

representing all the states. And although it could enact laws, it had no authority to enforce them. It relied on the states and the people to obey whatever it decreed, but voluntary compliance proved to be virtually impossible. In addition, the government lacked the power to tax. To support its operation and pay for carrying on the war, it had to rely on contributions from each state as set forth by the national legislature. But few states paid what they owed. If hard-pressed for cash, they would pay less, and there was nothing the central government could do about it.

Two other problems were present in the Articles. First, the unanimous agreement of all the states was required before the document could go into effect. Maryland withheld its consent until all the states ceded their western lands to the central government. That state had no claim to the western country and hoped to share in the largess of more fortunate states, such as Virginia. Not until 1781 did all the states agree to the condition and Maryland finally added its consent. The second problem involved amending the Articles once the government began operation. Again it required unanimous approval by the states, and that proved to be impossible. What the document created was a government subservient to thirteen other governments.

It must be remembered that at the time, the delegates who produced the Articles of Confederation had no experience in establishing a workable central authority that would understand and recognize the sovereignty of each state. It would take a learning experience of almost half a dozen years for others to decide what had to be done to create a permanent Union that could pass and enforce laws to protect liberty and property for its citizens and show proper regard for the rights of the states. In a word, a federal system needed to be erected.

The delegates debated the Articles of Confederation for over a year, and not until November 15, 1777, was it formally adopted. Then, it took another three and a half years before all the states agreed and the government under the Articles was established.

THE WAR ITSELF had begun at Lexington and Concord, but to put down the rebellion the British had to destroy General Washington's ability to remain in the field or militarily occupy the entire country.

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The rebels, on the other hand, simply had to get the British to tire of the war and withdraw. They did not need to win battle after battle. If they could maintain an army in the field over an extended period of time, it was very likely that they could obtain their objective.

On July 12, 1776, the British sent reinforcements to New York to link up with Sir William Howe's army, which came down from Halifax. They rendezvoused with other British troops from South Carolina under General Henry Clinton to constitute a powerful force of 30,000 soldiers. Washington had less than half that number and realized he could never hold New York. Still he was determined to put up a fight. On August 27 he challenged the British on Long Island. Following an inevitable defeat, he moved his army under cover of a thick fog across the East River to Manhattan. Howe pursued him up the Hudson River valley, and Washington retreated to New Jersey. New York remained in British hands for the remainder of the war.

Washington crossed the Delaware River at Trenton and tried to keep his army together. But his soldiers shivered in the December cold and began to desert, since the situation looked hopeless. Their general pleaded with Congress to provide supplies and additional troops but had little success. As the situation became desperate, Thomas Paine, from an American camp, wrote the first number of *The Crisis*, in which he declared, "These are the times that try men's souls." Indeed, Washington himself almost lost hope. "If every nerve is not strained to recruit a new army," he wrote, "I think the game is pretty well up."

Then he attempted something truly daring. On Christmas evening, with about 2,500 men, he crossed the ice-filled Delaware River about nine miles northwest of Trenton and attacked the Hessians who had taken the town and were sleeping off their Christmas celebration. The Americans captured more than 900 Hessians. Lord Cornwallis attempted to strike back, but Washington hit the British rear guard at Princeton and forced Cornwallis to retreat to protect his military supplies. What Washington had done by his daring action was restore his army's confidence that it could win and spike the determination of the British to bring the war to a speedy end.

Resolved as ever to put down the rebellion, the British came up with a three-pronged plan. They would bring down two separate armies from Canada, which would meet in Albany and then join a

force sent northward off New England. Critical for the British. The advance via Lake Champlain was surrounded by the British in Hampshire, and New York. The hopelessness of the British force of 6,000 at Saratoga.

It was quite a dilemma to conclude that an alliance was a disadvantage. On February 6, 1763, Franklin signed the Treaty of Paris, which was a treaty of alliance granted most-favorable terms to each other forever. The first treaty of alliance was signed in 1763 until Great Britain and the United States; this second treaty was between France and the United States.

The surrender of the British to George Washington made it clear that the British had granted virtual independence since 1763 would be pardoned. But the British had the alliances with France and Britain wish to revert from them. That spring the French warships and the British fleet.

Meanwhile, the British had returned Philadelphia to the British. The British had hastened to the battles of Brandywine and the winter in the north. The British took up a position in Philadelphia, where he

force sent northward by General Howe in New York, thereby cutting off New England. Cutting off New England was an important objective for the British. But the army marching down from the St. Lawrence via Lake Champlain and commanded by General John Burgoyne was surrounded by thousands of Americans from Massachusetts, New Hampshire, and New York led by General Horatio Gates. Recognizing the hopelessness of his situation, Burgoyne surrendered his army of 6,000 at Saratoga on October 17, 1777.

It was quite a disaster for the British and prompted the French to conclude that an alliance with the United States would be to their advantage. On February 6, 1778, American ministers, led by Benjamin Franklin, signed two treaties with the French government. The first was a treaty of amity and commerce in which both countries were granted most-favored-nation status; they further agreed to guarantee forever each other's possessions in the New World. The second was a treaty of alliance whereby neither country would lay down its arms until Great Britain acknowledged the independence of the United States; this second treaty was to become effective when war broke out between France and Britain.

The surrender at Saratoga also convinced Lord North and King George to make concessions, and a bill was introduced in Parliament that granted virtually all the Americans' demands, to wit: Parliament would not levy any tax on the colonies; all unacceptable laws enacted since 1763 would be repealed; and leaders branded as rebels would be pardoned. But the bill did not win passage until nearly two weeks after the alliances with France had been signed, and the Americans had no wish to revert from free states back to dependent colonies. On June 17 France and Britain clashed on the open sea and war was declared between them. That spring Count Charles d'Estaing, commanding twelve French warships and several regiments of troops, headed for America.

Meanwhile, Howe took part of his army and headed south to capture Philadelphia, apparently with the approval of London. Washington hastened to thwart the British move but was outflanked at the battles of Brandywine Creek and Germantown. So while Howe spent the winter in the city enjoying a life of parties and dances, Washington took up a position at Valley Forge, twenty miles northwest of Philadelphia, where he and his men, numbering 12,000, endured a dreadful

winter. Men and camp followers sickened and died from lack of proper shelter, food, clothing, blankets, and medicine. Again the general begged for assistance from Congress but received very little.

General Clinton took command in place of Howe and decided to return to New York. Washington followed and met the British at Monmouth, New Jersey, on June 28, 1778, where he managed to turn back Clinton's counterattack. It was the last battle that Washington directed prior to his assuming command of a combined French and American force at Yorktown in Virginia.

The French had planned all along that the fleet under d'Estaing would head for the West Indies in the hope of capturing several British islands, such as Jamaica or one of the sugar islands. The Americans had little naval might to challenge the British fleet patrolling the coastline, but one American ship, commanded by John Paul Jones, captured several hundred British vessels and raided a number of English coastal towns. Jones himself became something of an American hero in this war. The country needed heroes, and there were so few.

Then, when Spain entered the war against Great Britain in the expectation of recapturing Gibraltar and Florida, the ministry in London decided to change its strategy and shift the war to the southern American colonies. It began with the capture of Savannah in December 1778. General Clinton sailed from New York with an army of 8,500; captured Charleston; and compelled the American general, Benjamin Lincoln, to surrender his army of over 5,000. Lord Cornwallis replaced Clinton, who returned to New York, while Congress appointed General Gates to supersede Lincoln. Gates's appointment was a mistake. He suffered the worst American defeat of the war at Camden, South Carolina, when his troops fled the field in disarray. Gates ran too. The British then came to a very wrong conclusion—that untrained, undisciplined American soldiers would drop their weapons and flee when confronted by professional British troops.

Another disaster occurred on September 25, when Benedict Arnold, a splendid general who had participated in the surrender of Burgoyne at Saratoga, turned traitor and deserted to the British. In need of money to pay his many debts, he agreed to turn over West Point, which he commanded, to the enemy. It turned out that he had been spying for General Clinton for the past year. The capture of Major John André;

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who carried messages between Clinton and Arnold, revealed the treason. Arnold fled. He later became a British general and joined Lord Cornwallis, who had moved his army from the Carolinas into Virginia, where he took up a position at Yorktown.

The urgent call to the French for help resulted in the arrival of 7,000 men aboard a fleet of twenty warships commanded by Admiral François de Grasse. The combined Franco-American army of 16,000 under Washington's command surrounded Cornwallis while de Grasse's fleet blocked the entrance to Chesapeake Bay, thus preventing the British from escaping the net that had been tightly wound around them. On October 18, 1781, the British general surrendered his army of 8,000 regulars and sailors.

For all intents and purposes the American colonies had won their independence. The House of Commons in London voted to end the war and authorized a negotiating team to arrange a peace treaty with the former colonies. Lord North resigned and was succeeded by Lord Rockingham. A year later, on November 30, a provisional treaty was signed in Paris by Benjamin Franklin, John Adams, John Jay, and Henry Laurens for the United States. Commissioner Richard Oswald signed for Britain. On April 15, 1783, Congress ratified the treaty. According to the terms of this treaty U.S. independence was recognized, and its boundaries stipulated—although the treaty failed to include the cession of Canada to the United States as demanded by Franklin. The boundaries ran from the Atlantic Ocean to the Mississippi River and from the forty-fifth parallel in the south to Maine and the Great Lakes in the north. The treaty also called for the cessation of hostilities and the evacuation of British-held territory within the United States. In addition it provided fishing rights for Americans, and that the rights and property of loyalists would be restored. It was a very generous treaty as far as the former colonists were concerned. The French bitterly criticized it because they had not been consulted in arranging the terms. A diplomatic response from Franklin soothed the hurt feelings of the French and prevented the two allies from breaking off relations.

THE NEXT SEVERAL years were difficult for the United States. Individual states quarreled with one another and with the central

government. Boundaries between states were one problem; commerce, debts, and currency were others. To make matters worse, a rebellion flared in Massachusetts when economically depressed farmers demanded laws to protect them against farm foreclosures and cheap money. When violence resulted, Governor James Bowdoin called out the militia to restore order. But Daniel Shays, an officer during the Revolution, assembled a force of 1,200 men in the late fall of 1786 and marched on the town of Springfield. After several engagements, the militia, commanded by General Benjamin Lincoln, crushed the rebellion by March 1787. Shays himself fled to Vermont and was later pardoned. The government under the Articles of Confederation did nothing to help the Massachusetts authority despite the fact that Congress authorized the Secretary of War, Henry Knox, to raise a 1,000-man force to fight.

There were a few bright spots during this period of the Confederation. In Virginia on January 16, 1786, the House of Burgesses adopted a statute of religious freedom, written by Thomas Jefferson. It declared that no one could be compelled to join or support a church or suffer discrimination on account of religious beliefs. Jefferson ranked his authorship of this act along with his writing of the Declaration of Independence and the founding of the University of Virginia as his most significant contributions as a public official.

But nationally, things went from bad to worse. Topping off the problems for the central government was an economic recession that lingered for several years during the 1780s. Trade and wages declined, and paper currency issued by the several states mounted to nearly \$1 million and its value steadily declined. Some people began to consider amending the Articles but quickly realized what an impossible task it would be.

Congress, however, did enjoy one notable success under the Articles. On July 13, 1787, it passed the Northwest Ordinance, a scheme by which future states could be added to the Union. The Ordinance provided a government for the territory north of the Ohio River which had been ceded by New York, Connecticut, Massachusetts, and Virginia. On the basis of a plan devised in 1784 by Thomas Jefferson, the western region would be surveyed and laid out in townships, six-mile-square with

parcels set aside for a governor, a secretary, and a judge. The number of acres to be sold was to be determined by Congress. Once the territory was surveyed, it was to be sold as a state or territory. Religion, trial by jury, and slavery were to be protected. Slavery would be created under the Constitution. Northwest Ordinance by which new states

But the problem was worse with each year. Something had to be done. Virginia and Maryland had a question of inter-state commerce in Chesapeake Bay. Maryland wanted to take part in the states to send delegates could find a solution. Delaware, Pennsylvania, and Maryland accepted the inter-state commerce. Delaware, Pennsylvania, and Maryland in the proceeding years that they attempted to regulate commerce. He proposed that the delegates to attend the purpose of devising a plan to render the commerce free of the exigencies of the territory thoroughly overruled with genuine peace.

The Congress proposed that the

parcels set aside for education. The area was placed under the control of a governor, a secretary, and three judges appointed by Congress. When the number of adult white males in the area reached 5,000, they could elect a bicameral legislature and send a non-voting delegate to Congress. Once the number reached 60,000, they could apply for admission as a state on an equal basis with all the other states. Freedom of religion, trial by jury, and support for public education were guaranteed. Slavery was prohibited. It was expected that three to five states would be created out of this Northwest Territory. Later, the Congress under the Constitution adopted the procedure formulated by the Northwest Ordinance, a process that settled once and for all the method by which new states could be joined to the Union.

But the problems confronting Congress under the Articles grew worse with each passing year, and many Americans recognized that something had to be done. A start in that direction occurred when Virginia and Maryland met at Mount Vernon in 1785 to address the question of interstate commerce, in particular the navigation of the Chesapeake Bay and the Potomac River. It soon developed that Delaware and Pennsylvania also had an interest in the problem and wanted to take part in the negotiations. Whereupon Virginia invited all the states to send delegates to Annapolis, Maryland, in 1786 to see if they could find a solution to the problem of interstate commerce. Nine states accepted the invitation, although only five (New York, New Jersey, Delaware, Pennsylvania, and Virginia) showed up in time to take part in the proceedings. So Alexander Hamilton of New York suggested that they attempt something far more comprehensive than interstate commerce. He wrote a report, adopted by the convention, in which he proposed that the delegates invite the several states to send representatives to attend a special convention in Philadelphia in 1787 for the purpose of devising such "provisions as shall appear to them necessary to render the constitution of the Federal Government adequate to the exigencies of the Union." Put another way, he wanted the Articles thoroughly overhauled to create a truly workable central government with genuine powers that it could enforce.

The Congress under the Articles added its recommendation to the proposal that the delegates had issued and called on the states to appoint

delegates to the convention in Philadelphia "for the sole and express purpose of revising the Articles of Confederation."

ALL THE STATES except Rhode Island responded, and dispatched a total of fifty-five representatives to this new convention, which met in May 1787. From this turnout it was clear that most states realized something had to be done if the Union was to last. Not surprisingly, a number of notables attended. First and foremost was General George Washington, who by this time had achieved the status of a national hero and whose presence lent a high degree of legitimacy to the meeting. Others included James Madison of Virginia, who would provide the basic frame for a totally new government; and Alexander Hamilton, who argued effectively for a stronger and more potent national government. Still other distinguished members included Gouverneur Morris and James Wilson of Pennsylvania, Roger Sherman and Elbridge Gerry of Massachusetts, and George Mason and Edmund Randolph of Virginia. William Jackson of Georgia was elected to serve as secretary, but his journal is so substantively thin that it provides little information about what took place at the convention. Fortunately James Madison kept extensive notes, which were published in 1840, shortly after his death.

The first thing the convention did was unanimously elect George Washington president. Next, the members decided to keep their debates secret, as most colonial assemblies did. They agreed on secrecy for the simple reason that they decided, at the start of their deliberations, to scrap the Articles and write an entirely new document. Had this decision been known, several states might well have recalled their delegations.

Once the convention began its serious work, Governor Edmund Randolph of Virginia introduced, on May 29, a suggested form of government prepared by Madison and based on the people rather than on the states. This "Virginia Plan" or "Large State Plan," as it was called, established a government consisting of three independent branches—legislative, executive, and judicial—in which each would have certain powers and could check the others. Checks and balances were the ideal it hoped to create. Congress, the legislative branch—which the founders regarded as the centerpiece of government—consisted of two

houses. The lower house (elected every two years by the people) would be proportional to population and would elect the members of the upper house from nominations put forward by individual states. This proposal conferred broad legislative powers on the Congress and could annul state law, a feature that generated immediate criticism. The legislature would also choose the executive, as well as the judiciary, which would include a supreme court and such inferior courts as necessary. Finally, a council of revision composed of the executive and members of the judiciary would exercise a veto over legislative acts.

The Virginia Plan obviously favored the states with the largest population, a fact that troubled small states. Their delegates preferred a different proposal, the one put forward by William Paterson of New Jersey on June 15 and known as the "New Jersey Plan" or "Small State Plan." This proposal imitated the Articles in that it called for a unicameral legislature in which each state would have one vote. The state governments, not the people, would elect the representatives to this Congress and choose a plural executive and a supreme court. The executive would not have veto power. Although the New Jersey Plan granted the government additional authority to tax and regulate foreign and interstate trade and included a statement that the laws of Congress would be the supreme law of the country, it was hardly more than a slight modification of the Articles which everyone knew had proved unworkable. The Virginia Plan, on the other hand, was too lopsided in favoring a proportional system of representation, but it did provide for an entirely new and innovative form of government.

Some members of this convention actually preferred nothing more than a set of amendments to the Articles of Confederation, as difficult as that might be. They did not want to participate in any way in the diminution of states' power and rights, and in the case of several members, like Governor George Clinton of New York, their own individual authority. Clinton and several others withdrew from the convention when they realized that their position found little favor with the other delegates.

The members of the convention spent days arguing and debating the two proposals; and since they were genuinely interested in resolving the governmental problems that beset the country—specifically, maintaining viable states and a strong central authority—they finally

resorted to compromise to bring about a solution. When there are opposing views to any problem, let alone a set of problems, they agreed, the only way to resolve them is through compromise. To reach an agreement, both large and small states had to yield something to the other side in order to gain what they felt was important for their particular requirements.

To break the impasse, Roger Sherman of Connecticut suggested what has been called the Connecticut Compromise: that is, a Congress consisting of two houses, in which the lower house would be elected by the people on the basis of population, thereby satisfying the large states, and the upper house would be elected by the states with each state having two representatives, thus providing equality of representation and thereby meeting the demand of the small states. Further compromises included counting three-fifths of the slave population in determining the population for a state's representation in the lower house. And there was to be no interference with the slave trade for twenty years. The convention also agreed to permit Congress to regulate trade, as the North demanded, but forbade the imposition of export duties, which the South insisted upon to protect its exports of cotton and tobacco.

These various compromises were adopted toward the end of July and then submitted to a five-member committee of detail to draft the completed Constitution. The committee finished its work and submitted the result to the convention on August 6. After a monthlong debate the delegates agreed on a two-year term for representatives, a six-year term for senators, and a four-year term for the chief executive. States were forbidden to issue paper money or infringe on the obligation of contracts. The document went on at length in describing the powers delegated to Congress but said little about the other two branches. It obviously meant to imply that the legislature would attend to the needs of the executive and judiciary. What it did say about the other two branches was the manner in which the President would be elected (by a College of Electors chosen in each state) and the justices appointed. It awarded the chief executive veto and appointive powers, and the position of commander in chief of the armed forces. It also decreed the establishment of a Supreme Court and such inferior courts as Congress would from time to time establish. It prohibited bills of attainder and

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-ex post facto laws. It further stipulated that the members of the three branches of government would receive compensation from the national treasury, not from the states.

Having agreed substantially to the important segments of this federal government, the convention appointed a five-man committee on style and arrangement to prepare the final document. Principally written by Gouverneur Morris, the draft included a preamble that declared, "We the people of the United States" establish this Constitution—not "we the states" as stated in the Articles of Confederation. The preamble went on to identify the objectives of this new government: to "form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity." The document also stated that the Constitution, the treaties, and the laws of the United States "shall be the supreme Law of the Land."

This draft was submitted to the convention on September 12 and reviewed at length. After a few minor changes each of the twelve state delegations voted to approve the Constitution on September 17, 1787. Of the forty-two members present, three refused to sign the final copy: Elbridge Gerry of Massachusetts, and Edmund Randolph and George Mason of Virginia. The signed document then went forth with a letter of recommendation to the Congress under the Articles that the states call special conventions elected by the people to approve or reject the instrument. When nine states ratified it, the Constitution would replace the Articles of Confederation and go into effect in those states.

Delaware was the first state to give its approval to the new document, on December 7, by a unanimous vote. It was followed by Pennsylvania, New Jersey, Georgia, Connecticut, Massachusetts, Maryland, South Carolina, New Hampshire, Virginia, and New York. The approval by New York on July 26 provided the eleventh state to ratify, but Rhode Island rejected the Constitution and North Carolina delayed its approval until November 21, 1789. Rhode Island subsequently reversed itself and ratified the document on May 29, 1790. During the debates in the ratifying conventions there were many complaints about the Constitution's failure to provide a bill of rights, especially a statement

that those powers not expressly granted to the national government were reserved to the states. A number of states made recommendations that this deficiency be addressed as soon as possible.

Once the ratification by eleven states had been achieved in July, the Congress under the Articles of Confederation decreed that on the first Wednesday of January 1789, electors would be chosen in the several states who would vote for President and Vice President; that on the first Wednesday of February 1789 those electors would cast their ballots; and on the first Wednesday of March 1789—which happened to be March 4, a date that would mark the beginning of each new administration until passage of the Twentieth Amendment on February 6, 1933, when it was changed to January 20—the newly elected Congress would assemble in New York City, the seat of the American government since 1785, tabulate the ballots, and announce the names of the chosen President and Vice President, thereby completing the election of the legislative and executive branches. Once the individuals of these two branches assembled, they could then begin the process of establishing the judiciary and name the individuals who would sit on the Supreme Court.

There was virtually no question as to who would be elected President. George Washington was universally loved as the military hero who had won the nation's freedom. Without him no Union seemed possible. So the electors unanimously elected him chief executive and John Adams Vice President. Coming from Massachusetts, Adams provided a good balance to Washington, a Virginian—thus both North and South were represented in the executive branch—and his career as a public servant and his contributions in the struggle for independence placed him in the front ranks of American statesmen. He was among the members who had negotiated the treaty that ended the Revolution, and he had represented the new nation at various times in France, Holland, and England.

When these two men were notified of their election, Adams hurried immediately to New York, but Washington endured an eight-day triumphal march from his home in Mount Vernon through Philadelphia and New Jersey to New York City, where on April 30, 1789, he was inaugurated with as much pomp as befitted this incomparable hero. He rode to Federal Hall in a yellow carriage drawn by six white horses and

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attended by four footmen in livery. Members of Congress marched behind, along with the New York militia. Washington was dressed in a suit with silver buttons embossed with eagles, and he wore white silk stockings and pumps with silver buckles. Strapped around his waist was a ceremonial sword. Thin-lipped and tall, with a prominent Roman nose, the most distinguishing feature of his slightly pockmarked face, he both looked and acted presidential.

Washington was sworn into office by Chancellor Robert R. Livingston, the highest legal officer of New York, as he stood on the open gallery of the second floor of Federal Hall so that an adoring crowd outside could see and applaud him. To deliver his inaugural address, an address composed in large measure by James Madison, he returned to the adjoining chamber, where he told the assembled members of Congress that he had been "summoned" to the presidential office "by my country, whose voice I can never hear but with veneration and love." He then spoke in general terms about virtue and duty and the need for providential guidance. He also called for the passage of a bill of rights as amendments to the Constitution, thereby acknowledging the many complaints heard during the debates in several state ratifying conventions. Madison had resisted such a bill in the Constitutional Convention, since the proposed government enjoyed only delegated powers and therefore would not concern itself with personal rights. But he subsequently learned from his constituents that they felt such a bill was absolutely necessary for inclusion in the Constitution for the protection of their rights.

When the ceremony ended the President walked to Saint Paul's Chapel, a short distance away, where the Episcopal bishop invoked divine blessing on this new administration and government. One representative, Henry Wynkoop of Pennsylvania, said, "The Roof is now raised & the federal Edifice completed." A Union of states and people had now been accomplished. But would it endure?

THE FIRST CONGRESS under the Constitution completed a number of important actions that made it one of the most productive in the entire history of the United States. First of all, it raised revenue; established the executive departments of State, Treasury, and War; created the federal judiciary system; and passed a Bill of Rights. President

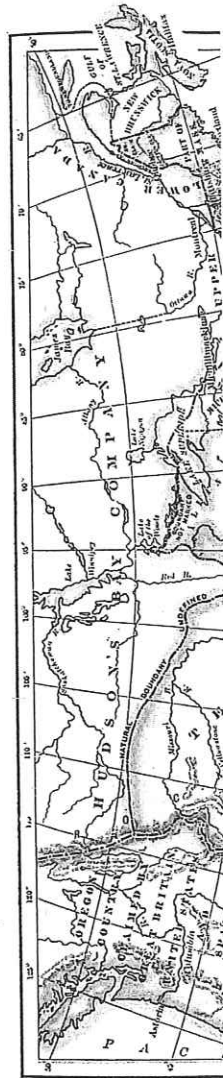
Washington chose Thomas Jefferson to head the State Department, Alexander Hamilton the Treasury, and Henry Knox the War Department. The Judiciary Act of 1789 organized a Supreme Court with a chief justice and five associates; three circuit courts of appeal; and thirteen district courts. It also established the office of attorney general. John Jay was named the first chief justice, and Edmund Randolph the attorney general. All this in just six months, from April to September 1789.

At the insistence of James Madison, the House agreed to seventeen amendments to the Constitution. They mostly dealt with personal liberties and forbade the government to legislate on any of these. The liberties involved basic freedoms such as speech, press, religion, the rights of assembly and petition, and the right to bear arms. The amendments also guaranteed a fair trial for the accused, and specifically stated that those powers not delegated by the Constitution to the national government were reserved to the "States respectively, or to the people."

In the Senate, through combinations and deletions—a guarantee of protection of the right of conscience and a statement on the separation of powers were deleted—the number of amendments was reduced to twelve and passed. Madison wanted these amendments woven into the text of the Constitution, with a preface that would emphasize the sovereignty of the people and proclaim the principles of republican government. But Roger Sherman proposed that the amendments be grouped together at the end of the Constitution. In this form Congress would create an actual "Bill of Rights."

On September 28, the amendments were submitted to the states for ratification. Not until December 15, 1791, did the states ratify ten of the twelve. Amendments regarding congressional salaries and the apportionment of House seats failed to pass, although the amendment on salaries was approved in 1992 as the Twenty-Seventh Amendment to the Constitution. It declared that compensation to members of Congress, whether increased or decreased, shall not take effect until an election of Representatives shall have intervened.

The first sign of real trouble in the new government developed when the secretary of the treasury, Hamilton, issued a series of reports on the public credit. He proposed that the national debt, which stood at \$54,124,464.56, be funded at par, part of which, running to \$11,710,378,

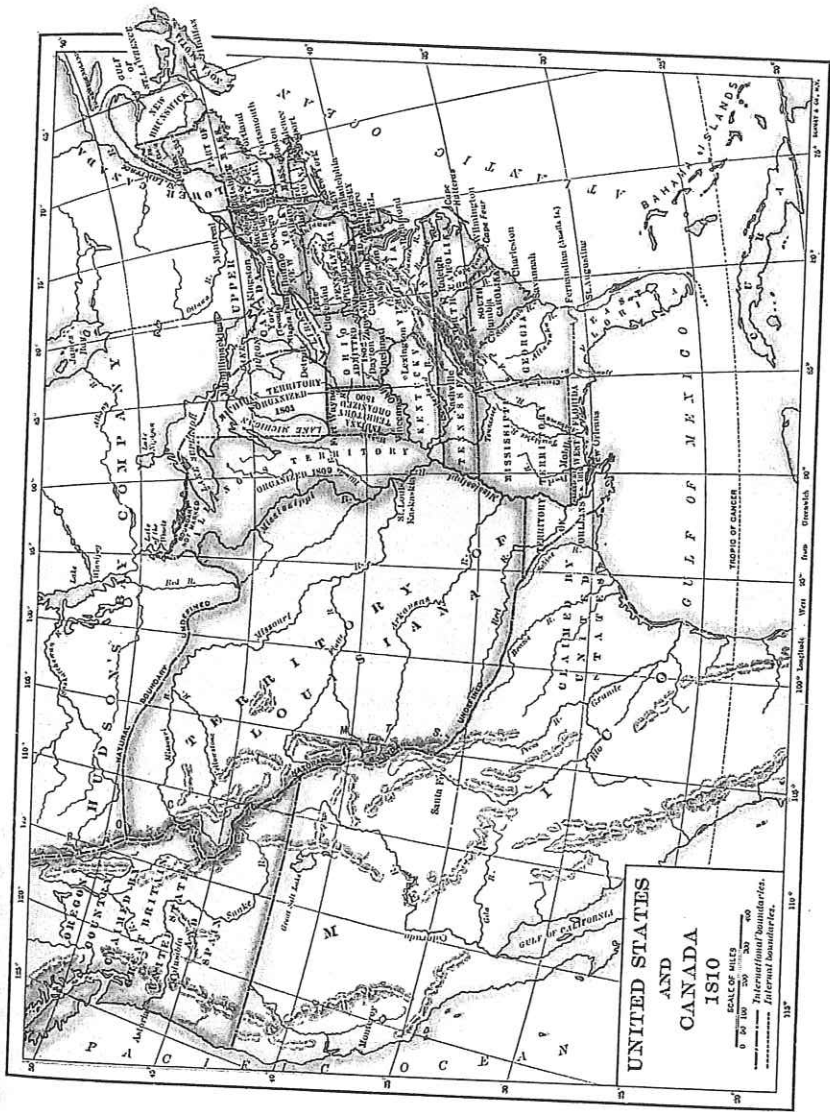


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was owed to foreigners, mostly French and Dutch. Hamilton also called for the assumption of state debts by the federal government. The assumption of state debts was intended to attract the loyalty and support of business and commercial interests toward the central government. There was little if any opposition to funding the national debt, although James Madison did suggest that allowances be made for the original holders of the debt who had sold their shares to speculators, a suggestion that was rejected. But the assumption of state debts triggered fierce opposition by those states, like Virginia, that had paid part or almost all of their debt by selling their western land. These states felt they were being penalized in having to contribute toward paying off the debts of other states in addition to having paid off their own. The New England states, on the other hand, had amassed heavy debts during the war and generally favored Hamilton's plan of assumption.

But on April 12, after a protracted debate, the House of Representatives rejected assumption by a vote of thirty-one to twenty-nine. The friends of Hamilton were visibly shocked by the outcome, their faces "reddened like Scarlet . . . or [turned] deadly White." Theodore Sedgwick of Massachusetts took the floor and denounced the action. The people of his state had "implored" Congress to "relieve us from the pressure of intolerable burdens—burdens incurred in support of your freedom and independence." Is this the way it is repaid?

Hamilton turned to Jefferson for help. He insisted that assumption must go forward, and if Jefferson could persuade a few of his friends to change their vote, Hamilton would help in fixing the permanent capital of the country in the South, as many southerners decidedly desired. Jefferson held a dinner party attended by both Hamilton and Madison, and the so-called Compromise of 1790 was concluded. As a result the House reversed itself and voted thirty-four to twenty-eight to adopt the assumption plan, and on July 10 the site of the new capital was transferred from New York to a ten-mile square along the Potomac River in Maryland. This capital would be called Washington in honor of the first President, and the district would be named Columbia after one of the symbols regularly used to represent the United States. The government would move from New York to Philadelphia while this new capital was being built and would remain there for ten years.

Another issue that stirred controversy was a request by Hamilton

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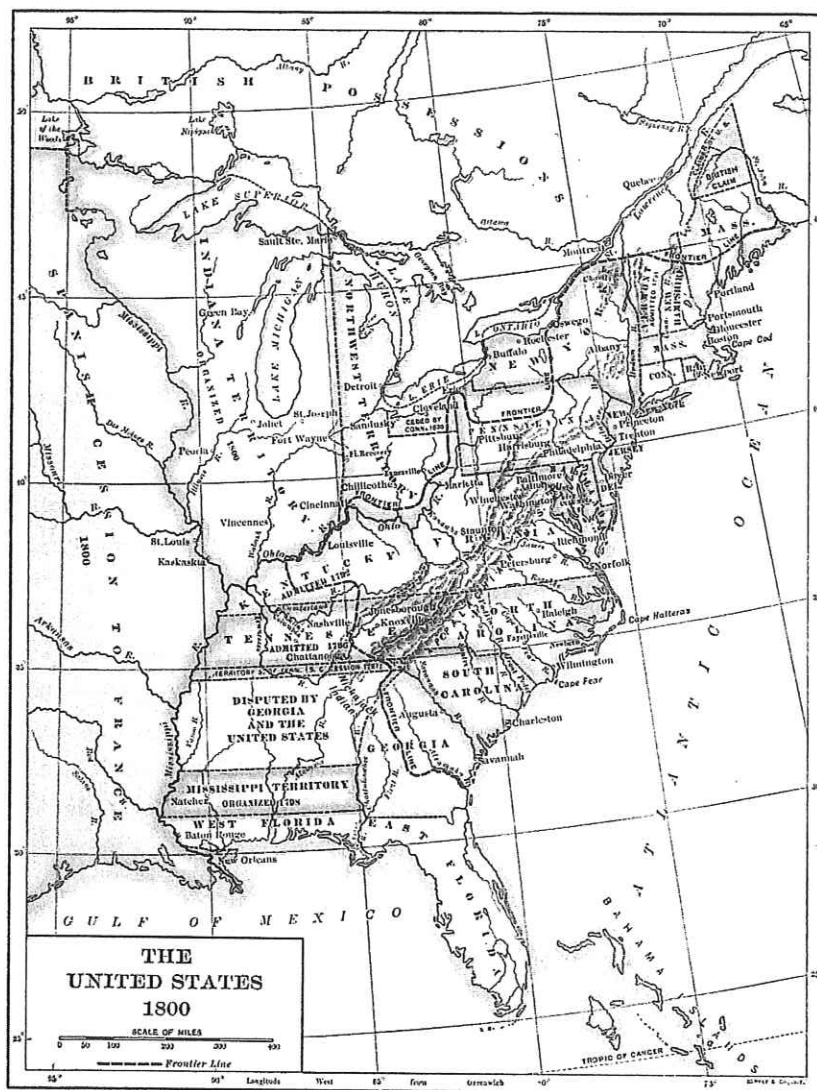
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on December 13, 1790, that Congress charter a central banking system for twenty years, with the principal bank in Philadelphia and branch banks in the major cities throughout the United States. The bank would operate with a capital stock of \$10 million, of which four-fifths would be subscribed by private investors and one-fifth by the government. Thus it would be a quasi-public, quasi-private institution. Management of the bank would consist of a president and a board of twenty-five directors, of whom twenty would be elected by the subscribers and five would be appointed by the government. This banking system would act as an agent for the collection of taxes and serve as a depository of federal funds. It was authorized to issue banknotes, redeemable in specie and acceptable in the payment of taxes, thereby increasing the money supply with which to finance the nation's economic growth. It was Hamilton's hope that the bank would not only provide sound credit and currency for the country but further unify and strengthen it.

However, Madison, the father of the Constitution, pronounced the bank unconstitutional. The right to grant a bank charter was not one of the delegated powers granted by the Constitution, and therefore was reserved to the states and people. And, as a matter of fact, the issue had been raised in the constitutional convention and rejected.

Despite this serious complaint Congress passed the bill early in 1791, when it was pointed out that the Constitution specifically allowed the legislature to pass "all laws necessary and proper" for the execution of its delegated powers. How else could Congress implement the funding and assumption laws without such a bank? argued its supporters. That argument proved convincing. The bill went to President Washington for his signature, but before approving it he asked the members of his cabinet for their opinion. Jefferson responded with what has been called a strict construction of the Constitution, insisting that unless a power was specifically delegated to the government it was reserved to the states and people. Hamilton, on the other hand, argued a "loose-construction" of the Constitution, citing the "implied powers" clause as the means of enacting legislation that would implement other powers specifically granted to the government. Although still troubled, Washington decided to sign the measure because he felt obliged to support the secretary whose department was directly involved.



In his second report on the public credit on December 13, 1790, Hamilton had recommended passage of an excise tax on distilled liquor to ease the burden created by the assumption of state debts. It was enacted on March 3, 1791. There were thousands of stills around the country and farmers, especially those in western Pennsylvania, regularly shipped their surplus grain to eastern markets in the liquid

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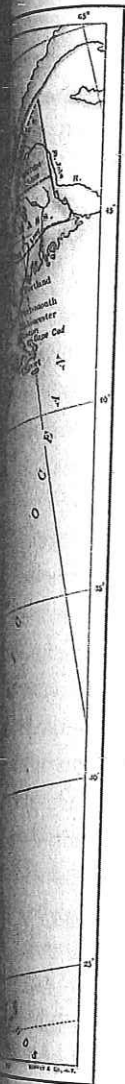
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form of whiskey. So they refused to pay the tax and attacked the federal revenue officers who tried to collect it. Alarmed that this resistance to law might become another Shays' Rebellion, Washington sent some 13,000 militiamen in 1794 to crush the uprising. Most of these troops came from New Jersey, Maryland, Virginia, and Pennsylvania. It was dubbed the Whiskey Rebellion but quickly evaporated upon the arrival of the troops in western Pennsylvania. A number of individuals were tried for treason, but those convicted were pardoned by Washington. Still it had the excellent effect of reaffirming the authority of the central government, something that had to be visibly demonstrated sooner or later. It proved that this new government had the will and the power to enforce its laws.

The creation of the militia occurred on May 8, 1792, when Congress authorized the states to organize and enroll all white males between the ages of eighteen and forty-five. The militiamen proved to be invaluable during the Whiskey Rebellion.

The growing disagreement between those who favored the Hamiltonian position on the public debt, the bank, the interpretation of the Constitution, the powers of Congress, and the relationship between the states and the central government, as distinct from those who agreed with the Jeffersonian-Madisonian view, initiated the slow evolution of a two-party system in the United States. Hamilton believed in a strong national government, one that would protect property and support the nation's commercial and industrial interests. He distrusted the people's ability to govern wisely and favored rule by the moneyed elite. Jefferson and Madison, on the other hand, believed in local autonomy as the best way of protecting individual rights. They worried about the concentration of power in a central government, arguing that the people should be left to govern themselves as much as possible.

These differences brought about the development of the Hamiltonian or Federalist party, while the Jeffersonians became known as the Democratic-Republican party. The split between the two groups widened over foreign affairs, particularly after France declared war against Great Britain, Spain, and Holland in early February 1793. The French had overthrown their monarchy in a revolution that turned bloody during the Reign of Terror. In place of the monarchy they established a republic. Since France had aided the United States in achieving its



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independence and since it had now become a republic, there was considerable sympathy toward France in this country, especially among Republicans. But New England merchants and shippers found the British a better market for American products and therefore wished to encourage a deeper friendship with the former mother country in the hope of securing valuable trade concessions.

The United States was still formally allied to France under the Treaty of 1778, signed during the American Revolution; but when war broke out between England and France, President Washington issued a Proclamation of Neutrality on April 22, 1793, in which he declared that this country needed to remain at peace with both of them. He also urged Americans to avoid any action that would jeopardize that neutrality. This policy set a standard that remained in place for generations. In European wars, which did not really concern the United States, it was best to steer clear of any involvement.

But the brilliant, indiscreet, and impetuous French minister to the United States at that time, Edmond-Charles-Édouard Genet, conspired to have Americans attack British vessels along the coast. When Genet's actions became known, Washington promptly demanded his recall. Since the Jacobins had taken control of the French government and had begun the Reign of Terror, Genet wisely decided to remain in the United States as a private person, knowing that the guillotine awaited him in Paris. He became an American citizen and married a daughter of Governor George Clinton of New York. It was obvious that the President took his advice on foreign affairs from Hamilton, resulting in Jefferson's resignation as secretary of state. He was succeeded by Edmund Randolph in January 1794.

The Eleventh Amendment to the Constitution was also proposed in early 1794. It resulted from protests by states over the decision of the Supreme Court in the case *Chisholm v. Georgia*. The amendment stated that the judicial power of the United States shall not "extend to any suit in law or equity, commenced or prosecuted against one of the United States" by a citizen of another state or by citizens of a foreign state. It was ratified on January 8, 1798.

Meanwhile the situation in foreign affairs worsened when the British issued a series of Orders-in-Council in June and November 1793 by which U.S. vessels were seized and American seamen were im-

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pressed into service in the British navy. In addition, Britain retained military posts within the territorial limits of the United States—in violation of the peace treaty that had ended the Revolution—and continued to incite Indian tribes in the Ohio Valley to attack American frontiersmen.

In an effort to avoid war, Washington dispatched John Jay, the chief justice of the United States, to Britain as a special envoy to negotiate U.S. grievances. What resulted was a treaty signed on November 29, 1794, with terms humiliating to the United States. The treaty favored British interests across the board, said nothing about impressment, and required the abandonment of American trade in such staples as cotton, sugar, and molasses. Public protests registered the nation's anger, and Jay himself was pilloried. Still, Washington accepted the treaty and submitted it to the Senate for ratification because he feared the possibility of war with Great Britain that would surely jeopardize the nation's independence. The Senate did ratify the document—but just barely—by a two-thirds vote.

The House of Representatives attempted to nullify the treaty by refusing to appropriate the money necessary to implement it. The members also called upon the President to submit all the documents and correspondence relating to the treaty. Washington refused, asserting his executive privilege, thus setting an important precedent. "It does not occur that the inspection of the papers asked for," snapped the President, "can be relative to any purpose under the cognizance of the House of Representatives, except that of an impeachment which the resolution has not expressed."

The stinging tone and manner of Washington's response—especially the reference to an impeachment—jolted the members of the House and they appropriated the funds for the Jay Treaty on April 30, 1796, by the tie-breaking vote of the Speaker, Frederick Muhlenberg.

The furor generated throughout the country by the Jay Treaty provided the final stimulus in the formation of a two-party system in the United States. Each side attacked the other; each held political rallies; and each organized its supporters in an effort to control one or more branches of the government. The sainted Washington was condemned for his role in sanctioning the treaty. According to one report, Jefferson supposedly referred to him as the "Samson whose head was shaved by

that harlot England." At a dinner party in Virginia a toast was proposed for the "speedy death" of General Washington. So offended was the President by this brutal condemnation of his action that he refused to run for a third term in office, and in 1796, after a nasty campaign, John Adams was elected over Thomas Jefferson to replace him. As runner-up, Jefferson was chosen Vice President.

The rise of political parties, and the introduction of partisan politics into the operation of the government, was a major turning point in U.S. affairs. It began a new era in American history.

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