water;*
- (12). *To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;*
- (13). *To provide and maintain a navy;*
- (14). *To make rules for the government and regulation of the land and naval forces;*
- (15). *To provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions;*
- (16). *To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the states respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress;*
- (17). *To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular states, and the acceptance of Congress, become the seat of government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings; --And*

In addition to the delegated powers listed in Article I, Section 8, the Constitution provides Congress with a broad area of authority known as implied powers. These are powers that are

“necessary and proper” for Congress in order to carry out its delegated powers. They are powers not specifically listed as belonging to the national government. The national government has considerably increased its authority and power over the years through a broad interpretation of this clause. For example, Congress bases its power to pass social security laws on the “general welfare” clause in the Preamble.

Article I, Section 8, clause 18

(18). To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

Powers not delegated to Congress nor denied to the states are called reserved powers. These powers are areas of responsibility that are strictly the property of the state. The Constitution forbids the national government from encroaching upon these reserved powers. Controlling education, regulating marriage and divorce, providing for community health, and establishing voting requirements, are areas of state control. In recent years, the federal government has become more involved in these areas. Federal funding of state and local health and education programs are primarily responsible for this invasion of states' rights. The inability of the Constitution to clearly delineate the lines of authority between state and national government is reflected in the struggle over states' rights that had marked American history.

Amendment X (10) Powers Reserved to States and People

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.

Some powers are denied to the states. Article I, Section 10 gives the powers that are specifically denied to the states.

Section 10 – Powers Denied to the States

(1). No state shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill or attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility.

(2). No state shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws: and the net produce of all duties

and imposts, laid by any state on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

(3). No state shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact with another state, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

The fourth area of power given is that of concurrent, or shared powers. Not all the powers delegated to the Congress are denied to the states. Concurrent powers are exercised by both the national and state governments. They include the right to levy taxes, borrow money, and hold elections.

D. The Struggle for Ratification

The Founding fathers did not expect that the new Constitution would be accepted without a struggle. They themselves were not satisfied with the final results of their labors. Alexander Hamilton, one of the thirty-nine signatories, simply felt that this new scheme of government could be no worse than the one already existing. Those who signed, regardless of their personal feelings, were prepared to return to their states and work for the Constitution’s approval.

1. Method of Ratification. The delegates provided Article VII (7) for the method of ratification: “The ratification of the conventions of nine states, shall be sufficient for the establishment of this Constitution between the states so ratifying the same.” The framers of the new government, through the inclusion of this Article, boldly nullified the provision in the Articles of Confederation (that were still in operation) requiring unanimous approval of amendments. Rhode Island was certain to veto the Constitution if given the opportunity. Another radical step was the use of popularly elected state conventions as the method for registering approval or disapproval. In effect, the Constitutional Convention had gone over the heads of the state legislatures and Congress directly to the qualified voters. Congress, showing little enthusiasm, agreed to the provisions of Article VII (7) and submitted the Constitution to the states.

2. Controversy Swept Across the Land. As the Constitution was submitted to the states and the details of the new government reached the ear of the American people, a flood of controversy swept across the land. Those who opposed the Constitution were called “anti-

Federalists,” and those who supported the proposed government were called “Federalists.” The anti-Federalists feared centralized authority and protested the erosion of state sovereignty. They accused the Constitution of being illegal because it had bypassed the amending procedures in the Articles of Confederation. Of the many arguments raised by the anti-Federalists, which centered mostly around states’ rights, the most effective and strongest argument was the absence of a bill of rights in the Constitution. Anti-Federalists feared a gradual erosion of their liberty by a government controlled by an aristocracy of the rich and wellborn. In 1787 Richard Henry Lee of Virginia published the *Letters of a Federal Farmer*, a very influential piece of political literature presenting the anti-Federalist cause.

The Federalists argued in support of the new government. They warned of political and economic collapse if the Constitution were rejected. In some states, the Federalists promised that a bill of rights would be included after the new government was adopted. The American people were assured that the powers of the central government were not extensive enough to be dangerous. The Federalists insisted, however, that only through a strong national government could the nation survive.

In their battle with the opponents of the Constitution, the Federalists had several advantages. They were better organized, and their ranks included men who were skilled in the art of politics. Their number also included men like George Washington, who commanded the respect of all the people. The program offered by the Federalists promised a future—a great future—for the nation. Finally, the Federalists had more support in the state legislatures and the state ratifying conventions, due to the property qualifications for voting. The propertied class generally, though not always, supported the Federalists. The national debate continued for ten months.

36. Congress bases its power to pass _____ laws on the “general welfare” clause in the Preamble.
37. Powers not delegated to Congress nor denied to the states are called _____.
38. _____ include the right to levy taxes, borrow money, and hold elections.
39. People who opposed the Constitution were called _____.
40. People who supported the proposed government were called _____.
41. The Federalist had several advantages against their opponents such as they were better _____ and their ranks included men who were skilled in the area of _____.

3. The Constitution Was Ratified. The Constitution was ratified in June 1788 when New Hampshire, the ninth state, voted for it. By July 1788 Virginia and New York had ratified the Constitution, leaving only North Carolina and Rhode Island outside of the Union. North Carolina did not ratify the Constitution until the Bill of Rights was added in 1789. By 1789 only Rhode Island was not a part of the United States, although technically it was the only state that did not cede from the Confederation. Pressure was put on Rhode Island, and she was threatened with the prospect of being treated like a foreign nation. On May 29, 1790, a state convention voted 34 to 32 in favor of ratifying the Constitution. Rhode Island, as had North Carolina, Virginia, and New York, joined the Union because to exist apart from it would have been impossible.

E. The *Federalist Papers*

The famous *Federalist Papers* were addressed to the people of New York. Many New Yorkers objected to the new form of government, and many articles criticizing the Constitution appeared in New York newspapers. The governor of New York, George Clinton, led the anti-Federalist forces in an attempt to defeat the Constitution. The Union needed New York if it were going to succeed. When New Hampshire ratified the Constitution on June 21, 1788, New York's ratification became even more critical. If New York failed to ratify, then New England would be physically cut off from the rest of the nation.

In an effort to turn the tide of public opinion in favor of the Federalist cause, a series of articles were published by Alexander Hamilton, James Madison, and John Jay. Under the pen name "Publius," these three men wrote eighty-five essays for New York newspapers between October 1787 and July 1788. The essays clearly explained the organization of the new government and presented its advantages. The *Federalist Papers* were designed as propaganda, but Thomas Jefferson referred to them as "the best commentary on the principles of government which was ever written." They stand today as some of the great treatises on the American constitutional system.

The *Federalist Papers* played an important part in securing New York's ratification of the Constitution. The vote on June 26, 1788, was thirty votes for and twenty-seven votes against ratification. A slim margin of three votes gave the Union a chance.

42. a. The constitution was _____ in June 1788.
b. _____ was the ninth state voted for it on that day.

43. States who wanted no part of the Constitution were threatened with the prospect of being treated like a _____.
44. The famous *Federalist Papers* were addressed to the people of _____.
45. The *Federalist Papers* were essays explaining the organization of the new _____ and presented its _____.

III. THE FEDERALIST ERA

A. LAUNCHING THE NEW NATION

1. A New Beginning. April 30, 1789, was a new beginning for the United States of America. On that date George Washington was inaugurated as the first President of the new America Republic. On his trip from Mount Vernon to New York, Washington had been showered with cheers and shouts of acclamation. The nation was alive with new hope and great expectations. The people rallied around Washington, a man who was respected and revered across the land. Unanimously chosen by the electoral college, Washington was indispensable to the success of the new government. Just as he had erected an atmosphere of stability and compromise at the Constitution Convention, Washington would do the same for the government and the nation.

Ten months prior to Washington's inauguration, the Constitution had been ratified, thus ending the great debate between the Federalist and anti-Federalist factions. Despite the Federalist victory, the rank and file citizen was still suspicious of central authority and at best regarded it as a necessary evil. Some anti-Federalists were still determined to use whatever peaceful means available to weaken the Constitution. At the time Washington assumed the Presidency, Rhode Island and North Carolina had not yet ratified the Constitution. These states in fact would not join the Union until 1789-1790, when the first Congress threatened them with discriminatory tariffs.

President Washington was faced with a host of problems in 1789, some new and some inherited from the Confederation. The balance sheet for the United States can be summarized as follows:

****ASSETS****	****LIABILITIES****
*Strong and able leadership (public confidence in George Washington)	*Small army (672 officers and men) *No Navy *No administrative system

*Returning economic prosperity	*Bankrupt treasury
*Federalists majority in Congress	*No machinery to collect taxes
*An abundance of experience in self-government	*A large national debt
*A population of about 4 million (7,000 of this number were slaves)	*Disloyalty encouraged among western settlers by British and Spanish agents
*Vast natural resources	*No respect by foreign countries

As seen in the chart, Americans had several reasons to be optimistic in 1789. Federalist control of Congress ensured vigorous support of administration programs to create the machinery necessary to implement the Constitution and establish a strong government. Washington did not have to deal with strong political opposition, as neither parties nor powerful political figures existed to oppose government programs. President Washington opposed the idea of political parties and urged Americans to “drive far away from the demon of party spirit.”

2. Organizing the New Government. The task of organizing the new government was Washington’s first priority upon coming to office. The wheels of government had to be set in motion. Everything was new, no precedents existed, and even the President’s title had not yet been decided upon. John Adams, who had been elected Vice President, supported the Senate’s suggestion that the President be addressed as “His Highness the President of the United States of America and the Protector of the Rights of the Same.” The House of Representatives rejected the Senate’s proposal, and Washington and those who succeeded him remained “Mr. President.”

In organizing his administration, Washington tried to be nonpolitical, appointing men to government office on the basis of ability and integrity. Most of the men he appointed were Federalists. Thomas Jefferson was chosen Secretary of State. At the time of his appointment, Jefferson was serving as Minister to France and had shown himself to be an excellent diplomat. Alexander Hamilton assumed the office of Secretary of the Treasury. General Henry Knox, who was Secretary of War for the Confederation, continued in that position in the new government. Edmund Randolph, former governor of Virginia, was appointed Attorney General. Washington met with these four men regularly to get the benefits of their advice and counsel. This special group of advisors was even then referred to as the President’s Cabinet. Although the Constitution does not provide for a cabinet, it has become a vital part of American government. In 1907 the Cabinet was officially recognized by law.

Washington regarded the organization of the judicial branch essential to the political stability of the nation. The Constitution is vague concerning the judicial branch. Article III (3), Section 1 – *The judicial power of the United States, shall be vested in one*

Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish.

Pursuant to this provision of the Constitution, Congress passed the Judiciary Acts of 1789. It established a Supreme Court consisting of a Chief Justice and five associates, thirteen district courts, and three circuit courts. John Jay was appointed as Chief Justice of the Supreme court. The Court held its first session on February 2, 1790.

Two other important pieces of work done by Congress in the early days of its session included the Tariff Act of 1789 and the approval of the Bill of Rights. The Treasury was bankrupt, and no money was coming in. To meet this need, Congress passed a tariff that imposed low duties on goods imported into the country. As a fulfillment of Federalist promises for a bill of rights, Congress approved the first ten amendments to the Constitution. Known as the Bill of Rights, these amendments were ratified by the states in 1791.

46. a. _____ (date) was a beginning for the United States.
b. On that date, _____ was inaugurated as the first President.
47. The nation was alive with _____ and _____.
48. Washington's first priority as President was _____ the new government.
49. The title of each President has been "_____."
50. Washington tried to appoint men to government office on the basis of _____ and _____.
51. The men appointed by Washing were (include their title)
 - a. _____
 - b. _____
 - c. _____
 - d. _____
52. a. The four men appointed by Washington were referred to as the _____.
b. The Cabinet was not recognized by law until _____.
53. The Judiciary Acts of 1789 established a _____ consisting of a _____, _____ associates, _____ district courts, and _____ circuit courts.
54. _____ was appointed as the first Chief Justice.

3. The Hamiltonian System. The Hamiltonian System was a series of proposals drafted by Alexander Hamilton concerning the public credit. The national debt in 1789 amounted to about fifty-six million dollars in outstanding securities and other obligations owed to foreign and domestic creditors. On direction of the House of Representatives, Hamilton prepared a plan to solve the problem of the public credit. He made two very bold proposals: (1) funding of the national debt at par, and (2) assumption of all state debts incurred during the War for Independence.

To fund a debt means to pay off one debt by creating another. Hamilton asked Congress to issue new bonds, at six percent interest, in exchange for the depreciating Confederation bonds. Further, he proposed that the debt be funded at par—that is, at face value. The value of the Confederation bonds had dropped to only a few cents on the dollar. Holders of depreciated Confederation bonds could exchange them for new, interest-bearing bonds.

The second point of Hamilton's program was to assume the debts of the states. State debts amounted to over twenty-one million dollars and, since they were incurred in fighting the War for Independence, Hamilton felt it was a reasonable obligation of the national government. The assumption of the state debts caused a great deal of debate in Congress. States like Massachusetts, which had a heavy debt, were more than anxious for the national government to relieve them of their obligation. Those states, however, who had small debts or who had paid their debts were not quite so pleased with Hamilton's idea. Why, these states argued, should they be taxed by the central government to pay the debts of other states? The state that led in the fight against assumption of the state debts was Virginia.

Hamilton was not willing to see the assumption issue die in debate. He decided to attempt to persuade Thomas Jefferson to cooperate with him on the issue. Virginia wanted the new capital (District of Columbia) to be located on the Potomac River. Hamilton persuaded Jefferson to line up enough votes in support of assumption, and in return, the future capital would be located on the Potomac River. Thus, in 1790, Congress passed both the funding of the national debt and the assumption of state debts.

Also, as part of his program, the Secretary of the Treasury urged Congress to impose tariffs on imports. The revenue from tariffs would be the main source of income for the national government. Congress passed the first tariff law in 1789, even before Hamilton assumed office. However, the tariff passed by Congress was a low one, and its main goal was to raise money. Hamilton favored higher tariffs, which would serve to protect and encourage American industrial development. Congress voted only two small increases in the tariff during the Washington administration.

Another source of income for the national government, proposed by Hamilton, was the excise tax on whiskey, passed by Congress in 1791. The burden of this tax (seven cents a gallon) was borne chiefly by the distillers in the back country. Frontier farmers protested the excise tax, which resulted in the Whiskey rebellion of 1794. Farmers in Pennsylvania refused to pay the tax and threatened tax collectors. Some tax collectors were even tarred and feathered. Pennsylvania hesitated to do anything about this defiance of federal authority. Washington sent in the National Militia, led by Hamilton, to put down the rebellion. The militia easily dispersed the rebellious farmers, and several leaders were imprisoned. (They were later pardoned by Washington.) This display of force served to strengthen the new government's prestige and let it be known that it demanded respect for and obedience of its laws.

The final measure of Hamilton's program called for the creation of a Bank of the United States. The Bank would hold government funds and stimulate business by keeping these funds in circulation. The Bank would also issue a stable and uniform national currency. Thomas Jefferson and other states' rights champions bitterly opposed the Bank. They argued that the state banks could not survive the competition from the Bank of the United States. More important, however, the Bank would be an unconstitutional extension of Congress' power to regulate the currency. Jefferson, in a written opinion to Washington, insisted that the Constitution nowhere specifically authorized the creation of a national bank by Congress. It was a power, therefore, reserved for the states. Jefferson believed that the Constitution should be interpreted "literally," or "strictly."

In reply, Hamilton pointed to the "necessary and proper" clause of the Constitution. This clause states that Congress may pass any laws "necessary and proper" to carry out the delegated powers of Congress. Congress was specifically given the responsibility to collect taxes and regulate commerce. In order that these responsibilities be carried out adequately, a national bank was not only proper but absolutely necessary. Hamilton embraced the idea of "loose," or "broad," interpretation of the Constitution.

After much debate, Washington signed the bill establishing the Bank of the United States in Philadelphia. As established in 1791, the Bank was chartered for twenty years with a capital of ten million dollars. The Bank was to be organized and run privately, with the government owning one-fifth of its stock. Stock in the Bank was open to public sale.

The Hamiltonian System put the United States on a solid financial footing. It established United States credit abroad, allowing the Bank to borrow money at the best terms offered to any borrowing nation. Hamilton's measures encouraged foreign trade and gave added stimulus to the already growing economy.

The true significance of Hamilton's program can be seen, however, only in the context of his political philosophy. Hamilton was a strong nationalist, and his financial policies were directed toward bolstering the strength and prestige of the federal government. Hamilton believed that government should be in the hands of the rich and wellborn. The masses of people, he said, are "...turbulent and changing; they seldom judge or determine right." The Constitution, he felt, had left too many powers to the states; therefore, its success would be based on how many interests were tied to the government. The funding of the national debt and the assumption of the state debts tied the interest of those holding the new bonds to the federal government. Those who held the bonds were primarily from the old rich families and those who had commercial and manufacturing interests. The loyalty of the governing class would be ensured because their destiny would be linked to the success and stability of the government. Hamilton's policies created a strong line of propertied men who stood behind the national government, ready to resist any attempt to weaken it.

55. The national debt in 1789 was about _____ million dollars.
56. Hamilton prepared a plan to solve the problem of the public credit. The two proposals were (a) _____ and (b) _____.
57. _____ fought against assumption of the state debts.
58. Virginia wanted the new capital _____ to be located on the _____.
59. a. The _____ would hold government funds and stimulate business.
b. The Bank was established in _____ in (year) _____.
60. The Hamiltonian System put the United States on a solid _____ footing.

B. The Rise of Political Parties

When George Washington took the oath of office in 1789, political parties were unknown to American. From the beginning of Washington's administration, it was apparent that the policies of his Secretary of State were directing the nation into two camps. Those who followed the leadership of Hamilton and Washington formed the Federalist Party. Opponents of Hamiltonianism joined the Democratic-Republican Party led by Thomas Jefferson and James Madison. Our American two-party system had its beginning in the Jefferson-Hamilton rivalry

that had developed during Washington's first term. The roots of division between these two parties lay chiefly in the areas of financial policy and foreign affairs.

For the most part, those who had supported the ratification of the Constitution became Federalists. By 1793 Hamilton's effective leadership had welded them into a strong organized body. As a group, Federalists had these characteristics:

- They represented the commercial and professional class.
- They advocated government control by the wellborn and able.
- They opposed democratic tendencies and distrusted the common man.
- They wanted a strong national government and generally sought to reduce the powers of the states.
- They wanted government to foster commercial and industrial development.
- They were basically pro-British and felt that the nation's foreign policy should favor England. Many of the Federalists were merchants and shippers, and the bulk of their trade was with England.

The Democratic-Republicans, usually referred to simply as Republicans, (not the same as today's Republican Party), were led by Thomas Jefferson. Jefferson was a Virginia aristocrat and slaveholder, yet he felt a deep compassion for the common man. He was a farmer, philosopher, and scientist—a man considered by his contemporaries as a radical liberal. He believed in the basic goodness of man and that, properly educated, man could govern himself. Republicans (Jeffersonians) had these basic characteristics:

- They wanted a weak central government and believed that “government was best which governed least.”
- They represented the small farmer and artisan class.
- They opposed industrialization and urbanization and wanted America to remain a nation of small farmers. Jefferson feared that industrialization would bring to America the miserable poverty that he had seen in Europe.
- They believed in rule by the people. However, Jefferson himself qualified this conviction by saying that only educated and informed people should have a voice in government. Public education was necessary as the masses could intelligently participate in government.
- Jeffersonians were basically pro-French, believing that America should support the liberal ideas of the French Revolution.

By 1796 party rivalry had become very strong. Washington declined to run for a third term, so the Federalists turned to John Adams as their Presidential candidate. The Republicans naturally chose Thomas Jefferson as their leader. Each party put up its own slate of electors, pledged in advance to vote for the party's candidate. A bitter campaign was waged, and the issues were largely personal.

By a narrow margin of 71 votes to 68 votes, John Adams became President of the United States. Jefferson as runner-up became the Vice President. The election of Jefferson to the second spot resulted because a few New England electors, who had pledged to support the Federalist standard bearers, refused to vote for Thomas Pinckney, the Federalist Vice Presidential candidate.

C. The Nation's First Diplomatic Challenges

The new nation faced several difficult problems in the area of foreign affairs. The difficulties with France, Britain, and Spain that had faced the Confederation now plagued the new government. Washington's first objective in his foreign policy was peace. He realized that the nation needed time to continue the work of cementing the Union, but without a foreign policy that sought justice for Americans, the Union could not be maintained. Westerners would not remain long in the Union unless the government could secure free navigation on the Mississippi River. Merchants and shippers would withdraw their support if their commerce were not protected. Many Americans would soon clamor for war if the British did not evacuate their forts in the Northwest. America's international problems were compounded by the threat of war between France and the rest of Europe. A major war in Europe would spread into the New World and require some kind of action by the United States. The French revolution, begun in 1789, also added to Washington's list of foreign problems and caused domestic headaches at the same time.

1. France. In 1789 there began in France a revolution that would turn the political institutions of Europe upside down. When the revolution first broke out, most Americans were sympathetic to it. The French Revolution began as a moderate insurrection to establish a constitutional monarchy. Once the revolution had been successful, more extreme elements seized control of the revolt. These elements wanted more sweeping reforms. Led by a radical group called the Jacobins, the revolutionaries overthrew the monarchy, and France was declared a republic. The extremists began a Reign of Terror in which thousands of Frenchmen, including the King and Queen, were executed. In 1793 the leaders of the French Republic declared war on England.

Because of the excesses of the French Revolution, American opinion became sharply divided. The Federalists condemned the French Revolution, not only because of the bloodletting but also because of their ties to Britain. The Jeffersonians continued to support the French Revolution, maintaining that sometimes bloodshed was necessary to secure human freedom.

War between France and Britain forced Washington to make a difficult decision. By the terms of the Franco-American Alliance of 1778, France and the United States were allies. The

treaty obligated the United States to help protect the French West Indies. The new French Minister, Citizen Genêt, would soon be arriving to ask the United States to declare war on England. Washington was fully aware of the folly of military confrontation with England. He consulted Jefferson and Hamilton for their opinions and then decided to abrogate the treaty of alliance with France. Washington then issued, in April 1793, a Proclamation of Neutrality. This document announced America's intention to remain neutral in the spreading conflict. American citizens were warned to remain impartial to both sides. The Proclamation of Neutrality was America's first statement of its intention to remain aloof from Old World affairs.

Jeffersonians were angered by Washington's desire to remain neutral. They enthusiastically welcomed Citizen Genêt who had come to ask the United States to honor the treaty of alliance. Before presenting his credentials, Genêt began to fit out privateers and enlist seamen in Charleston, South Carolina. Genêt was cheered and applauded as he continued his journey to Philadelphia where in contrast, he was given a very cold reception. When the government offered him no help, he began appealing directly to the people. Washington demanded Genêt recall, and Jefferson concurred with the President's decision. The young diplomat's activities were bordering on sabotage, and not even Jefferson could justify Genêt's continued presence. A new minister was sent from France, bearing order to have Citizen Genêt sent home under arrest. While Genêt was absent from France, an even more extreme government had taken over, and they wanted Genêt's "head." Washington, however, permitted Genêt to stay in the United States. Genêt married the daughter of Governor Clinton of New York, and he later became an American citizen.

61. a. The Federalist Party was under the leadership of _____ & _____.
- b. The Democratic-Republican party was led by _____ & _____.
62. John Adams became President by a narrow margin of _____ votes to _____ votes.
63. Washington's first objective in his foreign policy was _____.
64. America's international problems were compounded by the threat of _____ between _____ and the rest of _____.
65. The _____ began as a moderate insurrection to establish a constitutional monarchy.
66. The Proclamation of Neutrality announced American's intention to remain _____ in the conflict between France and England.

67. America's first statement of its intention to remain aloof from _____ affairs was the _____.

2. Britain. American relations with Britain continued to be strained after the War for Independence. Americans had several grievances against the British government.

- Under the terms of the Treaty of Paris, 1783, the British were required to evacuate all outposts in the Northwest Territory. They refused to abide by the treaty, justifying their position on the ground that Americans had refused to return confiscated Tory property.
- The British refused to allow American shippers to trade with British colonies.
- Americans on the frontier claimed that the British were supplying the Indians and encouraging attacks against frontier settlements.
- Beginning in 1793, because of war with France, Britain seized American ships trading with the French West Indies. Most infuriating, however, was the *impressment*⁵ of American sailors into the British navy.

Jeffersonians demanded war to halt the British outrages, but the Federalists refused to take any drastic action. War with Britain would spell economic disaster for the United States. The government collected almost seventy-five percent of its total customs duties from British imports. The United States depended on tariffs to supply about ninety percent of its income. An armed conflict with England would dry up this important source of income.

In 1794 John Jay was sent to London to negotiate a settlement of the disputes with Britain. It was a desperate attempt by the Federalists to avert war with England. After lengthy negotiations, Jay's Treaty was signed and the prime objects of this mission were realized. The provisions of that treaty were these.

- The British agreed to evacuate the Northwest Territory by 1796.
- The British to open up their parts in the East Indies to American vessels and granted limited rights to trade with the British West Indies.
- The British agreed to pay damages for their recent seizures of American ships, and the United States agreed to pay "pre-War for Independence" debts owed to British creditors by Americans. The amounts involved in both cases would be determined by a commission of arbitration.

Jeffersonians denounced the treaty when news of it reached America. The British had made no guarantees that there would be no more seizures of American ships or impressment of American sailors. To the Jeffersonians, the treaty was a virtual surrender to the British tyrants. Jay had obligated the United States to pay debts owed to British creditors. It was the southern

⁵ impressment – the act of forcing men into the service of the government

planter who would bear the greatest burden in the payment of these pre-war debts. Jay was condemned as a traitor and mobs of Jeffersonians burned, hanged, and guillotined him in effigy.

The outrage of the Jeffersonians was hardly justified, however. Jay had refused to make concessions on several points during the negotiations. He refused to discuss the possibility of cheating on Indian satellite states and refused to make any concessions in regard to navigation of the Mississippi River. President Washington threw his support behind the treaty but, even so, the treaty was barely ratified by a two-thirds majority. Washington was viciously attacked because of his decision.

Jay's treaty preserved the peace, avoiding a war that could have been ruinous for the United States. The United States was able, for the first time, to sit down at a negotiating table on an equal basis with England. In this sense, it was a great diplomatic victory for the United States.

Spain interpreted Jay's Treaty as the beginning of Anglo-American reconciliation. Spain feared that this treaty would lead to an eventual Anglo-American alliance, which would be to her detriment. Hastily, therefore, Spain offered to settle all outstanding disputes with the United States. The result was the Pinckney Treaty of 1795, in which Spain conceded to virtually every American demand. Thomas Pinckney, the American negotiator, secured America's claim to the 31st parallel as the northern boundary of Florida. He also obtained free navigation on the Mississippi River and the right of deposit at New Orleans (permission to unload without payment of duty).

68. War with Britain would be an economic _____ for the United States.
69. The government collected _____ percent of its total customs duties from British imports.
70. Thomas Pinckney secured America's claim to the 31st parallel as the northern boundary of _____ and obtained free navigation on the _____
_____ and the right of deposit at _____.

D. Washington's Farewell Address.

On September 17, 1796, Washington's Farewell Address appeared in newspapers across the country. Eight years of commanding the ship of state had taken its toll on Washington. He was physically exhausted but, more than that, he was tired of the constant verbal abuse. When Washington became a Federalist, he lost his nonpolitical image and was continually subjected to

attacks by political enemies. In his farewell address, he summed up his political experience and gave his fellow countrymen some sound words of advice.

Washington called for unity and warned against the dangers of sectionalism, loyalty to a local area instead of a national area. "Citizens by birth or choice of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles."

He attacked the rise of political parties, which he felt only served to intensify sectionalism. "Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party. . . it serves always to distract the public councils and enfeeble the public administration. It agitates the community with ill-founded jealousies and false alarms; kindles the animosity of one part against another . . . It opens the door to foreign influence and corruption."

In the final portion of the address, Washington stated his famous doctrine of isolation. "Europe has a set of primary interests which to us have none, or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns . . . Our detached and distant situation invited and enables us to pursue a different course . . . It is our true policy to steer clear of permanent alliances with any portion of foreign world . . . Taking care always to keep ourselves, by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies."

Washington's words went generally unheeded. Jeffersonians attacked the address as Federalist propaganda. Most Americans had a great deal of respect for Washington and honored his name. There were those, however, who regarded his departure as an end of tyranny and corruption, but they were a small group of Jeffersonians whose hearts and minds were so dominated by party rhetoric that they were blinded to Washington's greatness.

E. Decline of Federalist Power.

John Adams assumed the office of President in March 1797. Adams entered office with several strikes against him, although he was a very sincere and capable man. Unlike his predecessor, Adams did not have the full support and confidence of the nation. He represented

the landed aristocracy who felt that they, the rich and wellborn, should control the government. Adams' short, plump appearance did not serve to endear him to the people, and his feud with Hamilton over the leadership of the Federalist Party was an additional handicap. Hamilton disliked Adams and continually sought to undermine the latter's programs.

President Adams had inherited a serious quarrel with France. France was extremely angry over American foreign policy, which seemed to be directed towards forming an alliance with France's enemy, England. The French charged that Jay's Treaty was in violation of the Franco-American Alliance of 1778. In retaliation, French warships began to attack and seize American ships and cargoes. By the middle of 1797, some three hundred American merchantmen had been seized on the high seas. As if these acts of aggression were not enough, the French government refused to receive the United States Minister.

Like Washington, Adams' desire was to avoid war at all costs. Three envoys were sent to Paris to negotiate a settlement of Franco-American differences. They arrived in France (1797) and were secretly approached by three agents referred to in the diplomatic dispatches as X, Y, and Z. These men, sent by Talleyrand, the French foreign Minister, demanded a loan of 10,000,000 dollars plus a 250,000-dollar bribe for the privilege of talking with Talleyrand. Giving in to the demands would not even guarantee a satisfactory settlement. News of the insult brought demands for war, and even Jeffersonians were outraged by the French action.

The United States began to mobilize her forces for war. Congress authorized American ships to attack any French vessel interfering with United States trade. Between 1797 and 1800, the United States and France were engaged in an undeclared war. Fighting was confined to the sea, where over eighty French vessels were captured by American naval forces.

The hostilities were finally ended by the Convention of 1800. Napoleon had just recently seized power in France, and he was eager to put an end to the dispute with the United States. An end to the fighting would allow Napoleon to focus his attention on his plan for conquering Europe. Under the Convention, France and the United States reestablished friendly relations. The Franco-American alliance of 1778 was given up, and the French agreed to stop attacking American shipping.

71. Washington's Farewell Address appeared in newspapers on _____.
72. Washington's Farewell words went generally _____.
73. a. John Adams entered the office of President in _____.
- b. He had several strikes against him and was continually undermined by _____.

74. France was extremely angry over American _____.
75. a. Between _____ and _____ the United States and France were engaged in an undeclared war.
- b. Fighting was confined to the sea, where over _____ French vessels were captured by American naval forces.
76. Napoleon wanted an end to the fighting so he could focus his attention on his plan for conquering _____.

War fever and anti-French hysteria ran high during the crisis with France. Adams had resisted demands by many of his Federalist colleagues, notably Alexander Hamilton, for war. He was determined to avoid war, and his efforts culminated in the Convention of 1800.

Federalist, including the President, took advantage of the crisis atmosphere in the nation and, in 1798, passed a series of laws designed to curb radical Republican power and silence opposition. These laws were known as the Alien and Sedition Acts. Congress passed four laws, the first three of which were directed against aliens and foreigners coming into the country.

- The Naturalization Act (June 1798) extended the residence requirement for citizenship from five to fourteen years. This law gave the government more time in which to deport aliens considered dangerous.
- The Alien Act (June 1798) gave the President broad power over citizens of foreign countries living in the United States, and authorized the President to imprison or deport citizens of foreign countries if they were suspected of being a threat to the United States during peacetime.
- The Alien Enemies Act (July 1798) allowed the President to imprison or deport aliens considered a threat to national security during wartime.

The United States was a haven for political refugees and agitators from all over the world. Most of these individuals joined the ranks of the Republicans, thus adding to Republican strength. These laws were never vigorously enforced, but they did frighten away many agitators and discouraged others from coming.

- The Seduction Act (July 1798) made criticism of the government and President a crime punishable by fines and imprisonment. The clear purpose of this law was to limit or prevent criticism of Federalist policies

by the Republican press. Many outspoken editors were indicted, but only a few individuals were brought to trial and convicted.

Jeffersonians condemned this legislation as Federalist tyranny and denounced the Sedition Act as unconstitutional; however, the Federalist-dominated Supreme Court was of no mind to declare the law unconstitutional. Thomas Jefferson, who was Vice President, feared that this encroachment on liberty would lead to further limitations on constitutional freedoms.

In response to the Alien and Sedition Acts, Thomas Jefferson secretly drafted a series of resolutions protesting the laws. He sent them to the Kentucky Legislature where they were approved. James Madison wrote a similar statement, and it was adopted by the Virginia Legislature.

The Kentucky and Virginia Resolutions both expressed the social contract theory of the Constitution. The Resolutions argued that the national government was created by the states. As a creation of the states, the national government could not go beyond the authority originally granted by the states. When the national government did go beyond its authority, each state had the right to judge the constitutionality of a federal law. If a law were considered unconstitutional by a state, then that law was nullified—no longer in effect—in that state.

No other states adopted the Resolutions, and several of the states condemned them. Federalists maintained that it was the people, not the states, who created the Union. If the social contract theory were taken to its logical conclusion, the Union would inevitably dissolve. Neither Kentucky nor Virginia ever acted upon the Resolutions in relation to the Sedition Acts. Jefferson and Madison had no intention of destroying the Union, but their chief purpose was to stir up opposition against the Federalists in preparation for the coming election of 1800.

The administration of John Adams marked the climax of Federalists power. By 1816 the Federalist party would cease to exist as a national organization. The election of 1800 would also mark the beginning of a new era of American history. This new era would be dominated by the personality and mind of Thomas Jefferson.

The Federalists could be proud of their achievements during the first twelve years of the American Republic. It was they who had set the wheels of government in motion. They established the power and authority of the national government. As a result of Hamilton's fiscal policies, the United States had a sound financial system. Federalist policies encouraged commercial and industrial development and prosperity.

77. The _____ extended the residence requirement for citizenship from 5 to 14 years.
78. The _____ gave the President broad power over citizens of foreign countries living in the United States.
79. The _____ allowed the President to imprison or deport aliens considered a threat to natural security.
80. The _____ made criticism of the government and President a crime punishable by fines and imprisonment.
81. By 1816 the _____ would cease to exist as a national organization.

IV. THE JEFFERSONIAN ERA

A. Jefferson's Administration

1. The Election of 1800. The election of 1800 was a clear indication of a radical shift in American political thinking. Thomas Jefferson considered his own election to the Presidency as a triumph for the common man. He even proclaimed it to be “as real a revolution in the principles of our government as that of 1776 was in its form.” Indeed, this election has been called the “Revolution of 1800.” The Federalist party was split into two distinct factions, led respectively by Alexander Hamilton and John Adams. The public was predisposed to be opposed to the Federalists because of (1) excessive government spending and taxation and (2) the unpopular Alien and Sedition Acts. The campaign had been hard fought and filled with large amounts of mutual slander. The election ended in a virtual dead heat and was, therefore, thrown into the House. A tie existed between Jefferson and Burr with Adams and Pinckney running closely behind. This deadlock continued for thirty-five ballots. Finally, the powerful and influential Alexander Hamilton threw his personal support to Jefferson. Hamilton really did not agree with Jefferson, but he intensely disliked Adams and thought Burr was a scoundrel. Pinckney had trouble commanding the loyalty of even his own party (Federalist). With this dramatic shift in support, Jefferson easily won on the thirty-sixth ballot.

The 1800 election basically sounded the death knell for the Federalist Party. The Federalists lost not only the Presidency but the House and Senate as well. The entire country had been led rapidly down the road from federal nationalism to Jeffersonian democracy. The philosophy of Jefferson and his party differed greatly from that of their Federalist predecessors. The Democratic-Republicans (Jeffersonian Party) were highly influenced by the writings of John Locke and the thinkers of the French Enlightenment. Jefferson personally believed in an

electorate composed of educated, rural, and common men. He greatly feared industrialization and urbanization. Once in office, the Democratic-Republicans repealed many of the laws passed under Federalist administration. Although Jefferson's enemies expected him to be a thorough-going extremist in office, political expediency caused him to act with certain degree of moderation. The Republicans (Democratic-Republicans, not to be confused with today's Republican Party) were the inheritors of many unsolved Federalist problems. Chief among these problems was that of navigation on the Mississippi River.

82. Thomas Jefferson considered his own election to the Presidency as a triumph for the _____.
83. The Jeffersonian Party was highly influenced by the writings of _____ and the thinkers of the _____.
84. One of the chief problems inherited by the President was the navigation on the _____.

2. The Louisiana Purchase. Various, Spain and/or France controlled the mouth of the Mississippi River and the port of New Orleans. Neither of these foreign powers were particularly cooperative with western American merchants and farmers who were attempting to get their goods to market. The same year that Jefferson was elected President of the United States, Napoleon Bonaparte, the dictator of France, acquired by stealth and secret treaty the trans-Mississippi region from Spain. In 1802 Bonaparte denied Americans the right to use the port of New Orleans, which thoroughly enraged western Americans. Jefferson responded by dispatching Robert Livingston and James Monroe to France to attempt to purchase New Orleans. They found the French tyrant beset with many problems both at home and abroad. Many of Bonaparte's carefully laid schemes had gone sour, and his European wars were nearly bankrupting the French treasury.

The philosophies that spawned the French Revolution of 1789 had spread to all parts of the French Empire. Some of the revolutionaries from France immigrated to Saint Domingue and, through the agency of the same clandestine fraternal orders they had used in France, began to foment revolution among the Negroes. Their revolutionary catechism found fertile ground in the mind of the forty-eight-year-old slave Pierre Francois Dominique Toussaint-Breda. Having been given a liberal education by his master, Toussaint-Breda had already absorbed the radical works of Voltaire and Rousseau. In the year 1791, he led his fellow slaves into open, armed revolt.

Because of his ability to constantly find openings in the lines of the enemy, Toussaint-Breda was given the name “L’Ouverture,” which means “the opening.” By 1801 Toussaint L’Ouverture had taken over the entire island of Hispaniola and established the first Negro republic in history. L’Ouverture’s dreams, however, did not stop there. He plotted to transport the revolution to the United States and lead the Negro slaves there in revolt against their white owners.

L’Ouverture was an ardent admirer of Napoleon Bonaparte and once addressed him, “From the first of the blacks to the first of the white.” It was his hero Napoleon, however, who crushed the Negro rebellion. Bonaparte had grandiose schemes of his own. He planned to use the French army—sent to quell the revolt in Haiti—to help consolidate his western empire in French Louisiana. The French army succeeded in breaking the Negro rebellion and capturing L’Ouverture. It was, however, a Pyrrhic victory. Napoleon’s army was hopelessly weakened by the combination of Haiti’s Negro rebels and yellow fever. His virtual defeat on Saint Domingue placed Napoleon into the position of having to sell the Louisiana Territory to the United States.

The American agents, Livingston and Monroe, offered the French government two million dollars for New Orleans. Their French counterpart, Marbois, astounded the Americans by offering to sell them not just the city of New Orleans but the entire territory of French Louisiana. After considerable discussion the American representatives agreed, in the name of President Jefferson, to purchase Louisiana for the sum of fifteen million dollars.

By the act of purchasing the Louisiana Territory, Thomas Jefferson violated his own personal political philosophy and certain fundamental precepts of the United States Constitution. For years he had criticized the Federalists for increasing the national debt. However, with a single stroke of the pen—with the purchase of Louisiana—Jefferson increased the national debt to the tune of fifteen million dollars. He had always been a strong proponent of strict interpretation of the Constitution and an ardent foe of the concept of implied powers. Then in 1803, Jefferson made sweeping use of the implied powers of the Constitution. He had absolutely no Constitutional authority to make the Louisiana Purchase. He was persuaded to invoke Article II (2), Section 2, Clause 2 of the federal Constitution, which empowered him to make treaties. Jefferson never did really believe, however, that this was a proper interpretation.

Jefferson finally yielded to rank expediency, admitted he was wrong, and went ahead and did it anyway. His only defense was that future generations of Americans would excuse him for his illegal method of acquiring Louisiana. The use of this appropriated power played havoc with the doctrine of states’ rights and caused Jefferson to eat all the many words he had uttered against consolidation. In his inaugural address, Jefferson had said that the United States possessed all the

land needed “for our descendants to the thousandth generation.” Yet in 1803 he was asking Congress to approve his doubling of U.S. holdings. In this one act, Jefferson the statesman became Jefferson the politician.

85. _____ and/or _____ controlled the mouth of the Mississippi river and the port of New Orleans.
86. The first Negro republic was on the island of _____.
87. Because of Napoleon’s defeat in Haiti, he had to sell the Louisiana Territory to the _____.
88. Livingston & Monroe offered the French _____ million dollars for the purchase of New Orleans.
89. The French offered to sell not only New Orleans but also the entire territory of _____.
90. After much discussion the United States purchased the Louisiana Territory for _____ million dollars.
91. President Jefferson had no Constitutional authority to make the _____ _____.

3. The Burr Conspiracy. The animosity between Alexander Hamilton and Vice President Aaron Burr reached a tragic climax in 1804. Burr blamed Hamilton for certain personal political reversals and challenged him to a duel. On July 11, 1804, the two antagonists met near Weehawken, New Jersey. Only one shot was fired, and Alexander Hamilton fell mortally wounded. Burr, indicted for “willful murder,” fled the country. He returned to Washington D.C., under Congressional immunity when Congress reconvened and presided over the session. When Congress recessed, Burr immediately left for western territories. One-time Vice President of the United States, Aaron Burr, later died a broken and lonely man.

C. **Christian Awakenings**

In the midst of all the political and economic ups and downs in America, there were responding spiritual highs and lows. Let us now consider one element of that side of American life—the history of American missions. This may be viewed as having three separate but overlapping endeavors: (1) to colonial America as a mission field of the European Christian community, (2) to the indigenous Indian populations by colonial and early national America, and (3) to far-flung foreign lands by missionaries sent from the United States of America.

The single most important religious event in American history is surely the Great Awakening (1725-1776). In that period just prior to the American War for Independence, this great revival was responsible for thousands of American colonists coming to a saving knowledge of Jesus Christ. This Awakening was the result of both an indigenous revival within the colonies themselves and a missionary outreach from England. The initial impetus from the American revivals most likely stemmed from the English revivals under the preaching of John and Charles Wesley. In the midst of this Great Awakening, the Wesley brothers and George Whitefield made missionary trips to America, the latter being considered the human powerhouse of the American Great Awakening.

92. Because of an ongoing animosity between Alexander Hamilton and Vice President Aaron Burr, Burr shot and killed Hamilton in _____.
93. The single most important religious event in American History was the _____.
94. The revivals were mostly from the preachings of John & Charles Wesley from _____.
95. Along with the Wesley brothers, _____ was one of the human powerhouses of the Awakening.

During the years from 1789 to 1810, a second awakening took place in America. In 1789 revival began at Hampden-Sydney, a little college in Virginia, and spread to other colleges in the South and then on into New England. In 1802 the Congregationalist president of Yale, Dr. Timothy Dwight, presented the same message of revival, and one-third of his student body was saved. Revival then began to spread throughout the New England area. Dr. Jedidiah Morse, the Congregational preacher at Charlestown, Massachusetts, preached revival messages that warned the country against the spread of humanistic Jacobism from France. Morse was a student of Jonathan Edwards and the father of Samuel F. B. Morse, the inventor of the telegraph. Morse was also one of the founders of Andover Theological Seminary, which was founded to combat the spread of Christless Unitarianism in the country.

The two great awakenings had tremendous influence on the history of this country. The essence of this revival message related to a personal salvation experience with Jesus Christ and recognition that all people are of equal value in God's sight. This fact influenced the political thinking of the nation in the area of republican government and the individual worth of man. Although not all of the Founding Fathers were true Believers, all of them had heard George Whitefield preach and were greatly influenced by him and his message. Their thinking was based

upon the Biblical principles that he, Jonathan Edwards, and the other men of God preached. Truly it may be said that Whitefield converted a nation. It was due to this influence that the War for American Independence did not degenerate into the immoral and bloody excesses of the French Revolution. In the same manner, the preaching of Whitefield and the Wesley brothers in England kept those same excesses from crossing the English Channel from France and destroying England. The social change for the betterment of mankind must be based upon the Bible and Biblical principles. The American War for Independence produced a better world because Godly, Bible-influenced men let themselves be used of God. The French Revolution failed because God was left out. Human logic, finite reason, and the deification of man resulted in the tragedy, terror, and bloodshed from which France never fully recovered. God worked through His preachers to change the hearts of the people in America to prepare thirteen colonies for the greatest experiment in personal liberty ever known in history.

96. Revival spread throughout the New England area from the preachings of _____ and _____.
97. It has been said that George Whitefield truly converted a _____.
98. The American War of Independence produced a better world because of Godly, Bible-influenced _____.
99. The French Revolution failed because _____ was left out.
100. Changed hearts of the people in America helped prepare _____ colonies for the greatest experiment in personal _____.