

# AP US History

## Chapter 6 - The Constitution and the New Republic

Finn Frankis

### Key Concepts

- **3.2.II.C** - Delegates from each state negotiated a constitution allowing powers to be separated between three branches of central power
- **3.2.II.D** - Constitutional Convention compromised over slave state representation in Congress and federal representation; slave trade was prohibited after 1808
- **3.2.II.E** - Debate over constitutional ratification saw Anti-Federalists against Federalists; Federalists (including Alexander Hamilton) ensured ratification w/ Bill of Rights for individuals, restricting federal power
- **3.2.III.A** - During presidencies, of George Washington, John Adams, new precedents were set to put Constitution into practice
- **3.2.III.B** - 1790s political leaders took varied positions on relationship between national government/states, liberty/order, foreign policy; political parties emerged with Federalists (Alexander Hamilton) and Democratic-Republicans (Thomas Jefferson, James Madison)
- **3.3.I.A** - Various native groups repeatedly reevaluated alliances with Europeans and U.S.; sought to limit migration of whites and control tribal lands; British alliances -> U.S./British tension
- **3.3.II.A** - U.S. government formed diplomatic goals to handle British/Spanish presence in N.A. with settlers seeking free migration
- **3.3.II.B** - French-British war as a result of the French Revolution created challenges regarding free trade
- **3.3.II.C** - George Washington's Farewell Address encouraged national unity w/ cautioning against political factions, warning about danger of foreign relationships

What are this chapter's key concepts?

## Framing a New Government

What were the key political decisions made in creating the new American government?

The new American government began with the Constitution, a long-awaited change to the government which replaced the Confederation with a more organized system answering questions of sovereignty, power limitation, and the true control of the federal government; however, this was limited in its representation of whites only. In the process of ratifying the Constitution, the Federalists emerged in opposition to the "Anti-Federalists," those who rejected the Constitution. The Constitution was finally ratified, however, with the first Congress making key amendments, including the Bill of Rights, the fundamental legal system, and executive departments.

What was the pretext to the framing of the new government?

- Confederation Congress -> extremely unpopular; members departed Philadelphia due to anger
- Temporarily in Princeton, NJ, then Annapolis, then NY (1785)
- Struggled greatly to make key decisions
  - Extremely challenging to ratify treaty with Britain to end Revolutionary War
  - Eighteen members voted on Northwest Ordinance
- Significant public debate emerged over future of Confederation

**The Confederation had become extremely unpopular, having to change locations and greatly unable to make major decisions. Public debate soon began to emerge over its future.**

Who were the main advocates for federal centralization?

- Confederation had supported many people, believing they had fought Revolutionary War to resist tyrannical authority; hoped to keep political power centered in states due to easy control
- Wealthiest/powerful groups sought centralized power able to deal with major problems
  - Military men (many members of Society of the Cincinnati, based on those who fought in the war) unhappy about Congress' inability to fund pensions; some envisioned military dictatorship
    - \* Direct rebellion began to brew; Washington put down
  - Manufacturers of cities/towns hoped to create consistent national duty, replacing state policies with one single tax
  - Land speculators hoped to remove natives
  - Debtors sought to ban paper money (lowered value of debt)
  - Investors in Confederation wanted enhanced value
  - Property owners feared mobs (especially after Shays' Rebellion), seeking protection
    - \* Root of fear was defense of individual rights, goal for safety/security
    - \* Debate over liberty vs order became increasingly prominent
- Issues grew to extent of inevitability: even main defenders conceded need for strengthening
- Most resourceful reformer: Alexander Hamilton, NY lawyer, military aide to Washington
  - Unhappy with weak Articles of Confederation
  - Called for national convention, finding support in James Madison (VA), who convinced for interstate conference to discuss economic issues
    - \* Five states sent delegates to attend in Annapolis, MD, but approved proposal by Hamilton (NY) asking for Philadelphia meeting among all delegates to ratify constitution
  - Centralizers believed that Washington was key ally in cause
    - \* Jefferson (American minister in Paris) felt Shays' rebellion was natural; Washington deeply disturbed, giving support for Constitutional Congress

**Although the Confederation had supported many, the most powerful groups began to seek a greater centralized power, including Revolutionary veterans, manufacturers, speculators, and property owners. Hamilton led the reform and called for a national convention in Philadelphia, which eventually won Washington's support.**

What was the initial division at Congress in Philadelphia and what were the critical solutions?

- 55 men attended (all states except for Rhode Island; May-September 1787) - soon known as "Founding Fathers"
  - Most quite young but well-educated, representing landowners but fearing power too concentrated
- Washington unanimously selected to lead; all business closed to public/press
  - Each state given single vote; major decisions required majority
  - VA (as most populous state under Madison) sent best delegation
- Edmund Randolph (VA) began with proposal that national government needed supreme Legislative, Executive, and Judiciary branches
  - Very different to Confederation (no executive branch)
  - Approved due to great desire for reform
  - Madison's plan (VA plan) sought legislature with two houses (lower -> state delegates proportional to population, upper -> elected by lower house without restrictions, meaning some states would not have members)
    - \* Smaller states opposed greatly, stating that Congress had no greater authority than to revise Articles of Confederation
- William Paterson created NJ Plan, preserving one-house legislature with equal representation; Congress would receive greater taxation power
  - Proposal was tabled
- VA Plan remained topic of discussion -> smaller states realized need for concessions
  - Smaller states permitted members of upper house to be elected by states rather than lower house

**The Congress, 55 educated (mostly young) men led by Washington, was greatly divided over key issues. Randolph of Virginia created a proposal with three governmental branches and a legislature with upper/lower houses where population influenced representation. The smaller states, after their plan for equal representation failed, began to compromise, including on how members of the upper house were elected.**

What debates remained unresolved even after many concessions were made by both sides?

- Debate remained as to how many members each state would receive in the upper house, whether slaves would be considered in population numbers for representation
  - Slave-owning states hoped to have slaves counted for representation (allowing them to possibly have more power) while considering them property if population influenced taxes
  - States without slavery argued *opposite*

**Large questions remained: would members of the upper house be represented based on population and how would slaves be counted?**

- By end of June, tensions began to grow, with risk of collapsing; Franklin remained a calm voice amidst chaos
  - Franklin warned of importance of meeting; delegates refused to give up as a result
- July 2nd, 1787: agreed to create "grand committee" with one delegate per state, finally coming to "Grand Compromise"
  - Lower house based on population (slave counted for 3/5 in representation and taxation due to assumptions about productivity)
  - Upper house would allow for equal representation with two members each
  - Slavery compromise emerged as southern states feared power to regulate trade would damage agricultural economy
    - \* Congress prevented from taxing exports, imposing duty > \$10 on imported slaves, unable to stop slave trade
    - \* Very challenging concession
- Many critical disagreements were ignored -> questions sparked up in following years
  - No definition for citizenship
  - List of individual rights never produced; Madison believed rights would be reserved to people of authority while others feared abuse

**The "Grand Compromise" at the onset of July agreed on a population-based lower house and an upper house with two representatives each. However, a major blow to the power of the national government emerged with a compromise over slavery preventing taxation on exports, large slave duties, or the ability to stop the slave trade. Because the compromise ignored many key questions, debate continued in the following years.**

What were the major compromises which had to be made?

James Madison was the key contributor to the Constitution, resolving questions of sovereignty and power limitation.

- Sovereignty had been struggle w/ GB; Madison resolved that power was based in people regardless of governmental level: no body was truly sovereign apart from collective one of people
  - Distribution of power between state/nation saw broad powers, including power to tax, control currency, pass necessary laws; no state could defy
  - State still recognized as body with some major powers
- Problem of concentrated authority solved with fear of tyrannical government
  - Initial belief that public had to be confined to level of the people in small area -> states had most of power
  - Madison argued that numerous factions of larger power would allow for checks and balances without tyrannical rule
    - \* Separated powers among legislative, executive, judicial branches
    - \* Governmental powers constantly competing, with two chambers of Congress (Senate/House of Representatives) with members elected differently and checking each other
    - \* President given power to veto Congress
    - \* Federal courts given ultimate protection with president-appointed judges approved by Senate given role for life
  - Federal structure aimed to protect from despotism in both directions, with elimination of "mob" (democratic excess, like in Shays' Rebellion) and no single tyrannical ruler
    - \* Only House of Representatives elected directly by the people; remainder given various levels of insulation
- Constitution signed in September 1787 by 39 delegates

**James Madison corrected the key questions of sovereignty and power with the Constitution: for sovereignty, he recognized only the people as a sovereign group and all others as having their power derived from the people; for authority, he argued that the national government's multiple factions would provide checks to prevent tyrannical rule while insulating majority of houses from direct voting to prevent a democratic excess.**

What were the tenets of the Constitution of 1787?

What were the major limitations of the Constitution?

The Constitution was designed mostly for white people, ignoring the rights/needs of natives and African Americans.

- Natives had some treaties which promised guaranteed land, but they were rarely followed (constantly driven west)
  - Many leaders of the U.S. felt that natives could be "civilized" (including Jefferson), but popular support could not be earned as most remained drawn to traditional culture
- African Americans even more removed, with essentially no rights given
  - French-Canadian writer Crèvecoeur settling in the U.S. post-revolution wrote *Letters from an American Farmer*, discussing common citizenry
  - Ideas reflected in Naturalization Act of 1790, legalizing immigrants with possibility for citizenship
    - \* All African-Americans barred
  - Jefferson had no aspiration to give complete rights due to failure for Native Americans
    - \* Hesitantly defended slavery, hoping not to ignore entire race in fundamental rights
    - \* Unable to come to terms with possibility of blacks coming to same level of power/intelligence as whites, despite close relationship with one of his slaves
    - \* Citizenship only legalized a century later after Civil War

**The Constitution, tailored to whites, gave little hope of representation for either natives or African Americans, despite legalizing white immigrants and Jefferson's attempts for Native Americans.**

What were the first signs of partisan divisions within the United States?

- Philadelphia delegates had surpassed instructions from Congress/states, creating completely different form of government
  - Feared Constitution would never be ratified (required unanimous approval), prompting change with 9/13 states required
  - Called for state convention (not legislatures) to consider document, voting "yes" or "no"
    - \* Confederation Congress passively accepted work, submitting to states; all but Rhode Island began to consider
- Great national debate had emerged over Constitution, with frequent fights between factions (death in Albany)
  - Supporters were far more organized, had support of two key men of Washington/Franklin
    - \* Created label of "Federalists"
    - \* Supported by Hamilton, Madison, John Jay, who wrote essays justifying Constitution, becoming known as *The Federalist Papers*
  - Federalists deemed Critics "Antifederalists," who also had intelligent arguments
    - \* Presented themselves as Revolutionary defenders against tyrannical government and aristocracy
    - \* Lack of bill of rights led to fundamental mistrust, with no guarantees that government would protect liberties of people
  - Debate fundamentally between two fears: for Federalists, anarchy, chaos, and unchecked power of masses; for Antifederalists, concentrated power (*not* anarchy)
- Ratification quickly proceeded through winter
  - Delaware first, followed by NJ/GA, ratifying unanimously
  - PA and MA saw greater challenge but loss of Antifederalists in final vote; NH, ninth state to do so, did in June 1788
  - Divided VA and NY meant that constitution could not truly go into effect; finally narrowly consented by end of June (NY feared commercial effects of being left out), demanding bill of rights
    - \* NC adjourned without action (waiting for amendments) while RI did not call convention to consider

**The Philadelphia delegates, fearing the Constitution would not be ratified, implemented a unique system for ratification requiring only 9 states to approve. Partisan divisions began, with tensions between Federalists and Antifederalists. However, ratification eventually proceeded with multiple key conditions.**



What were the results of the first key Congress meetings?

- Most new members had supported ratification
- Washington became first president with John Adams as VP
  - Inaugurated w/ NYC as capital in 1789
- First Congress tasked with filling gaps in Constitution, most notably Bill of Rights
  - Even Madison had agreed on significance in eyes of opponents
  - Agreed on 12 amendments; 10 had been ratified by end of 1791, becoming parts of modern Bill of Rights (freedom of religion, speech, press; trial by jury; no arbitrary arrest)
- Constitution had created Supreme Court; Congress left to decide number of judges
  - Created six members in Supreme Court (chief justice, five associate justices); thirteen district courts with one judge each; three circuit courts of appeal with one district judges w/ two Supreme Court ones
  - Supreme Court given final say in state laws
- Exact executive departments left unclear
  - First Congress created state, treasury, war; offices of attorney general, postmaster general
  - Hamilton appointed as treasury secretary, Henry Knox as war secretary, Edmund Randolph as attorney general, Jefferson as secretary of state

**Congress was tasked with filling gaps in the Constitution, including the Bill of Rights with ten key amendments, the Supreme Court with six members and two other courts beneath them, and executive departments of state, treasury, war, attorney general, and postmaster general.**

## Federalists and Republicans

What characterized the major divisions in the American government?

**The two key parties which emerged due to the vagueness of the Constitution in many key questions were the Federalists, led by Washington's powerful treasury secretary, Hamilton, an aristocrat who founded a national bank and created new taxes, and the Republicans, led by Jefferson, a Virginia planter who believed in a powerful agrarian republic.**

What was the context behind the deeply divided partisan system?

- First twelve years known for level of extreme bitterness due to vague responses to key question by framers of constitution
- Basic debate very similar to that over Constitution: one side with nationalist group seeking centralized authority and powerful standing in world; other side (initially minority) believed that American society should remain rural/agrarian with modest centralized government
  - Centralizers -> Federalists under Hamilton
  - Opponents -> Republicans under Madison/Jefferson

**Because the framers of the Constitution had left many vague questions open to the interpretation of governments, a level of extreme bitterness emerged which eventually led into the creation of two distinct parties: the Federalists, who sought a strong national government, and the Republicans, who sought a weaker national government and greater authority centered in the states.**

What was Hamilton's stance as a Federalist?

- First twelve years saw government dominance by Federalists, mainly due to Washington's prestige, but Washington believed that the presidency was above controversies -> kept personal matters away from congressional behavior
- Dominant figure in administration was Hamilton, who exerted a significant amount of power in domestic/foreign policy: more than any others during his term and after it
  - Aristocratic in philosophy/tastes despite Caribbean origins; believed in stable government with support of wealthy/powerful
    - \* Argued that elites were key to success of government, public debt should be taken, in part, by government
    - \* Many depreciated certificates to signify debt were called back, exchanged for bonds which could eventually be cashed in
    - \* Sought to create *national debt* to allow creditors to lend money to the government
  - Sought to create national bank to give place for federal funds, collected taxes
    - \* Would be chartered by government with a monopoly over federal banking
    - \* Represented stable base to replace existing system of dispersed banks in large cities
  - For greater sources of revenue beyond sale of western lands, proposed taxes
    - \* Tax paid by distillers of alcoholic liquors mostly for backcountry PA, VA, NC
    - \* Import tariffs to raise revenue, protect American manufacturing
- Federalists offered viewpoint for future of America

**Hamilton, the dominant Federalist due to Washington's attempt at an unbiased interference in Congress, believed in the power of elites in government, proposing a national debt for bonds, sought to create a national bank for funds and taxes to replace the antiquated, decentralized system, and new taxes to raise revenue.**

How did Hamilton enact the Federalist program?

- Many Congress members opposed proposal to accept debt at face value
  - Initial debt certificates had been issued to farmers/merchants for Revolutionary War (supplies, military service)
    - \* Many had been sold to speculators in 1780s (but at fraction of face value)
  - Some believed that original purchasers should be returned key bonds, but Hamilton felt that the true return belonged to the bondholders (not the ones who chose to sell), eventually accepted
- Proposal that federal governments should take on state debt was objected to due to fear that states with few debts would have to pay taxes for states with larger debts; struck a deal
  - Deal involved movement of national capital: had moved back to PA in 1790, but VA wanted capital nearer to them in South
  - When Jefferson and Hamilton met, Hamilton promised to move capital between VA and MD in exchange for votes on state tax bill (Potomac River)
- National bank initially difficult to pass due to vague alignment with Constitution (Republicans), but Congress finally signed with Washington's hesitant approval
  - Bank of United States began in 1791 with charter to continue for 20 years
  - Won support of key parts of population, restoring public credit, raising bond prices to above face value, speculators earned large profits, manufacturers received tariff revenue, merchants benefited
- Small farmers complained about uneven taxation due to distillery tax generally applying to them -> great political opposition rose

**Hamilton encountered many roadblocks on his path to enacting his programs, but nearly all of them succeeded. Although many Congress members feared that his face-value debt proposal would risk the well-being of the original purchases, he convinced them that the bondholders were more important; the process of taking on state debt was approved hesitantly in exchange for the national capital moving from PA to between VA/MD, and the national bank was successful. However, an opposition arose due to many smaller farmers.**

- Constitution did not reference political parties because most framers felt the prospect was too dangerous, most agreeing that disagreements needn't lead to fracturing
- Despite Madison's strong initial conviction, changed his mind due to powerful majority of Hamilton's followers with partisan system already having emerged
  - Hamilton had awarded franchises to key supporters in hopes of winning allies, formed local associations to strengthen standing in communities
    - \* Many felt these were on par with the behavior of the British government
  - Opponents believed vigorous opposition was critical: the Republican Party (*not* related to modern Republicans)
- Republicans went to great lengths to establish partisan influence
  - Corresponded between states, banded to influence elections, fought to defend against Federalists
  - Despite this, neither side admitted that they were behaving as a party
- Prominent Republicans from the beginning were Jefferson/Madison, close collaborators
  - Charismatic Jefferson, a farmer-planter believed in agrarian republic; quickly became most prominent spokesperson
  - Jefferson believed in commercial activity: farmers should market their crops internationally and the U.S. should develop manufacturing capacity
    - \* Feared large cities due to urban mobs; development of advanced economy would increase # of propertyless
    - \* Sought decentralized society with smaller property owners
- Federalist-Republican differences most visible in French Revolution
  - Federalists horrified by radical execution of king/queen, attacks on organized religion
  - Republicans felt antiaristocratic spirit was key, often imitating Jacobins
- Federalists more common in NE while Republicans generally in rural South/West
- By election of 1792, Jefferson/Hamilton urged Washington to run for a second term with his reluctant agreement; although most Americans believed Washington did not partake in partisan battle, he had more sympathy for Federalists

Republicans, led by Thomas Jefferson, grew in numbers as many began to resent the growing partisanism of Hamilton and his allies. Jefferson, despite believing in commercial and industrial activity, feared the growth of large cities and an advanced economy due to the potential of urban mobs. Federalists were more common in the Northeast while Republicans were more common

What were the key traits of the Republican opposi

## Establishing National Sovereignty

How did the Federalists ensure the emergence of national sovereignty?

**The Federalists methodically approached each growing issue with varying degrees of success: for instance, they secured the frontier through intimidation and promises of statehood, they worked to maintain neutrality amidst the French Revolution, and created key treaties with various nations to reduce tensions, but they were unable to truly appease or satisfy the natives with true promises of citizenship.**

How did the Federalists secure the frontier?

- Confederation unable to tie western areas into government, with western MA farmers revolting, settlers in VT, KY, TN considering separation
- 1794 PA farmer revolt due to whiskey excise tax - > federal government took on rebellion rather than leaving to states (unlike Shays' rebellion)
  - Washington sent army of 15,000 to Pittsburgh, with rebellion quickly collapsing
- Allegiance to other groups won by accepting statehood
  - NC and RI joined after Bill of Rights was developed
  - VT, with independent state government since Revolution joined, followed by KY (from VA's western lands) and TN (from NC's western lands)

**The Federalists ensured the allegiance of distant regions either by direct intimidation (like how they put down the farmer revolt) or by ensuring the statehood of developed regions.**

How were natives treated in the Constitutional U.S.?

- Greater challenge to government was native resistance to U.S. claiming of their lands
  - U.S. had successfully put down most border revolts which had emerged due to ordinances
  - Question remained as to who would own the western lands
- Reflected issue of racial representation in Constitution
  - Natives barely mentioned, only in that those who were not taxed were excluded from the population and that Congress had the power to regulate trade with natives, and that land treaties should be followed
  - Recognized tribes as legal entities but not as foreign nations nor citizens, with no governmental representation; but natives believed in sovereignty over their own lands, but Constitution offered no answer

**Tensions remained between natives despite the U.S. ability to put down nearly all of their rebellions - the roots were in the vagueness of the Constitution.**

How did the U.S. maintain neutrality between disparate foreign nations?

- GB only sent foreign minister eight years after conclusion of Revolution due to threat of Republicans for trade restrictions on their ships
- Greater tensions with Britain emerged in new French government (from Revolution) waged war against British: Americans attempted neutrality
  - Edmond Genet, French diplomatic representative to America, arrived at Charleston rather than meeting president, making plans for American ports to store and create French warships, encouraging Americans to ally
    - \* Conduct angered Washington, who gave him icy reception in Philadelphia
    - \* Genet embarrassed supporters of French Revolution, but his faction soon lost power in France, forcing him to receive asylum in U.S.
  - Greater challenge from GB when Royal Navy began to capture ships trading with French West Indies
    - \* Angered public
  - Governor general of Canada even delivered speech to natives on border, encouraging them to target American dominance

**Although the Neutrality Act attempted to maintain American neutrality amidst the French Revolution, the Americans began to face extreme challenges to this tenet from both sides. Genet, a French representative, tried to garner the public to ally against the British; on the other side, Britain began to seize American ships which were engaged in trade benefitting the French.**



- Randolph, Jefferson's successor, and Hamilton, saw severity of relationship with British and hoped to mend -> Washington created special commissioner to England (John Jay)
  - Jay's position intended to receive compensation for assaults, demand withdrawal of frontier forces with new commercial treaty
  - Jay's treaty did not accomplish primary goals, but did ensure reduced conflict and prevented major war; inability to fully accomplish aims -> public opinion was poor
    - \* Opponents (most Republicans, some Federalists) desperately tried to prevent passthrough at Senate
    - \* Even Randolph attempted to prevent ratification, but ultimately, Jay's Treaty was successful
- Treaty guaranteed settlement of conflict with Spanish: Spanish began to fear that British would join w/ Americans against them
  - Thomas Pickney assigned to be special negotiator with Spain, easily able to gain all of key U.S. desires
  - In Pickney's Treaty, Spain recognized American right to navigate Mississippi River, renegotiated northern border w/ Florida (31st parallel)

**Jay's and Pinckney's Treaties both aimed to correct American foreign relations. John Jay, appointed as the special commissioner to England, did loosen tensions and prevented a war; however, his inability to solve many poignant issues caused many to dislike the treaty greatly. However, Jay's treaty allowed for the passage of Pickney's Treaty with Spain, which ceded American rights to parts of Spanish territory.**

What were Jay's and Pinckney's Treaties?

## The Downfall of the Federalists

What caused the federalists to become reduced in power and control over time?

What was the context behind the Federalist downfall?

**Most Americans disagreed with the nature of partisanship: they believed that a single party should exist without an organized opposition. Federalists, too, feared the threat to stability posed by Republicans; however, they began to mobilize against the Republicans, prioritizing stability over individual rights. Federalists eventually disappeared as a powerful political force.**

What was the result of the election of 1796?

- Washington retired from office in 1797 despite pressure to run for a third term, delivering Farewell Address (in fact long paper)
  - Reacted harshly against Republicans, especially those who conspired with French to curb Federalist control
- Washington's retirement meant that partisan rivalries were unchecked, with Jefferson immediately emerging as the leader of the Republicans, but John Adams (VP) being selected over Hamilton (too many enemies!) for Federalists
- Federalists remained dominant, appearing likely to win election; however, factional rivalries which had been mediated by Washington began to run freely
  - Many Federalists (especially Hamilton) disagreed with Adams' role as forerunner, voting instead for running mate, Pinckney -> Jefferson nearly won nomination
  - Adams was successful but Jefferson became vice president (second most votes) <- system changed in 1804 w/ Twelfth Amendment
- Adams ruled over greatly divided party without even being the true forerunner (Hamilton remained most dominant)
  - Despite diplomatic ability, Adams was an austere and rigid politician, unable to solicit support or inspire enthusiasm
  - Assumed that own virtue would inevitably lead to greatness

**The election of 1796 had the major undertone of Washington's retirement, which let partisan divisions run free. It saw the close election of John Adams despite the large Federalist numbers due to factional divisions, with Jefferson as his vice president. Adams was not a skilled politician, unable to earn support from others or inspire enthusiasm among the people.**