# Early Republic: 1789 - 1815

### The Constitution

Oh, to have been a fly on the wall at the Philadelphia Convention. 55 delegates of the young, educated, intellectual elite. Thomas Jefferson wasn't exaggerating when he called it a "convention of demigods."

However, most of them arrived without a clear idea of what they wanted to do. How were they going to create a government stable enough to sustain the largest democratic republic that history had ever known?

Happily, one man—**James Madison**—came with a plan.

Madison has been called the Father of the Constitution, because he was the craftsman behind some of its most important sections. Madison gave the convention a reality check: this whole phobia of central authority they had inherited from their time with Britain had to be banished. It was time to realize the need for a strong central government—one strongerthan the states.

Many of the delegates balked at this, but Madison pointed to the Articles of Confederation as prime proof that supreme authority vested in the states would be disastrous. Besides, he explained, his ideas for the new government included a **separation of powers**—there would be multiple branches of government that watched carefully over each other to make sure none overstepped its boundaries and became tyrannical (which is exactly what they felt the British Parliament had done).

There were two major controversies that shaped the Constitution. The first was between large and small states. Delegates from large states wanted representation in the government to be based on population: the biggest states would therefore have the most representatives. That actually makes sense when you think of it from a democratic point of view: the majority gets what the majority wants. However, the small states were greatly annoyed at this, because they saw that they would only be bullied. They insisted that representation should beequalfor all states, no matter how wee they were.

Finally, everyone came to a compromise—suchan important and awesome compromise, actually, that it was called the **Great Compromise.**The **New Jersey Plan**(the brain-child of the large states) and the **Virginia Plan**(the argument of the small states) would be combined: Congress would be split into two houses. A House of Representatives would have representatives be based on population, and a senate would have two senators from each state. Plus, the "upper" house (the Senate) would be elected by the state legislatures, and the "lower" directly by the people.

Why didn't both have direct election? Because the delegates, as committed as they were to democracy, were also afraid of it—or, rather, they were worried about the ways it might become a "**mobocracy.**" What if the people suddenly got out of hand? What if they proved ignorant or anarchical? What if they just didn't know what was good for them? In all these cases, there needed to be a "check" on mob rule—officials elected by other politicians who would, presumably, know what was best for the people even if they themselves didn't know. The United States was certainly the most democratic nation ever yet created—but it wasn't ready to be totallydemocratic. Interesting point: it still isn't, today. For example, the people still don't directly elect the president—the **Electoral College**does.

The second major debate was between pro-slavery and anti-slavery states—mostly split into the North and the South, since the South relied on slaves way more than the North. Everyone knew that South Carolina and Georgia were soreliant on slaves that they would neveragree to a constitution that outlawed them.

The Founding fathers didn't put anything in the constitution to outlaw slavery, but they didput in three things that indirectly applied to them. We say "indirectly" because at no time did the constitution evercontain the word "slave" or "slavery." It was like the elephant in the room—the embarrassing truth that no one yet knew how to deal with.

First, the Founding Fathers outlawed the slave trade by fixing an expiration date: 1808, 20 years from the convention. However, they also included a Fugitive Slave Law that required anyone living in a "free" state to return a runaway slave to his or her owners. Finally,it included the famous **three-fifths clause,**which stated that every slave was "three-fifths" of a person.

That sounds weird, right? Was it intended to state that slaves weren't totally human? No—it was a brilliant strategy to ensure that southern states were fairly represented in the government. The crazy thing about the southern colonies was that they had verylarge slave populations—South Carolina even had more blacks than whites. This meant that a population count of actual citizens—aka white people—would be tiny. That meant hardly any representation in the House. By counting each slave as 3/5 a person, the south ensured that it would still be well represented in Congress.

Nowadays people talk of the Constitution almost reverently: no matter whatpolitical party you belong to, you don'tbust on the Constitution. Its system of **executive, judicial,**and **legislative branches**that all keep each other in check is quite an admirable balance. Back then, however, the Constitution was by no means universally adored. It was radical. People weren't so sure they wanted to re-create the government this way, especiallybecause the central government suddenly had waymore power than people were planning.

Yet the Constitution also had some major fans—and these fans also happened to be brilliant and eloquent. These men, including James Madison, **Alexander Hamilton,**and **John Jay,**published the **Federalist papers**and spread them as far and wide as they could. These publications explained the whole idea of the constitution to everyone, as well as why it was downright awesome.

The **anti-Federalists**were still numerous (they were mostly small farmers and people from rural areas, who relied on local governments and distrusted central authority) but they simply weren't as eloquent as the **Federalists.**

The upshot was that the constitution gradually gained more and more supporters in all the states, and was finally ratified in 1789. The Bill of Rights, added in order to ensure that certain rights of the people were alwaysprotected against this large, powerful, new government, was ratified in 1791.

### Washington's Presidency

You think we have celebrities today? Ha. There was no celebrity like George Washington. He was unanimouslychosen as president—no one wanted anyone else. He also created a **presidential cabinet**that was stuffed with superstars: Thomas Jefferson was his secretary of state, Alexander Hamilton secretary of the treasury, and John Adams vice president.

Funny thing about having both Hamilton and Jefferson in your government: they had totally opposite views on how to run it. Actually, their opposing ideas are stillthe basis of our two-party system today.

Hamilton wanted a strong central government and argued that it had all sorts of **implied powers** that the constitution didn't actually state in writing, but implicitly meant.

Jefferson thought that was dangerous nonsense. A **strict constructionist,**he argued that the government onlyhad the powers the constitution directlygave it. He distrusted central authority and wanted a safe, weak central government that wouldn't do much more than defend the country and regulate interstate commerce. (Sound familiar? This is the basis of the modern Tea Party movement's ideals.)

The group that favored strong government called itself the **Federalist Party—**championed by Hamilton—and those favoring a smaller, weaker government called themselves the **Democratic Republicans**—championed by Jefferson.

These two argued constantly—especially about the economy. Hamilton wanted a **National Bank**where the national treasury would keep its deposits. Jefferson dug in his heels for months before Washington was finally won over and signed the **Bank of the United States (BUS)**into law in 1791. Jefferson was mad,but no one could deny that Hamilton knew what he was doing where the economy was concerned.

For example, he single-handedly solved the problem of the whopping **national debt**the nation had hefted onto its back during the war. He made a deal: the federal government would take on the states' debts and repay them by giving debt-holders western lands. This made a lot of people happy, especially in the North, since more northern banks and merchants had debt and debt certificates. The South was ticked off, but Hamilton gave them a sweet treat to keep them quiet: they received a southern location for the nation's capital: Washington, D.C.

Not everything went entirely smoothly, though. One of Hamilton's ideas to pay off the debt was to put a tax on whiskey. Immediately, a **Whiskey Rebellion** kicked off in western Pennsylvania. Were the new Americans mad that this made their parties more expensive? Nah—it was the whiskey farmers who felt that they were unfairly being subjected to the debt (while the wealthy individuals who had bought debt certificates received nice, western lands according to Hamilton's otherplans).

Washington's government was notamused. This was exactly what they had feared—that the people, having fought a successful Revolution against one government, would do the same to the next. The president sent the militia to quell it, and made some arrests. However, it alsoeventually pardoned those people: so it showed both that it was strong and wouldn't tolerate any nonsense from its citizens, andthat it was merciful.

Meanwhile, in Europe, France was caught in a whirlwind. The **French Revolution**had begun, and Hamilton and Jefferson argued over whether the US should hop in to help. Jefferson loved the French—he had lived and worked there a while, and had close relationships with French people. Yet Hamilton was an Anglophile who believed that helping the French would ruin America's delicate relationship with Britain, who they relied on for trade, and who were very much against those dangerous revolutionaries in France.

Washington finally decided again to side with Hamilton (poor Jefferson—the President sure seemed to have a "favorite child") and issued the **Neutrality Proclamation.**This announced that America would stay friendly to bothFrance and Britain by keeping out of any conflict. As the French Revolution became bloodier and bloodier (way worse than anything America had seen in its own conflict) even Jefferson began to feel relieved that America had stayed out.

The problem was that Europe didn't seem to take America seriously—at least, Britain still felt that it had certain bullying rights. Both French and British ships continued to harass American ships, seizing them and **impressing**American sailors. Yeah, funny mental image: some flashy, well-dressed European striking awe into a country bumpkin American. However, "impressed" means "forced into military service on their ships."

Angry Americans sent **John Jay**to England to negotiate a truce, but **Jay's Treaty**was a whopping failure: it didn't say anythingabout the impressments, and though it did require Britain to abandon its forts in the West, they casually "forgot" to do so.

Plus, the treaty freaked out Spain, America's other European neighbor on the continent. Thomas Pinckney had to be sent down to negotiate **Pinckney's Treaty**with the Spanish, establishing boundaries, rights of shipping along the Mississippi, and trading rights in Spanish New Orleans.

In general, the new republic enjoyed a nice start under Celebrity Washington. In his famous **Farewell Address,**he warned the new nation to avoid possible pit-falls in the future. For one thing, he urged America not to join "entangling alliances," and to stay out of European affairs. **Isolationism**was the safest course for America, and totally feasible for a nation that had a nice, wide, safe ocean between itself and the European powerhouse. Secondly, he warned Americans notto fall into a party system—he felt that parties would become factions that might split the nation. Poor Washington—his ideas were bold, but as we know, it wouldn't take long for America to defy them…

### Adams' Presidency

"Don’t have political parties," Washington had begged in his Farewell Address. However, Adams' presidency was plagued with even more arguments between the Federalists and the Democratic Republicans, especially as Hamilton and Jefferson remained in prominent government positions.

Adams didseem to take Washington's plea against "entangling alliances" to heart though, because he avoided war with France. France was still being a bully on the high seas, continuing to seize American ships and sailors. Adams sent diplomats to France to calm the waters (no pun intended) but their arrival was greeted by three French agents code-named X, Y, and Z.

The agents demanded a huge bribe from the Americans just for the opportunity to speakwith the French authorities. The diplomats were appalled and offended—did France think they were bumpkins who deserved no respect? The story came back to America, where it was called the **XYZ Affair,**and Americans were so mad that they—especially Federalists—started chomping at the bit for war.

A **quasi-war,**in which French and American ships started fighting each other in an unorganized, unsanctioned way, took place until Adams forced an end. War with France, he knew, would be a disaster—America's military was so teeny weeny a French sneeze might blow it away. **The Convention of 1800**ended the conflict and finished the Franco-American Alliance that had begun so optimistically in the Revolution.

That was a success story for Adams. What didn't go so well was his passing of the **Alien and Sedition Acts.**He was a Federalist, and Congress was dominated by that party. Wanting to keep their hold on power and snub the Democratic Republicans, they passed laws that increased the residency requirement from 5 to 14 years, gave the president power to detain or deport foreigners during war, and made it illegal for citizens to criticize the President or Congress (in other words, the Federalist Party itself).

Needless to say, the Democratic Republicans weren't pleased. Jefferson and Madison drafted the **Virginia and Kentucky Resolutions,**which stated that the states had the right to judge whether federal laws were constitutional or not—and, if they weren't, to nullify them. Now that was a bigpower claim—a little too big for other states, which refused to issue their own.

This was still an important moment in the big government/small government conflict, however.Most significantly,it introduced a topic that the South would eventually use when it declared secession in the 1860s.