

The Constitution and The New Republic:

- Americans grown disappointed with the Confederation (INTRO)
 - Instability
 - Failure to handle economic situations adequately
 - Powerlessness
 - Displayed during Shays's Rev.
 - The Const. of the U.S forms new gov.
 - Ideas had been reconsidered prior to creation of document
 - Main point is to create strong unified gov.
 - Some feared creating a national gov.
 - Believed it would interfere with power of ind. colonies
- **Framing a new government**
 - Conf. becomes insufficient and unpopular during mid 1780s
 - Members withdrew from Philadelphia
 - Escape army veterans demanding pay
 - Settle in N.Y
 - Cong. went through hardship to end Rev. War
 - Northwest Ordinance is most important piece of legislation
- *Advocates of Centralization*
 - Majority of people believed they fought Rev. War to avoid tyranny
 - Keep political power center in states
 - Powerful and wealthy groups
 - Want a gov. that is able to handle economic problems (that directly affected them)
 - Military men discontent with Cong. not funding their pensions
 - Military dictatorship envisioned
 - Plan to energize national government
 - G. Washington blocked potential rebellion
 - Amer. Manufacturers
 - Want high national duty
 - Merchants/shippers want a single national policy instead of state ones
 - Land speculators want Ind. gone
 - No more paper money
 - More \$ = less value
 - Property owners want protection
 - Threatening mobs like Shays's Reb.
 - Fear of disorder and violence
 - Determined defense of ind. rights &
 - Core of Rev.
 - Public concern for safety and security
 - Fortified by chaos of Conf. period
 - Conflicts between liberty and order
 - Central feature of Amer. democracy

- Demands grow to be powerful
 - Alexander Hamilton leads the way for the call of a stronger national gov.
 - Called for national convention to maintain whole document
 - Finds allies in James Madison then G. Washington
 - Calls for a Const. Convention
 - G.W's support gives meeting credibility right away
- *A Divided Convention*
 - 55 men attend convention in Phil. : "Founding Fathers"
 - Delegates for all states but R.I
 - Young men; well-educated, wealthy, feared democracy and concentrated power
 - Choose G. Washington to lead
 - Decide that each state gets one vote
 - Call for a new gov.
 - Different from existing Conf.
 - Had no executive branch
 - Consisting of a supreme legislative, executive, and judiciary
 - Eager delegates approve plan after one quick discussion
 - The VA Plan
 - New legislature consisting of two houses
 - Lower house: states representation determined by pop.
 - Larger state would have more reps.
 - Upper house: no firm system of representation
 - Plan arouses opposition from smaller states
 - Argued that point of convention was only to revise Art. Of C.
 - No power to do any more
 - N.J Plan; Alternative to VA Plan
 - Keep one-house legislature (only one chamber)
 - Each state has equal representation
 - Cong. expanded powers
 - Tax
 - Regulate commerce
 - Making decisions on
 - Whether slaves (who can't vote) would be counted as part of population for representation or be considered property
- *Compromise*
 - Convention agreed to form a "grand committee"
 - One delegate from each state
 - Resolve disagreements
 - "Great Compromise" created
 - Slave counts as $\frac{3}{5}$ of a free person
 - Upper house: states represented equally with two members
 - No definition of citizenship and individual rights under Const.

- Restrain power of national gov.
- *The Constitution of 1787*
 - Obstacles of creation of an effective national gov.
 - Sovereignty
 - All power of all level of gov. ultimately came from the people
 - “We the people of the U.S” (Const.)
 - Belief that new gov. got power from its citizens
 - States could not defy power of Const.
 - Federal gov. could tax, control trade, control currency, pass laws
 - Fearing a tyrannical gov.
 - Best way to avoid is to keep gov. close to people
 - States must be sovereign
 - J. Madison argues large republic less likely to produce tyranny
 - Idea of large republic made possible and structure of federal gov. formed
 - Centers of power “checking each other” and preventing tyrannical power from emerging
 - “Federal” structure of gov. divided power b/w states and nation
 - To protect U.S from any kind of dictatorship and tyranny of people
 - Ex. Shays’s Reb.
- *Federalists and Antifederalists*
 - Federalists supported the Const.
 - *Publius*: series of essays defending meaning and virtues of Const.
 - Opposed Anti Federalist (who opposed Const.) views
 - Now known as Federalists Papers
 - Anti Feds critique Const.
 - Believed Const. would defeat true principles of Rev.
 - Const. would establish a strong and potentially tyrannical new national gov.
 - Increase in taxes
 - Cons. lacked bill of rights
 - Any gov. that centralized authority would produce tyranny
 - Demand bill of rights
 - No gov. could be trusted to protect liberties of citizens
 - Keeping track of rights of people ensured rights would be preserved
 - Federalists fear disorder most
 - Sought Const. to create a gov. that safeguards from popular passions

- Anti Feds. fear dangers of concentrated power rather than popular passion
 - Oppose Const. same reasons as Federalists supported it
 - Made a block b.w people and exercise of power
 - Nine states ratify Const. by 1788
 - Need two more states, VA & N.Y
- *Completing the Structure*
 - G. Washington becomes President
 - John Adams (leading Federalist), becomes V. President
 - Cong. has important task of drafting a bill of rights
 - Agreed on its importance of legitimizing new gov. in eyes of opponents
 - Twelve amendments approved by Cong. (1789) and ten ratified by states (1791)
 - First ten amendments to Const. known as Bill of Rights
 - Nine of which places limitations on Cong.
 - Tenth one reserved all powers to states
 - Judiciary Act of 1789
 - Cong. provided S. Court with power to make final decision in cases involving constitutionality of state laws
 - Cong. created three departments
 - State, treasury, and war
 - Establishes offices of attorney general and postmaster general
 - Washington appoints following
 - Alexander Hamilton to secretary of treasury
 - General Henry Knox to secretary of war
 - Edmund Randolph to attorney general
 - Thomas Jefferson to secretary of state
- **Federalists and Republicans**
 - Hamilton leading Federalists vs Madison and Jefferson leading Repbs.
- *Hamilton and Federalists*
 - Hamilton big figure in Washington's administration
 - Pressed more influence on domestic and foreign policy
 - Believed stable and effective gov. needed wealthy and powerful class
 - Had to give elite a stake in its success to receive support
 - New gov. would take responsibility for public debt
 - Policy of "funding" the debt
 - Federal gov. received certificates of state war debts (from Rev. War) and exchange for interest bearing bonds
 - Wanted to create a nation bank
 - Give gov. safe place to deposit federal funds
 - Help collect taxes
 - Be chartered by fed. gov.
 - Gov. revs coming from sale of public lands
 - Hamilton imposes two new taxes

- Paid by distillers of alcoholic liquors
 - Heaviest on farmers who distilled liquor from corn and rye into whiskey
 - Tariff on imports
 - Raise revenue and protect American produce from foreign competition
 - “Report on Manufactures” of 1791, Hamilton lays out a plan for arousing growth of industry in U.S with advantages of healthy manufacturing base
 - Feds. vision of how to stabilize new gov.
 - Nation able to participate in world economic affairs with prominent role
 - Wealthy, enlightened ruling class
 - Vigorous, independent commercial economy
 - Thriving industrial zone
- *Enacting the Federalist Program*
 - Hamilton’s program
 - Proposed that federal gov. fund state debts
 - Struck deal with VA to get support of bill and gets bill signed by House and Senate
 - National capital moving from N.Y to close to VA
 - Excising taxes made possible
 - Prompted protests from farmers and revisions made to reduce burden on distillers
 - Most of Hamilton’s intended effects successful
 - Public credit restored
 - Bonds sold above par value
 - Speculators get big \$
 - Manufacturers get \$ from tariffs
 - Seaport merchants get \$ from new bank system
 - Small farmers who form vast majority of population complain
 - Bear an unfair tax burden
 - Had to pay property taxes to state gov. and excise tax on distilleries and tariff
 - Feeling growing among Amer. that Feds. program:
 - Targeted interests of small, wealthy and elite instead of the people
 - Organized political opposition rises
- *The Republican Opposition*
 - Feds. enact a program that many leaders oppose
 - Makes it seem like Hamilton worked to create a national network of influence that embodied worst features of a party
 - Feds. used control over appointment and awarding of gov. franchises to reward supporters and win more allies
 - Encouraged formation of formation local associations to enforce their standing in local communities

- Opponents believe many of the things was done by corrupt Br. gov. from before
- Critics decide there is no alternative other than organize vigorous opposition
 - Appeared to them that Feds. forming a tyrannical form of power
 - Repb. Party emerges as alternative political organization
 - Formed committees, societies, and caucuses
 - Justify actions by claiming to represent true interests of nation and defend people against corrupt scheme of Feds.
 - “first party system” = institutionalized factionalism
 - Neither side willing to admit it acting as a party or acknowledge others existence
 - Jefferson most prominent spokesman of Repbs.
 - Considered self a farmer
 - Believed in agrarian republic and citizens would be independent farmers
 - Didn’t scorn commercial activity or oppose industry
 - Suspicious of urban cities; feared urban mobs
 - Envisioned a decentralized society
 - Dominated by small property owners participating in mainly agrarian activities
- Federalists and Republicans: different philosophies
 - Feds. express horror in reaction to Fr. Rev.
 - Of overthrow of monarchy, execution of queen and king, attacks on organized religion
 - Repbs. praise democratic, anti-aristocratic spirit believed Fr. Rev. to embody
 - Regional & economic differences:
 - Feds. numerous in commercial centers of Northeast
 - Repbs. most numerous in rural areas of South & West
 - Hamilton and Jefferson urge Washington to run again and he agrees (1792)
 - Amer. consider Washington above supporter battle
 - Washington actually sympathized more w/ Feds.
 - Hamilton remains dominant figure in gov.
- **Establishing National Sovereignty**
 - Feds. unify position by effectively dealing with problems
 - Helped stabilize nation’s western lands
 - Strengthened Amer. international position
- *Securing the Frontier*
 - Whiskey Rebellion of 1794
 - Western Penn. farmers refuse to pay whiskey excise tax
 - Tax collectors terrorized (like Stamp Act)
 - Washington collapses reb. with militia

- Fed. gov intimidate whiskey rebels to get them to comply
- Last of original 13 colonies join Union after B of R. fixed to Const.
 - VT- 1791, KY- 1792, TN-1796
- *Native Americans and the New Nation*
 - Const. does little to resolve conflict with N. Americans
 - Place of Ind. nations within new federal structure
 - Const. barely mentions N. Americans
 - Although recognized existence of tribes as legal entities
 - Not citizens
 - No direct rep. in gov.
 - Issue not addressed of land problems b/w white and Ind.
 - Relationship determined by treaties, agreements, judicial decisions
- *Maintaining Neutrality*
 - Amer. neutrality established by Pres. and Cong. in conflict b/w G.B & Fr. (1793)
 - Edmond Genet, first diplomatic representative of Fr.
 - Went to Charleston and made plans to use Amer. ports to hold Fr. warships and encouraged Amer. shipowners to serve as Fr. privateers
 - Disregards Washington's policies and violates Neutrality Act
 - Angered Washington demands Fr. gov. to recall him
 - In 1794, Royal Navy (of G.B) seizes hundreds of Amer. ships engaged in Fr. W. Indies
- *Jay's Treaty and Pinckney's Treaty*
 - Hamilton persuades Washington to name a special administrators to England & Spain
 - John Jay; Federalist, Chief Justice of U.S Supreme Court
 - Instructed to secure compensation for recent Brit. assaults on Amer. shipping, demand withdrawal of Brit. forces from frontier posts, negotiate new commercial policy
 - Jay's Treaty fails to achieve goals
 - Still settles conflict with Brit. and helped prevent a potential war
 - Est. undeniable Amer. supremacy over all of Northwest
 - Produced commercial trade w/ Brit.
 - Thomas Pinckney; special negotiator to Sp.
 - Pinckney's Treaty of 1795
 - Spain recognizes right of Americans to navigate the Miss. and deposit goods at N. Orleans
 - Agreed to fix northern boundary of Fl. as Amer. insisted where it should be

- Ordered Span. authorities to prevent Ind. in Fl. from launching raids across border
- **The Downfall of the Federalists**
 - Feds. successes did not secure continued dominance in nation gov.
 - Feds. choose preserving stability over respecting ind. rights
 - Never win another election and gradually vanished
- *The Election of 1796*
 - Washington resigns even when pressured to rerun
 - “Farewell Address” attacks Reps.
 - Warning against international muddles
 - V.P John Adams becomes candidate Feds. and Jefferson for Repb.
 - Feds. split choosing b/w Adams and Hamilton
 - President Adams and V.P T. Jefferson
 - Preside over divided parties
- *The Quasi War w/ France*
 - Fr. and Amer. relationship declines
 - Fr. vessels capture American ships
 - Bipartisan commission appointed to negotiate w/ Fr.
 - Are demanded a loan for Fr. and a bribe for Fr. officials before negotiations
 - “XYZ Affair”
 - Pres. Adams in response urges Cong. of preparations for war
 - U.S engaged in undeclared war w/ Fr.
 - Adams convinces Cong. to cut off all trade w/ France
 - Authorize Amer. vessels to capture French armed ships
 - Department of Navy created in 1798, devote \$ for construction of new warships
 - U.S soon to be ally of Br. against Fr.
 - Fr. conciliate w/ U.S before conflict grows
 - “quasi war” comes to reasonably amicable end
- *Repression and Protest*
 - Alien and Sedition Acts of Fed. to silence Repb. opposition
 - Alien Act: Placed obstacles in way of foreigners who hoped to become Amer. citizens
 - Sedition Act: Permitted gov. punish those out loud against gov.
 - Resolutions set by VA and KY use ideas of John Locke to argue that fed. gov. had been formed by a compact among states and possessed only certain entrusted powers
 - Alien and Sedition Acts = unconstitutional
 - VA - Madison, KY - Jefferson
 - KY resolution: if states claim if gov. exceeds its powers then they had right to void laws
 - No wide support for nullification by Rep.
 - Rep. and Feds. dispute rises

- National crisis: entire nation deeply and bitterly divided politically than ever
- *The “Revolution” of 1800*
 - Same presidential candidates in 1800 election
 - Adams (Fed.) vs Jefferson (Repb.)
 - Jefferson elected
 - Judiciary Act of 1800
 - Amount of S. Court justices reduced by one; greatly increased amount of fed. judgeships
 - Adams quickly appoints Feds. to newly created positions
 - Come to known as “midnight appointments”

The Constitution, the Articles, and Federalism: Crash Course #8

- First gov. set up by Const. Cong.
 - Art. Of Conf. (did not last too long)
 - Not much of a structure for a national gov.
 - Consisted of one house of del.
 - Each state w/ one vote
 - Decisions needed at least 9/13 states to vote
 - Guaranteed no decisions would be made (super majority inefficient)
 - Congress limited in what it could really do
 - Decl. war, conduct foreign affairs, make treaties
 - Couldn't collect taxes
 - Gov. deliberately weak
 - From Amer. Fear of tyrannical gov.
 - Useless
 - Few accomplishments
 - Won war
 - Gov. developed rules for dealing w/ Ohio
 - Was called North West
 - Indians surrendered land N. of Ohio River through treaties
 - N.W Ordinance of 1787
 - Created process to set up 5 new states b/w Oh. & Miss. Rivers
 - Ack. Amer. Ind. Had claim to land and had to be treated better if settlers wanted to avoid violence
 - Outlawed slavery in all five of new states
 - Complete disaster b/c of inability to collect taxes

- Bad b/c national gov. and ind. states rack up big debt for war
- Tariffs main resource of revenue
 - Had to be done by states ind.
- Shay's Reb. (MA)
 - Farmers closed courts to stop them from taking over their farms
 - Stopped by state militia
 - Sign that Art. Of Conf. had to go (couldn't deal w/ crisis)
 - Showed too much democratic liberty to most elites
 - This among lower classes could threaten priv. prop.
 - People who held gov. bonds because no tax rev. meant unlikeliness to get paid back
 - Elite attempt to do something was Annapolis Convention in 1786; aimed at reg. international trade
 - Also agreed to meet again to "revise" Art. Of Conf.
 - Ended up writing new charter of gov., the Const.
 - Shared desire for stronger national gov.
 - Agreed gov. should have ex., leg., and jud. branches and repb. w/ reps.
- J. Madison VA plan vs. N.J Plan
 - VA Plan (supported by large states): two house legislature w/ rep. in proportion to states pop.
 - N.J (sup. by smaller states who feared domination): single legislative house with equal rep. for each state
 - Instead "Great Compromise" (CT) happens
 - Two legislature houses
 - House of Reps.
 - Representation like VA Plan
 - Senate w/ two members from each state
 - Congressmen (House members)
 - Be responsive to people
 - Senate
 - To never pass anything
 - Who was counted in terms of rep.?
 - States w/ slaves argue slaves should not be counted as people
 - Slaveholding state want slaves counted towards pop.
 - Slaves were prop.
 - 3/5ths comp. for purp. of determining pop.
- Slaves/Const.

- Any escaped slave had to be returned to master
 - States couldn't enforce own laws
- To avoid tyranny of gov., Const. had two principles
 - Separation of powers and federalism
 - Divided into three branches
 - Leg., exec., and jud.
 - Checks and balances
 - Each branch can check power of others
 - Federalism
 - Gov. authority rests on national and state gov.
 - Electoral College: preventing too much democracy
 - Potential to elect a president that did not win popular vote
 - Educated men of property who were more capable of electing a president
- To convince delegates (9 of 13) to vote for and ratify Const.
 - Hamilton, Madison, Jay write series of 85 essays
 - "Federalist Papers"
 - Persuasive argument for why a strong national gov. is important and not a threat to people's liberty
- Anti-federalists
 - Small farmers, common ordinary people not really involved w/ commerce
 - Saw less need for a strong national gov. (fear it)
 - Especially one dominated by wealthy
 - Smaller, more local gov. are more responsible to people and better able to protect their rights
- Federalists win and Const. ratified
 - However discussion of how large a gov should be did not vanish