

## Topic 5 Study Guide

### Major Themes

#### The Constitution

- It's most distinctive features were its separation of powers and its creation of checks and balances
- Congress would have two chambers
  - House of Representatives and the Senate
    - The President could veto any acts of Congress
    - The Federal courts would have protection from both the executive and legislature because judges and justices, once appointed by the president and confirmed by the senate, would serve for life
    - Only the House of Representatives would be elected directly by the people
    - Senators, the President, and Federal Judges would be insulated in varying degrees from the public
- On September 17, 1787, 39 delegates signed the Constitution, doubtless sharing the feelings that Franklin expressed at the end
  - "Thus I consent, Sir, to this Constitution, because I expect no better, and because I am not sure it is not the best"

#### 6 Big Ideas in the Constitution

- Limited Government
- Federalism
- Popular Sovereignty
- Checks and Balances
- Republicanism
- Separation of Powers

#### Who were the delegates? Why were they assembled?

- 55 men pull up (all states except Rhode Island)
- "For the sole purpose of revising the Articles of Confederation"
- These founding fathers were primarily young lads (44 average)
- Many of them feared "turbulence and follies" of democracy
- They unanimously chose Washington to preside over its sessions
- Each state legislation would get only 1 vote
- James Madison calls for a national government and is instructed to construct specific articles

- Edmund Rudolph introduced the ideas of Legislative, Executive, and Judicial branches of government

### **Slavery in the Constitution**

- How were slaves to be counted in terms of state population?
  - 3/5 Compromise
    - Slavery remains prominent for another 20 years

### **People and Terms**

#### **NJ Plan**

- Proposed by William Paterson of New Jersey
- This was a substantive alternative to the Virginia Plan
- He wanted a “federal” instead of a “national” government
- It preserved the existing one-house legislature, in which each state had equal representation, but it gave Congress expanded powers to tax and regulate commerce

#### **VA Plan**

- Also known as Madison’s Plan
- Called for a new national legislature consisting of two houses
- In the lower house, the states would be represented in proportion to their population, thus Virginia would have ten times as many representatives as the smallest (Delaware)
- Members of the upper house were to be elected by the lower house under no rigid system of representation; thus some of the smaller states might at times have no members at all in the upper house

#### **CT Plan**

- Also known as the Great Compromise
- Proposed by Roger Sherman
- There would be two houses of government with equal representation in the Senate (2) but proportional representation in the House of Representatives

#### **James Madison**

- The most important person to contribute to the creation of the American Constitution
- He was the most creative political thinker of his time
- His most important achievement was helping to resolve two important philosophical questions that had served as obstacles to the creation of an effective national government
  - 1.) Sovereignty
  - 2.) Limited Power
- Him and his contemporaries decided that all power, at all levels of government, flowed ultimately from the people
  - Thus neither the federal government nor the state government were truly sovereign

- He claimed that a republic would cause tyranny because it would contain so many different factions that no single group would ever be able to dominate it
  - Idea of checks and balances
- He initially proposed the Virginia Plan, which called for a legislature consisting of two houses in which the lower house was based on population and the upper house was voted on by the lower house ← led to the smaller states having no power within government
- Later became a prominent figure for Republicanism with Thomas Jefferson

### **Thomas Jefferson**

- Jefferson is named Secretary of State
- He is a dominant figure of the Republican party
- He emerges as the spokesperson
- He was a farmer and believed in an agrarian republic, most of whose citizens would be sturdy, independent farmer-citizens tilling their own soil
- He was suspicious of large cities
- He feared urban mobs and opposed the development of an advanced industrial economy because it would increase the number of propertyless workers packed in cities
- He ultimately envisioned a decentralized society, dominated by small property owners engaged largely in agrarian activities
- He as a republican, supported a strong state government
- In the Election of 1796, he is the uncontested Republican nominee due to the fact that Hamilton had created too many enemies to run
- He runs against John Adams of the Federalist party
- Adams beats Jefferson by 3 electoral votes and Jefferson becomes the Vice President
  - John Adams, even as president of the Federalist party remained the beta male of the party.
  - Hamilton was still the leader

### **William Patterson**

- Proposed the idea of the New Jersey Plan
- This was a substantive alternative to the Virginia Plan
- He wanted a “federal” instead of a “national” government
- It preserved the existing one-house legislature, in which each state had equal representation, but it gave Congress expanded powers to tax and regulate commerce

### **3/5 Compromise**

- Slaves were to be considered  $\frac{3}{5}$  of a free person in determining the basis for both representation and direct taxation

### **Separation of Powers**

- Each branch has own job

- President cannot declare war or impeach a supreme court justice

### **Checks and Balances**

- Designed to prevent the dominance of one branch of the national government over the other 2 (veto laws, judicial nominees, impeachment)

### **Limited Government**

- Where the government is restricted by law (no tyranny and complete power)
  - First nine amendments

### **Federalism**

- Led by George Washington, Benjamin Franklin, Alexander Hamilton, and John Jay
  - Alexander Hamilton, James Madison, and John Jay
    - Under the joint name "Publius" wrote a series of essays -- widely published in newspapers throughout the nation -- explaining the meaning and virtues of the Constitution
    - These were called the *Federalist Papers*
- They believed in a strong central government that was needed to maintain order and preserve the Union
- They emphasized the weaknesses of the Articles of Confederation; showed their opponents as merely negative opponents with no solutions
- Had strong leaders and were well organized
- The Constitution was untried and lacked a Bill of Rights
- Wanted to prevent Mob Rule

### **Antifederalist**

- Presented themselves as defenders of the true principles of the Revolution
- They claimed that the constitution would betray those principles by establishing a strong, potentially tyrannical, center of power in the new national government
- They claimed that the new government would increase taxes, obliterate the states, wield dictatorial powers, favor the "well born" over the common people, and put an end to individual liberty
- Their biggest complaint was that the Constitution lacked a Bill of Rights
- They believed that no government could be trusted to protect the liberties of the citizens
- Leaders were George Mason, Patrick Henry, James Winthrop, John Hancock, and George Clinton
  - They believed that a stronger central government would destroy the work of the Revolution, limit democracy, and restrict the states' rights
  - They appealed to the popular distrust of government based on colonial experiences
  - They were poorly organized and slow to respond to Federalist challenge

### **Electoral College**

- Each state assigned electors equal to the number of reps and senators

- Instituted to prevent mob rule from too much democracy--elect the president and shows republicanism

### **Bill of Rights**

- The first ten amendments in the Constitution
- Congress passed 12 to be ratified, only ten were selected.
- Was fought for by Antifederalists because they wanted the written rights of people
- First 9: restrictions on the government
- 10th: any power not with the federal government goes to the states.

### **Executive Departments**

- Washington as president puts people in charge (known as the Cabinet)
  - Secretary of State - Jefferson
  - Treasury - Hamilton
  - Secretary of War - Knox
  - Attorney General - Randolph

### **Alexander Hamilton**

- The main leader of the Federalist party that wanted the government to be run by the wealthy upper class (elite)
- Wanted concentrated power of government and had a loose interpretation of the constitution (unlike Jefferson)
  - He exerted more influence on domestic and foreign policy than anyone else

### **Hamilton's Financial Plan**

- He wanted to pay the nation's debt off at face value (\$71 million)
- He wanted the federal government to assume the state's debt
- He wanted a high tariff on imported goods
- He wanted to create a national bank which would deposit government funds and print banknotes
- He also suggested that the government call in wealthy speculators and exchange them for uniform (Interest-bearing bonds, payable at definite dates)
  - The idea of a bank stuck out to him particularly
    - It would provide loans and currency to businesses
    - It would give the government a safe place to deposit federal funds
    - It would help collect taxes and disburse the government's expenditures
    - It would keep up the prices of government bonds through judicious bond purchases

### **Washington, D.C.**

- New location of capital because Hamilton struck a deal with VA to win passage of the bill for the government to assume the states debt
- Capital was moved back to Philadelphia → To satisfy VA Hamilton and Jefferson made a bargain that called for the construction of a new capital city on the banks of the Potomac River which divided MA and VA (Washington DC)

### **First Political Parties**

- Federalists vs Republicans
  - Washington was never in favor of political parties
  - Remain neutral, avoid alliances, and restrict from political parties are what he called for upon the end of his presidency
- Federalists - Supported a strong central government
- Republicans - Supported a strong state government

### **Whiskey Rebellion**

- Ultimately showed a rift between the federal government and regional interests
- The Confederation had failed to tie the outlying western areas of the country firmly to the government
- In 1794 farmers in western Pennsylvania raised a major challenge to federal authority when they refused to pay a whiskey excise tax and began terrorizing the tax collectors
- Scared of another Shay's Rebellion, Washington gathered militias of three states to form one large army of 15,000 and marched them to Pennsylvania
- The rebellion collapsed when the militia arrived to Pittsburgh
- The federal government won the allegiance of the whiskey rebels by intimidating them

### **Jay's Treaty**

- Hamilton persuaded Washington to name a special commissioner to England; John Jay, Chief Justice of the Supreme Court and a staunch NY Federalist
  - He was instructed to secure compensation of the recent British assaults on American shipping, to demand withdrawal of British forces from the frontier posts, and to negotiate a new commercial treaty
  - It was negotiated in 1794 and failed to achieve these goals
    - He did succeed in establishing undisputed American sovereignty over the entire Northwest

### **Pinckney's Treaty**

- Signed in 1795
- Spain recognized the right of Americans to navigate the Mississippi to its mouth and deposit goods at New Orleans for reloading on ocean-going ships; agreed to fix the northern boundary of Florida where Americans had always insisted it should be, along the 31st parallel; and required the Spanish authorities to prevent the Indians in Florida from launching raids across the border

### **XYZ Affair**

- American ships were being seized by the French
- Adams sent delegates to meet with ministers XYZ
- Ministers XYZ demanded bribes
  - Adams turned the report of the American commissioners over to Congress, after deleting the names of the three French agents and designating them only as Messengers XYZ.
  - When the report was published it created widespread popular outrage at France's actions and strong support for the Federalists' response
  - For nearly 2 years after the "XYZ Affair" America became engaged in an undeclared war with France

### **Citizen Genet**

- Edmond Genet, the first French diplomat sent to America disembarked at Charleston first
  - He made plans to use American ports to outfit French warships
  - He also encouraged Roger Clark to lead a military expedition against Spanish lands in the south
- Genet was ignoring Washington and the neutrality act
  - His actions infuriated Washington and the Federalists
  - He was removed and finally stopped
    - The first neutrality act hurdle had been surpassed

### **John Adams' Presidency**

- John Adams was VP of Washington until he resigns
- Narrowly beats Jefferson to become the next president (by 3 electoral votes, election of 1796)--John Adams represents as the Federalist party
- Appointed bipartisan commission(delegates) to negotiate with France after French captured American ships → XYZ affair
- Signed Alien and Sedition Act, but was careful about using them
  - Alien Acts- Placed new obstacles in the way of foreigners who wished to become American citizens and it strengthened the president's hand in dealing with aliens
  - Sedition Acts- Allowed the government to prosecute those who had engaged in "sedition" ← conduct or speech inciting people to rebel against the authority of a state or monarch

### **Election of 1800**

- Adams runs for the Federalists and Jefferson runs for the Republicans
  - This was the ugliest election in American history
    - The supporters of each group played dirty and brought up false accusations about the other group
- Burr wins the Federalist nominee by setting up the Tammany Society
  - Jefferson was apparently elected
- When the votes were counted both men had 73 votes

- Each state delegation would cast a vote (House of Representatives)
- Jefferson wins and Burr becomes the VP
  - This led to the peaceful transition of one party to another

### **Revolution of 1800**

- Federalists were swept from power in Executive and Leg. Branches due to the election of 1800 and the Republicans were in control (except in Judiciary)

### **Questions to Consider**

#### **Who wanted the Bill of Rights? Who did not?**

- Antifederalists were in favor of it while the Federalists were not

#### **Is the vagueness of the Constitution intentional or an oversight by the Founders?**

- Intentional- room for change and modification → Bill of Rights and new amendments over time
- Oversight- didn't cover enough material as it should which leads to controversy

#### **What does Whiskey Rebellion show in regard to the Federal Government?**

- Event that shows evidence of a rift between federal and regional interests
- Shows the strength of national government (direct opposite of Shay's rebellion)
- Shows powers of government reached beyond capital to frontier
- Occurred on the frontier