because of a lack of evidence, and most of those who remained, including two men sentenced to death for treason, were soon pardoned by the president. The Whiskey Rebellion had shown that the federal government was capable of quelling internal unrest. But it also demonstrated that some citizens, especially poor westerners, viewed it as their enemy.[21]

Around the same time, another national issue also aroused fierce protest. Along with his vision of a strong financial system, Hamilton also had a vision of a nation busily engaged in foreign trade. In his mind, that meant pursuing a friendly relationship with one nation in particular: Great Britain.

America's relationship with Britain since the end of the Revolution had been tense, partly because of warfare between the British and French. Their naval war threatened American shipping, and the impressment of men into Britain's navy terrorized American sailors. American trade could be risky and expensive, and impressment threatened seafaring families. Nevertheless, President Washington was conscious of American weakness and was determined not to take sides. In April 1793, he officially declared that the United States would remain neutral.[22] With his blessing, Hamilton's political ally John Jay, who was currently serving as chief justice of the Supreme Court, sailed to London to negotiate a treaty that would satisfy both Britain and the United States.

Jefferson and Madison strongly opposed these negotiations. They mistrusted Britain and saw the treaty as the American state favoring Britain over France. The French had recently overthrown their own monarchy, and Republicans thought the United States should be glad to have the friendship of a new revolutionary state. They also suspected that a treaty with Britain would favor northern merchants and manufacturers over the agricultural South.

In November 1794, despite their misgivings, John Jay signed a "treaty of amity, commerce, and navigation" with the British. Jay's Treaty, as it was commonly called, required Britain to abandon its military positions in the Northwest Territory (especially Fort Detroit, Fort Mackinac, and Fort Niagara) by 1796. Britain also agreed to compensate American merchants for their losses. The United States, in return, agreed to treat Britain as its most prized trade partner, which meant tacitly supporting Britain in its current conflict with France. Unfortunately, Jay had failed to secure an end to impressment.[23]

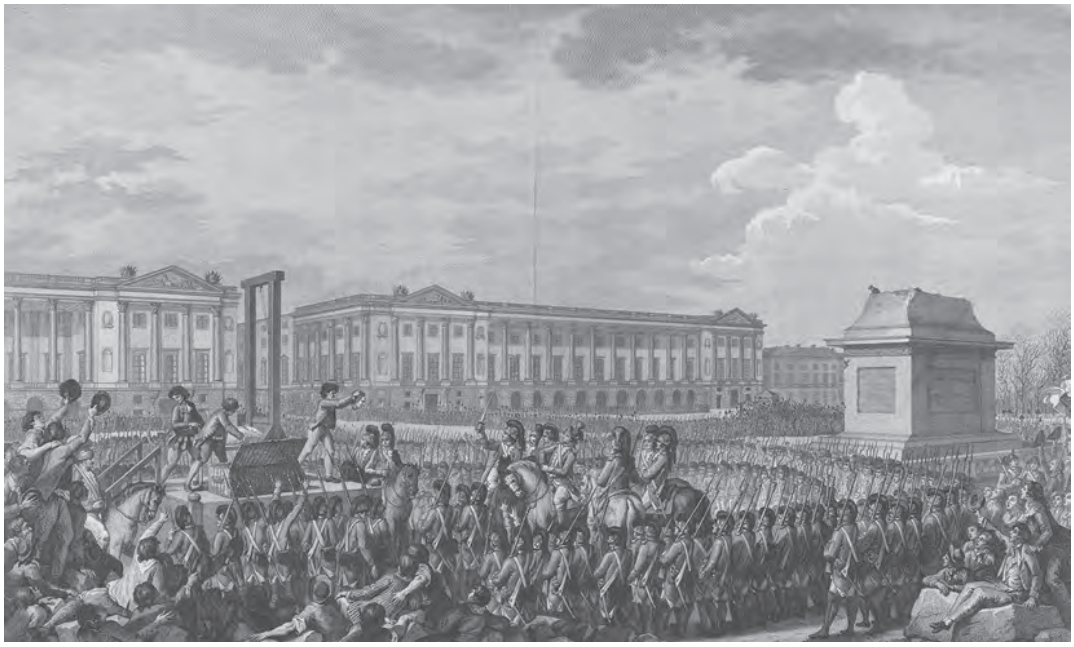
For Federalists, this treaty was a significant accomplishment. Jay's Treaty gave the United States, a relatively weak power, the ability to stay

officially neutral in European wars, and it preserved American prosperity by protecting trade. For Jefferson's Republicans, however, the treaty was proof of Federalist treachery. The Federalists had sided with a monarchy against a republic, and they had submitted to British influence in American affairs without even ending impressment. In Congress, debate over the treaty transformed the Federalists and Republicans from temporary factions into two distinct (though still loosely organized) political parties.

VII. The French Revolution and the Limits of Liberty

In part, the Federalists were turning toward Britain because they feared the most radical forms of democratic thought. In the wake of Shays' Rebellion, the Whiskey Rebellion, and other internal protests, Federalists sought to preserve social stability. The course of the French Revolution seemed to justify their concerns.

In 1789, news had arrived in America that the French had revolted against their king. Most Americans imagined that liberty was spreading



The mounting body count of the French Revolution included that of the queen and king, who were beheaded in a public ceremony in early 1793, as depicted in the engraving. While Americans disdained the concept of monarchy, the execution of King Louis XVI was regarded by many Americans as an abomination, an indication of the chaos and savagery reigning in France at the time. Charles Monnet (artist), Antoine-Jean Duclos and Isidore-Stanislas Helman (engravers), *Day of 21 January 1793 the death of Louis Capet on the Place de la Révolution*, 1794. Wikimedia.

from America to Europe, carried there by the returning French heroes who had taken part in the American Revolution.

Initially, nearly all Americans had praised the French Revolution. Towns all over the country hosted speeches and parades on July 14 to commemorate the day it began. Women had worn neoclassical dress to honor republican principles, and men had pinned revolutionary cockades to their hats. John Randolph, a Virginia planter, named two of his favorite horses Jacobin and Sans-Culotte after French revolutionary factions.[24]

In April 1793, a new French ambassador, "Citizen" Edmond-Charles Genêt, arrived in the United States. During his tour of several cities, Americans greeted him with wild enthusiasm. Citizen Genêt encouraged Americans to act against Spain, a British ally, by attacking its colonies of Florida and Louisiana. When President Washington refused, Genêt threatened to appeal to the American people directly. In response, Washington demanded that France recall its diplomat. In the meantime, however, Genêt's faction had fallen from power in France. Knowing that a return home might cost him his head, he decided to remain in America.

Genêt's intuition was correct. A radical coalition of revolutionaries had seized power in France. They initiated a bloody purge of their enemies, the Reign of Terror. As Americans learned about Genêt's impropriety and the mounting body count in France, many began to have second thoughts about the French Revolution.

Americans who feared that the French Revolution was spiraling out of control tended to become Federalists. Those who remained hopeful about the revolution tended to become Republicans. Not deterred by the violence, Thomas Jefferson declared that he would rather see "half the earth desolated" than see the French Revolution fail. "Were there but an Adam and an Eve left in every country, and left free," he wrote, "it would be better than as it now is."[25] Meanwhile, the Federalists sought closer ties with Britain.

Despite the political rancor, in late 1796 there came one sign of hope: the United States peacefully elected a new president. For now, as Washington stepped down and executive power changed hands, the country did not descend into the anarchy that many leaders feared.

The new president was John Adams, Washington's vice president. Adams was less beloved than the old general, and he governed a deeply divided nation. The foreign crisis also presented him with a major test.

In response to Jay's Treaty, the French government authorized its vessels to attack American shipping. To resolve this, President Adams sent

envoys to France in 1797. The French insulted these diplomats. Some officials, whom the Americans code-named X, Y, and Z in their correspondence, hinted that negotiations could begin only after the Americans offered a bribe. When the story became public, this XYZ Affair infuriated American citizens. Dozens of towns wrote addresses to President Adams, pledging him their support against France. Many people seemed eager for war. "Millions for defense," toasted South Carolina representative Robert Goodloe Harper, "but not one cent for tribute."[26]

By 1798, the people of Charleston watched the ocean's horizon apprehensively because they feared the arrival of the French navy at any moment. Many people now worried that the same ships that had aided Americans during the Revolutionary War might discharge an invasion force on their shores. Some southerners were sure that this force would consist of black troops from France's Caribbean colonies, who would attack the southern states and cause their slaves to revolt. Many Americans also worried that France had covert agents in the country. In the streets of Charleston, armed bands of young men searched for French disorganizers. Even the little children prepared for the looming conflict by fighting with sticks.[27]

Meanwhile, during the crisis, New Englanders were some of the most outspoken opponents of France. In 1798, they found a new reason for Francophobia. An influential Massachusetts minister, Jedidiah Morse, announced to his congregation that the French Revolution had been hatched in a conspiracy led by a mysterious anti-Christian organization called the Illuminati. The story was a hoax, but rumors of Illuminati infiltration spread throughout New England like wildfire, adding a new dimension to the foreign threat.[28]

Against this backdrop of fear, the French Quasi-War, as it would come to be known, was fought on the Atlantic, mostly between French naval vessels and American merchant ships. During this crisis, however, anxiety about foreign agents ran high, and members of Congress took action to prevent internal subversion. The most controversial of these steps were the Alien and Sedition Acts. These two laws, passed in 1798, were intended to prevent French agents and sympathizers from compromising America's resistance, but they also attacked Americans who criticized the president and the Federalist Party.

The Alien Act allowed the federal government to deport foreign nationals, or "aliens," who seemed to pose a national security threat. Even more dramatically, the Sedition Act allowed the government to prosecute

anyone found to be speaking or publishing "false, scandalous, and malicious writing" against the government.[29]

These laws were not simply brought on by war hysteria. They reflected common assumptions about the nature of the American Revolution and the limits of liberty. In fact, most of the advocates for the Constitution and the First Amendment accepted that free speech simply meant a lack of prior censorship or restraint, not a guarantee against punishment. According to this logic, "licentious" or unruly speech made society less free, not more. James Wilson, one of the principal architects of the Constitution, argued that "every author is responsible when he attacks the security or welfare of the government."[30]

In 1798, most Federalists were inclined to agree. Under the terms of the Sedition Act, they indicted and prosecuted several Republican printers—and even a Republican congressman who had criticized President Adams. Meanwhile, although the Adams administration never enforced the Alien Act, its passage was enough to convince some foreign nationals to leave the country. For the president and most other Federalists, the Alien and Sedition Acts represented a continuation of a conservative rather than radical American Revolution.

However, the Alien and Sedition Acts caused a backlash in two ways. First, shocked opponents articulated a new and expansive vision for liberty. The New York lawyer Tunis Wortman, for example, demanded an "absolute independence" of the press.[31] Likewise, the Virginia judge George Hay called for "any publication whatever criminal" to be exempt from legal punishment.[32] Many Americans began to argue that free speech meant the ability to say virtually anything without fear of prosecution.

Second, James Madison and Thomas Jefferson helped organize opposition from state governments. Ironically, both of them had expressed support for the principle behind the Sedition Act in previous years. Jefferson, for example, had written to Madison in 1789 that the nation should punish citizens for speaking "false facts" that injured the country.[33] Nevertheless, both men now opposed the Alien and Sedition Acts on constitutional grounds. In 1798, Jefferson made this point in a resolution adopted by the Kentucky state legislature. A short time later, the Virginia legislature adopted a similar document written by Madison.

The Kentucky and Virginia Resolutions argued that the national government's authority was limited to the powers expressly granted by the U.S. Constitution. More importantly, they asserted that the states could declare federal laws unconstitutional. For the time being, these

resolutions were simply gestures of defiance. Their bold claim, however, would have important effects in later decades.

In just a few years, many Americans' feelings toward France had changed dramatically. Far from rejoicing in the "light of freedom," many Americans now feared the "contagion" of French-style liberty. Debates over the French Revolution in the 1790s gave Americans some of their earliest opportunities to articulate what it meant to be American. Did American national character rest on a radical and universal vision of human liberty? Or was America supposed to be essentially pious and traditional, an outgrowth of Great Britain? They couldn't agree. It was on this cracked foundation that many conflicts of the nineteenth century would rest.

VIII. Religious Freedom

One reason the debates over the French Revolution became so heated was that Americans were unsure about their own religious future. The Illuminati scare of 1798 was just one manifestation of this fear. Across the United States, a slow but profound shift in attitudes toward religion and government began.

In 1776, none of the American state governments observed the separation of church and state. On the contrary, all thirteen states either had established, official, and tax-supported state churches, or at least required their officeholders to profess a certain faith. Most officials believed this was necessary to protect morality and social order. Over the next six decades, however, that changed. In 1833, the final state, Massachusetts, stopped supporting an official religious denomination. Historians call that gradual process *disestablishment*.

In many states, the process of disestablishment had started before the creation of the Constitution. South Carolina, for example, had been nominally Anglican before the Revolution, but it had dropped denominational restrictions in its 1778 constitution. Instead, it now allowed any church consisting of at least fifteen adult males to become "incorporated," or recognized for tax purposes as a state-supported church. Churches needed only to agree to a set of basic Christian theological tenets, which were vague enough that most denominations could support them.[34]

South Carolina tried to balance religious freedom with the religious practice that was supposed to be necessary for social order. Officeholders were still expected to be Christians; their oaths were witnessed by

God, they were compelled by their religious beliefs to tell the truth, and they were called to live according to the Bible. This list of minimal requirements came to define acceptable Christianity in many states. As new Christian denominations proliferated between 1780 and 1840, however, more and more Christians fell outside this definition.

South Carolina continued its general establishment law until 1790, when a constitutional revision removed the establishment clause and religious restrictions on officeholders. Many other states, though, continued to support an established church well into the nineteenth century. The federal Constitution did not prevent this. The religious freedom clause in the Bill of Rights, during these decades, limited the federal government but not state governments. It was not until 1833 that a state supreme court decision ended Massachusetts's support for the Congregational Church.

Many political leaders, including Thomas Jefferson and James Madison, favored disestablishment because they saw the relationship between church and state as a tool of oppression. Jefferson proposed a Statute for Religious Freedom in the Virginia state assembly in 1779, but his bill failed in the overwhelmingly Anglican legislature. Madison proposed it again in 1785, and it defeated a rival bill that would have given equal revenue to all Protestant churches. Instead Virginia would not use public money to support religion. "The Religion then of every man," Jefferson wrote, "must be left to the conviction and conscience of every man; and it is the right of every man to exercise it as these may dictate."[35]

At the federal level, the delegates to the Constitutional Convention of 1787 easily agreed that the national government should not have an official religion. This principle was upheld in 1791 when the First Amendment was ratified, with its guarantee of religious liberty. The limits of federal disestablishment, however, required discussion. The federal government, for example, supported Native American missionaries and congressional chaplains. Well into the nineteenth century, debate raged over whether the postal service should operate on Sundays, and whether non-Christians could act as witnesses in federal courts. Americans continued to struggle to understand what it meant for Congress not to "establish" a religion.

IX. The Election of 1800

Meanwhile, the Sedition and Alien Acts expired in 1800 and 1801. They had been relatively ineffective at suppressing dissent. On the contrary,

The year 1800 brought about a host of changes in government, in particular the first successful and peaceful transfer of power from one political party to another. But the year was important for another reason: the U.S. Capitol in Washington, D.C. (pictured here in 1800) was finally opened to be occupied by Congress, the Supreme Court, the Library of Congress, and the courts of the District of Columbia. William Russell Birch, *A view of the Capitol of Washington before it was burnt down by the British*, c. 1800. Wikimedia.

they were much more important for the loud reactions they had inspired. They had helped many Americans decide what they *didn't* want from their national government.

By 1800, therefore, President Adams had lost the confidence of many Americans. They had let him know it. In 1798, for instance, he had issued a national thanksgiving proclamation. Instead of enjoying a day of celebration and thankfulness, Adams and his family had been forced by rioters to flee the capital city of Philadelphia until the day was over. Conversely, his prickly independence had also put him at odds with Alexander Hamilton, the leader of his own party, who offered him little support. After four years in office, Adams found himself widely reviled.

In the election of 1800, therefore, the Republicans defeated Adams in a bitter and complicated presidential race. During the election, one Federalist newspaper article predicted that a Republican victory would fill America with "murder, robbery, rape, adultery, and incest."[36] A Republican newspaper, on the other hand, flung sexual slurs against President Adams, saying he had "neither the force and firmness of a man, nor the gentleness and sensibility of a woman." Both sides predicted disaster and possibly war if the other should win.[37]

In the end, the contest came down to a tie between two Republicans, Thomas Jefferson of Virginia and Aaron Burr of New York, who each had seventy-three electoral votes. (Adams had sixty-five.) Burr was supposed to be a candidate for vice president, not president, but under the Constitution's original rules, a tie-breaking vote had to take place in the House of Representatives. It was controlled by Federalists bitter at Jefferson. House members voted dozens of times without breaking the tie. On the thirty-sixth ballot, Thomas Jefferson emerged victorious.

Republicans believed they had saved the United States from grave danger. An assembly of Republicans in New York City called the election a "bloodless revolution." They thought of their victory as a revolution in part because the Constitution (and eighteenth-century political theory)

This image attacks Jefferson's support of the French Revolution and religious freedom. The letter, "To Mazzei," refers to a 1796 correspondence that criticized the Federalists and, by association, President Washington. *Providential Detection*, 1797. Courtesy American Antiquarian Society. Attribution-NonCommercial-ShareAlike 4.0 International (CC BY-NC-SA 4.0).

made no provision for political parties. The Republicans thought they were fighting to rescue the country from an aristocratic takeover, not just taking part in a normal constitutional process.

In his first inaugural address, however, Thomas Jefferson offered an olive branch to the Federalists. He pledged to follow the will of the American majority, whom he believed were Republicans, but to respect the rights of the Federalist minority. His election set an important precedent. Adams accepted his electoral defeat and left the White House peacefully. "The revolution of 1800," Jefferson wrote years later, did for American principles what the Revolution of 1776 had done for its structure. But this time, the revolution was accomplished not "by the sword" but "by the rational and peaceable instrument of reform, the suffrage of the people."[38] Four years later, when the Twelfth Amendment changed the rules for presidential elections to prevent future deadlocks, it was designed to accommodate the way political parties worked.

Despite Adams's and Jefferson's attempts to tame party politics, though, the tension between federal power and the liberties of states and individuals would exist long into the nineteenth century. And while Jefferson's administration attempted to decrease federal influence, Chief Justice John Marshall, an Adams appointee, worked to increase the authority of the Supreme Court. These competing agendas clashed most famously in the 1803 case of *Marbury v. Madison*, which Marshall used to establish a major precedent.

The *Marbury* case seemed insignificant at first. The night before leaving office in early 1801, Adams had appointed several men to serve as justices of the peace in Washington, D.C. By making these "midnight appointments," Adams had sought to put Federalists into vacant positions at the last minute. On taking office, however, Jefferson and his secretary of state, James Madison, had refused to deliver the federal commissions to the men Adams had appointed. Several of the appointees, including William Marbury, sued the government, and the case was argued before the Supreme Court.

Marshall used Marbury's case to make a clever ruling. On the issue of the commissions, the Supreme Court ruled in favor of the Jefferson administration. But Chief Justice Marshall went further in his decision, ruling that the Supreme Court reserved the right to decide whether an act of Congress violated the Constitution. In other words, the court assumed the power of judicial review. This was a major (and lasting) blow to the Republican agenda, especially after 1810, when the Supreme Court ex-

tended judicial review to state laws. Jefferson was particularly frustrated by the decision, arguing that the power of judicial review "would make the Judiciary a despotic branch."[39]

X. Conclusion

A grand debate over political power engulfed the young United States. The Constitution ensured that there would be a strong federal government capable of taxing, waging war, and making law, but it could never resolve the young nation's many conflicting constituencies. The Whiskey Rebellion proved that the nation could stifle internal dissent but exposed a new threat to liberty. Hamilton's banking system provided the nation with credit but also constrained frontier farmers. The Constitution's guarantee of religious liberty conflicted with many popular prerogatives. Dissension only deepened, and as the 1790s progressed, Americans became bitterly divided over political parties and foreign wars.

During the ratification debates, Alexander Hamilton had written of the wonders of the Constitution. "A nation, without a national government," he wrote, would be "an awful spectacle." But, he added, "the establishment of a Constitution, in time of profound peace, by the voluntary consent of a whole people, is a prodigy," a miracle that should be witnessed "with trembling anxiety."[40] Anti-Federalists had grave concerns about the Constitution, but even they could celebrate the idea of national unity. By 1795, even the staunchest critics would have grudgingly agreed with Hamilton's convictions about the Constitution. Yet these same individuals could also take the cautions in Washington's 1796 farewell address to heart. "There is an opinion," Washington wrote, "that parties in free countries are useful checks upon the administration of the government and serve to keep alive the spirit of liberty." This, he conceded, was probably true, but in a republic, he said, the danger was not too little partisanship, but too much. "A fire not to be quenched," Washington warned, "it demands a uniform vigilance to prevent its bursting into a flame, lest, instead of warming, it should consume."[41]

For every parade, thanksgiving proclamation, or grand procession honoring the unity of the nation, there was also some political controversy reminding American citizens of how fragile their union was. And as party differences and regional quarrels tested the federal government, the new nation increasingly explored the limits of its democracy.