**II. The American Constitution and Early Government**

**II.1.Articles of Confederation**

Following the adoption of the Declaration of Independence, the newly independent states were cautious about giving too much authority to a central government. They preferred a confederation, in which each state would maintain its sovereignty while being loosely unified as a nation. For this reason, Congress drafted the Articles of Confederation. Finally ratified in 1781, this document failed because it did not give enough power to the federal (national) government to lead effectively. In order for any law passed by Congress to be final, at least nine of the thirteen states had to agree. Since the states often had different interests, such agreement was rare. Also, the Articles did not grant Congress the power to impose taxes. The federal government had to ask the states for money. As you might imagine, this was not very effective and made it practically impossible to administer the government or provide for a national defense. Foreign countries quickly realized the glaring weaknesses in the Articles of Confederation as well. As a result, Britain refused to withdraw troops from the Ohio Valley despite the Treaty of Paris and Spain closed its port at New Orleans, cutting off the Mississippi River. Unable to raise a formidable army, the United States was in no position to oppose such actions.

Change finally came as a result of Daniel Shay's Rebellion in 1786. After the war, the United States experienced an economic crisis. The nation was experiencing a depression in which the value of US currency was very low and falling farm prices left many farmers unable to repay outstanding loans. At the same time, in order to pay war debts, the state of Massachusetts raised taxes (the national government could not impose taxes, but state governments could). Outraged, a Massachusetts farmer and Revolutionary War veteran named Daniel Shay led a number of farmers in rebellion. Without an adequate national government, Massachusetts was forced to deal with the revolt on its own. The event made it evident that a stronger central government was needed to deal with the nation's problems. In 1787, leaders called a convention to revise the Articles of Confederation.

**II.2.United States Constitution**

In 1787, a delegation met in Philadelphia to revise the Articles of Confederation. Soon after the convention began, however, the delegates decided to do away with the document altogether and write a new set of laws. The result was the United States Constitution. All the delegates in attendance (only Rhode Island did not send representatives) agreed that change was necessary. However, how the national government should be reorganized was a matter of much debate. As a result, a number of compromises (decisions reached as a result of disagreeing parties being willing to give up a little of what they want) emerged. Edmund Randolph and James Madison of Virginia introduced the Virginia Plan. They proposed a federal government made up of three branches: a legislative branch to make the laws, an executive branch to enforce the laws, and a judicial branch to make sure that the laws were administered fairly. For the legislative branch, the Virginia Plan called for two houses with representatives from each state. In each house, the number of representatives per state would be determined by population. The greater a state's population, the more representatives it would have. Larger states loved the idea; but smaller states hated it because they would be left with less representation. As a result, one of New Jersey's delegates proposed the New Jersey Plan. Like the Virginia Plan, it also called for three branches of government, but it wanted the legislative branch to consist of only one house with each state getting a single vote. In the end, the delegates decided on a compromise. It became known as the Great Compromise, or the Connecticut Plan, because it was proposed by Roger Sherman of Connecticut. It established a legislative branch with two houses. One house, called the House of Representatives, would be elected directly by the people and each state granted a certain number of seats based on population. The other house, called the Senate, would be elected by state legislatures with each state having two senators, regardless of population. Together, the two houses would comprise Congress.

Slavery also proved to be a point of contention. Northern states had fewer slaves and argued that, since slaves were not voting citizens, they should not be counted as part of the population. Southern states, however, had far more slaves and wanted to count them. The answer to this question was important because it affected how many representatives each state would have in Congress. Again, a compromise was reached. It was known as the Three fifths Compromise because it stated that each slave would count as "three-fifths of a person." In other words, for every five slaves, a state would be credited for having three people. Meanwhile, debate about the slave trade resulted in a slave trade compromise. Under this agreement, Northerners and delegates from the Upper South (Maryland and Virginia) who opposed the slave trade agreed to allow it to continue for twenty years, after which time Congress could impose regulations. This was important to delegates from the Deep South who insisted that their economy could not survive without the slave trade. US involvement in the Atlantic slave trade finally ended in 1808. Slavery, however, continued until 1865.

**II.3.Limited Government and Separation of Powers**

The Constitution establishes a government based on limited government, separation of powers, and checks and balances. Limited government is the principle that even governments must obey a set of laws and respect the rights of citizens. They are "limited" in what powers they have and what they can do. The Founding Fathers intended the Constitution to provide just such limitations. They wanted a government that respects and upholds the natural rights of citizens. By comparison, separation of powers divides authority to govern between different branches of government. Under the Constitution, the federal government divides its power between three branches: legislative, executive, and judicial. The legislative branch consists of Congress and is responsible for making the laws of the country. The executive branch is responsible for enforcing the laws and is headed by the president of the United States. Finally, the judicial branch is made up of the federal court system, with the US Supreme Court serving as the highest court in the land. Its role is to make sure the laws are applied fairly and appropriately. Checks and balances are included in the Constitution which allows each branch to check the powers of the other two. By dividing power between different branches and allowing each to check the others, the Founding Fathers put in place a model of government designed to keep any one branch from becoming to authoritative.

**II.4.Ratification**

Although the new document was an amazing improvement from the Articles of Confederation, it was not without controversy. A number of states refused to ratify it, claiming it did not do enough to guarantee the rights of citizens.

Finally, in late 1788, the last of the nine states needed approved the Constitution once Congress agreed to consider a number of amendments protecting civil liberties (Georgia was the fourth state to ratify the Constitution). Only North Carolina and Rhode Island held off until after these amendments had actually been submitted to Congress.

When Congress met in 1789, one of its first orders of business was to pass the Bill of Rights. It consists of the first ten amendments (additions) to the Constitution and its purpose is to protect citizens' rights and maintain limited government.

**II.5.Federalists vs. Anti-Federalists**

Controversy also surrounded the new Constitution concerning what role and powers the national government should have. Many favored the Constitution because they believed that the United States needed a strong federal government with a powerful president at its head. Others opposed the Constitution because they feared that a powerful federal government would trample on their rights. Because of the debate, political leaders split into opposing factions. A faction is a group of people who are bound by a common belief/cause, usually against another group bound by an opposing belief/cause. The Federalists favored a strong central government and supported the Constitution. Among their leaders were Alexander Hamilton and James Madison. Madison played a key role in drafting the Constitution and is often referred to as the "Father of the Constitution." Long before leaders decided to call a convention to revise the Articles of Confederation, Madison believed that a new framework for government would eventually be needed. He spent years prior to1787 developing the model for a more effective system. The delegates to the Constitutional Convention adopted many of his proposals, such as having three branches of government. Since many of the ideas that framed the Constitution were introduced by Madison, it is not surprising that he was a Federalist who supported ratification. Federalists also tended to have a "loose interpretation" of the Constitution. They believed that the Constitution allowed the federal government to take certain actions not specifically stated so long as such actions were deemed necessary for carrying out the government's constitutional responsibilities.

Anti-federalists had a different view. (Author of the Declaration of Independence, Thomas Jefferson, was an Antifederalist; although he was not present at the Constitutional Convention because he was serving as the US ambassador to France.) They were more suspicious of the Constitution and feared that it gave too much power to the central government. Anti-federalists held to a "strict interpretation." They believed the federal government could only do what the Constitution specifically said. Anti-federalists did not want a small faction of leaders becoming too powerful and using the national government to trample on the rights of citizens.

To make their case for the Constitution, Hamilton and Madison helped author a series of essays known as the Federalist Papers. The essays were written to persuade New York's legislature to ratify the Constitution by easing fears that the document left the government susceptible to any one faction seizing too much power. Eventually, with the support of men like George Washington, Alexander Hamilton, and John Adams, the Federalist view won. Anti-federalists did succeed, however, in securing the Bill of Rights.

**II.6.The Bill of Rights**

Of the twelve amendments that Congress passed in 1789 for the purpose of protecting civil liberties, the states chose to ratify ten. These ten amendments are known as the U.S. Bill of Rights.

First Amendment guarantees citizens' freedom of speech, freedom of the press, freedom to petition the government, and freedom to assemble. It also protects freedom of religion and establishes the principle of separation of church and state through the free exercise clause and the establishment clause. The free exercise clause forbids Congress from making any law prohibiting the free exercise of one's religious beliefs. The establishment clause forbids Congress from establishing a religion.

Second Amendment guarantees the right to bear arms. Although there is much debate today about the private ownership of firearms, in the early days of the nation this right was considered crucial for maintaining local militias. Don't forget, the first shots of the revolution were fired because the British attempted to take arms stored by private citizens at Concord.

Third Amendment restricts quartering (housing) of federal troops in the homes of US citizens. Prior to the revolution, the British angered colonists by forcing them to house British soldiers.

Fourth Amendment protects citizens against unreasonable searches and seizures.

Fifth Amendment clearly defines criminal proceedings by which a person may be arrested and charged with a crime. It ensures that no person shall be imprisoned or deprived of their property without due process. In other words, the government must obey the laws governing criminal and civil proceedings before it can put someone in jail or strip them of their property. In addition, this amendment protects citizens from the possibility of "double jeopardy." A person cannot be tried for the same crime more than once. Neither can defendants be forced to testify against themselves in court. This is called protection from self-incrimination. Finally, this amendment also places limits on eminent domain. Eminent domain is the government's power to take private property for public use.

Under the Constitution, the government cannot take a citizen's property without paying "just compensation" (i.e., if the government takes someone's house, then they must pay that person what the house is worth).

Sixth Amendment protects the rights of the accused. This includes the right to a public and speedy trial by jury. A trial by jury simply means that a group of an accused person's peers decides his or her guilt or innocence, rather than a single government official. This amendment also guarantees the right to legal representation (a lawyer) and the right to call and confront witnesses.

Seventh Amendment extends this right to a trial by jury to civil cases as well (i.e., when one person sues another for money).

Eighth Amendment protects those arrested or found guilty of a crime. It prohibits the government from imposing excessive bail/fines. Bail is money an arrested person must pay to get out of jail until the date of his/her trial, while fines are amounts of money imposed as punishment for a crime one has been found guilty of. It also forbids cruel and unusual punishment of those convicted of a crime. Of course, what constitutes "cruel and unusual punishment" is often an issue of debate.

Ninth Amendment simply states that the rights specifically mentioned in the Bill of Rights are not necessarily the only ones enjoyed by the people.

Tenth Amendment says that those powers not restricted by the Constitution, nor delegated to the US government, are reserved for the states. In other words, the Constitution grants the states the authority to decide certain matters of law.

**II.7.Early Government**

**II.7.1.George Washington**

Delegates to the Electoral College unanimously elected George Washington the first president of the United States in 1789 and again in 1792.He was initially inaugurated in New York City, which served as the nation's capital for Washington's first year in office. The government then moved to Philadelphia. Congress eventually approved plans for a new capital city to be built along the Potomac River between Virginia and Maryland. President Washington himself chose the site but, ironically, was the only president never to live there. The new capital was eventually named Washington, D.C.

Following his election, Washington quickly chose several men that he trusted to serve in key positions within his administration. These individuals served as the first presidential cabinet in history (the cabinet is a body of department heads who serve as the president's key advisors and/or representative in specific areas). Among them, Washington selected Thomas Jefferson, who had recently returned from serving as ambassador to France, to be his secretary of state. He also chose Alexander Hamilton, a devout Federalist and trusted aid to Washington during the Revolutionary War, to serve as secretary of the treasury.

**II.7.2.Hamilton's Economic Plan**

Washington's new presidency faced several challenges. When the new U.S. government took power in 1789, the nation was deep in debt and the value of the new currency was low. Alexander Hamilton developed a plan to help.

Hamilton's economic plan proposed that the federal government take on state debts that were largely due to the war.

To raise revenue, Hamilton wanted tax on whiskey. He reasoned that such a tax would not only raise money, but would also serve to demonstrate the power of the federal government. He also supported tariffs (taxes on imports).

Not only did he believe that these tariffs would raise much needed money, he also saw them as necessary to strengthen and protect U.S. business interests from foreign competition. Hamilton believed this was necessary to give U.S. manufacturers a chance to succeed. Finally, Hamilton proposed establishing a national bank. Hamilton had a loose interpretation of the Constitution and believed that its necessary and proper clause gave the government the right to charter a bank if it was necessary to exercise its constitutional duties (in this case, coining money).

Hamilton's plan gained the support of President Washington, but it was not without controversy. Many opposed Hamilton's views. One such opponent was Washington's secretary of state and author of the Declaration of independence, Thomas Jefferson. Jefferson had a strict interpretation of the Constitution and argued that the federal government must restrict itself to those powers specifically stated in the document. Since the Constitution did not give the federal government the authority to open a national bank, Jefferson argued that it could not. Many southerners also opposed Hamilton's plan because they were against tariffs that would lessen competition from foreign countries and raise prices on finished goods. They also feared that such measures would encourage other countries to respond with tariffs of their own, thereby raising prices on southern exports and hurting the South's economy. Many saw Hamilton's plan as evidence that the federal government intended to support the business interests of a wealthy few over the needs of farmers who made up the bulk of the nation's population. Finally, the whiskey tax was very unpopular among farmers in the western regions of Pennsylvania, Maryland, Virginia, and North Carolina. Many of these farmers made their living converting grain into whiskey. Their protest eventually resulted in the Whiskey Rebellion. Pennsylvania farmers refused to pay the tax and resorted to violence. The uprising ended when President Washington organized a military force that marched into Pennsylvania and halted the resistance. While the event showed that the new government had the power to enforce its laws, it also led many farmers and frontiersmen to see Hamilton's form of government as tyrannical. More of them flocked to Thomas Jefferson as a defender of states' rights and a champion of their cause.

**II.7.3.Washington and Neutrality**

While the new U.S. government tried to establish itself, European powers, Great Britain and France, were once again at war with one another. President Washington, recognizing that the country could not afford a fight with either side, made a Proclamation of Neutrality, in which he stated that, the U.S. would not take sides. The conflict still had consequences for the United States, however. The British began intercepting U.S. ships they believed bound for France and impressing sailors (taking U.S. sailors captive and forcing them to serve the British). These actions were intended to injure the French, but they also hurt the United States' ability to trade and operate on the high seas. In response, Chief Justice John Jay went to London to broker an agreement with the British. To the disappointment of many in the U.S., Jay returned with a treaty that primarily benefited Great Britain and did little to further the interests of the United States.

**II.7.4.The Rise of Political Parties**

Shortly before leaving office, President George Washington gave a farewell address in 1796 in which he emphasized three key points. First, Washington expressed his view that the United States should stay neutral and avoid permanent alliances with other nations. Second, he believed that good government is based on religion and morality. Third, he spoke about the dangers of forming political parties. He warned that political parties would cause people to work for their special interests rather than for the public good. Despite Washington's warnings, opposing political parties did indeed form. The Federalist Party was created even prior to the ratification of the Constitution. Alexander Hamilton, James Madison and John Adams were among its leaders. The Federalists supported ratification of the U.S. Constitution because they supported a strong national government. They also supported large landowners, merchants, and the interests of business over agriculture. Therefore, they supported tariffs and other measures meant to help U.S. businesses. Most New Englanders were Federalists. Meanwhile, the Republicans arose in opposition to the Federalists. Their leader was Thomas Jefferson. For this reason, they are sometimes referred to as "Jeffersonian Republicans "to distinguish them from today's Republican Party. The Jeffersonian Republicans favored stronger state governments and a weaker national government. For this reason, many of them originally opposed the Constitution because they feared it made the national government too strong.

In addition, the Republicans tended to favor the interests of small farmers and debtors, rather than those of business.

Therefore, they opposed many Federalist policies and saw them as an attempt by the wealthy upper class to limit economic opportunities for small landowners. Most Southerners were Jeffersonian Republicans.

**II.7.5.John Adams**

Following his second term as president, George Washington retired from public life. John Adams, the same man who had nominated Washington to serve as commanding general of the Continental Army and who had served him as vice president, now succeeded him as the nation's second president. He was a Federalist and, therefore, often found himself at odds with Thomas Jefferson. He also had to deal early on with a French government that was very angry over Jay's Treaty with the British. Although many in the U.S. saw the treaty as a weak document, it angered the French because they saw it as an alliance with Great Britain. In an attempt to improve U.S.-French relations, the United States sent three diplomats (Charles Pinckney, Elbridge Gerry, and John Marshall) to France. The three were not officially received, but after several days they were informed by an unofficial delegation that, with a bribe and the promise of a U.S. loan to France, they might be given access to French leaders. This infuriated off the U.S. representatives, who rejected the suggestion and returned home. It also angered citizens in the United States when they learned of what happened. The event was known as the XYZ Affair, because the unofficial French delegation consisted of three men known only as "X, Y, and Z."As a result, the US broke off its relations with France.

Realizing it could not remain both neutral and safe, the United States began building up its military force.

Fortunately, with the Convention of 1800, France and the United States were able to negotiate some of their differences, reopen trade, and re-establish diplomatic relations. The convention also formally ended the US-French alliance that had existed since the revolution, making the U.S. officially neutral. The US could now engage in trade without appearing to violate a treaty with France or aid a war against Great Britain.

**II.7.6.Federalist and Republican Hostilities**

The Federalists in Congress passed several laws during John Adams' administration that alarmed Jeffersonian Republicans. The Naturalization Act required foreign immigrants to live in the United States for fourteen years before they could be US citizens. The Alien Act allowed the government to arrest, detain or remove foreigners deemed untrustworthy. Of even greater concern was the Sedition Act that severely limited free speech and expression. Federalists often used the Alien and Sedition Acts to silence critics (usually Republicans). These acts tended to help the Federalists because immigrants who had been in the country for only a short time were usually poorer and often drawn to the Republicans who represented the "common man." Under these laws, such people could not vote in elections. Jefferson and others saw these acts as abuses of power. He and James Madison (a former Federalist) produced a response to the Alien and Sedition Acts in the form of the Virginia and Kentucky Resolutions. These resolutions stated that if a state believed a federal law to be unconstitutional, then it did not have to obey or enforce it. The resolution was so named because the state legislatures of Virginia and Kentucky adopted it. The idea that individual states have such a right came to be known as the doctrine of nullification, because it claims that states can nullify a national law that they believe violates the Constitution. The debate surrounding states' rights versus federal authority ultimately played a major role in events leading up to the Civil War.

**II.7.7.Election of 1800 (Jefferson vs. Adams)**

The battle between the Federalists and Republicans culminated in the election of 1800. It was a nasty election that pitted the Federalist president against Thomas Jefferson. Republicans accused Adams of wanting to be a king (a huge insult so soon after the revolution) while Federalists proclaimed Jefferson to be an anarchist (someone who is against any structure of government). When the Electoral College finally voted, two Republican candidates, Thomas Jefferson and Aaron Burr, ended up tied with73 votes each. As a result, the House of Representatives had to decide the winner. In an ironic twist, Alexander Hamilton played a major factor in deciding who won. Although Hamilton did not agree with Jefferson's politics, he hated Aaron Burr as a person. Hamilton supported Thomas Jefferson, making him the third president of the United States. Burr never forgave Hamilton for his decision and the two remained at odds. They ultimately met in a duel, with Burr shooting and killing Hamilton.