

## Lecture 5: Politics of the Early Republic, 1787-1800

### 1787: The Constitutional Convention:

- Colonial leaders created the Articles of Confederation during Revolution
- Lots of problems
  - Loose alliance between colonies
  - Government did not have right to tax people
  - They had no regulation of trade
  - They had no shared currency
  - No independent judiciary outside of colonies
  - Did not have the power to raise an army
  - One vote per state, regardless of their population
  - 9/13 states were needed to pass a law
  - Unanimous vote was needed to amend a law
- Created unworkable situation
- Convention created to revise the articles of confederation, but they realized they actually needed an entirely new constitution

### Big constitutional issues:

- Disagreements about how it should be written
- 3 key concerns and solutions:
  - Power of large states vs small states → large in terms of population not land mass
    - People with more population would have all the power, smaller states would have nothing
  - Great compromise → bicameral legislature
    - Two houses in legislative branch instead of one
    - First house smaller → equal representation for each state → Senate
    - Second house → Proportional representation of population → House of Representatives
  - Arguments over slavery
    - Some people pointed out hypocrisy → fighting for liberty, while treating others as property
    - Others feared what would happen if slavery was overturned
    - People concerned how slavery would influence government
  - Two solutions:
    - 3/5 compromise, enslaved people would count as 3/5 of a person
      - Enslaved people don't pay as much taxes because they count as 3/5 of a person

- Gag rule: no one discusses banning of slave trade until 1808 -> states with slavery would agree with constitution
- Power of executive branch → fought this war because they didn't like the power the king had → people worried the president would have too much power
- Colonies came up with solution → presidencies would be 4 years per term, but they could be reelected
- Later concern: individual rights
  - How are people being protected on individual level
  - Some were unwilling to ratify constitution if it did not have bill of rights

#### The Ratification Debate: Anti-Federalists:

- Two groups: Federalists and Anti-Federalists
- Anti federalists objected constitution on these grounds
  - Wanted unanimous ratification instead of 9/13 rule
  - Strongly opposed to powerful president → afraid of not having a council to keep president under check
  - Worried about president's pardon power used for corruption
  - Adamant about bill of rights
    - Wanted state governments to have more power than federal government
  - Lose the debate, but there is still bill of rights

#### Ratification Debate: Federalists:

- Support passage of constitution
- Alexander Hamilton, James Madison → Federalists papers to convince states to ratify
  - Checks and balances, each branch will keep the other branches in check (48, 51)
  - Independent judiciary → lifetime term great so that they wouldn't be subject to political bias (78)
  - Political parties should be balanced to prevent tyranny of majority (10)
- Federalist papers still used in political science and Supreme Court decisions
- Stronger than anti-federalists because they were very coordinated
- Secure NY, as long as they add bill of rights (first 10 amendments)

#### First Party System: Federalists vs Democratic Republicans:

- Federalists think US economy should focus on manufacturing and commerce
- Needs a strong central government to ensure this^
- US should have good diplomatic ties with Britain
- Federalists were east-coast urbans: merchants, bankers, artists, manufacturers
- Supported Hamilton's plan to make constitution to actually work
  - Advocated for tariffs, to make local goods cheaper than imported
  - Pay off old US debts and to take on states' debt to help states and give federal government more power
  - To facilitate, created National bank of the US to finance debt
  - Believed that US should carry national debt to meet needs
- Democratic republicans developed out of anti federalists → Thomas Jefferson was main leader

- Believed in agrarianism → reliance farmers and landowners were backbone of virtuous nation
- Thought that business would lead to corruption
- Wanted to ensure that states had more power than national government (weaken it)
- Believed that US should have close economic/diplomatic relations with French → French helped with war
- Democratic-republicans more popular among people in the South → plantation owners, frontiersmen, farmers in the west (rural, agrarian population)
- Opposed National Bank because not outlined in Constitution

#### Strict vs. Loose Constructionists:

- Fundamental disagreements between parties → how to interpret constitution
- Federalists: loose constructionists
  - Could expand power of government beyond what was explicitly stated in constitution
  - Implied powers → in order to follow constitution, you need to have powers that are implied
- Democratic republicans: strict constructionists:
  - Federal government only had power explicitly stated in constitution
  - Enumerated powers → not written explicitly, you can't do it
  - Jefferson and Madison argued that you could not have National bank because it wasn't in constitution, Hamilton argued that it was an implied power

#### Federalist Policies:

- Despite disagreements, managed to put these policies in place:
  - Because they made capital D.C.
  - Gave southern states prestige and access because the capital was close to them
- Hamilton's federalist policies were unpopular
  - Excess tax on whiskey to raise money for government
- Lack of popularity blocked them from getting things done → ineffective
- people's lack of trust in government
  - they were upset over high taxes
  - believed Federalists used cronyism → giving positions of power to friends/family to benefit your area

#### The First Presidency: George Washington, 1789-1797:

- first election in 1788-89
- only white, landowning males over the age of 21 were allowed to vote
- Washington was elected almost unanimously by both parties
- Reluctant, but everyone trusts him
- Reelected with no questions asked
- People liked him, but his presidency showed problems in new government
  - 1794 whiskey rebellion → frontier farmers opposed whiskey tax because it was easier to grow corn and make it into whiskey, tax hurt their profits
  - Protests, burning effigies, attacks on tax collectors

- Washington had to use militia to suppress this
  - Succeeded, then pardoned the leaders
- 1794 increasing settlement west of Appalachian mts., failure of government to regulate
  - Conflict with Miami and Delaware indigenous people
  - Settled in 1794 with battle of Fallen Timbers (US victory)
  - Treaty of Greenville → took most of Ohio and Indiana from indigenous people in exchange for 10k dollars annually
- 1796: Kentucky, Tennessee, and Vermont became states → US expanding

#### Jay's Treaty, 1794:

- Key event of Washington's presidency
- US merchants caught in the middle of French/British conflict
- 1794: Senate authorized Jay's Treaty with Britain
- Allowed Britain to seize cargos bound for France from US ships
- Did not have to compensate US merchants for previously seized cargo
- British removed western forts in territories between Appalachian mts. and Mississippi river
- US got favored nation trading status with Britain → preferential trade agreements and terms
- When Treaty was leaked to press, people were mad → criticized Federalists for being "too pro-British"
- US was very young, so treaty protected fragile trade and sovereignty
- Unexpected consequence: Spain afraid of US/British alliance, negotiated disputed Spanish colonial border around Florida and Louisiana
- ^Settled with Pickney's Treaty 1796
  - Sets border between Spanish colonies and US (northern border of Florida)
  - Granted US shipping access to Mississippi river and New Orleans

#### Washington's Legacy:

- Because he was so respected, some of his decisions set norms that subsequent presidents followed
- Not laws, but people did anyway
- Referring to president as "Mr. President"
- Weak VP with not a lot of power
- Establishing cabinet to assist/advise president, create bureaucracy for executive branch
- Stepping down after 2 terms → no law that says you have to in constitution at the time, but set a precedent that other presidents would step down after 2

#### Election of 1796:

- After Washington stepped down, first contested election in 1796
- Between two distinct parties
- Federalist John Adams vs Democratic republican Thomas Jefferson
- Elites decided to mobilize non-elites → tried to get people to vote
- Jefferson organized anti-Hamilton clubs
- Federalists don't bother, maybe think they're already going to win?

- John Adams won 71 electoral votes & won presidency
- VP is person who wins second-most votes, so they were just from the other party
- Jefferson becomes VP
- President and VP from different political parties → probably didn't work out?

John Adams 1797-1801:

- Only was president for 1 term
- Key events:
  - XYZ affair → US delegates sent to Paris to negotiate treaty, but France demanded 250k bribe to open up talks + US loan of 12 mil (in their money, not present-day)
  - When word got out, huge wave of anti-French sentiment, calls for war
  - ^ led to quasi-war with France till 1800
    - Congress ended trade with France
    - Authorized capture of French ships
- Federalists in Congress passed Alien and Sedition acts, which Adams signed into law
- Goal was to prevent Democratic-Republican anti-British immigrants from France and Ireland from voting in elections
  - Increase waiting period to become US citizen from 5 years to 14 years
  - Authorized presidential deportation of “dangerous aliens” → president could decide who to kick out
  - Made it illegal to say anything “false, scandalous, or malicious” about federal government and officials (could go to jail)
- Many people not happy with these laws → discontent led to VA and KY resolves
  - Resolves authored by James Madison + Thomas Jefferson
  - Passed by Democratic Republicans in congress
  - Argued that Alien and Sedition acts were void, established two major concepts/longstanding issues of constitutional law
    - Concept of interposition → idea that states can interpose themselves between congress and creation of federal law
    - If congress is trying to pass a law and states deem it unconstitutional, they can block it from being enacted
  - Concept of mollification
    - States can declare a law they deem unconstitutional as invalid/null
    - After a law had been passed
    - Because states had created constitution, they had right to declare something unconstitutional
    - SCOTUS didn't have power to check congress + president yet
- At the time, resolves did not have much impact on John Adam's and his government → important later