

Constitution Review:

Articles of Confederation: 1781-1789

Constitutional Convention

Early Federal Period



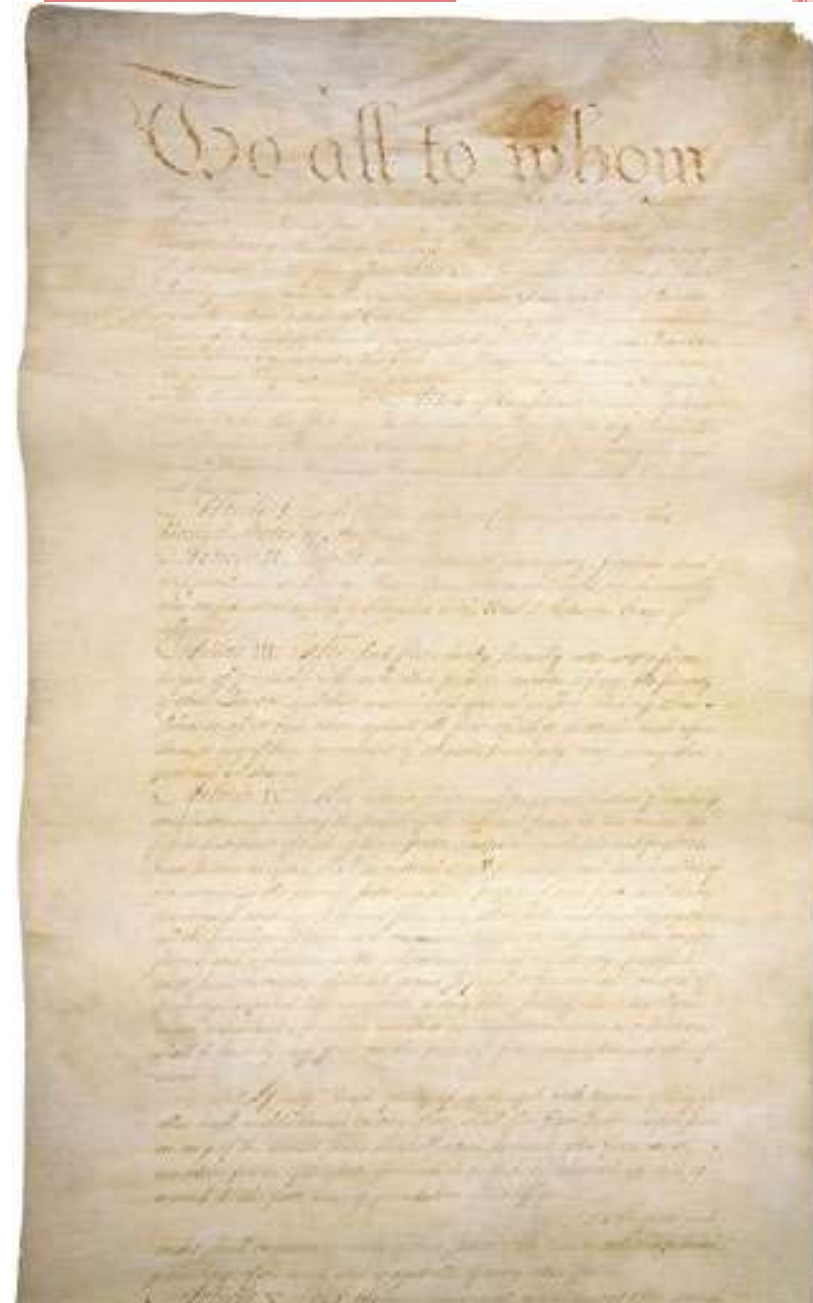
To all to whom these Presents shall come, we the undersigned Delegates of the States affixed to our Names send greeting.

Articles of Confederation and perpetual Union between the states of New Hampshire, Massachusetts-bay Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia.

The Stile of this Confederacy shall be

"The United States of America".

Each state retains its sovereignty, freedom, and independence...



Weaknesses of the Articles of Confederation

- A unicameral Congress [9 of 13 votes to pass a law].
- 13 out of 13 to amend.
- Representatives were frequently absent.
- Could not tax or raise armies.
- No executive or judicial branches.

State Constitutions

- Most had strong governors with veto power.
- Most had bicameral legislatures.
- Property required for voting.
- Some had universal white male suffrage.
- Most had bills of rights.
- Many (starting with VA) started separating religion and state.

State Claims to Western Lands

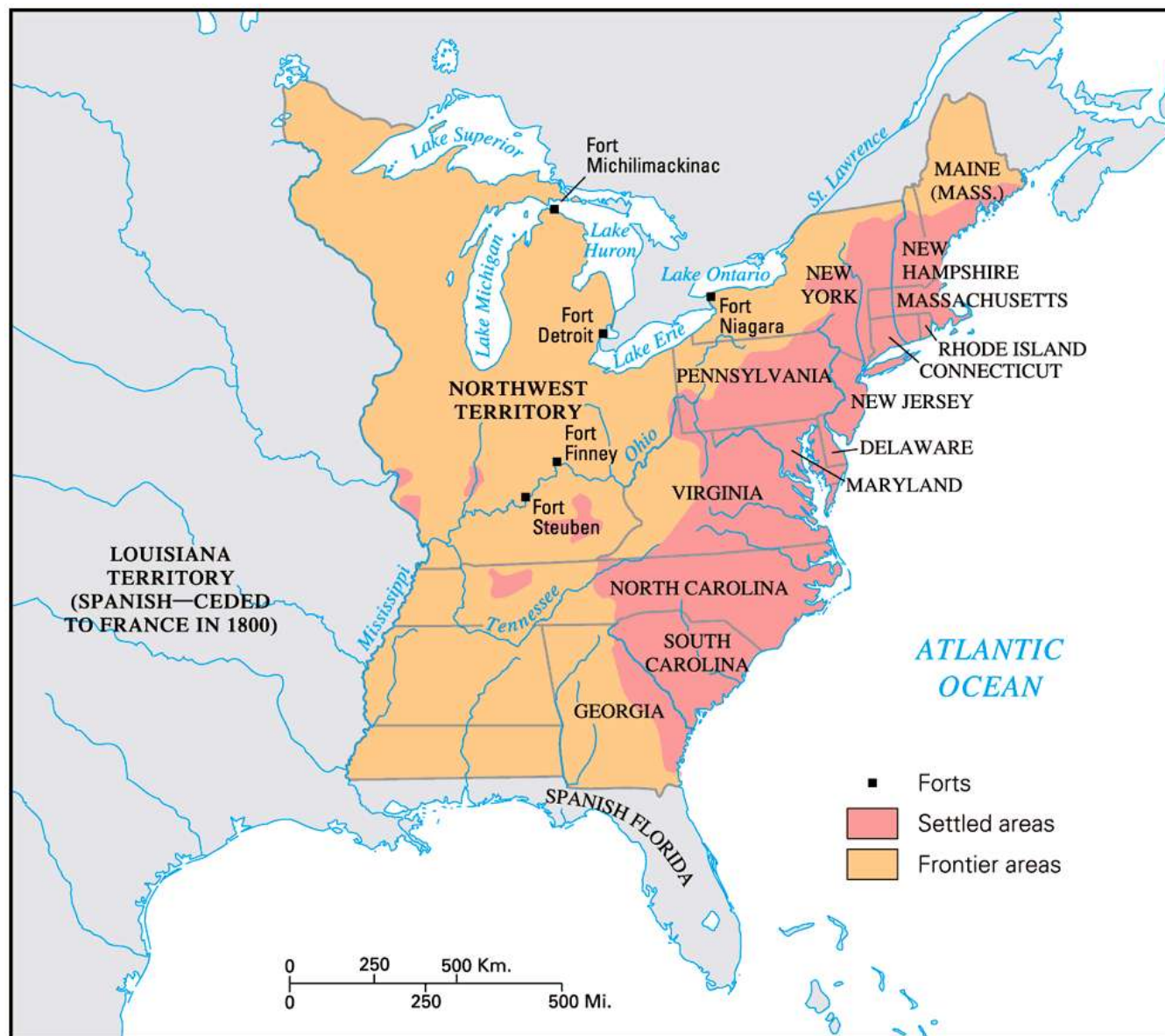


Northwest Ordinance of 1787

- One of the major accomplishments of the Confederation Congress!
- Statehood achieved in three stages:
 1. Congress appointed 3 judges & a governor to govern the territory.
 2. When population reached 5,000 adult male landowners → elect territorial legislature.
 3. When population reached 60,000 → elect delegates to a state constitutional convention.



The United States in 1787



Annapolis Convention (1786)

- 12 representatives from 5 states
[NY, NJ, PA, DE, VA]
- GOAL → address barriers that limited trade and commerce between the states.
- Not enough states were represented to make any real progress.
- Sent a report to the Congress to call a meeting of all the states to meet in Philadelphia the next year.

Shays' Rebellion: 1786-7

- Daniel Shays & Job Shattuck
- Western MA
- Small farmers angered by crushing debts and taxes.
- No quick response from gov't, militias eventually react.
- Led to support for a strong central government.



Letters from Washington

urging for reform/new government

*There could be no
stronger evidence of the
want of energy in our
governments than these
disorders.*

-- George Washington
writing about
Shays' Rebellion

The Philadelphia Convention

- 12 states sent delegates (no R.I.)
- 55 delegates convened on May 25, 1787 in the Philadelphia statehouse
- Strong anti-nationalists like Patrick Henry, Richard Henry Lee, and Samuel Adams did not attend
- Washington elected chairman; presided over the convention.

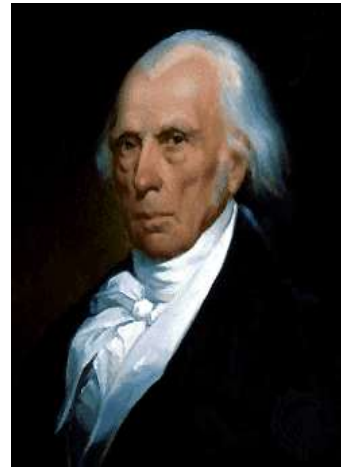


James Madison

"Father of the Constitution"

Three major concepts –

1. National principle: National gov't should be stronger than the states.
2. Separation of powers: influenced the eventual structure of gov't.
3. Benefit of an "extended republic" to control faction and limit negative impact of self-serving politicians



Virginia Plan "The Large-State Plan" written by Madison

- Representation in both houses of a bicameral Congress should be based on population—"proportional representation."
- Larger states would have a political advantage

New Jersey Plan "The Small-State Plan" written by William Patterson

- "Equal representation" in a unicameral Congress by states, regardless of size & population

The "Great Compromise" or Connecticut Compromise written by Roger Sherman

Bicameral:

- Smaller states conceded representation by population in the House of Representatives.
- Larger states conceded equal representation in the Senate (2 senators)

"Three-fifths" Compromise

- North argued that slaves should not be counted since they were not citizens
- South argued their smaller population would lead to northern domination
- Compromise: Slaves would count as $\frac{3}{5}$ of a person for representation purposes in the House

Checks & Balances 3 branches of gov't:

- Executive: enforces the law
- Legislative: makes the law
- Judiciary: interprets the law

Separation of Powers

Powers are separated between federal and state governments.

The "elastic clause"

"Congress shall have the power to...make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers..."

"Supremacy Clause"

The Constitution became the "supreme law of the Land."

Federal power superseded state power.

Ratification

Federalists vs. Anti-federalists



The Federalist Papers



- Alexander Hamilton joined John Jay and James Madison in writing an influential series of articles for the New York newspapers
- Most important commentary ever written on the Constitution
- *Federalist 10* by Madison is the most famous
 - Refuted conventional wisdom that it was impossible to extend a republican form of government over a large territory

The Counter-Revolution

- North Carolina & Rhode Island - Ratified only after the new government had been in effect for several months
- Agreed to add Bill of Rights (added 1789, ratified 1791)
 - Based on George Mason's bill of rights in Virginia
- Restored economic & political stability of the colonial era.
- Principle of popular, democratic government was preserved.
- Checks & Balances preserve the principles of liberty & order.

The New Republic

The Washington Administration

- First Census

*Population nearly 4 million
census:

*About 90% of Americans
lived on farms

- Public debt was enormous; revenue had significantly declined
- John Adams VP
- Washington's cabinet
 - Secretary of State -- Thomas Jefferson
 - Secretary of the Treasury -- Alexander Hamilton
 - Secretary of War -- Henry Knox

The image shows two pages of the original 1790 U.S. Census manuscript. The pages are filled with handwritten entries, organized into columns. The left page lists names such as 'John Adams', 'Thomas Jefferson', and 'Alexander Hamilton'. The right page lists names like 'Henry Knox', 'James Madison', and 'George Washington'. The entries are written in cursive and are accompanied by numerical data, likely representing population counts or other statistical information.

Hamilton's Financial Plan

Five major components

1. Increase national credit
2. Assumption of State Debts
3. Tariffs (customs duties) became a source of revenue for paying the debt
4. Excise taxes, 1791, Hamilton secured an excise tax on a few domestic items incl. whiskey
5. Create a National Bank
 - Federal Treasury would deposit its surplus moneys in the bank
 - Government would print needed paper money thus providing a stable national currency.

Constitutional Interpretations

- **Strict construction** -- strict interpretation of the Constitution
- Jefferson: Constitution did not stipulate creation of a Nat'l bank
- **Loose construction** -- Hamilton urged a broad interpretation of the Constitution
- "necessary and proper" clause
- Set a precedent for enormous federal powers

Birth of the Party System

- By 1792-1793, two well-defined groups had crystallized:
 1. Hamiltonian Federalists
 2. Jeffersonian Republicans

Hamiltonians vs. Jeffersonians

- Hamilton
 - Strong central government .
 - Government's function is maintain order in a potentially chaotic society.
 - Business and trade is vital to the nation.
- Jefferson's views
 - Government exists to protect man's natural rights to life, liberty, and happiness.
 - The greatest threat to man's freedom is tyrannical government. It needs to be limited in its powers.
 - State governments should have greater power because they are less likely to be despotic.
 - Farmers are the strength of the nation.

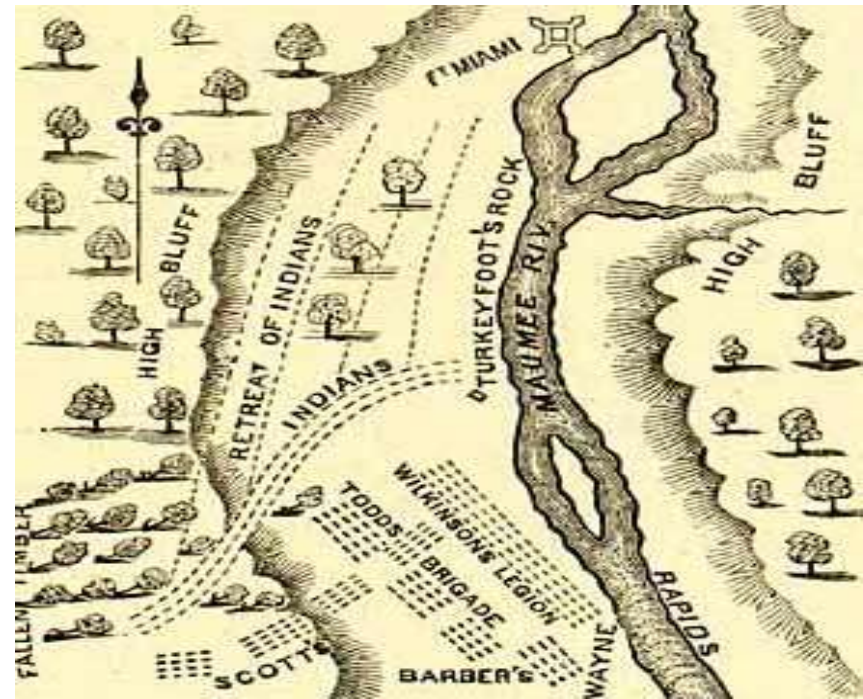
Whiskey Rebellion 1794

- Southwestern Pennsylvania backcountry folks hard hit by Hamilton's excise tax
- “Whiskey Boys” Torched buildings, tarred & feathered revenue officers, chased gov’t officials
- Washington summoned the militia of several states resulting in 13,000-man army.
- **Significance:** Washington's government showed it could ensure domestic tranquility



Frontier Violence

- Indians in Northwest, Shawnee and Miami tribes, increasingly hostile toward Americans.
- General “Mad” Anthony Wayne finally led U.S. forces to victory at Battle of Fallen Timbers
- Little Turtle and his people defeated US troops in what is now Indiana.
- Treaty of Greenville (1795) – cleared 2/3 of Ohio and Indiana of Indian tribes



Foreign Policy

- Impact of the French Revolution
 - **Significance: Single most important issue separating Federalists and Republicans**
- Washington's Neutrality Proclamation (1793)

Citizen Genet

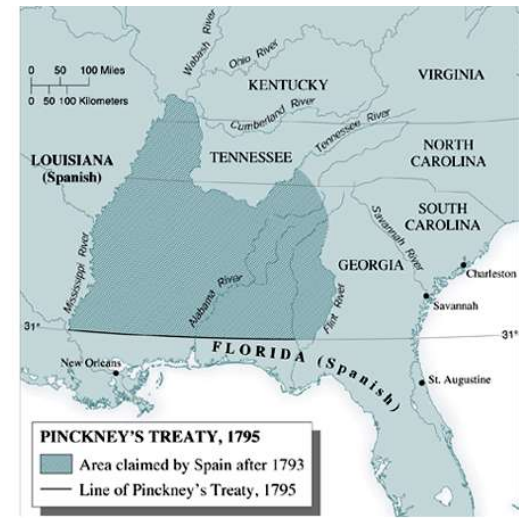


- French ambassador to America
- Wrongly believed Neutrality Act did not truly reflect the wishes of Americans.
- Suggested going over "Old Washington's" head by appealing to the voters.
- Washington demanded his withdrawal



Jay Treaty 1794

- Background: British had continued menacing Americans on U.S. soil and on the high seas
- Provisions: America won few concessions
 - British refused to guarantee against future maritime seizures and impressments
 - Jay forced to bind U.S. to pay pre-Revolution debts owed to British merchants



Pinckney Treaty 1795

- Background: Spain's position declining on the American frontier
- Treaty provisions: (Spanish concessions)
 - Yielded large area north of Florida that had been in dispute for over a decade.

Washington's Farewell

- Set a precedent for the 2-terms
- Warned against evils of political parties -- partisan bitterness
- Warned against permanent foreign alliances (like treaty with France)



Election of 1796

- John Adams – Federalist
- Thomas Jefferson - Democratic-Republican
- Adams defeated Jefferson 71 to 66 in the Electoral College
- Jefferson, as runner-up, became V.P.

XYZ Affair

- President Adams sent a delegation to Paris in 1797
- French demanded a large loan of \$32 million and a bribe of \$250K for U.S. privilege of merely talking to foreign minister
- Negotiations broke down and Marshall came home

Quasi War with France

- French government infuriated by Jay Treaty
- Saw it as a violation of the Franco-American Treaty of 1778
- French warships began seizing U.S. merchant vessels (about 300 by mid-1797)

Alien and Sedition Acts 1798

- A series of 4 bills passed during the Quasi-War.
- Federalists the acts were designed to protect the United States from enemy aliens by legalizing deportations and making it harder to become a citizen.
- To made it a crime to publish "false, scandalous, and malicious writing" against the government or its officials.
- The Democratic-Republicans condemned them as unconstitutional and designed to stop criticism of Adams's administration.

Virginia and Kentucky Resolutions

- Jefferson & Madison secretly created a series of resolutions in opposition to the Alien & Sedition Acts.
- Premise: States had the right to nullify unconstitutional laws passed by Congress

Election of 1800

- Jefferson defeats Adams: 73 to 65
- **BUT-** Jefferson tied with Burr, his V.P. running mate, for electoral votes!!
- House of Reps had to break the deadlock
- Significance: Peaceful transfer of power on a basis of an election that all parties accepted
- 12th Amendment (1804)

Jefferson as President

- Expansion became prime goal of Jeffersonians
- Creation of a smaller, democratic, non-aristocratic government.
- Creation of an “American culture”
- Republican motherhood
- Jefferson kept the country out of a damaging European war: War of 1812 not until late in Madison’s first term.

John Marshall and the Supreme Court



- Judiciary Act of 1789 established the courts.
- Marshall as first Chief Justice promoted Federalist ideas and made the Supreme Court a strong branch of the gov't capable of overruling Congress.
- *Marbury vs. Madison*, 1803 - the basis for the idea of judicial review (a law could be declared unconstitutional)
- Impeachment of Samuel Chase -- Jefferson threatens the Supreme Court

Barbary War

- Jefferson had reduced the size of the U.S. army and navy.
- Plundering of U.S. ships by pirates of the North African states led to increased military.
- Jefferson sent small U.S. navy to the “shores of Tripoli”
- We repeat our pledge from the XYZ Affair:
 - “Millions for defense,
but not one cent for tribute”



The Louisiana Purchase

- Jefferson sent James Monroe to Paris to negotiate for New Orleans, the entire Louisiana Territory was purchased for \$15 million
- Napoleon decided to sell all Louisiana and abandon his dream of a New World Empire, and he needed the money.
- Jefferson accepted treaty, albeit reluctantly – it didn't fit with his “strict construction” interpretation of the Constitution.
- There was Federalist opposition to the acquisition of territory.



Exploration of Louisiana Territory by Lewis and Clark Expedition and Zebulon Pike.



Political Scandals and Controversies

- **Essex Junto-** A small group of Federalist **extremists** unsuccessfully plotted for New England's secession from the union and the creation of a seven-state northern confederacy (including NY, NJ, MA, CT, RI, NH, VT)
- **Burr Conspiracy-** to create an independent nation in the Midwest, which was Spain's territory.



Yazoo Land Controversy

- Georgia governors had wrongfully sold millions of acres prior to turning land over to the federal gov't.
- Newly elected Georgia officials attempted to rescind the law, but many of the owners had already resold the lands.
- In the landmark decision, *Fletcher v. Peck* (1810), **the Court overturned the new state law.**
- As a result, Jefferson and the federal government had to pay the new (corrupt) land owners for lands ceded to federal gov't, even if the original contracts had been fraudulent.