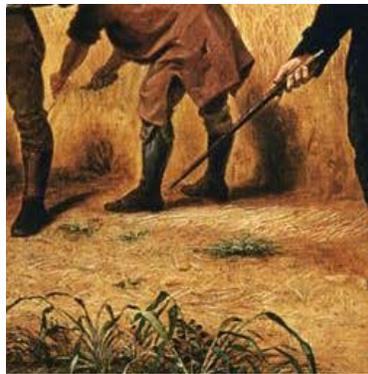




W A S T H E
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G O V E R N I N G ?





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Q U E S T I O N F I V E
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EXPLORING AMERICA'S HISTORY THROUGH COMPELLING QUESTIONS

SUPPORTING QUESTIONS

- 1** DOES WASHINGTON DESERVE THE TITLE "FATHER OF OUR COUNTRY?"
- 2** WHY DO WE HAVE TWO MAJOR POLITICAL PARTIES?
- 3** CAN A DEMOCRACY FUNCTION WITHOUT A JUDICIARTY?
- 4** HOW CAN A WEAK NATION GAIN THE RESPECT OF POWERFUL NEIGHBORS?

D E V E L O P E D A N D C O M P I L E D B Y
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Q U E S T I O N F I V E

W A S T H E F O U N D I N G G E N E R A T I O N G O O D A T G O V E R N I N G ?

All the members of the Founding Generation were born British citizens. Washington, Adams, Hancock, Jefferson, Paine, Hamilton, and all the rest. We know from our study of history so far, that this generation was particularly good at winning independence and after a few years of the failed government under the Articles of Confederation, good at devising a lasting plan for government as outlined in the Constitution.

But once independence had been won, and once the form of government had been established, it was time to govern, to actually solve the problems of the day.

And they faced many problems. British troops had not left all their forts in the West. Native Americans were fighting back against the advance of White settlers. France, Britain and Spain had little respect for America, or American merchant ships. The Barbary Pirates harassed American ships in the Mediterranean. The government was in deep financial trouble. Political parties were developing and nasty election campaigns were underway.

The Founding Generation might have longed for the good old days when their only problems were winning independence and writing the Constitution.

It is time for you to judge. Was the Founding Generation good at governing?

1

F I R S T Q U E S T I O N DOES WASHINGTON DESERVE THE TITLE “FATHER OF OUR COUNTRY?”

W A S T H E
F O U N D I N G
G E N E R A T I O N
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G O V E R N I N G ?

INTRODUCTION

Even before the War for Independence ended, his comrades were already calling George Washington the “Father of his Country.” This is an honorific employed in many countries and even in the United States loosely applied to many of the other men who helped Washington create the United States. These Founding Fathers were all important, but perhaps none was more consequential than George Washington. He was one of the wealthiest men in America, successful military commander, and first president. Just about the only thing he didn’t do was to write or sign the Declaration of Independence, which is excusable since he was busy at the time leading the Continental Army.

He walked away from power twice, first when he resigned as commander of the army and went home to Mount Vernon, and then again when he retired after eight years as president. In doing so, he laid a firm foundation for civilian leadership and a regular, peaceful transition of power.

But Washington was human, and subject to all of human flaws. He was an only sometimes successful military tactician, failed to guide the nation away from bitter political divides, and most notably, a slave owner. Meanwhile, many of his contemporaries did brilliant things to help guide the nation toward independence. John Adams doggedly fought the political battles to bring the motion for independence into being. Thomas Jefferson articulated the ideals of the age, Thomas Paine convinced Americans to support the patriot cause, James Madison worked his magic to craft the Constitution, and Alexander Hamilton helped convince the states to support it. Certainly, they are heroes in their own right.

What do you think? Is Washington really the “Father of our Country?”

1 DOES WASHINGTON DESERVE THE TITLE “FATHER OF OUR COUNTRY?”

THE YOUNG GEORGE WASHINGTON

Believe it or not, George Washington was once a kid. He rode horses. He thought about running away from home and going off to sea.

Not only does our assessment of Washington begin before he was famous, but it also starts before the distortions of mythmakers whose accounts of Washington led them to make up stories to explain his greatness. Relatively little information about his early childhood survives, but it’s clear that the story of the cherry tree and that young Washington never telling a lie is itself a fabrication.

He was born in 1732 into a Virginia family of modest wealth. Although not among the richest or most politically powerful families of the day, the Washington household property included 20 slaves by 1743. Had the family fortune continued to expand, Washington might have found himself beginning to enter the top rank of Virginia society. However, inheritance was not to be his route to greatness. George’s father died when he was only 11 and he ended up moving in with Lawrence Washington, his older half-brother.

Lawrence became an important role model for young George. He was particularly impressed by his half-brother’s service in an American regiment of the British Army in a campaign against the Spanish in Colombia, South America.

Another important influence on George was a local boy named George William Fairfax who hailed from a prominent family. Washington’s skill at horseback riding won the favor of the visiting Lord Fairfax. When a surveying party went west to measure the Fairfax’s vast new royal grant of land, 16-year-old George went along for the adventure. More than just fun times, the experience began Washington’s life-long interest in western lands and equipped him with surveying and backwoods skills that would serve him well in the future.

As often happened in the colonial period, early death struck the Washington family once more when Lawrence died in 1752. By the age of 20, George had suffered the death of both his real and surrogate fathers. With his brother’s death, also died George’s hopes to get an education in England, part of the required training for elite men in colonial Virginia.

Instead, George inherited Lawrence’s 2600-acre estate and 18 slaves who made the **Mount Vernon** plantation profitable. In a colonial world where connections to powerful people and family tradition played an important role in securing public office, George managed to win the title of major in the Virginia militia that had previously belonged to Lawrence. Although lacking significant military experience, George Washington was about to ride into a public career that would carry him to national fame. First, he would have to ride to the frontier and make a name for himself battling French and Native American foes.



Mount Vernon: George Washington’s plantation in Virginia.

THE MILITARY COMMANDER

George Washington carried himself with a grave dignity often described as aloofness. Quite the opposite of being an informal joker, Washington held people at a distance. A central part of his personality included strong self-control that avoided excessive camaraderie. Surely, his long military service played a significant role molding this character. First as a militia officer on the Virginia frontier preceding and during the Seven Years War and then again as the commander of the

1 DOES WASHINGTON DESERVE THE TITLE “FATHER OF OUR COUNTRY?”

Continental Army from 1775 to 1783, Washington believed that familiarity could weaken the respect an officer needed for effective command.

During his first military term, the colonial Governor of Virginia sent Washington west by to try to keep the French out of newly claimed Virginia land on the western side of the Appalachian Mountains. Such an expedition required great skill, not only in order to deal with the French and difficult frontier conditions, but also an awareness of the importance of Native Americans in shaping the balance of power in the contested region. The youthful Washington, in his first significant command, clearly lacked the necessary experience. His rash killing of members of a French diplomatic mission and then his defeat at the Battle of Fort Necessity in July 1754 made for a disastrous start to the Seven Years War.

Primary Source: Painting

George Washington in 1772 as a member of the Virginia militia painted by Charles Willson Peale.



Matters were made worse by the sharp divisions that separated Virginia militia traditions from those of the regular British Army. Where Washington naively thought he had performed rather well and hoped to receive a commission to become a full-fledged British officer, the British saw him as an incompetent

1 DOES WASHINGTON DESERVE THE TITLE “FATHER OF OUR COUNTRY?”

provincial officer who lacked the aristocratic birth, the wealth, and the skill required of a proper British officer.

Washington’s experience in the Seven Years War later included some bright moments and he became Virginia’s most celebrated hero of the war, thanks in large part to several remarkable escapes from heavy gunfire. Washington’s leading knowledge of frontier conditions and enormous personal energy had made him a charismatic figure. Overall, his leadership in this first long war was badly flawed.

When Washington returned to active military leadership at the start of the Revolutionary War in 1775, he again faced enormous challenges. However, he also had matured in the decade and a half between conflicts and had developed a much more sophisticated understanding of the political dimension of military leadership. Washington had married the wealthy widow Martha Custis in 1759, and with her money had expanded Mount Vernon and turned it into an impressive plantation. He had served several terms in the Virginia legislature and had become a much more experienced leader.

Washington’s key strategic insight as a wartime leader was to realize that independence depended more on keeping an army in the field than on winning major battles. In spite of a persistent lack of adequate funding from the Congress and in the face of growing conflict from his own officers and enlisted men, Washington held the army together through a skilled combination of discipline and personal example. The army’s survival at Valley Forge in the harsh winter of 1777-1778 is the classic example.

Washington’s greatest contribution to the Revolutionary War, however, was his consistent acknowledgment of the preeminence of civilian leadership. When other military leaders might have been tempted to seize political power and rule as a more efficient strong man, Washington’s respect for the preeminence of civil authority over martial authority kept the republican experiment alive.

In this, he has often been called the “American Cincinnatus,” comparing him to the legendary Roman general who also turned in his sword to once again take up civilian life.

PRESIDENT WASHINGTON

Washington happily resigned his military command at the end of the Revolutionary War in 1783. He saw himself living out his days as a farmer at Mount Vernon. However, he would be called on to lead the country again, this time not in war, but peace.

During the critical period of the 1780s, Washington privately feared that the weak central government dictated by the Articles of Confederation threatened the long-term health of the nation. He supported the call for a Constitutional Convention and after some hesitation attended as a delegate where he was elected the presiding officer.

He took a relatively limited role, however, in the debate that created the proposed Constitution. Nor did he publicly favor ratification. It seems that his sense of personal reserve prevented him from actively campaigning. As he was likely to become the first president, he avoided the appearance of self-serving motivation by not aggressively supporting the Constitution in public.

1 DOES WASHINGTON DESERVE THE TITLE “FATHER OF OUR COUNTRY?”

The significance of the first presidential administration under the Constitution is hard to overstate. The Constitution provided a bare structural outline for the federal government, but how it would actually come together was unclear. The **precedent** established by the first president would be enormous. Washington generally proceeded with great caution. For the most part, he continued precedents that had been established under the Articles of Confederation. For instance, he carried over the three departments of the government that had existed before the Constitution.

But the nationalist Washington favored a stronger central government and made sure that executive authority was independent from total legislative control. For instance, Washington appointed his own head to each department of government whom the legislature could only accept or reject. Furthermore, Washington identified the three leaders – Thomas Jefferson as secretary of state, Alexander Hamilton of the treasury, and Henry Knox of war – as his personal **cabinet** of advisers, thus underscoring the executive’s domain. Particularly in his first term as president from 1789-1792, Washington’s enormous personal popularity and stature enhanced the legitimacy of the modest new national government.



Unfortunately for Washington, events in his second term somewhat clouded his extraordinary success. For one, his own cabinet split apart as Thomas Jefferson increasingly dissented from the economic policies proposed by Alexander Hamilton, most of which Washington supported.

Even more disturbing to Washington was the emergence of a new form of political activity where the public divided into opposing parties. Although now a fundamental feature of modern democracy, Washington and many others perceived organized opposition to the government as treasonous!

Challenges like the difficulties of his first military command in the 1750s remind us that even this most stellar of the Founding Fathers hardly glided through public life without controversy. As impressive and even as indispensable as Washington had been to the creation of the new nation, he remained a leader with qualities that could not appeal to all of the people all of the time. Most interestingly perhaps is



Precedent: An established tradition based on the first time an event occurred. Washington was cognoscente that his actions would establish these.



Cabinet: The leaders of the various executive branch departments and agencies that advise the President. This group is not established by the Constitution, but was a precedent established by President Washington.

Secondary Source: Drawing

Washington and his first cabinet. From left to right: President Washington, Secretary of War Henry Knox, Secretary of the Treasury Alexander Hamilton, Secretary of State Thomas Jefferson, and Attorney General Edward Randolph.

1 DOES WASHINGTON DESERVE THE TITLE “FATHER OF OUR COUNTRY?”

that some of the personal qualities that made him extraordinarily effective are also ones that made him unpopular.

THE WHISKEY REBELLION

One of the most important challenges Washington faced during his presidency, was a rebellion against the power of the new federal government. Much like other rebellions of colonial era, and Shays’ Rebellion, which was very much still a recent event, the **Whiskey Rebellion** pit Westerners against their government.

New taxes placed on whiskey to increase federal revenue cut deeply into ordinary people’s livelihood. In the newly settled backcountry, poverty was widespread. For farmers to survive economically, they needed to convert bulky corn and grain into more easily transported whiskey. The new taxes debilitated this crucial economic resource for many frontier settlers from New York to Georgia.

In addition, as was the case before, many backcountry settlers simply resented distant rule from the more populous East. For example, anyone in western Pennsylvania facing charges in a federal court had to travel to Philadelphia to stand trial. Moreover, renewed attacks by Native Americans in the early 1790s made Westerners resentful of what they saw as Easterners’ indifference to the risks of life on the frontier.



 **Whiskey Rebellion:** An uprising in 1794 in the backcountry of Virginia against a government tax on whiskey production. President Washington responded by leading the army to enforce the tax, establishing the power of the new federal government to enact and collect taxes.

Secondary Source: Painting

President Washington directs the federal army during the Whiskey Rebellion. His overwhelming use of force and willingness to lead the army himself while president, are both choices criticized then and now.

The violent climax occurred in the area around Pittsburgh in the summer of 1794. Following a pattern established in the American Revolution, local farmers had begun holding special meetings to discuss their opposition to the tax as early as 1792. A mass meeting in Pittsburgh declared that the people would prevent the tax from being collected and one tax collector was even tarred and feathered in protest.

President Washington declared such meetings unlawful, but among ordinary settlers in western Pennsylvania he was often seen as just another large-scale landowner from the East who didn’t understand local conditions. Many men would not back down in the face of what they considered an oppressive and unjust tax. Matters came to a head when an angry crowd who refused to pay the tax harassed a federal

1 DOES WASHINGTON DESERVE THE TITLE “FATHER OF OUR COUNTRY?”

marshal, tax collector, and a handful of federal soldiers. The troops surrendered and the marshal’s house was torched. Other minor protests swept western Pennsylvania and there were rumors of holding a convention to discuss secession from the United States.

Washington reacted dramatically to the violence and the possibility of it spreading to other backcountry areas. Alexander Hamilton had long supported military mobilization to suppress the tax resistance in the west and supported Washington in raising a 13,000-troop force, larger than the Continental Army had ever been. When they arrived in the Pittsburgh area, the resistance dissolved and the federal force had to search hard to arrest twenty men that they accused of involvement in the Whiskey Rebellion.

The rebellion of the summer of 1794 ultimately took on more important symbolic significance than anything else. The federal government had shown itself willing to mobilize militarily to assert its authority. Washington made it clear that the Constitution was the law of the land, and that the federal government would enforce its authority.

But many perceived the sweeping actions of the federal government as going too far. Even an ardent Federalist as Fisher Ames observed that, “Elective rulers can scarcely ever employ the physical force of a democracy without turning the moral force or the power of public opinion against the government.” Like the Shays’ Rebellion eight years earlier, the Whiskey Rebellion tested the boundaries of political dissent. In both instances, the government acted swiftly, and militarily, to assert its authority.

WASHINGTON’ FAREWELL ADDRESS

Washington departed the presidency and the nation’s then capital city of Philadelphia in September 1796 with a characteristic sense of how to take dramatic advantage of the moment.

As always, Washington was extremely sensitive to the importance of public appearance and he used his departure to publicize a major final statement of his political philosophy. **Washington’s Farewell Address** has long been recognized as a towering statement of American political purpose and until the 1970s was read annually in Congress as part of the national recognition of the first President’s birthday. Although the celebration of that day and the Farewell Address no longer receives such strenuous attention, Washington’s final public performance deserves close attention.

The Farewell Address embodies Washington’s core beliefs that Washington hoped would continue to guide the nation after his presidency concluded. Several hands produced the document itself. The opening paragraphs remain largely unchanged from the version drafted by James Madison in 1792, while Alexander Hamilton penned most of the rest. Although the drawn out language of the Address follows Hamilton’s style, there is little doubt that the core ideas were Washington’s.

The Address opened by offering Washington’s rationale for deciding to leave office and expressed mild regret at not having been able to step down after his first term. Unlike the end of his previous term, now Washington explained, “choice and prudence invite me to quit the political scene, patriotism does not forbid it.”



Washington’s Farewell Address:

Letter and speech by President Washington at the end of his tenure summarizing his political philosophy and outlining his recommendations for the nation. Most remembered, he warned against entering into foreign alliances.

1 DOES WASHINGTON DESERVE THE TITLE “FATHER OF OUR COUNTRY?”

Washington was tired of the demands of public life, which had become particularly severe in his second term, and he looked forward to returning to Mount Vernon.

The fact that he left office after two terms set an important precedent. The Constitution did not specify how long a president could serve. There was nothing preventing Washington from seeking a third term, a fourth, or fifth. However, because he voluntarily stepped down after eight years on the job, all subsequent presidents also followed this tradition, at least until 1940 when Franklin Roosevelt won a third term. After Roosevelt’s fourth election, Americans passed the **22nd Amendment**, which limits presidents to two four-year term in office.

Although he might have closed the Address at this point, Washington continued at some length to express what he hoped could serve as guiding principles for the young country. Most of all Washington stressed that the national union formed the bedrock of “collective and individual happiness” for American citizens. As he explained, “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 distinctions.”

Washington accurately foresaw the dangers of regionalism. If Americans identified first with their state, they would not hold together as a single nation. His defense of national unity lay not just in abstract ideals, but also in the pragmatic reality that union brought clear advantages to every region. Union promised “greater strength, greater resource, [and] proportionately greater security from danger” than any state or region could enjoy alone. He emphasized, “your union ought to be considered as a main prop of your liberty.” When American fatally ignored Washington’s advice in the 1850s, Civil War ensued.

The remainder of the Address, delivered at Congress Hall in Philadelphia, examined what Washington saw as the two major threats to the nation, one domestic and the other foreign, which in the mid-1790s increasingly seemed likely to combine. First, Washington warned of “the baneful effects of the spirit of party.” To Washington political parties were a deep threat to the health of the nation for they allowed “a small but artful and enterprising minority” to “put in the place of the delegated will of the Nation, the will of a party.”

Yet, it was the dangerous influence of foreign powers, judging from the amount of the Address that Washington devoted to it, where he predicted the greatest threat to the young United States. As European powers embarked on a long war, each hoping to draw the United States to its side, Washington admonished the country “to steer clear of permanent Alliances.” Foreign nations, he explained, could not be trusted to do anything more than pursue their own interests when entering international treaties. Rather than expect “real favors from Nation to Nation,” Washington called for extending foreign “commercial relations” that could be mutually beneficial, while maintaining “as little political connection as possible.” Washington’s commitment to neutrality was, in effect, an anti-French position since it overrode a 1778 treaty promising mutual support between France and the United States.

Washington’s philosophy leadership, sense that duty and interest must be combined in all human concerns whether on an individual level or in the collective action of the nation permeated the Farewell Address. This pragmatic sensibility shaped his character as well as his public decision-making. Washington understood that



22nd Amendment: Constitutional amendment ratified in 1951 limiting the president to two four-year terms. It legalized the precedent established by President Washington and broken only by Franklin Roosevelt.

1 DOES WASHINGTON DESERVE THE TITLE “FATHER OF OUR COUNTRY?”

idealistic commitment to duty was not enough to sustain most men on a virtuous course. Instead, duty needed to be matched with a realistic assessment of self-interest in determining the best course for public action.



Secondary Source: Painting

A painting of Washington on his Mount Vernon Plantation completed in the 1800s by Julius Brutus Sterns. His membership in the Virginia planter society is one of the stains on his legacy, at least from a modern perspective.

WASHINGTON AND THE QUESTION OF SLAVERY

George Washington, like most powerful Virginians of the 18th century, derived most of his wealth and status from the labor of African and African American slaves. At his father’s death in 1743, eleven-year-old George inherited ten slaves. His property grew larger with the death of his half-brother Lawrence in 1754, which brought him the 2600-acre plantation of Mount Vernon along with another 18 slaves.

Greater still, was the wealth that Martha Custis brought to the marriage. While most of her slaves remained on other properties, she brought 12 personal slaves with her when she moved to Mount Vernon in 1759. Washington was energetic and purposeful in all aspects of life, which included being a successful plantation master. By 1786 his careful management had increased his property to 7300 acres and 216 slaves.

Washington’s ability as a planter placed him within the traditional gentry elite of Virginia. His wealth rested on the exploitation of humans as property, but he expressed no qualms about benefiting from what we now see as a fundamentally immoral institution. However, the American Revolution challenged Washington’s traditional acceptance of slavery on both pragmatic and idealistic grounds. When Washington arrived in Massachusetts in 1775 to take command of the patriot militia that was surrounding the British in Boston, he was surprised to discover that New Englanders had begun to allow free African Americans as well as slaves to join their ranks as soldiers.

After meeting with his officers, Washington reversed this policy and tried to make an all-white Continental Army. The following month the British Army in Virginia declared that any slave of a patriot master who fled to fight the patriots would gain his freedom.

1 DOES WASHINGTON DESERVE THE TITLE “FATHER OF OUR COUNTRY?”

Washington immediately grasped the strategic crisis posed by this British promise of freedom in a country where one in every five people was black. In fact, seventeen Mount Vernon slaves fled to join the British during the war. Pragmatic concerns quickly led Washington to reverse his policy and by December 1775 the Continental Army, in the North at least, included black soldiers.

Washington’s Revolutionary ideals also helped transform his attitude toward slavery. When contemplating the British actions that compelled him to join the patriot cause, Washington explained to his old friend George Fairfax that British “custom and use shall make us as tame and abject slaves as the blacks we rule over with such arbitrary sway.”

Like many other patriots of the period, Washington described British tyranny as threatening to enslave white Americans. Slavery was the condition that everyone knew to be the most extreme example of human oppression. While the invocation of the slavery metaphor was widespread, Washington went a major step further than most of his fellow slave masters. He decided to limit the severity of his plantation discipline and, ultimately, he even freed his slaves.

Washington’s **emancipation** of his slaves was an unusual and honorable decision for a man of his day. No other Virginia Founding Father matched his bold steps. By the early 1770s, Washington clearly tried to lessen the evils of slavery on his plantation. From this point on, he rarely bought a slave and never sold them away from Mount Vernon without their consent. Washington hoped to act as a humane master by keeping slave families together. However, he soon discovered that slavery was only profitable when operated in a brutal fashion. Mount Vernon became increasingly inefficient in Washington’s final two decades.



Emancipation: The act of freeing slaves.

Five months before his death, Washington drew up a will that included a detailed and exact description of how his slaves were to be freed. Beyond freedom, those slaves who were children were to receive occupational training and to learn to read and write, while elderly slaves were to receive financial support. Knowing full well that some heirs would dislike this loss of their potential inheritance, Washington insisted that “this clause respecting Slaves, and every part thereof be religiously fulfilled ... without evasion, neglect, or delay.”

In spite of these far reaching and unusual actions, Washington was still a man of his time. At his death in 1799, Mount Vernon included 317 slaves, but only 124 of them belonged to George and only these would be freed. The rest were Martha’s. Temporarily inherited from her deceased first husband, they would pass to her heirs upon her death and could not be legally controlled by George. More significantly, however, Washington never publicly explained his new belief that slavery should end.

In a private letter in 1786 he stated, it is “among my first wishes to see some plan adopted, by the legislature by which slavery in this Country may be abolished by slow, sure, and imperceptible degrees.” Even his private commitment was to a cautious and gradual process, but he never allowed even this moderate anti-slavery position to be known publicly. In the end, Washington’s commitment to national unity prevented him from throwing his enormous public stature behind the radical cause of emancipation. He feared that such action would deeply divide the new nation.

1 DOES WASHINGTON DESERVE THE TITLE “FATHER OF OUR COUNTRY?”

Could Washington have forged an anti-slavery coalition that might have ended the evil institution and avoided the bloodshed of the Civil War? Might public action on his part have caused an earlier civil war that would have wrecked the nation still in its infancy? Those are questions that history cannot answer and that we can never know, but it is clear that in his own cautious way Washington struggled with the most profound question of the Revolutionary Era and ultimately decided, as did all the member of the Founding Generation, that a union with slavery was preferable to disunion without.

CONCLUSION

Like many of the members of the Founding Generation, Washington is a bit of a mixed bag. He was careful about the precedent he was establishing and did his best to set a good example, but as a product of his time, he acted on the assumptions and prejudices that we find abhorrent today.

Maybe this is what makes us most uncomfortable. In a recent debate about removing statues of Confederate generals, President Trump wondered if we should take down statues of all slave holders. Most historians were quick to argue that there is a difference between the Southerners of the Civil War and the Southerners of the Revolution, but Trump has an interesting point, albeit expressed in a rather crude manner.

Can good acts outweigh participation in the slave system of the pre-Civil War Era? Should we mythologize some slave owners and demonize others? What makes Washington different? Why should he be the “Father of the Nation” while others are relegated to secondary or pariah status?

What do you think? Does he deserve his title?

The violent climax occurred in the area around Pittsburgh in the summer of 1794. Following a pattern established in the American Revolution, local farmers had begun holding special meetings to discuss their opposition to the tax as early as 1792. A mass meeting in Pittsburgh declared that the people would prevent the tax from being collected and one tax collector was even tarred and feathered in protest.

1 DOES WASHINGTON DESERVE THE TITLE “FATHER OF OUR COUNTRY?”

SUMMARY

George Washington had been a surveyor in Virginia. He was not poor, but not rich until he married into a wealthy family. He played an important part in the start of the Seven Years War, which gave him credibility with Congress who appointed him leader of the Continental Army during the Revolution.

Washington was not a brilliant military commander, but was charismatic and inspired confidence and loyalty. Importantly, he respected the idea of civilian leadership and refused to become king, although he certainly could have used his army, and popularity to take power for himself.

Washington generally supported the Federalist idea of strong central government, although he did not like political parties and discouraged them during his eight years in the presidency.

Washington understood the importance of precedent and made careful choices as the first president. He created the cabinet of advisors, a tradition still in place today.

When farmers in the mountains of Virginia rebelled against a tax on whiskey, Washington led an army to put down the rebellion, thus reinforcing the new federal government’s power.

At the end of two terms Washington refused to be elected again. This created an important tradition that was respected for almost 200 years. When leaving office, he gave a farewell address that encouraged his countrymen to avoid forming political parties or engaging in alliances with foreign nations.

A persistent criticism of Washington is that he was a slave owner. However, Washington had mixed feelings about slavery. At the end of his life he believed slavery should end and in his will he emancipated his slaves.



KEY CONCEPTS

Precedent: An established tradition based on the first time an event occurred. Washington was cognoscente that his actions would establish these.

Emancipation: The act of freeing slaves.



PEOPLE AND GROUPS

Cabinet: The leaders of the various executive branch departments and agencies that advise the President. This group is not established by the Constitution, but was a precedent established by President Washington.



EVENTS

Whiskey Rebellion: An uprising in 1794 in the backcountry of Virginia against a government tax on whiskey production. President Washington responded by leading the army to enforce the tax, establishing the power of the new federal government to enact and collect taxes.



LAWS

22nd Amendment: Constitutional amendment ratified in 1951 limiting the president to two four-year terms. It legalized the precedent established by President Washington and broken only by Franklin Roosevelt.



SPEECHES

Washington's Farewell Address: Letter and speech by President Washington at the end of his tenure summarizing his political philosophy and outlining his recommendations for the nation. Most remembered, he warned against entering into foreign alliances.



LOCATIONS

Mount Vernon: George Washington's plantation in Virginia.

2

S E C O N D Q U E S T I O N WHY DO WE HAVE TWO MAJOR POLITICAL PARTIES?

W A S T H E
F O U N D I N G
G E N E R A T I O N
G O O D A T
G O V E R N I N G ?

INTRODUCTION

There is no one alive today who was born before American politics was dominated by two great parties: the Republicans and Democrats. They are such a part of our lives that few can imagine a time before they existed. And yet, they haven't always been our two parties. In fact, we have not always had two parties.

Having two political parties is actually unusual in the world. Many countries operate with multiple parties who team up to form coalitions. In other places, there is just one party, and all political debates are held between members of a single party.

But the United States has a two-party system.

Where did this come from? Why two parties? What were the first two parties? Did we have to have parties at all?

Why can't we all just be American?

2 WHY DO WE HAVE TWO MAJOR POLITICAL PARTIES?

HAMILTON'S FINANCIAL PLAN

The first federal government under newly elected President Washington faced numerous challenges, including how to deal with the financial chaos created by the American Revolution. States had huge war debts. There was runaway inflation. Almost all areas of the economy looked dismal throughout the 1780s. Economic hard times were a major factor creating the sense of crisis that had prompted the creation of the stronger central government under the new Constitution.

George Washington chose the talented **Alexander Hamilton**, who had served with him throughout the Revolutionary War, to take on the challenge of directing federal economic policy as the treasury secretary. Hamilton is a fascinating character whose ambition fueled tremendous success as a self-made man. Born in the West Indies to a single mother who was a shopkeeper, he learned his first economic principles from her and went on to apprentice for a large mercantile firm. From these modest origins, Hamilton went on to become the foremost advocate for a modern capitalist economy in the early national United States.

The first issue that Hamilton tackled as Washington's **Secretary of the Treasury** concerned the problem of public credit. Governments at all levels had taken on debt during the Revolution. The commitment to pay back creditors had not been taken seriously by some of the states. By the late 1780s, the value of such **public securities** had plunged to a small fraction of their face value. In other words, state IOUs, the money borrowed to finance the Revolution, were viewed as nearly worthless.

If the government would not pay back loans, no one would loan the government money. Even today, savings bonds are an essential way that the government raises money. Savings **bonds** are considered a good investment now because we trust that the government will pay them back. However, in the 1780s, almost no one had faith in the state governments' willingness to pay off their loans.

Hamilton issued a bold proposal. The federal government should pay off all state debts at full value. Such action would dramatically enhance the legitimacy of the new central government. To raise money to pay off the debts, Hamilton would issue new securities, or bonds. Investors who purchased these new public securities could make enormous profits when the time came for the United States to pay off these new debts.

Hamilton's vision for reshaping the American economy included a federal charter for a national financial institution. He proposed a **Bank of the United States**. Modeled along the lines of the Bank of England, a central bank would help make the new nation's economy dynamic. At the time, banks could print their own money. By creating a large, stable bank that people trusted, the economy could thrive with a stable paper currency.

The central bank faced significant opposition. Many feared it would fall under the influence of wealthy, urban Northeasterners and speculators from overseas. In the end, with the support of George Washington, the bank was chartered with its first headquarters in Philadelphia.

The third major area of Hamilton's economic plan aimed to make American manufacturers self-sufficient. The American economy had traditionally rested upon large-scale agricultural exports to pay for the import of British manufactured goods. Hamilton rightly thought that this dependence on expensive foreign goods kept the



Alexander Hamilton: First Secretary of the Treasury. He was a Federalist, one of the authors of the Federalist Papers during the debate over ratification of the Constitution. His financial plans included assuming state debts, creating a national bank, and promoting manufacturing. He was killed in a duel with Aaron Burr.



Secretary of the Treasury: The leader of the Department of the Treasury and the person in the executive branch primarily responsible for guiding financial policy.



Public Securities: Bonds sold by the government. Essentially they are loans people make to the government with a promise of repayment with interest.



Bonds: Essentially an IOU sold by the government. Essentially they are loans people make to the government with a promise of repayment with interest.



First Bank of the United States: Bank created by an act of congress as part of Alexander Hamilton's financial plan. He hoped that it would help stabilize the nation's financial system by issuing a stable currency.

2 WHY DO WE HAVE TWO MAJOR POLITICAL PARTIES?

American economy at a limited level, especially when compared to the rapid growth of early industrialization in Great Britain.

Rather than accept this condition, Hamilton wanted the United States to adopt a mercantilist economic policy. This would protect American manufacturers through direct government **subsidies** and **tariffs**. By helping American manufacturers by giving them government money and protecting them from imports by increasing the price of imported goods by adding tariffs, local producers could stand a chance. This **protectionist** policy would help fledgling American producers to compete with inexpensive European imports.



- ✓ **Subsidies:** Money paid to a certain group of farmers or producers by the government to help support that industry.
- ✓ **Tariffs:** Taxes collected on imported goods.
- ✓ **Protectionism:** Government policies meant to promote domestic business, either with direct help (subsidies) or by making imports more expensive (tariffs).

Secondary Source: Banknote

Alexander Hamilton's role in stabilizing the economy is honored on the \$10 bill. The Department of the Treasury Building in Washington, DC is on the back of the bill.

Hamilton possessed a remarkably acute economic vision. His aggressive support for manufacturing, banks, and strong public credit all became central aspects of the modern capitalist economy that would develop in the United States in the century after his death. Nevertheless, his policies were deeply controversial in their day.

Many Americans neither like Hamilton's elitist attitude nor his commitment to a British model of economic development. His pro-British foreign policy was potentially explosive in the wake of the Revolution. Hamilton favored an even stronger central government than the Constitution had created and often linked democratic impulses with potential anarchy. Finally, because the beneficiaries of his innovative economic policies were concentrated in the northeast, they threatened to stimulate divisive geographic differences in the new nation.

Regardless, with the support of President Washington, Hamilton's economic philosophies became touchstones of the modern American capitalist economy.

Thomas Jefferson, who was the secretary of state at the time, thought Hamilton's plans for full payment of the public debt stood to benefit a "corrupt squadron of paper dealers." To Jefferson, speculation in paper certificates threatened the virtue of the new American Republic. In his mind, what was valuable was land and the yeoman farmers who worked the land. Even Madison, who had worked closely with Hamilton in co-authoring The Federalist Papers, thought the public debt repayment plan gave too big a windfall to wealthy financiers.

There was a significant political element to Hamilton's proposal. Many of the poor farmers who had purchased the state securities during the Revolution had sold them as they lost value. Wealthy investors purchased these securities at rock bottom prices. If Hamilton was going to pay off the debts at face value, the investors stood

2 WHY DO WE HAVE TWO MAJOR POLITICAL PARTIES?

to make a handsome profit while the farmers and artisans would feel cheated. Once again it appeared that Hamilton was willing to help enrich his banker friends at the expense of the average American.

As a counter-measure Madison proposed that Congress should set aside some money for the original owners of the debts, the ordinary Americans and not new investors and speculators.

On a pragmatic level Madison's idea would have been difficult to implement. It would be hard to know who the bonds first belonged to, and furthermore, nearly half the members of Congress were wealthy and had invested in public securities. They stood to benefit financially from Hamilton's plan. Its passage was doubly assured.

Hamilton's successful bid to charter a national Bank of the United States also brought strong opposition from Jefferson. Their disagreement about the bank stemmed from sharply opposed interpretations of the Constitution. For Jefferson, such action was clearly beyond the powers granted to the federal government. In his **strict interpretation** of the Constitution, Jefferson pointed out that the 10th Amendment required that all federal authority be expressly stated in the law. Nowhere did the Constitution allow for the federal government to create a bank.

Hamilton responded with a **loose interpretation** that allowed such federal action under a clause permitting Congress to make "all Laws which shall be necessary and proper."

Neither side was absolutely right. The Constitution needed interpretation. In this difference, however, we can see sharply contrasting visions for the future of the republic.

Opposition to Hamilton's financial policies spread beyond the cabinet. The legislature divided about whether or not to support the Bank of the United States. This split in Congress loomed as a potential threat to the Union because northern representatives overwhelmingly voted favorably, while southerners were strongly opposed. The difference stemmed from significant economic differences between the sections. Large cities, merchants, and leading financiers were much more numerous in the North and stood to benefit from Hamilton's plans.

Keen observers began to fear that sharp sectional differences might soon threaten the Union. Indeed, the Bank ultimately found support in Congress through a compromise that included a commitment to build the new federal capital on the banks of the Potomac River in the South. In part, this stemmed from the fact that southern states such as Virginia had already paid off their war debt and stood to gain nothing from a central bank. While most of the commercial beneficiaries of Hamilton's policies were concentrated in the urban Northeast, the political capital of Washington, DC would stand in the more agricultural South. By dividing the centers of economic and political power many hoped to avoid a dangerous concentration of power in any one place or region.

The increasing discord of the early 1790s pointed toward an uncertain future. The Virginian Jefferson and the New Yorker Hamilton serve as useful figureheads for the opposing sides. While Hamilton was an adamant elitist whose policies favored merchants and financiers, Jefferson, though wealthy, favored policies aimed toward ordinary farmers.



Strict Interpretation: A way of reading the Constitution that results in a belief that the government can only do with is expressly written.



Loose Interpretation: A way of reading the Constitution that leads to a belief that the Constitution outlines, but does not express every possible power the government has.

2 WHY DO WE HAVE TWO MAJOR POLITICAL PARTIES?

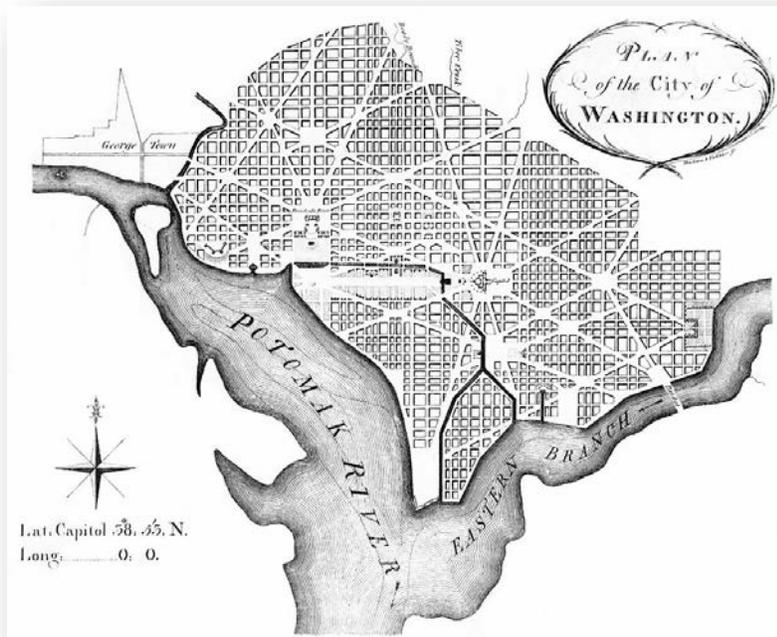
Their differences also extended to the branch of government that each favored. Hamilton thought a strong executive and a judiciary protected from direct popular influence were essential to the health of the republic. By contrast, Jefferson put much greater faith in democracy and felt that the truest expression of republican principles would come through the legislature, which was elected directly by the people. Their differences would become even sharper as the decade wore on.

THE NEW NATIONAL CAPITAL

Focusing on how the capital city of the federal government changed in the early years of the nation reminds us of the limited nature of the early central government. Like so many other elements of the new nation, even the most basic features of the capital city were unsettled. President Washington first took office in New York City, but, when reelected in 1792, the capital had already moved to Philadelphia where it would remain for a decade. Fittingly, Jefferson was the first president to be inaugurated in the new and lasting capital of **Washington, DC**.



Washington, DC: The nation's capital city, created in the 1790s and designed by Pierre Charles L'Enfant.



Primary Source: Map

L'Enfant's original plan for Washington. Unlike the modern city, L'Enfant envisioned canals running through the center of the city to carry merchant traffic. The city never became the bustling economic metropolis he and George Washington hoped it would, but it is one of the largest cities in America, due mostly to the enormous size and importance of the federal government.

The site of the new capital was the product of political compromise. As part of the struggle over Hamilton's financial policy, Congress supported the Bank of the United States, which would be headquartered in Philadelphia. In exchange, the special **District of Columbia**, to be under Congressional control, would be built on the Potomac River. The compromise represented a symbolic politics of the very highest order. While Hamilton's policies encouraged the consolidation of economic power in the hands of bankers, financiers, and merchants who predominated in the urban northeast, the political capital was to be in a more southerly and agricultural region apart from those economic elites.



District of Columbia: The square area of land selected by President Washington and set aside by Maryland and Virginia for the new national capital. Today the city of Washington has grown to fill the entire area. The part on the Virginia side of the Potomac River was given back to the state of Virginia.

2 WHY DO WE HAVE TWO MAJOR POLITICAL PARTIES?

Once the site for the new capital was selected in 1790, President Washington retained **Pierre Charles L'Enfant**, a French engineer and former officer in the Continental Army, to design and lay out the new capital city. His grand plan gave pride of place to the capitol building which would stand on a hill overlooking the flatlands around the Potomac. A long open mall connected the legislative building to the river and was to be bordered by varied stately buildings. Radiating out from the capital were broad avenues one of which would connect with the president's house. Much of L'Enfant's grand vision was ignored during the 1800s, but starting in 1901 the plan was vigorously reborn.

Today, Washington, DC, is an impressive capital city that physically expresses the central values of the modern United States. It gloriously honors the nation's commitment to democracy and political life in impressive government buildings. The capital also maintains the nation's historical memory in monuments along the mall that commemorate key events and people. The city also announces the nation's commitment to knowledge and human achievement in the spectacular Smithsonian museums. At the same time the capital also symbolizes less celebrated aspects of modern America. Washington, DC's impressive center around the mall is surrounded by urban poverty, a crisis facing most large American cities. The gulf separating American success and failure is on display nowhere more sharply.

Today's Washington, DC, however, is a far cry from the humble place that Jefferson entered in 1801. Then just beginning to emerge from a swampy location along the Potomac, the city claimed only 5,000 inhabitants, many of them temporary residents to serve the incoming politicians. The Senate building had been completed, but the building for the House of Representatives was still incomplete as was the president's house.

On Saturday, November 1, 1800, John Adams became the first president to take residence in the building. During Adams' second day in the house, he wrote a letter to his wife Abigail, containing a prayer for the house. Adams wrote, "I pray Heaven to bestow the best of blessings on this House, and all that shall hereafter inhabit it. May none but honest and wise men ever rule under this roof." Americans may judge for themselves whether or not Adams' prayer has come true.

The limited physical stature of the new capital city matched the modest scope of the federal government, which only included 130 officials in the days of the early republic. In fact, with the exception of the postal service, the national government provided almost no services that reached ordinary people in their everyday lives. For most people in the early republic, meaningful political decisions were made at the state and local level.

THE FRENCH REVOLUTION

The French Revolution brought fundamental changes to the feudal order of monarchical and aristocratic privilege. Americans widely celebrated the French Revolution in its glorious opening in 1789, as it struck at the very heart of absolutist power. France seemed to be following the American republican example by creating a constitutional monarchy where traditional elites would be restrained by written law. Where the king had previously held absolute power, now he would have to act within clear legal boundaries.

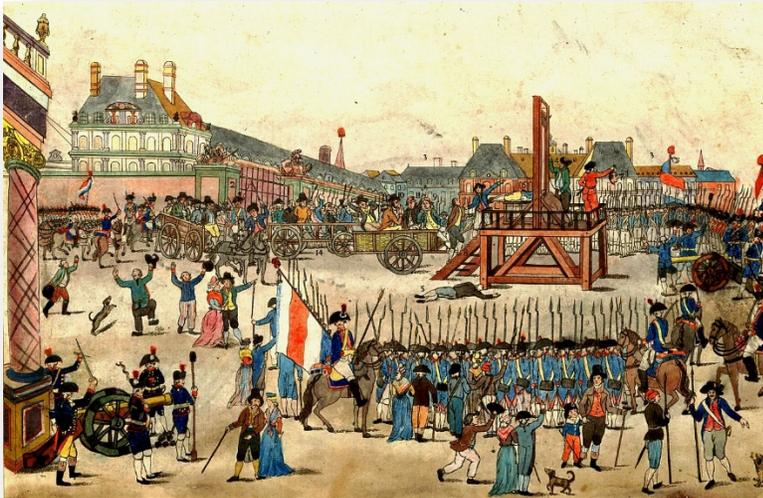


Pierre Charles L'Enfant: Frenchmen who laid out the street map of Washington, the new national capital.

2 WHY DO WE HAVE TWO MAJOR POLITICAL PARTIES?

The **French Revolution** soon moved beyond this already considerable assault on the traditional order. Pushed forward by a crisis brought on by war that began with Prussia and Austria, the French Revolution took a dramatic turn that climaxed with the beheading of King Louis XVI and the abandonment of Christianity in favor of a new state religion based on reason. The French Revolution became far more radical than the American Revolution. In addition to a period of extreme public violence, which became known as the Reign Of Terror, the French Revolution also attempted to enhance the rights and power of poor people and women. In fact, it even went so far as to outlaw slavery in the French colonies of the Caribbean.

The profound changes set in motion by the French Revolution had an enormous impact in France as well as through the large scale European war it sparked from 1792 to 1815. It also helped to transform American politics. While the French Revolution had initially received broad support in the United States, its radicalization led to sharp disagreement in American opinion.



French Revolution: Uprising in France begun in 1789 by the people against the royalty and aristocrats. It was supported in America by the Democratic-Republicans but eventually dissolved into a reign of terror in which many people were accused and beheaded without a fair trial. It eventually ended with the rise of the dictator Napoleon Bonaparte.

Primary Source: Painting

The French Revolution took a dark turn when the leaders of the Revolution began executing people in large numbers. Their preferred method was the Guillotine, which promised to be both quick and painless. Alas, the public spectacle also made the method a form of terror.

Domestic attitudes toward the proper future of the American republic grew even more intense as a result of the example of revolutionary France. Hamilton, Washington, and likeminded men who would soon organize as the Federalist Party saw the French Revolution as an example of homicidal anarchy. When Great Britain joined European allies in the war against France in 1793, Federalists supported this action as an attempt to enforce proper order.

The opposing American view, held by men like Jefferson, Madison and others who came to organize as the Democratic-Republican political party, supported French actions as an extension of a world-wide republican struggle against corrupt monarchy and aristocratic privilege. For example, some groups among the Whiskey Rebels in western Pennsylvania demonstrated their international vision when they rallied beneath a banner that copied the radical French slogan of “Liberté, Égalité, Fraternité.”

The example of the French Revolution helped convince Americans on both sides that their political opponents were motivated by dangerous and even evil forces that

2 WHY DO WE HAVE TWO MAJOR POLITICAL PARTIES?

threatened to destroy the young republic. Hamilton saw the chaos of the Reign of Terror as a warning to Americans. In his view, order imposed by a strong central government would prevent the worst excesses of the masses from destroying the nation. For Madison and Jefferson, the French Revolution symbolized the power of individuals in their quest for personal liberty against the tyrannical power of an absolute monarch.

TWO PARTIES EMERGE

The election of 1796 was the first election in American history where political candidates at the local, state, and national level began to run for office as members of organized **political parties** that held strongly opposed political principles.

This was a stunning new phenomenon that shocked most of the older leaders of the Revolutionary Era. Even Madison, who was one of the earliest to see the value of political parties, believed that they would only serve as temporary coalitions for specific controversial elections. The older leaders failed to understand the new conditions that had been created by the American Revolution. As the Preamble to the Constitution had clearly pointed out, “The People” now understood themselves as a fundamental force in legitimating government authority. In the modern American political system, voters mainly express themselves through allegiances within a competitive party system. 1796 was the first election where this defining element of modern political life began to appear.

The two parties adopted names that reflected their most cherished values. The **Federalists** of 1796 attached themselves to the successful campaign in favor of the Constitution and were solid supporters of the federal administration. Although Washington denounced parties as a horrid threat to the republic and tried to remain a unifying symbol of all Americans above the influence of parties, his vice president John Adams became the de facto presidential candidate of the Federalists. The party had its strongest support among those who favored Hamilton’s policies. Merchants, creditors and urban artisans who built the growing commercial economy of the Northeast provided its most dedicated supporters.

The opposition party adopted the name **Democratic-Republicans**, which suggested that they were more fully committed to extending the Revolution to ordinary people. The supporters of the Democratic-Republicans, often referred to as the Republicans (not to be confused with modern Republicans), were drawn from many segments of American society, especially farmers. The Democratic-Republicans enjoyed high popularity among German and Scots-Irish ethnic groups. Although it effectively reached ordinary citizens, its key leaders were wealthy southern tobacco elites like Jefferson and Madison. While the Democratic-Republicans were more diverse, the Federalists were wealthier and carried more prestige, especially by association with the retired Washington.

The 1796 election was waged with uncommon intensity. Federalists thought of themselves as the “friends of order” and good government. They viewed their opponents as dangerous radicals who would bring the anarchy of the French Revolution to America. The Democratic-Republicans despised Federalist policies. According to one Republican-minded New York newspaper, the Federalists were “aristocrats, endeavoring to lay the foundations of monarchical government, and Republicans [were] the real supporters of independence, friends to equal rights, and



Political Party: A group of people who work together to affect public policy and support candidates for public office.



Federalist Party: One of the first two political parties. They supported the Constitution, strong central government, Hamilton’s financial plans, and favored Britain over France. Washington and Adams were the only president’s from this party.



Democratic-Republican Party: One of the first two political parties. They were the successors to the Anti-Federalists, favored state power fearing tyrannical power concentrated in the federal government. Jefferson and Madison were their leaders.

2 WHY DO WE HAVE TWO MAJOR POLITICAL PARTIES?

warm advocates of free elective government.” Clearly there was little room for compromise in this hostile environment.

The outcome of the presidential election indicated the close balance between the two sides. New England strongly favored Adams, while Jefferson overwhelmingly carried the southern states. The key to the election lay in the mid-Atlantic colonies where party organizations were the most fully developed. Adams ended up narrowly winning in the electoral college 71 to 68. A sure sign of the great novelty of political parties was that the Constitution had established that the runner-up in the presidential election would become the vice president.

John Adams took office after a harsh campaign and narrow victory. His political opponent Jefferson served as the new vice president.

THE ADAMS PRESIDENCY

The Adams administration faced several tests. It was a mixed administration. Adams was a Federalist. Jefferson, the vice-president, was a Democratic-Republican. Federalists were increasingly divided between conservatives such as Hamilton and moderates such as Adams who still saw himself as above party politics. Hamilton had opposed Adams as the Federalist candidate. This helped create the circumstances whereby Jefferson slipped past the Federalist candidate, Thomas Pinckney, to become vice president. Although Hamilton resigned from the cabinet in 1795, he remained influential and his advice was sought and followed by many Federalists, even some who remained in Adams’ cabinet.

During his presidency, France began harassing American merchant ships who were doing business with Britain. Adams took strong steps in response including severe repression of domestic protests. A series of laws known collectively as the **Alien and Sedition Acts** were passed by the Federalist Congress in 1798 and signed into law by President Adams. These laws included new powers to deport foreigners as well as making it harder for new immigrants to vote. Previously a new immigrant would have to reside in the United States for five years before becoming eligible to vote, but a new law raised this to 14 years.

Clearly, the Federalists saw foreigners as a deep threat to American security. As one Federalist in Congress declared, there was no need to “invite hordes of Wild Irishmen, nor the turbulent and disorderly of all the world, to come here with a basic view to distract our tranquility.” Not coincidentally, non-English ethnic groups had been among the core supporters of the Democratic-Republicans in 1796.

The most controversial of the new laws permitting strong government control over individual actions was the Sedition Act. In essence, this Act prohibited public opposition to the government. Fines and imprisonment could be used against those who “write, print, utter, or publish... any false, scandalous and malicious writing” against the government.

Under the terms of this law over 20 Republican newspaper editors were arrested and some were imprisoned. The most dramatic victim of the law was Representative Matthew Lyon of Vermont. His letter that criticized President Adams’ “unbounded thirst for ridiculous pomp, foolish adulation, and self avarice” caused him to be imprisoned. While Federalists sent Lyon to prison for his opinions, his constituents reelected him to Congress even from his jail cell.



Alien and Sedition Acts: Laws passed in 1798 by the Federalist congress and President Adams designed to limit the influence of their political opponents. They severely limited the freedom of speech and were clearly in violation of the First Amendment.

2 WHY DO WE HAVE TWO MAJOR POLITICAL PARTIES?

The Sedition Act clearly violated individual protections under the First Amendment's protect of freedom of speech. However, the practice of judicial review, whereby the Supreme Court considers the constitutionality of laws was not yet well developed. Furthermore, the justices were all strong Federalists having been appointed by George Washington. As a result, Madison and Jefferson directed their opposition to the new laws to state legislatures. The Virginia and Kentucky legislatures passed resolutions declaring the federal laws invalid within their states. The bold challenge to the federal government offered by this strong states' rights position seemed to point toward imminent armed conflict within the United States.

Federalists in government now viewed the persistence of their party as the equivalent of the survival of the republic. This led them to enact and enforce harsh laws. Madison, who had been the chief architect of a strong central government in the Constitution, now was wary of national authority. He actually helped the Kentucky legislature to reject federal law. By placing states' rights above those of the federal government, Kentucky and Virginia had established a precedent that southern states used to justify succession in 1860 at the outset of the Civil War.

John Adams stands as an almost tragic figure.

Since 1765, Adams had been at the forefront of what would become the Revolutionary movement. Although not a striking speaker, his commitment and thorough preparation made him a key figure in the Continental Congress where he served on more committees than any other individual.

Unquestionably an ardent patriot, Adams felt so strongly about the rights of the accused to a fair trial that he represented the British troops who had fired in the Boston Massacre of 1770. Adams argued their case so well that they escaped criminal penalty. During the Revolution, as well as while president, John Adams allowed his principles to determine his course of action even when they made him deeply unpopular.

Adams' life was marked by many deep contradictions. His conservatism led him to the top of the Federalist Party that by 1800 had become a minority group of elite commercial interests. However, he himself was a man of modest origins who had achieved great success through personal effort. The first in his family to attend college, as well as the first to enter a profession, Adams was caricatured by Democratic-Republicans as an elitist. Meanwhile, the slave-owning gentleman Jefferson successfully campaigned as a defender of the common man.

The new nation that Adams had done as much as any to bring into being was fast becoming a place whose values he did not share. Adams rightly felt misunderstood and persecuted. Writing to another aging patriot leader in 1812, he lamented, "I have constantly lived in an enemy's Country."

Toward the end of his long life, Adams renewed an earlier friendship with Jefferson that had understandably dissipated in the 1790s and with the election of 1800. In their waning years, these two towering figures began a rich correspondence that remains a monument of American intellectual expression. Adams' conservatism exerted itself in a core belief that inequality would always be an aspect of human society and that government needed to reflect that reality.

Furthermore, Adams emphasized the limits of human nature. Unlike the more optimistic Jefferson, Adams stressed that human reason could not overcome all the

2 WHY DO WE HAVE TWO MAJOR POLITICAL PARTIES?

world's problems. Less celebrated in both his own day and ours, Adams' quiet place among the Founding Fathers is related to the acuity and depth of his political analysis that survives in his extraordinarily voluminous writings. Adams persistently challenged and questioned the soft spots of a more romantic and mythical American self-understanding.

In Benjamin Franklin's estimation, Adams "means well for his country, is always an honest man, often a wise one, but sometimes, and in some things, absolutely out of his senses."

THE ELECTION OF 1800

The **Election of 1800** between John Adams and Thomas Jefferson was an emotional and hard-fought campaign. Each side believed that victory by the other would ruin the nation.

Federalists attacked Jefferson as an un-Christian deist whose sympathy for the French Revolution would bring similar bloodshed and chaos to the United States. On the other side, the Democratic-Republicans denounced the strong centralization of federal power under Adams's presidency. Republicans' specifically objected to the expansion of the army and navy, the attack on individual rights in the Alien and Sedition Acts, and new taxes and deficit spending used to support broadened federal action.

Overall, the Federalists wanted strong federal authority to restrain the excesses of popular majorities, while the Democratic-Republicans wanted to reduce national authority so that the people could rule more directly through state governments.

The election's outcome brought a dramatic victory for Democratic-Republicans who swept both houses of Congress, including a decisive 65 to 39 majority in the House of Representatives. The presidential decision in the electoral college was somewhat closer, but the most intriguing aspect of the presidential vote stemmed from an outdated Constitutional provision whereby the Republican candidates for president and vice president actually ended up tied with one another.

Votes for President and Vice President were not listed on separate ballots. Although Adams ran as Jefferson's main opponent, running mates Jefferson and **Aaron Burr** received the same number of electoral votes. The election was decided in the House of Representatives where each state wielded a single vote.

Interestingly, the old Federalist Congress would make the decision, since the newly elected Republicans had not yet taken office. Most Federalists preferred Burr, and, once again, Alexander Hamilton shaped an unpredictable outcome. After numerous blocked ballots, Hamilton helped to secure the presidency for Jefferson, the man he felt was the lesser of two evils. Ten state delegations voted for Jefferson, four supported Burr, and two made no choice.

One might be tempted to see the opposing sides in 1800 as a repeat of the Federalist and Anti-Federalist divisions during the ratification debates of 1788-1789. The core groups supporting each side paralleled the earlier division. Merchants and manufacturers were still leading Federalists, while states' rights advocates filled the Republican ranks just as they had the earlier Anti-Federalists. But a great deal had changed in the intervening decade. The Democratic-Republicans had significantly broadened the old Anti-Federalist coalition. Most importantly, urban workers and



Election of 1800: Presidential election between President John Adams and Jefferson. It resulted in the first transition of power from one party to another.



Aaron Burr: Former Vice President who shot and killed Alexander Hamilton in a duel. Later he moved West and was accused of treason due to his role in a plot to help western states secede from the Union.

2 WHY DO WE HAVE TWO MAJOR POLITICAL PARTIES?

artisans who had supported the Constitution during ratification and who had mostly supported Adams in 1796 now looked to Jefferson. In addition, key Federalist leaders during the ratification debate like James Madison had changed his political stance by 1800. The Father of the Constitution, Madison now emerged as the ablest party organizer among the Republicans. At their core, the Democratic-Republicans believed that government needed to be broadly accountable to the people. Their coalition and ideals would dominate American politics well into the nineteenth century.

As the first peaceful transition of political power between opposing parties in American history, however, the election of 1800 had far-reaching significance. Jefferson appreciated the momentous change and his inaugural address called for reconciliation by declaring that, “We are all Republicans, we are all Federalists.”

The harsh public antagonism of the 1790s largely came to an end with the victory of the Democratic-Republicans in the 1800 election. “The Revolution of 1800,” as Jefferson called it, was “as real a revolution in the principles of our government as that of 1776 was in its form.”

To Jefferson and his supporters, the defeat of the Federalists ended their attempt to lead America on a more conservative and less democratic course. Since the Federalists never again played a national political role after the defeat in 1800, it seems that most American voters of the era shared Jefferson's view.



Secondary Source: Drawing

One artist's idea of what the famous duel between Alexander Hamilton and Aaron Burr might have looked like.

Jefferson's election inaugurated a Virginia Dynasty that held the presidency from 1801 to 1825. After Jefferson's two terms as president, he was followed by two other two-term Democratic-Republicans from Virginia, James Madison and James Monroe. Regular Democratic-Republican majorities in Congress supported their long rule. Political leaders and parties played a pivotal role shaping the new nation because they could serve as outlets for large numbers of people to express their opinions about issues of public significance. For Jefferson, the Election of 1800 stands as a second revolution that protected and extended the gains achieved in the Revolution of 1776.

In one of the more unusual stories of American history, Aaron Burr, who had a long antagonistic relationship with Alexander Hamilton that was exacerbated by Hamilton's role in the 1800 election, **shot and killed him in a duel**. Dueling at the



Burr-Hamilton Duel: 1804 event in which Alexander Hamilton was shot and killed by Aaron Burr.

2 WHY DO WE HAVE TWO MAJOR POLITICAL PARTIES?

time was falling out of favor in the North and evidence suggests that Hamilton purposefully missed on his first shot, assuming that the duel was an exercise in preserving honor. Burr, on the other hand, did not miss. The episode effectively ended Burr's political career.

JEFFERSON

Jefferson's lasting significance in American history stems from his remarkably varied talents. He made major contributions as a politician, statesman, diplomat, intellectual, writer, scientist, and philosopher. No other figure among the Founding Fathers shared the depth and breadth of his wide-ranging intelligence.

His presidential vision impressively combined philosophic principles with pragmatic effectiveness as a politician. Jefferson's most fundamental political belief was an "absolute acquiescence in the decisions of the majority." Stemming from his deep optimism in human reason, Jefferson believed that the will of the people, expressed through elections, provided the most appropriate guidance for directing the republic's course.

Jefferson also felt that the central government should be "rigorously frugal and simple." As president, he reduced the size and scope of the federal government by ending internal taxes, reducing the size of the army and navy, and paying off the government's debt. Limiting the federal government flowed from his strict interpretation of the Constitution.

Jefferson also committed his presidency to the protection of civil liberties and minority rights. As he explained in his inaugural address in 1801, "though the will of the majority is in all cases to prevail, that will, to be rightful, must be reasonable; that the minority possess their equal rights, which equal laws must protect, and to violate would be oppression." Jefferson's experience of Federalist repression in the late 1790s under the Alien and Sedition Acts led him to define more clearly a central concept of American democracy.

Jefferson's stature as the most profound thinker in the American political tradition stems beyond his specific policies as president. His crucial sense of what mattered most in life grew from a deep appreciation of farming, in his mind the most virtuous and meaningful human activity. As he explained in his Notes on the State of Virginia in 1785, "Those who labor in the earth are the chosen people of God." Since farmers were an overwhelming majority in the American republic, one can see how his belief in the value of agriculture reinforced his commitment to democracy.

Jefferson's thinking, however, was not merely celebratory, for he saw two dangerous threats to his ideal agrarian democracy. To him, financial speculation and the development of urban industry both threatened to destroy the independence citizens maintained as farmers. Debt, on the one hand, and factory work, on the other, could rob men of the economic autonomy essential for republican citizens.

Jefferson's vision was not anti-modern, for he had too brilliant a scientific mind to fear technological change. He supported international commerce to benefit farmers and wanted to see new technology widely incorporated into ordinary farms and households to make them more productive.

Jefferson pinpointed a deeply troubling problem. How could republican liberty and democratic equality be reconciled with social changes that threatened to increase

2 WHY DO WE HAVE TWO MAJOR POLITICAL PARTIES?

inequality? The awful working conditions in early industrial England loomed as a terrifying example. For Jefferson, western expansion provided an escape from the British model. As long as hard working farmers could acquire land at reasonable prices, then America could prosper as a republic of equal and independent citizens.

In spite of the success and importance of Jeffersonian Democracy, dark flaws limited even Jefferson's grand vision. First, his hopes for the incorporation of technology at the household level failed to grasp how poverty often pushed women and children to the forefront of the new industrial labor.

Second, an equal place for Native Americans could not be accommodated within his plans for an agrarian republic. Third, Jefferson's celebration of agriculture disturbingly ignored the fact that slaves worked the richest farm land in the United States. Slavery was obviously incompatible with true democratic values. Jefferson's explanation of slaves within the republic argued that African Americans' racial inferiority barred them from becoming full and equal citizens.

Jefferson repeatedly acknowledged that slavery was wrong, but he never saw a way to eliminate the institution. To Jefferson, slavery meant holding "a wolf by the ears." It was a danger that could never be released. Most disturbingly of all, Jefferson could not imagine America as a place where free blacks and whites could live together. To him, a biracial society of equality would "produce convulsions which will probably never end but in the extermination of one or the other race."

Our final assessment of Jeffersonian Democracy rests on a profound contradiction. Jefferson was the single most powerful individual leading the struggle to enhance the rights of ordinary people in the early republic. His Declaration of Independence eloquently expressed America's statement of purpose "that all men are created equal." Still, he owned slaves all his life and, unlike Washington, never set them free. For all his greatness, Jefferson did not transcend the pervasive racism of his day.

CONCLUSION

Children often wonder why adults can't get along. Why do politicians argue? As we get older we can understand how policies that benefit one group of people may be harmful to another. This make sense. Hamilton's financial plan put the federal government on sound financial footing, but his method benefited his wealthy friends at the expense of the poorer farmers. Jefferson and Madison understood that playing politics could produce electoral victory and harnessed popular discontent to defeat the Federalists.

But did it have to be this way? If Hamilton, Jefferson and Madison had decided that the nation's leaders need to stay above the level of political feuding, if they had made a point of putting unity over raw political maneuvering, maybe things would have turned out differently.

In the 1780s the nation was not particularly divided regionally. Certainly there was a divide between the East Coast and the Frontier which fueled the Federalist and Democratic-Republican divide, but a strong North and South split had not yet developed. What if the nation's parties had developed by geographic region? Would the country have survived even a few years?

With all the possible outcomes, it is worth asking, why do we have two major political parties?

2 WHY DO WE HAVE TWO MAJOR POLITICAL PARTIES?

SUMMARY

As the first Secretary of the Treasury, Alexander Hamilton proposed important plans to shape the American economy. His ideas reflected his idea that the federal government should be powerful. He wanted the federal government to absorb state debts. This helped northern states who still owed money after the Revolution. It also meant that people would support the federal government because they owned federal bonds.

Hamilton proposed chartering a Bank of the United States to hold federal funds. He believed this large bank would stabilize the economy. Hamilton believed the future of America was based on industry and trade. He wanted to increase tariffs on foreign products to protect American manufacturers. This would hurt Southerners who wanted to purchase imports. Hamilton believed in a loose interpretation of the Constitution. In his view, the Constitution enumerated powers but did not list every possible power of the government. Generally, Hamilton saw Great Britain as an ideal to copy. In his view, the chaos of the French Revolution was a bad example.

The Anti-Federalists changed their name to Democratic-Republicans and were led by Thomas Jefferson and James Madison who had grown to distrust Hamilton. They believed the ideal Americans were farmers who were self-sufficient. They saw the French as ideological brothers and distrusted the British. After all, Americans had just finished fighting a war with Britain. Jefferson and Madison were both Southerners and Hamilton's ideas about tariffs, the bank, and absorbing state debt all benefited northern states at the expense of Southerners. The Democratic-Republicans believed in a strict interpretation of the Constitution. They favored stated powers and feared a power-hungry federal government. In their view, if a power wasn't listed in the Constitution, the federal government did not have that power.

The new federal government moved to Washington, DC, a brand new city created in the South. In the beginning, the city was mostly swamp. Adams was the first President to live in the White House.

When John Adams took over as second president, he wanted to continue Washington's tradition of staying above the growing debate between the two parties but he failed and both sides turned against him. The XYZ Affair showed growing problems with France. Federalists in Congress passed laws to make criticizing the government a crime, which was a clear political move to silence opponents. In 1800, Democratic-Republicans engineered an electoral victory for Thomas Jefferson.

2 WHY DO WE HAVE TWO MAJOR POLITICAL PARTIES?



KEY CONCEPTS

Public Securities: Bonds sold by the government. Essentially they are loans people make to the government with a promise of repayment with interest.

Bonds: Essentially an IOU sold by the government. Essentially they are loans people make to the government with a promise of repayment with interest.

Subsidies: Money paid to a certain group of farmers or producers by the government to help support that industry.

Tariffs: Taxes collected on imported goods.

Protectionism: Government policies meant to promote domestic business, either with direct help (subsidies) or by making imports more expensive (tariffs).

Strict Interpretation: A way of reading the Constitution that results in a belief that the government can only do with is expressly written.

Loose Interpretation: A way of reading the Constitution that leads to a belief that the Constitution outlines, but does not express every possible power the government has.

Political Party: A group of people who work together to affect public policy and support candidates for public office.



EVENTS

French Revolution: Uprising in France begun in 1789 by the people against the royalty and aristocrats. It was supported in America by the Democratic-Republicans but eventually dissolved into a reign of terror in which many people were accused and beheaded without a fair trial. It eventually ended with the rise of the dictator Napoleon Bonaparte.

Election of 1800: Presidential election between President John Adams and Jefferson. It resulted in the first transition of power from one party to another.

Burr-Hamilton Duel: 1804 event in which Alexander Hamilton was shot and killed by Aaron Burr.



PEOPLE AND GROUPS

Alexander Hamilton: First Secretary of the Treasury. He was a Federalist, one of the authors of the Federalist Papers during the debate over ratification of the Constitution. His financial plans included assuming state debts, creating a national bank, and promoting manufacturing. He was killed in a duel with Aaron Burr.

Secretary of the Treasury: The leader of the Department of the Treasury and the person in the executive branch primarily responsible for guiding financial policy.

Pierre Charles L'Enfant: Frenchman who laid out the street map of Washington, the new national capital.

Federalist Party: One of the first two political parties. They supported the Constitution, strong central government, Hamilton's financial plans, and favored Britain over France. Washington and Adams were the only president's from this party.

Democratic-Republican Party: One of the first two political parties. They were the successors to the Anti-Federalists, favored state power fearing tyrannical power concentrated in the federal government. Jefferson and Madison were their leaders.

Aaron Burr: Former Vice President who shot and killed Alexander Hamilton in a duel. Later he moved West and was accused of treason due to his role in a plot to help western states secede from the Union.



LOCATIONS

Washington, DC: The nation's capital city, created in the 1790s and designed by Pierre Charles L'Enfant.

District of Columbia: The square area of land selected by President Washington and set aside by Maryland and Virginia for the new national capital. Today the city of Washington has grown to fill the entire area. The part on the Virginia side of the Potomac River was given back to the state of Virginia.



GOVERNMENT AGENCIES

First Bank of the United States: Bank created by an act of congress as part of Alexander Hamilton's financial plan. He hoped that it would help stabilize the nation's financial system by issuing a stable currency.



LAWS

Alien and Sedition Acts: Laws passed in 1798 by the Federalist congress and President Adams designed to limit the influence of their political opponents. They severely limited the freedom of speech and were clearly in violation of the First Amendment.

3

T H I R D Q U E S T I O N CAN A DEMOCRACY FUNCTION WITHOUT A JUDICIARY?

W A S T H E
F O U N D I N G
G E N E R A T I O N
G O O D A T
G O V E R N I N G ?

INTRODUCTION

Every basic government class teaches that our government is made up of three branches, and presents them as equals. But this was not always the case. Although the Constitution clearly lays out three branches and establishes a system of checks and balances to prevent one branch from dominating the others, the positions that make the ideas on paper into functioning government are always filled by people.

In the early years of our government, President Washington was especially careful to set an example for those who came after him about how a person should fulfill that position.

The same was not true for the first Chief Justices of the Supreme Court. John Jay, the first to hold the position was a dedicated Federalist and wise, but did not assert the Court's power. It was not until John Marshall took the reins that the Supreme Court became a co-equal branch of the federal government.

How did this happen? And can a democracy function without a judiciary?

3 CAN A DEMOCRACY FUNCTION WITHOUT A JUDICIARY?

JOHN MARSHALL'S SUPREME COURT

The Democratic-Republican victory in the 1800 election began a long run of Republican political success. In spite of Federalists' departure from most elective offices, they remained a powerful force in American life especially through their leading position among federal judges. In the final months of Adams' administration, he enlarged the federal judiciary and appointed many new judges.

In the view of Gouverneur Morris, a Federalist senator from New York, this created an independent judiciary necessary "to save the people from their most dangerous enemy, themselves." At the head of the judiciary was Chief Justice **John Marshall**.

MARBURY V. MADISON

Marbury v. Madison was a landmark Supreme Court decision in 1803 in which the Court established the basis for the exercise of judicial review in the United States under Article III of the Constitution. The decision helped define the power of the judiciary as a co-equal branch of the government, constitutionally separate from the executive and judicial branches.

The case derived from the fiercely contested presidential election of 1800. As the results of the election became clear in early 1801, Adams and the Federalists became determined to exercise their influence in the weeks remaining before Jefferson took office, and did all they could to fill federal offices with "anti-Jeffersonians" who were loyal to the Federalists. On March 2, 1801, just two days before his presidential term was to end, Adams nominated nearly 60 Federalist supporters to circuit judge and justice of the peace positions the Federalist-controlled Congress had newly created. These appointees, whom Jefferson's supporters derisively referred to as "the Midnight Judges," included William Marbury, a prosperous businessman from Maryland. An ardent Federalist, Marbury was active in Maryland politics and had been a vigorous supporter of the Adams presidency.

The following day, March 3, Adams's nominations were approved by the Senate. The commissions were immediately signed by Adams and sealed by his Secretary of State, John Marshall, who had been named the new Chief Justice in January 1801 but continued also serving as Secretary of State until Jefferson took office. Marshall then dispatched his younger brother James Markham Marshall to deliver the commissions to the appointees. With only one day left before Jefferson's inauguration, James Marshall was able to deliver most of the commissions, but a few, including Marbury's, were not delivered.

On March 4, 1801, Thomas Jefferson was sworn in as president, and as soon as he was able, instructed his new Secretary of State, James Madison, to withhold the undelivered appointments. In Jefferson's opinion, the commissions were void because they had not been delivered in time. Without the commissions, the appointees were unable to assume the offices and duties to which they had been appointed. In December 1801, Marbury filed suit against Madison in the Supreme Court, asking the Court to issue a writ of mandamus forcing Madison to deliver Marbury's commission. This lawsuit resulted in the case of *Marbury v. Madison*.

John Marshall, the new chief justice, faced a difficult challenge. He was a Federalist, had been Adams' Secretary of State, and had been involved in the appointment of the "midnight judges." If his Supreme Court ruled in favor of Marbury the Court would be accused of being a tool of the Federalists. If he ruled against Marbury, the



John Marshall: Third Chief Justice of the Supreme Court. He was critical in the establishment of the court as a co-equal branch of government. He wrote the *Marbury v. Madison* opinion.



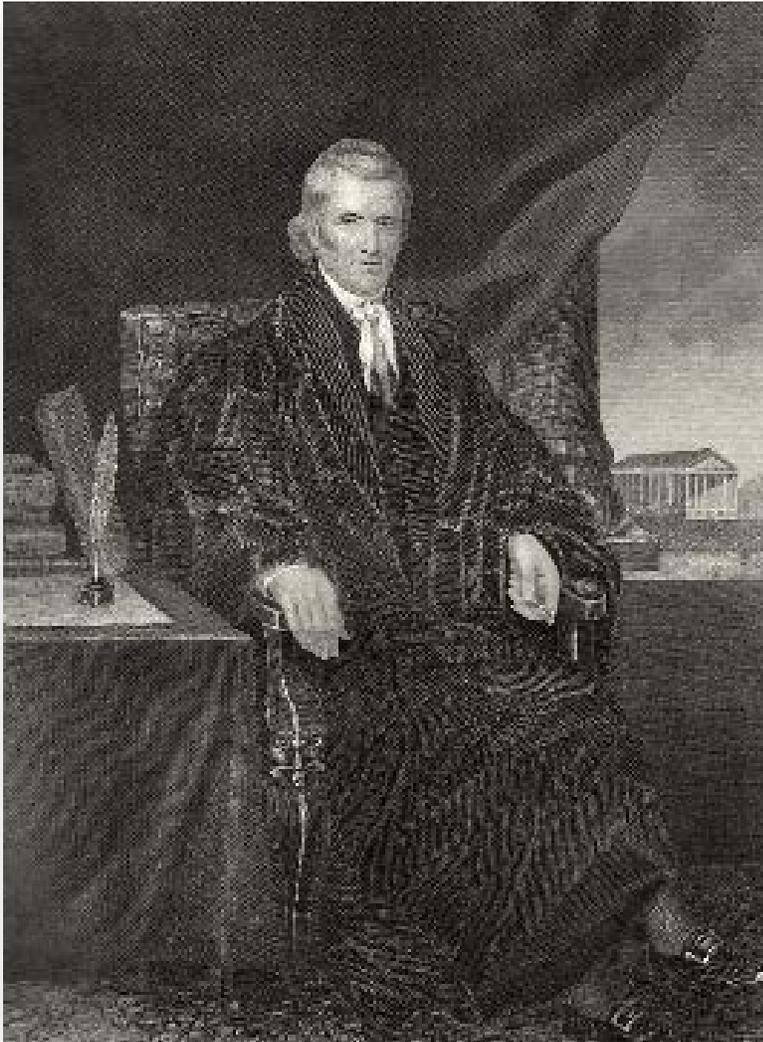
Marbury v. Madison: 1801 Supreme Court case that resulted from the appointment of the Midnight Justices. The resulting decision by Chief Justice John Marshall established the principle of judicial review.



Midnight Judges: A group of Federalist judges appointed by President John Adams just before the inauguration of Thomas Jefferson. Marbury was one and his appointment resulted in the *Marbury v. Madison* Supreme Court decision that established judicial review.

3 CAN A DEMOCRACY FUNCTION WITHOUT A JUDICIARY?

Democratic-Republicans would view it as evidence that the president and congress were superior to the Court. Either way, Marshall and the Supreme Court relative to the two other branches were in a losing position.



Secondary Source: Engraving

Chief Justice John Marshall

Marshall's solution was both ingenious and had a profound and lasting impact on American politics. He found that Marbury did have a right to his appointment, and that the Judiciary Act of 1789 provided him with a remedy known as a writ of mandamus. Nonetheless, the Court stopped short of compelling Madison to hand over Marbury's appointment, instead holding that the provision of the Judiciary Act of 1789 that gave the Supreme Court original jurisdiction over Marbury's claim was itself unconstitutional. The petition was therefore denied.

Most importantly, the precedent for the Court's power of **judicial review**, which was not specifically enumerated in the Constitution, was established.



Judicial Review: The principle that the Supreme Court can rule acts of congress or presidential decision in violation of the Constitution.

3 CAN A DEMOCRACY FUNCTION WITHOUT A JUDICIARY?

This was the only time the Marshall Court would strike down an act of Congress. However, that precedent was enough to establish the Court as a co-equal branch by branding it as the final interpreter of the Constitution. Since the Constitution is the most fundamental law of the country, any government action that the Supreme Court determines to be against the terms of the Constitution is void and nullified. Therefore, in its role as interpreter, the Supreme Court can overrule Congress, the president, state governments, and all lower courts.

Marbury v. Madison remains the single most important decision in American constitutional law.

Marshall did not invent judicial review. However, his opinion in Marbury was the first exercise of it by the Supreme Court. It made the practice more routine, rather than exceptional, and prepared the way for the Court's opinion in the 1819 case McCulloch v. Maryland, in which Marshall implied that the Supreme Court was the supreme interpreter of the Constitution.

McCULLOCH V. MARYLAND

On April 10, 1816, the Congress of the United States passed “An Act to Incorporate the Subscribers to the Bank of the United States” to provide for the incorporation of the Second Bank of the United States. The Bank first went into full operation in Philadelphia, Pennsylvania. In 1817, the Bank opened a branch in Baltimore, Maryland, and transacted and carried on business as a branch of the Bank of the United States by issuing bank notes, and performing other operations usual and customary for banks. A year later the General Assembly of Maryland enacted a tax on all banks not chartered by the state legislature.

The tax was clearly written to target the Second Bank of the United States, and no other banks in the state.

James William McCulloch, the head of the Baltimore Branch of the Second Bank of the United States, refused to pay the tax. The State of Maryland argued that “the Constitution is silent on the subject of banks.” It was Maryland's contention that because the Constitution failed to state specifically that the federal government was authorized to charter a bank, that made Bank of the United States unconstitutional. The court upheld the state's position and the bank appealed to the Supreme Court.

For Chief Justice Marshall and the Supreme Court, the **McCulloch v. Maryland** case was important because it got to the heart of what it meant to read the Constitution. That is, did the government have the power to do things that were not specifically listed? The Court, under Chief Justice Marshall ruled that Congress did have the power to create the Bank.

Firstly, he argued that historical practice established Congress's power to create the bank. During Washington's term as president, Congress had created the First Bank of the United States with Hamilton and Washington's blessing.

Secondly, the State of Maryland had contended that because they ratified the Constitution, the states had final authority over any matters that happened within the states. This would mean that states could ignore federal laws. Marshall refuted that argument, contending that it was the people who ratified the Constitution and thus the people, not the states, who are sovereign.



McCulloch v. Maryland: 1819 Supreme Court case decided by the Marshall Court that established the authority of the federal government over the states.

3 CAN A DEMOCRACY FUNCTION WITHOUT A JUDICIARY?

Thirdly, Marshall addressed the scope of congressional powers under Article I. Marshall admitted that the Constitution does not enumerate a power to create a central bank but said that it also does not specifically say that Congress does not have the power to establish such an institution. In other words, Congress has implied powers, which must be related to the text of the Constitution but do not need to be enumerated within the text.

Chief Marshall also determined that Maryland could not tax the bank without violating the constitution since, as Marshall commented, “the power to tax involves the power to destroy.” The Court thus struck down the tax as an unconstitutional attempt by a state to interfere with a federal institution, thus reasserting **federal supremacy**, the power of the federal government over the states.

GIBBONS V. OGDEN

In 1808, the Legislature of the State of New York granted to Robert R. Livingston and Robert Fulton exclusive navigation privileges of all the waters within the jurisdiction of that State, with boats moved by fire or steam, for a term of thirty years. Livingston and Fulton subsequently also petitioned other states and territorial legislatures for similar monopolies, hoping to develop a national network of steamboat lines.

Former New Jersey Governor Aaron Ogden, after working with Livingston and Fulton, eventually took them to court. The case, **Gibbons v. Ogden** ended with another seminal decision by the Marshall Court.

Gibbons argued that Article I, Section 8, Clause 3 of the Constitution specifically grants Congress the power to regulate interstate commerce. Thus, he argued, the monopoly created by New York conflicted with federal law. After several delays, the court began discussing the meaning of the **commerce clause** in 1824. By that time had become an issue of wider interest. Congress was debating a bill to provide a federal survey of roads and canals. Southerners, in particular, were growing more sensitive to what the resolution of these issues would mean to them as sectional disputes, especially over slavery, were increasing.

The Supreme Court ruled in favor of Gibbons, affirming that Congress has the right to regulate interstate commerce. This ruling has since been used many times by Congress to affect change in the states. For example, Congress was able to force southern states to desegregate busses that carried passengers across state lines, such as the Freedom Riders. Congress also used the Gibbons ruling to regulate child labor.

MARSHALL’S LEGACY

The United States Supreme Court under Chief Justice John Marshall played a central role in defining the power of the federal and state governments during the early nineteenth century. The three chief justices prior to Marshall had had little influence on the office or the Supreme Court itself. During his 34-year tenure, however, Marshall gave it the energy and weight of the third, co-equal branch of government. Marshall’s Court shaped the new nation with its interpretation of the Constitution and the establishing of a number of early legal precedents that helped to better define the role and function of the federal government.

Marshall promoted Federalism and the ideas of the Federalist Party and the idea of a strong central government over the opposition of the Jeffersonian Republicans,



Federal Supremacy: The principle that the federal government has power over the states. States cannot ignore or overturn federal law.



Gibbons v. Ogden: Supreme Court case in 1824 that established Congress’s power to regulate interstate business.



Commerce Clause: Line from the Constitution that gives Congress the power to regulate business between states. It was the subject of the Gibbons v. Ogden Supreme Court case.

3 CAN A DEMOCRACY FUNCTION WITHOUT A JUDICIARY?

who wanted increased state sovereignty. His influential rulings shaped American government, making the Supreme Court the final arbiter of Constitutional interpretation.

CONCLUSION

The cases the Supreme Court heard in the first decades under the Constitution and John Marshall's decisions are celebrated as wise and we can clearly see his genius at seizing opportunities to leave a lasting legacy on Constitutional law.

But was this really necessary? Could Congress have simply clarified things by passing laws? Certainly, they could have amended the Judicial Act and decided if Marbury should take up his position as a judge. They could have settled the question of the Bank by law. And, even in the Gibbons case, Congress could have passed laws to establish their superiority.

Then again, what if the states had ignored Congress? Of course, Marshall and the Supreme Court under his leadership made things simpler, but is a judiciary essential for democracy to function?

SUMMARY

The early Supreme Court was not considered an equal branch of government. This changed because of the work of Chief Justice John Marshall. The Marshall Court established three important precedents that have affected America's government in the centuries that followed.

The Marbury v. Madison case established the Court as a coequal branch of government and the idea of that the Court can overturn acts of Congress and the President as unconstitutional.

The McCulloch v. Maryland case confirmed the authority of the federal government over states.

The Gibbons v. Ogden case clarified Congress's power to regulate business between states.



KEY CONCEPTS

Judicial Review: The principle that the Supreme Court can rule acts of congress or presidential decision in violation of the Constitution.

Federal Supremacy: The principle that the federal government has power over the states. States cannot ignore or overturn federal law.



PEOPLE AND GROUPS

John Marshall: Third Chief Justice of the Supreme Court. He was critical in the establishment of the court as a co-equal branch of government. He wrote the Marbury v. Madison opinion.

Midnight Judges: A group of Federalist judges appointed by President John Adams just before the inauguration of Thomas Jefferson. Marbury was one and his appointment resulted in the Marbury v. Madison Supreme Court decision that established judicial review.



COURT CASES

Marbury v. Madison: 1801 Supreme Court case that resulted from the appointment of the Midnight Justices. The resulting decision by Chief Justice John Marshall established the principle of judicial review.

McCulloch v. Maryland: 1819 Supreme Court case decided by the Marshall Court that established the authority of the federal government over the states.

Gibbons v. Ogden: Supreme Court case in 1824 that established Congress's power to regulate interstate business.



LAWS

Commerce Clause: Line from the Constitution that gives Congress the power to regulate business between states. It was the subject of the Gibbons v. Ogden Supreme Court case.

4

F O U R T H Q U E S T I O N HOW CAN WEAK NATIONS GAIN THE RESPECT OF POWERFUL NEIGHBORS?

W A S T H E
F O U N D I N G
G E N E R A T I O N
G O O D A T
G O V E R N I N G ?

INTRODUCTION

The United States underwent dramatic changes during the period of Democratic-Republican political leadership in the first decades of the 1800s. The growth into the West and conflicts with Native Americans nations and problems dealing with the European powers posed a fundamental challenge to the fragile new republic.

At the heart of foreign relations in the first decades of the early republic was the challenge of being taken seriously. Despite having won independence from Britain, the United States remained weak. Without the help of the Spanish, and especially the French, victory would probably not have been possible. Now that the War for Independence was over, Americans wanted to be treated and respected as an independent nation. For the Europeans, America was a pawn. For the British, there was no reason to think American might not in the future be retaken and folded back into their empire. Just because we know now that it didn't happen, does not mean that everyone assumed the same thing at the time.

The fundamental question the Founding Generation had to grapple with was how to be taken seriously by their powerful neighbors.

4 HOW CAN WEAK NATIONS GAIN THE RESPECT OF POWERFUL NEIGHBORS?

DEALING WITH BRITAIN AND FRANCE

The French Revolution was not just a matter of political identity for Federalists and Democratic-Republicans. The United States was a small new country and it found itself in the midst of the dramatic escalation of political and military conflicts between Europe's two superpowers.

President Washington wanted the United States to remain neutral, fearing that foreign alliances would limit American sovereignty and draw the nation into foreign conflicts. He declared American neutrality, breaking the terms of a 1778 treaty with France that had promised mutual assistance between the two countries. While France had aided the Americans during the American Revolution, America would not do the same for France.

Washington's decision stemmed from his philosophical commitment to non-involvement in foreign affairs, but was also based upon pragmatic considerations. 90% of all American imports came from Britain and customs duties on these imports produced 90% of federal revenue. Without trade with Britain, the federal government would have no money.

Additionally, the conflict in Europe created an immense opportunity for Americans. Farmers, merchants, and ship owners all stood to profit from the long European war. With European manufacturers busying themselves with war, American manufacturers were able to develop without the usual competition from the British and French. The war stimulated a broad recovery of the American economy.

In the face of American neutrality that would continue a strong economic relationship with Great Britain, the French government sent Edmond Genet to the United States as a diplomatic envoy. Genet was instructed by his superiors in Paris to enlist American aid for the French Revolution even though Washington had established a clear policy of neutrality.

Since Washington had no intention of helping the French, Genet called for American privateers to harass British ships and opened up the French sugar islands in the Caribbean for free trade with American ships. Supporters of the French Revolution, as well as those who stood to benefit from the new lucrative trade opportunities, rallied to support Genet's mission. Federalists saw him as a renegade who broke American laws by manipulating American merchants into violating the national policy of neutrality. The French superpower clearly showed to qualms about trying to force the hand of the new American republic.

Britain responded to the offer of French free trade by seizing American ships that they suspected of carrying French goods. While Americans saw this as a deep violation of their national sovereignty and right to trade as a neutral nation, the British dismissed American claims to free trade as merely war time profiteering with the enemy.

At the same time, the British continued to occupy forts in the American Northwest that were supposed to have been abandoned by the terms of the peace treaty of 1783. Not only did the British army still not surrender these strategic strongholds, but they also supplied Native Americans with goods and encouraged them to attack the United States from the west.

4 HOW CAN WEAK NATIONS GAIN THE RESPECT OF POWERFUL NEIGHBORS?

While France ignored American neutrality, the British engaged in covert and explicit acts of war. Washington needed to do something to resolve these problems and demonstrate American independence. He may have won on the battlefield at Yorktown, but he would also have to win a delicate diplomatic and political battle as well.

Washington sent John Jay, the first Chief Justice of the Supreme Court, on a diplomatic mission to England. He negotiated an extremely broad agreement that dealt with issues from repaying pre-Revolutionary debts, to the British forts in the West, and the rights of free trade across the Atlantic. When it was announced, **Jay's Treaty** proved to be enormously controversial.

Clearly, America lacked the strength to force powerful Britain to capitulate on key issues, so compromise was necessary to convince Britain to agree to American demands. As a result, the agreement largely strengthened American ties to Great Britain. Although it was quite favorable to the Americans, the treaty was predictably denounced by the growing Democratic-Republican Party. Jay became the victim of harsh public protests that included burning him in effigy. The controversial treaty passed the senate with the minimum number of votes even with Washington's total commitment to its success.

By concluding the treaty with Britain, Washington was able to avoid open war, but probably accelerated the political divide at home. Jefferson, Madison and their supporters wanted the United States to support France, and Jay's Treaty infuriated them.

PICKNEY'S TREATY

France and Britain were not the only European powers America had to contend with. During the Revolution, Spain had aided the American cause, but Spain had not been a party to the Treaty of Paris. That treaty between Britain and the United States had specified the boundary between West Florida and the newly independent United States at 31° north. However, in the companion treaty signed between Britain and Spain, West Florida was ceded to Spain without its boundaries being specified. The Spanish government assumed that the boundary was the same as in the 1763 agreement by which they had first given their territory in Florida to Britain, claimed that the northern boundary of West Florida was at the 32° 22', the boundary established by Britain in 1764 after the Seven Years' War. The now independent United States insisted that the boundary was at 31°, as specified in its Treaty of Paris with Britain.

President Washington sent Thomas Pinckney to Spain to negotiate a settlement. The Treaty of San Lorenzo, know better in the United States as **Pinckney's Treaty**, was signed in 1795 and established intentions of friendship between the United States and Spain. It also defined the border between the United States and Spanish Florida, and guaranteed the United States navigation rights on the Mississippi River.

The treaty had both positive short-term and long-term effects. In the near term, Spain agreed to allow American ships to navigate along the full length of the Mississippi River and to dock and do business in New Orleans, which was controlled by Spain. This permission, known as the **right of deposit**, was essential for the development of the West, especially in that it allowed farmers in the Ohio Valley the ability to ship goods by water to the cities of the Atlantic Coast.



Jay's Treaty: 1794 treaty with Britain resolving problems after the Revolution. America agreed to pay debts owed to Britain and Britain agreed to leave forts it occupied in the West. It was hated by Democratic-Republicans who saw the treaty as overly pro-Britain and anti-French.



Pinckney's Treaty: 1795 treaty with Spain resolving a border dispute between the border of the United States and Spanish Florida. It also guaranteed the United States navigation rights on the Mississippi River and the Right of Deposit in Spanish New Orleans.



Right of Deposit: Permission to stop and do business in a foreign port. This was an important element of Pinckney's Treaty when Spain granted it to American farmers transporting crops along the Mississippi River.

4 HOW CAN WEAK NATIONS GAIN THE RESPECT OF POWERFUL NEIGHBORS?

In the long term, the treaty defined the boundary between the United States and Spanish Florida, which remains the boundary between Georgia, Alabama, Mississippi and Florida. Even better, it kept the United States out of war with Spain.



Secondary Source: Map

This map shows the area that was claimed by both the United States and Spain that was the subject of Pinckney's Treaty.

THE XYZ AFFAIR AND QUASI-WAR WITH FRANCE

The second president, John Adams also faced a major international crisis. The French were outraged by what they viewed as an Anglo-American alliance in Jay's Treaty. France suspended diplomatic relations with the United States at the end of 1796 and seized more than 300 American ships over the next two years.

Adams responded by sending a diplomatic mission to France. The diplomats, Charles Cotesworth Pinckney, John Marshall, and Elbridge Gerry, were approached through informal channels by agents of the French Foreign Minister Talleyrand, who demanded bribes and a loan before formal negotiations could begin. Although such demands were not uncommon in mainland European diplomacy of the time, the Americans were offended by them, and eventually left France without ever engaging in formal negotiations.

While the American diplomats were in Europe, President Adams considered his options in the event of the commission's failure. His cabinet urged that the nation's military be strengthened, including the raising of a 20,000-man army and the acquisition or construction of ships for the navy. He had no substantive word from the commissioners until March 1798, when the first dispatches revealing the French demands and negotiating tactics arrived. The commission's apparent failure was duly reported to Congress, although Adams kept French disrespect for the American emissaries and their demand of a bribe secret, seeking to minimize a warlike reaction.

4 HOW CAN WEAK NATIONS GAIN THE RESPECT OF POWERFUL NEIGHBORS?

His cabinet was divided on how to react. The general tenor was one of hostility toward France, with Attorney General Charles Lee and Secretary of State Timothy Pickering arguing for a declaration of war. Democratic-Republican leaders in Congress, believing Adams was pro-British and wanted war, united with hawkish Federalists to demand the release of the commissioners' dispatches. On March 20, Adams turned them over, with the names of some of the French actors redacted and replaced by the letters W, X, Y, and Z. The use of these disguising letters led the business to immediately become known as the **XYZ Affair**.



The release of the dispatches produced exactly the response Adams feared. Federalists called for war, and Democratic-Republicans, realizing that Adams was actually working for peace, but that the French had refused, were left without an effective argument. Despite calls for a formal war declaration, Adams steadfastly refused to ask Congress for one.

American popular support for France weakened dramatically as the Federalists effectively used the slogan “millions for defense, but not one cent for tribute” to strengthen their political position. Federalists who controlled the Congress as well as the presidency raised new taxes, dramatically enlarged the army and navy, and generally increased the power of the central government in preparation for a war against France that seemed inevitable.

The Adams Administration entered a **quasi-war** with France from 1798 to 1800. Although no official declaration of war had been made, the seizure of American ships by France was viewed by the Adams Administration as an act of war and the United States began acting as an unofficial ally of Great Britain. Only 15 years after the end of the Revolutionary War, a dramatic transition in American international alliances had occurred.

While France under the rule of a king had supported colonial America in its revolutionary fight against the British, republican America now joined with Britain, its former revolutionary enemy, to challenge republican France. In spite of this dramatic change, the French seizure of American ships incensed Americans and Adams' anti-French policies were extremely popular.



XYZ Affair: Political scandal during the John Adams administration when letters from American diplomats in France were made public detailing an effort by France's foreign minister to demand bribes from the Americans.

Primary Source: Editorial Cartoon

A British cartoon depicting French diplomats abusing America, a woman with Native American feathers, while John Bull (Britain's version of Uncle Sam) sits on a hill watching.



Quasi-War with France: Open conflict with France from 1798 to 1800 on the high seas due to American neutrality. France was attempting to stop American merchants from doing business with Britain. No declaration of war was ever made.

4 HOW CAN WEAK NATIONS GAIN THE RESPECT OF POWERFUL NEIGHBORS?

Rather than continue to use the exigencies of war to build his own popularity and to justify the need for strong federal authority, Adams opened negotiations with France when the opportunity arose to work toward peace. Reconciling with France during the critical campaign of 1800 enraged many Federalists. Adams, however, preferred to see himself as president above the political fray, acting as a representative of the people in general.

While maintaining peace was good for the country, it was bad politics. Alexander Hamilton, Adams' nemesis within the Federalist Party and ever the shrewd political operator, denounced Adams' actions. A quasi-war clearly could stimulate patriotic fervor and might help Federalists win the upcoming election. In the end, Adams only convinced the Federalist Congress to move toward peace by threatening to resign and thus allow Jefferson to become president. Vilified by his political opponents and abandoned by his own party, Adams would be the only one-term president in the early national period until his son suffered the same fate in the election of 1828.

John Adams was a complex figure. A vain man who took offense easily, he also acted honorably in refusing to exploit war with France for personal and partisan gain. Such deeply principled actions marked his public career from its earliest days.

JEFFERSON AND THE BARBARY PIRATES

Thomas Jefferson has the dubious distinction of being the first president to send Americans into battle overseas. His target were the four nations along the Mediterranean coast of North Africa known as the **Barbary States**.

In fact, two wars were fought at different times between the United States and the Barbary States. At issue were demands by the Barbary leaders for tribute from American merchant vessels in the Mediterranean Sea. If ships failed to pay, pirates would attack the vessels and take their goods, often enslaving crew members or holding them for ransom.

In 1801, newly minted president Thomas Jefferson refused to pay the Barbary States a tribute, whereupon Yusuf Karamanli, the Pasha of Tripoli, declared war on the United States. In response, **Jefferson sent a naval fleet to the Mediterranean**. Throughout the war, the navy bombarded various fortified cities along the coast and maintained a blockade in Tripoli's harbor. After a stunning defeat at Tripoli and wearied from the blockade and raids, Yussif Karamanli signed a treaty ending hostilities on June 10, 1805, and the United States was given fair passage through the Mediterranean.

Seven years later, the Barbary States again initiated piracy against American ships, and **again the navy was dispatched to the Mediterranean** to fight. This time under President Madison and once again the Barbary leaders were forced to capitulate and recognize the right of American ships to pass unimpeded through the Mediterranean.

Although relatively unknown today, the war against the Barbary Pirates was an important initial success for the fledgling American navy. It is best remembered now as a line in the Marine's Hymn: "From the Halls of Montezuma, To the shores of Tripoli; We fight our country's battles, In the air, on land, and sea..."



Barbary States: A series of kingdoms along the Mediterranean Coast of Africa. They preyed on merchant ships demanding tribute for safe passage. Presidents Jefferson and Madison both sent the navy to fight them.



First Barbary War: Naval conflict in the Mediterranean Sea between America and the Barbary Pirates in 1801 during Thomas Jefferson's presidency.



Second Barbary War: Naval conflict in the Mediterranean Sea between America and the Barbary Pirates in 1807 during James Madison's presidency.



Primary Source: Painting

A contemporary rendition of a clash between American and Barbary ships in the Mediterranean Sea.

THE EMBARGO OF 1807

Despite their best efforts, the first presidents were unable to maintain American neutrality. In 1812, the nation again went to war, and once again with Britain. Some historians see the conflict as a Second War for American Independence.

The three-year war marks a traditional boundary between the early republic and early national periods. The former period had strong ties to the more hierarchical colonial world of the 1700s, while post-war developments moved the nation in dynamic new directions that contributed to a more autonomous American society and culture. Although the War of 1812 serves as an important turning point in the development of an independent United States, the war itself was mostly a political and military disaster for the country.

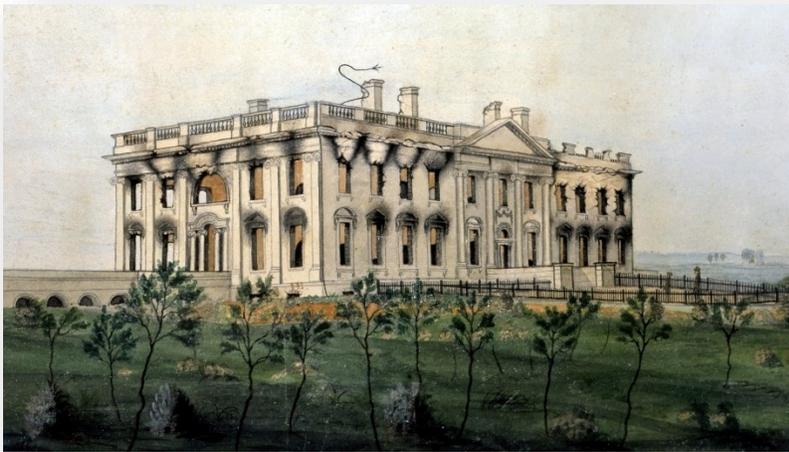
By 1812 the wars in Europe had taken a different turn. The French Revolution was over and France was now led by the brilliant military strategist Napoleon Bonaparte. However, as had also been true in the 1790s, neither European superpower respected the neutrality of the United States. Instead, both tried to prevent

4 HOW CAN WEAK NATIONS GAIN THE RESPECT OF POWERFUL NEIGHBORS?

American ships from carrying goods to their enemy. Both Britain and France imposed blockades to limit American merchants, though the dominant British navy was more successful.

In response to this denial of American sovereignty, President Jefferson and his secretary of state James Madison crafted an imaginative, but fundamentally flawed, policy of economic coercion. Their **Embargo of 1807** banned American ships from any trade with Europe in the belief that dependence on American goods would soon force France and Britain to honor American neutrality. The plan backfired, however, as the Democratic-Republican leaders failed to understand how deeply committed the superpowers were to carrying on their war despite its high costs.

The Embargo not only failed diplomatically, but also caused enormous domestic dissent. American shippers, who were primarily concentrated in Federalist New England, generally circumvented the unpopular law. Its toll was clearly marked in the sharp decline of American imports from 108 million dollars' worth of goods in 1806 to just 22 million in 1808. This unsuccessful diplomatic strategy that mostly punished Americans helped to spur a Federalist revival in the elections of 1808 and 1812. Nevertheless, Republicans from Virginia continued to hold the presidency as James Madison replaced Jefferson in 1808.



Embargo of 1807: Embargo on imports from Europe established by President Jefferson in an effort to stop French and British ships from attacking American merchants. The plan backfired as it hurt Americans more than Europeans.

Primary Source: Painting

The burned out shell of the White House after the attack by the British.

THE WAR OF 1812

Madison faced difficult circumstances in office with increasing Native American violence in the West and war-like conditions on the Atlantic. These combined to push him away from his policy of economic coercion toward an outright declaration of war. This intensification was favored by a group of pro-war Westerners and Southerners in Congress led by Henry Clay of Kentucky and nicknamed the **War Hawks**.

Perhaps most infuriating for the American public, however, was the issue of **impressment**. Britain claimed the right to take any British sailors serving on American merchant ships. In practice, the British stopped American ships and took



War Hawks: Young members of congress in 1812 who advocated for war with Britain. They were led by Kentuckian Henry Clay.



Impressment: Forcing American sailors to serve on British ships. This was one cause of the War of 1812.

4 HOW CAN WEAK NATIONS GAIN THE RESPECT OF POWERFUL NEIGHBORS?

anyone they wanted, claiming they were British, and forced them to serve on British ships. This was nothing short of kidnapping.

Most historians now agree that the **War of 1812** was “a western war with eastern labels.” By this, they mean that the real causes of the war stemmed from desire for control of western Native Americans lands and clear access to trade through New Orleans. While the issue of national sovereignty, so clearly denied by British rejection of American free trade on the Atlantic and impressment, provided a more honorable rationale for war.

Even with the intense pressure of the War Hawks, the United States entered the war hesitantly and with especially strong opposition from Federalist New England who would stand to lose business in a war with their primary trading partner. When Congress declared war in June 1812, its heavily divided votes (19 to 13 in the Senate and 79 to 49 in the House) suggest that the republic entered the war as a divided nation.

America’s initial invasion of Canada which was still part of the British Empire in the summer of 1812 was repulsed by the British and their Native Americans allies under the leadership of Tecumseh. Although Tecumseh would be killed in battle the following fall, American was unable to mount a major invasion of Canada because of significant domestic discord over war policy. Most importantly, the governors of most New England states refused to allow their state militias to join a campaign beyond state boundaries. Similarly, a promising young Congressman from New Hampshire, Daniel Webster, actually discouraged enlistment in the army.

One bright spot for the Americans was Oliver Hazard Perry’s destruction of the British fleet on Lake Erie in September 1813 that forced the British to flee from Detroit.



Minor victories aside, things looked bleak for the Americans in 1814. With Napoleon’s French forces failing in Europe, Britain committed more of its resources to the American war and in August sailed up the Potomac River to **occupy Washington, DC** and burn the White House. President Madison had to flee the city. His wife Dolley gathered invaluable national objects, including Gilbert Stuart’s



War of 1812: War with Britain. It was America’s first declared war. It lasted three years and resulted in a military stalemate, but affirmed American independence and provided renewed sense of national identity.

Primary Source; Painting

An artist’s impression of the bombardment of Fort McHenry guarding Baltimore Harbor by the British fleet. The survival of the fort inspired Francis Scott Key to write the poem that became The Star-Spangled Banner.



British attack on Washington, DC: 1814 attack during the War of 1812 by the British on the nation’s capital in which they burned the White House, Capitol and other government buildings.

4 HOW CAN WEAK NATIONS GAIN THE RESPECT OF POWERFUL NEIGHBORS?

portrait of George Washington, and escaped with them at the last minute. It was the nadir of the war.

On the edge of national bankruptcy and with the capital largely in ashes, total American disaster was averted when the British failed to capture Fort McHenry that protected nearby Baltimore. Watching the failed attack on Fort McHenry as a prisoner of the British, **Francis Scott Key** wrote a poem later called “**The Star-Spangled Banner**” which was set to the tune of an English drinking song. It became the official national anthem of the United States of America in 1931.

THE HARTFORD CONVENTION

The most critical moment of the War of 1812, however, may not have been a battle, but rather a political meeting called by the Massachusetts legislature. Beginning in December 1814, 26 Federalists representing New England states met at the **Hartford Convention** to discuss how to reverse the decline of their party and the region. Although manufacturing was booming and contraband trade brought riches to the region, war and its expenses proved hard to swallow for New Englanders.

Federalist New England’s opposition to national policies had been demonstrated in numerous ways from circumventing trade restrictions as early as 1807, to voting against the initial declaration of war in 1812, refusing to contribute state militia to the national army, and now its representatives were moving on a dangerous course of semi-autonomy during war time.



Francis Scott Key: American lawyer who wrote The Star-Spangled Banner during the War of 1812.



The Star-Spangled Banner: The national anthem. The lyrics were written by Francis Scott Key during the War of 1812.



Hartford Convention: Meeting of Federalists in 1814 in which secession of the New England States was discussed. It led to the downfall of the party as a force in national politics.



Primary Source: Editorial Cartoon

A cartoon ridiculing the Federalists who are depicted blindly leaping into the arms of a waiting British monarch.

Although it probably would have hurt them in the end, the angry Federalists who met in Hartford discussed various possibilities such as expelling the western states, succeeding and negotiating their own peace treaty with Britain,

If a peace treaty ending the War of 1812 had not been signed while the Hartford Convention was still meeting, New England may have seriously debated seceding from the Union. Other more down-to-earth suggestions were made such as ending the unpopular embargo, limiting presidents to two terms, requiring a 2/3 majority

4 HOW CAN WEAK NATIONS GAIN THE RESPECT OF POWERFUL NEIGHBORS?

vote for a declaration of war and mandating that a president be from a different state than his predecessor. After all, three out of the four presidents up to that date had been Virginians.

The Federalists had terrible timing. Just as news of their ideas leaked out, Andrew Jackson and his American army won a stunning victory in New Orleans and Madison concluded a peace treaty ending the war. The combined effect was that the Federalists became synonymous with disunion, secession, and treason, especially in the South. The party was ruined, and ceased to be a significant force in national politics.

EFFECTS OF THE WAR OF 1812

The War of 1812 came to an end largely because the British public had grown tired of the sacrifice and expense of their twenty-year war against France. Now that Napoleon was all but finally defeated, the minor war against the United States in North America lost popular support. Negotiations began in August 1814 and on Christmas Eve the **Treaty of Ghent** was signed in Belgium. The treaty called for the mutual restoration of territory based on pre-war boundaries and with the European war now over, the issue of American neutrality had no significance.

In effect, the treaty did not change anything and hardly justified three years of war and the deep divide in American politics that it exacerbated.



Popular memory of the War of 1812 might have been quite so dour had it not been for a major victory won by American forces at New Orleans on January 8, 1815. Although the peace treaty had already been signed, news of it had not yet arrived on the battlefield where General **Andrew Jackson** led a decisive victory resulting in 700 British casualties versus only 13 American deaths. Of course, the **Battle of New Orleans** had no military or diplomatic significance, but it did allow Americans to swagger with the claim of a great win.

 **Treaty of Ghent:** Treaty that ended the War of 1812. It reaffirmed American independence but otherwise resulted in no significant changes.

Secondary Source: Painting

An artist's rendition of Andrew Jackson leading the American forces at the Battle of New Orleans. This was painted after the event, and probably does not depict the battle as it really happened.

 **Andrew Jackson:** American hero of the Battle of New Orleans during the War of 1812, and later president.

 **Battle of New Orleans:** Final battle of the War of 1812. It was actually fought after the Treaty of Ghent had been signed, but before the news of the treaty had arrived. The stunning American victory propelled Andrew Jackson to national popularity.

4 HOW CAN WEAK NATIONS GAIN THE RESPECT OF POWERFUL NEIGHBORS?

Furthermore, the victory launched the public career of Andrew Jackson as a new kind of American leader totally different from those who had guided the nation through the Revolution and early republic. The Battle of New Orleans vaulted Jackson to heroic status and he became a symbol of the new American nation emerging in the early 19th Century.

CONCLUSION

Foreign relations in the early republic period war messy. Washington warned against foreign entanglements in his Farewell Address, and Adams and Jefferson both did their best to avoid unnecessary alliances, but powerful neighbors forced their hands.

The XYZ Affair illustrates quite clearly just how insignificant Americans were on the world stage, at least in the view of the European powers. So, how can a weak nation gain the respect of powerful neighbors?

Is war essential? That is what happened in 1812.

What do you think?

4 HOW CAN WEAK NATIONS GAIN THE RESPECT OF POWERFUL NEIGHBORS?

SUMMARY

In its early years, the United States had problems with both Britain and France. These were the two most powerful European powers and were in conflict with one another. Americans wanted to do business and benefit from this war but had problems maintaining independence from foreign influence.

Britain continued to maintain forts in American territory in the West that they had promised to leave after the Revolution. They actively encouraged and supported Native Americans who opposed American expansion. The British navy impressed American sailors. To solve these problems, America negotiated Jay's Treaty. In return the United States agreed to pay back debts to British banks from before the Revolution. Democratic-Republicans saw this as giving in to the British.

America also negotiated Pickney's Treaty with Spain to gain land in what is now Mississippi and Alabama and the right to carry out trade in New Orleans.

American diplomats were disrespected by French officials embarrassing John Adams. The result was a non-declared war with France as the French navy tried to stop Americans from trading with Britain.

President Jefferson sent the navy to the Mediterranean Sea to fight the pirates from the Barbary States of North Africa.

Jefferson also implemented an embargo against both British and French imports in an attempt to stop them from interfering with American shipping, but the embargo simply hurt business and was unpopular.

America ultimately fought a declared war against Britain in 1812. Impressment of American sailors and British support for Native Americans in the West led Congress to declare war. It was not universally popular in Congress or with the public. The United States invaded Canada, but it did not go well. British troops bombarded Fort McHenry in Baltimore, an event that was immortalized in The Star Spangled Banner, and burned Washington, DC. The United States had some minor victories as well, including a decisive victory by Andrew Jackson's troops in New Orleans.

The War of 1812 led to the demise of the Federalist Party. At their convention in Hartford, talk turned to secession of New England. The war had been unpopular in New England since it was a center of trade with Britain. For most Americans, talk of secession simply sounded unpatriotic. Never again were the Federalists a force in national politics.

The War of 1812 concluded in a stalemate. The two sides agreed to the pre-war borders so no land was exchanged. The Americans confirmed their independence and Andrew Jackson launched his political career.



KEY CONCEPTS

Right of Deposit: Permission to stop and do business in a foreign port. This was an important element of Pinckney's Treaty when Spain granted it to American farmers transporting crops along the Mississippi River.

Impressment: Forcing American sailors to serve on British ships. This was one cause of the War of 1812.



LOCATIONS

Barbary States: A series of kingdoms along the Mediterranean Coast of Africa. They preyed on merchant ships demanding tribute for safe passage. Presidents Jefferson and Madison both sent the navy to fight them.



TREATIES

Jay's Treaty: 1794 treaty with Britain resolving problems after the Revolution. America agreed to pay debts owed to Britain and Britain agreed to leave forts it occupied in the West. It was hated by Democratic-Republicans who saw the treaty as overly pro-Britain and anti-French.

Pinckney's Treaty: 1795 treaty with Spain resolving a border dispute between the border of the United States and Spanish Florida. It also guaranteed the United States navigation rights on the Mississippi River and the Right of Deposit in Spanish New Orleans.

Treaty of Ghent: Treaty that ended the War of 1812. It reaffirmed American independence but otherwise resulted in no significant changes.



EVENTS

XYZ Affair: Political scandal during the John Adams administration when letters from American diplomats in France were made public detailing an effort by France's foreign minister to demand bribes from the Americans.

Quasi-War with France: Open conflict with France from 1798 to 1800 on the high seas due to American neutrality. France was attempting to stop American merchants from doing business with Britain. No declaration of war was ever made.

First Barbary War: Naval conflict in the Mediterranean Sea between America and the Barbary Pirates in 1801 during Thomas Jefferson's presidency.

Second Barbary War: Naval conflict in the Mediterranean Sea between America and the Barbary Pirates in 1807 during James Madison's presidency.

Embargo of 1807: Embargo on imports from Europe established by President Jefferson in an effort to stop French and British ships from attacking American merchants. The plan backfired as it hurt Americans more than Europeans.

War of 1812: War with Britain. It was America's first declared war. It lasted three years and resulted in a military stalemate, but affirmed American independence and provided renewed sense of national identity.

British attack on Washington, DC: 1814 attack during the War of 1812 by the British on the nation's capital in which they burned the White House, Capitol and other government buildings.

Hartford Convention: Meeting of Federalists in 1814 in which secession of the New England States was discussed. It led to the downfall of the party as a force in national politics.

Battle of New Orleans: Final battle of the War of 1812. It was actually fought after the Treaty of Ghent had been signed, but before the news of the treaty had arrived. The stunning American victory propelled Andrew Jackson to national popularity.



PEOPLE AND GROUPS

War Hawks: Young members of congress in 1812 who advocated for war with Britain. They were led by Kentuckian Henry Clay.

Francis Scott Key: American lawyer who wrote The Star-Spangled Banner during the War of 1812.

Andrew Jackson: American hero of the Battle of New Orleans during the War of 1812, and later president.



SONGS

The Star-Spangled Banner: The national anthem. The lyrics were written by Francis Scott Key during the War of 1812.

Q U E S T I O N F I V E

W A S T H E F O U N D I N G G E N E R A T I O N G O O D A T G O V E R N I N G ?

The Founding Generation is quite appropriately celebrated as heroes. They worked together to do amazing things. They defeated the most powerful military in the world to win independence. They applied Enlightenment ideals for the first time in the world to craft a new, democratic form of government. They articulated essential rights every citizen should enjoy and devised a system of government that has preserved the “blessings of liberty” to us, their posterity.

They were not perfect, of course. Many were slave owners. Some were arrogant. Some were murderers. Some played dirty tricks to win elections. But, the nation survived its first few decades of independence under their leadership.

However, is survival the same thing as success? For all the great things they accomplished, there were many problems and errors in judgement. The War of 1812 is perhaps the best example of the Founders' inability to avoid messy problems. In that case, a problem that led to three years of bloodshed and the burning of their new capital.

What do you think? Was the Founding Generation good at governing?



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