Chapter 6 Study Guide

The Constitution and the New Republic

I. Framing A New Government

* Most resourceful of reformers: Alexander Hamilton; did not like how the a. of confed. consisted of a weak central government they had created; now called for a national convention to overhaul the entire document
* Being that the Annapolis convention only had five states send delegates, there seemed little possibility that the PA convention would attract any interest

I. Divided Convention:

* 55 men representing all states (except RI) attended one or more sessions of the conventions in the PA State House (Founding Fathers)
* Major decisions needed majority (George Wash. was chosen as presiding leader)
* Edmund Randolph got Madison’s idea that proposed a national government to be est. with three branches named the Virginia Plan
* Two houses: lower house would be represented in proportion to their population and member of the upper house were to be elected by the lower house under no system of representation (smaller states = no members)
* Resulted in New Jersey Plan that would preserve one-house legislature in which each state had equal representation but gave Congress powers to tax and regulate commerce

II. Compromise:

* Great Compromise:

-Called for legislature in which states would be represented in the lower house on basis of population

-Each slave would be counted as 3/5 of a free person

-In the upper house, the states would be represented equally with two members apiece (proposal broke the deadlock)

* New legislature would not tax exports and congress would forbid to impose a duty or more than $10 a head on imported slaves, and it would have no authority to stop slave trade for next 20 yrs.
* Constitution had no def. of citizenship and absence of indiv. Rights

III. Constitution of 1787:

* Madison was most important in creating the const; helped solve the question of sovereignty and question of limiting power
* All power at all levels of government flowed ultimately from the people
* Federal government was to have broad powers: power to tax, regulate commerce, control currency, and to pass “necessary and proper” laws.
* Borrowed from Montesquieu: must keep government close to the people to avoid tyranny
* Separation of powers: would have Senate and H. of Rep.

-Pres. Could veto acts of congress and fed. Courts would have protection from exec. And legis. b/c they were appt. for life

-H. of Reps directly elected by the people and & Senators, pres. And fed. Judges would be insulated in varying degrees from the public

IV. Limits of the Const.:

* Indians and Af. Americans enjoyed none of the rights provided to whites
* Jefferson thought he could civilize the N. Americans; not granted citizenship until 1920s
* Naturalization Act of 1790: legalize the stream of immigrants coming into the country and allowed them to become citizens. Available only to whites.

V. Federalists and Anti-Federalists:

* All the state legislatures except Rhode Island’s elected delegates to ratifying conventions, most of which began meeting by early 1788
* Federalists: (Washington and Franklin) opponents of centralization thus implying that they were less committed to a “nationalist” government; Hamilton, Jay, and Madison wrote the papers.
* Anti-Federalists: believed that the Const. would betray the Revolutionary principles by est. a strong, potentially tyrannical, center of power in the new national government. They claimed that the fed. Gov’t would increase taxes, obliterate states, and put end to indiv. Liberty

-Main concern: const. lacked bill of rights

* Delaware was 1st to act on ratification on const. then NJ, GA, PA, MA.

VI. Completing the Structure:

* First elections took place in 1789
* Bill of Rights: approved 12 amendments on Sept. 25 and ten of them were ratified by the states at end of 1791.
* Judiciary Act of 1789: Congress provided for a Supreme Court of 6 members
* Created 3 exec. Departments: state, treasury, and war

-Sec. of war: General Henry Knox

-Sec. of treasury: Hamilton

-Attorney general: Edmund Randolph

-Sec. of state: Jefferson

VII. Federalists and Republicans:

* Hamilton and Federalists: concerning the debt, Hamilton wanted to create a large and permanent national debt, with new bonds being issued as old ones were paid off; result would be that the wealthy classes would lend money to the gov’t
* Wanted to create a national bank
* Funding and assumption of debts would now have to pay interest on the loans it was accepting.
* Proposed two new kinds of taxes: 1) excise to be paid by distillers of alcoholic liquors 2) tariff on imports
* “Report on Manufactures” he laid out a grand scheme for stimulating the growth of industry in the U.S.

VIII. Enacting the Federalist Program:

* Many members of Congress believed that if the federal gov’t was to assume responsibility for these bonds, some of them should be returned to the original purchasers
* Debate: opponents to Hamilton said that if the fed. Gov’t took control over state debts, the people of states with few debts would have to pay taxes to service the larger debts of other states
* Hamilton changed national capital from New York back to PA in 1790; needed to move capital more to the South to get support from Virginia
* Madison, Jefferson, Randolph argued that Congress should exercise no powers that the Const. had not assigned it regarding bank
* Bank began operations in 1791.

V. Republican Opposition:

* Federalists appeared to be creating a tyrannical structure of power and in result an emergence of the Republican Party
* Figures of Republican Party: Jefferson and Madison (Jefferson envisioned a decentralized society, dominated by small property owners engaged largely in agrarian activities)
* Differences in French Revolution: federalists expressed horror while republicans applauded the democratic spirit the revolution had
* Federalists were numerous in commercial Northeast and seaports in Charleston; Republicans were numerous in rural areas of South & West
* Washington mostly sided with Federalists and ran for another term in 1792

**Establishing National Sovereignty:**

* Whiskey Rebellion: farmers raised challenge to federal authority when the refused to pay excise tax on whiskey and began terrorizing tax collectors; Washington called army of 15,000 to lead troops in PA and rebellion collapsed
* Native Americans and the New Nation: Article VI and Article I dealt with treaties with the Natives, received no direct representation, relationship was determined by treaties and judicial decisions

I. Maintaining Neutrality:

* First challenge: came from revolutionary France and its 1st diplomatic representative Edmond Genet (“Citizen Genet”) who disembarked at Charleston; made plans to use American ports to outfit French warships, encourage ship-owners to serve as French privateers, and commissioned George Clark to lead military journey against Spanish lands

-Ignored Washington’s policies and the Neutrality Act

-Granted him political asylum and settled in Long Island

* Second challenge: in 1794, the Royal Navy (G.B.) began seizing hundreds of American ships engaged in trade in the French West Indies, outraging public opinion in US.

-Governor of Canada gave Indians war-like speech to challenge U.S.

-Hamilton feared end to imports from England and most of revenue for maintaining finance system came from duties on imports

II. Jay’s Treaty and Pinckney’s Treaty:

* John Jay was instructed to secure compensation for the recent British assaults on American shipping and to demand withdrawal of British forces from the frontier posts and to negotiate commercial treaty

-Treaty in 1794 failed to achieve these goals but settled conflict with Britain and helped prevent what had seemed a war between 2 nations

-Est. American sovereignty over entire Northwest and commercial relationship with Britain

-Republicans and James Monroe and Randolph wanted to prevent ratification but it was still implemented.

* Thomas Pinckney est. a treaty that Spain recognized the right of Americans to navigate the Mississippi to its mouth and deposit goods at N. Orleans for reloading the oceangoing ships; agreed to fix northern boundary of FL where Americans always insisted it should be along 31st parallel, and required Spanish authorities to prevent Indians in FL from launching raids

III. Downfall of Federalists:

* After 1796, they won another election; the institutions that they worked hard on survived but they vanished as a political force

IV. Election of 1796:

* “Farewell Address” in 1797 to American people from GW
* With Washington out, Jefferson was candidate for Republicans in 1796 and Adams for federalists
* Adams assumed presidency and presided over a divided party (Hamilton was most influential among federalists

V. Quasi War w. France:

* Captured American ships and denied recognition of representative Charles Pinckney
* Adams appointed a committee with Charles Pinckney, Marshall, Gerry to negotiate with France and three agents of French minister, Talleyrand demanded a loan for France and a bribe for French officials before any negotiations could begin
* Adams sent a message to Congress denouncing the French insults and urging preparations for war
* Adams deleted the names of the three French agents and designate them as “Messrs. X, Y, and Z” (created outrage at France’s actions and strong support for Federalists’ response); created undeclared war
* Adams persuaded Congress to cut off all trade and to capture French ships
* 1798: Congress created Dept. of Navy and captured 85 ships
* Adams sent commission to Paris in 1800 and agreed to a treaty w US that canceled the old agreement of 1778 and est. new commercial arrangements

VI. Repression and Protest:

* Conflict with France: increase support in Federalists majorities in Congress
* To silence Republicans: Federalists issued Alien and Sedition Acts

-Alien Act: placed new obstacles in way of foreigners to become American citizens and strengthen President’s hand in handling them

-Sedition Act: allowed the gov’t to prosecute those who engaged in “sedition” against the government (only libel or treason were subject to persecution but law made it possible for fed. Gov’t to stile almost any opposition)

-Adams signed but did not deport any aliens and Alien Act helped discourage immigration and encouraged some people to leave; Sedition Act convicted 10 men (most of them Republicans)

* Republicans laid out the Virginia and Kentucky Resolutions: used ideas of Locke to argue that the fed.gov’t had been formed by a “compact” or contract among the states and possessed only certain delegated powers; whenever they pursued any undelegated powers, it was void
* Kentucky Resolution claimed that when they exceeded those powers, they had the right to nullify appropriate laws
* Republicans did not win support but did succeed dispute with Federalists

-Plagued with disagreements ex. Lyon spit in Griswold’s face

VII. “Revolution” of 1800:

* Aaron Burr had mobilized the Tammany Society to service as Republican political machine and carried large majority; Jefferson was elected
* Const. called for each elector to “vote by ballot for 2 persons”
* To avoid a tie between Jefferson and Burr (VP candidate), the Republicans had intended for one elector to refrain from voting for Burr; they both had 73 votes
* Federalist Congress had to decide; said that Burr was too unreliable to trust, so Jefferson was elected.
* After election, only branch of fed. Gov’t left in federalist hands was the judiciary
* Judiciary Act of 1801: reduced the number of S. Court judgeships by one but greatly increased the number of judgeships as a whole (appointed Federalists) “mid-night appointments”
* Jefferson won with Republican victory