

# TJ Lecture

- I. Thomas Paine's *Common Sense* and Thomas Jefferson's *Declaration of Independence*
  - A. Paine (1-1776)
    1. The king was a "royal brute"/No need for Brit economically/"We have it in our power to begin the world over again/America would be a new KIND of nation
    2. 100,000 copies sold in 3 mo or 1 out of every 4<sup>th</sup> adult male
    3. Preach "republicanism" where the power of the gvt came from the people themselves
      - a. Popularly elected committees of correspondences demonstrated the feasibility of republican gvt
  - B. TJ (7-4-76) (2<sup>nd</sup> Continental Congress okay it)
    1. Quote extensively from John Locke (contracts exist between ruler and ruled and if broken, can revolt)
    2. Nothing on Slavery
  - C. 2<sup>nd</sup> Continental Congress (5-10,1776 begin meeting regularly in Phil)
    1. Appoint GW as Commander of Army (war not purely New England thing)
    2. Articles of Confederation (1777 introduced but took until 1781 till ok. 2<sup>nd</sup> CC was gvt till then)
    3. Richard Henry Lee proposes Indep. On 6-7, and Congress does so on 7-2
- II. Articles of Confederation (1781)
  - A. Ideology of Articles → "Loose Confederation of States" → States' Rights over Central Authority
  - B. Form of GVT under the Articles
    - i. Congress—ONE house → similar to the 2<sup>nd</sup> Continental Congress with all states having one vote
      1. Powers of...
      2. Lacking Powers of...
    - ii. Executive—
    - iii. Judiciary—
  - C. Successes
    - i. Peace
    - ii. Land Ordinance of 1785 (division of land and est. of public ed)
    - iii. Northwest Ordinance of 1787 (Governments of temporary tutelage then equality)
- III. Events Leading to the Constitutional Convention
  - A. Foreign Policy Issues
    - i. Britain
    - ii. Spain
  - B. Daniel Shay's Rebellion (1786)—Massachusetts
- IV. George Washington (1789-1797) (VP=John Adams)
  - A. General Info.
    - i. Both were conservative and GW was unanimous choice by the Electoral College
    - ii. He Deplored Factionalism and frequently expressed his opposition to Pol Parties

- iii. Cabinet System Developed as GW wondered who he should get advice from...Supreme Court not want, nor does Senate...turns to heads of departments

B. Factionalism Occurs

- i. Large Property holders vs small
- ii. Manufacture's interests vs. agricultural
- iii. Manufacture vs. commercial interests
- iv. Urban vs. Rural
- v. North vs. South

C. Judiciary Act of 1789—created district and circuit courts of appeal

D. Bill of Rights Established in 1791—17 Amendments proposed by 2/3 of the states but only 10 passed

E. Whiskey Rebellion & Tax (1794)—Excise Tax on “Distilled spirits” in 1791

- i. Hamilton gets it passed in order to raise \$ for the funding and assumption programs
- ii. He est. the rate at 25% whiskey's retail price=could be total profit
- iii. Unpopular with Trans-Appalachian residents
  - 1. They don't like being taxed to benefit speculators
  - 2. A major cash crop + main part of their diet
  - 3. Lacking good roads=corn not make enough \$ to ship but whiskey is more valuable so send it on cart/mule to markets=Ave Western Farmer's chief source of hard currency
- iv. Resistance
  - 1. Physical harm to those trying to collect the tax, especially in Western PA
  - 2. GW raises a militia of 15,000 from 4 states to quell. Eventually, all ringleaders, arrested, tried and then pardoned by GW
  - 3. No more problems for tax collectors but this area is still very much Anti-Fed
- v. Significance—
  - 1. EST. precedent that the executive will act decisively to enforce Federal Law
    - a. No mob rule as had done before as GW suppresses the Uprising.
  - 2. If Am want to change something had to do it legally, through the Constitution and/or their represented officials.

V. Alexander Hamilton (Sec of Treasury under GW NOT JA TOO!!!)

A. Hamilton Program—“Trickle Down”

- i. Public Credit or Funding Program
  - 1. Example: Burrell and Burrell paid about \$600 for Confederate notes w/ a face value of \$2500=profit of \$1900 if redeemed for face-value
  - 2. Not want to pay debt off completely—think it a good thing! (why? Rich connected with the well-being of the gvt)
- ii. Assumption of State Debts
- iii. B.U.S. (Bank of the United States)
- iv. Tariffs and Manufactures
  - 1. Internal or Excise Tax=Whiskey Tax on US distilled alcohol (as discussed above) + others only makes about 1 million/yr=causes Whiskey Rebellion in Western Penn
  - 2. Raise 4-5 million with Tariff=undercut Manufactures by not protecting them from Euro merchants (cheaper goods) with a higher tariff...South likes this though!

## VI. Foreign Affairs of GW Presidency

### A. French Revolution—neutrality + rights of neutrals (shipping)

- i. “Impressment” begins by the British w/ blockade of Europe/France
  1. Any ship going to Fr is seized

### B. Jay’s Treaty

#### i. Why Go?

1. Neutral’s Rights=Brits (in 11-1793) begin seizing ship’s cargo on way to Fr. (get 250 in 1793)
2. Impressment—forcible enlistment—Am sailors (some were US citizens) thought to be British subjects (some where)=Am upset at Gvt protection or lack there of...
3. Treaty of Greenville (1795)—GW sends General “Mad Anthony” Wayne + 3,000 soldiers into Ohio River Valley to negotiate a treaty with Indians
  - a. They fight at Fallen Timbers (9-20-1794) and lose to the Am and sign Greenville T. which opened most of modern-day Ohio to white settlement + Brit see Am resolve and force in the region

#### ii. Terms of Jay’s Treaty (1794)

1. Jay uses the T of Greenville to convince Brits to evacuate from West forts (as T of Paris said)
2. Limited Trade with W. Indies
3. US pays debt for individuals who owe Brits and can not pay
4. Nothing said about Impressment or Neutral’s Rights!

#### iii. Reaction to Treaty=hostile.

1. So. Upset not paid for lost slaves during Rev war
  - a. US gvt had to pay for Brit loans left unpaid from Treaty of Paris 1783
2. North Upset since there is no mention of impressments and neutral’s sailing rights
3. GW supports it though so Senate okays it

### C. Spanish Treaty (1795)—Thomas Pickney gets Nav of Miss + right to use New Orleans

### D. Farewell Address (Domestic and Diplomatic Messages)

- i. Madison had written the address 4 yr earlier but GW has Hamilton write new one in Spring of 1796.
  1. 2 Term limit est. (without putting it in Const)
- ii. Domestic=No political parties
- iii. Diplomatic=Remain Neutral if can with exception of remaining Treaties and Econ connections (precedent until late 1800s)

## VII. John Adams (1797-1801)

### A. Political Parties Named/Formed

- i. Federalists=JA, GW (Head of Fed but he did not admit it), Hamilton
- ii. Republicans=TJ, Madison, Aaron Burr

### B. XYZ Affair

- i. Feds=Pro British
- ii. France also seizing Am ships
- iii. Adams sends delegation to France to get a Treaty to stop the seizures but FM Charles de Talleyrand refuses to see Am ministers until pay \$250,000 fee + give Fr \$12 million loan
  1. Talleyrand’s unnamed agents who tell the US ministers this were named X Y Z

- iv. Am. was outraged and want war with Fr.
  - v. Get “Quasi-war” (naval war in Caribbean) but Treaty of 1800 ends it and Alliance Treaty of 1778
  - C. Alien and Sedition Acts (1798)—
    - i. 2 Alien Acts (Alien Enemies Act/Alien Friends Act)
    - ii. The Naturalization Act
    - iii. The Sedition Act
  - D. Virginia and Kentucky Resolutions (1798-99) vs. Alien/Sedition Acts
    - i. Constitutional Interpretation Difference
    - ii. What the Docs Say
  - E. Election of 1800—A Revolution??? (“We are all Republicans, We are all Federalists”)
    - i. Repeal of Judiciary Act of 1801—passed during last wks of Adams Admin
    - ii. Land Law of 1800
- V. Thomas Jefferson (Pres 1801-1809) (Sec of State under GW/VP under JA)
- A. Jefferson’s Vision of America
    - i. He spoke for the So farmer and West farmer=yeoman
    - ii. After visiting Brit he sees workers dependent on wages and conclude they lacked the econ independence required to sustain a republic (not be swayed in opinion by their boss, etc)
    - iii. Am=agrarian and democratic
    - iv. TJs *Notes on the State of Virginia* (1785)=“those who labor in the earth are the chosen people of God”
      - 1. He fear tenancy in the Southern plantations and subdivided farms in NE
      - 2. He want land Ordinance (he draft) to be divided by yeoman farm families
  - B. Reduction of US Gvt under TJ
    - i. Reduce the Army and Navy (until Barbary Pirates helped him change his mind)
    - ii. Debt Reduction from \$83 million to 45 million
    - iii. ALL internal taxes abolished
    - iv. Judiciary act of 1801 repealed
      - 1. “midnight judges” (Adams only signed 3 that last day of office)
        - a. TJ repeal and thus sweep away 16 benches (in all) that were federalist at heart
      - 2. Removed circuit judges too...
    - v. Land Act of 1800 (Adams) and 1804 (TJ) reduced the size of min purchase
      - 1. Revolutionary Land Act of 1820 (Monroe) reduce to 80 acres for \$1.25 an acre
  - b. The Problem of Louisiana & the Purchase of...
    - i. 1800 Napoleon gets it from Spain—secretively—as a buffer zone from expanding US and Spain—in the Convention of 1800. New leaked out in 1802!
    - ii. 1802 Spanish authorities rescind the right of deposit in NO→panic!
    - iii. Diplomacy Before War
      - 1. TJ worry of France in Western Half of Miss. River Valley
      - 2. TJ tell Robert Livingston (Am Minister in Paris) that French action in LA would drive the US into an alliance with GB
      - 3. Sends James Monroe to Paris to bolster Livingston’s argument and authorized him to purchase West FL and the region around New Orleans for \$10 million
    - iv. Purchase it before it is too Late!!!

1. Napoleon almost at war with GB by 1803 and the prospect of a new French Empire in America seemed less like a good idea + problems and costs with the Slave revolt in Saint Domingo...thus...sell it quickly
2. Talleyrand offers the LA for \$15 million (comes out to about 3cents/acre)
- v. Constitutional problem though (Broad vs Strict)
  1. Constitution says NOTHING of buying land
    - a. He considered an Amendment...too much time
    - b. TJ ok and send the Treaty to the senate where it passes even with arguments by Federalists that it is unconstitutional!
  2. "Elastic Clause" or "Implied Powers"
    - a. ok to buy land
    - b. ok to build the Cumberland road (National) from Fort Cumberland, Maryland to Wheeling Ohio=internal improvements
- c. Meriwether Lewis (TJs personal secretary) & William Clark expedition (1804-06) from St. Louis to Pac. Ocean
  - i. Why go?
    1. Explore the land in Northern LA
    2. make contact with Natives (diplomacy)
    3. science
    4. trade
  - ii. What Find...
    1. scientific discoveries, maps, knowledge of the Indians
    2. overland trail to the Pacific
  - iii. Zebulon Pike also explore and go to the headwaters of the Mississippi and to Southern LA
- d. Aaron Burr, secession and Hamilton
  - i. Burr was TJ's VP in his first term but was dropped during the 2<sup>nd</sup>
  - ii. He conspire to have NE and NY secede...but AH spoil the plot
  - iii. Duel and kill AH
  - iv. Burr then go West and try to have the West secede from the East with the help of General James Wilkinson
  - v. Burr caught and tried for treason but Marshal acquits since no proof just intention
  - vi. Burr goes to Euro and tries to get Napoleon to invade America
  - vii. What's the Significance??? America could add land but quite another to govern it effectively!
- e. John Marshall and the Supreme Court
  - i. *Marbury v Madison* (1803)—
    1. The Constitution says—"the judicial power shall extend to all cases arising under this consit. And the laws of the US" implying that the SC held the final power of judicial review of any law and say "what the law is"
    2. What occurred—
      - a. JA appoint William Marbury to justice of peace of DC
      - b. His Commission was not deliver before midnight and Madison (new Sec of St) not do it
      - c. Marbury want a writ from the SC to compelling Madison to deliver the commission
      - d. Marshall says that Madison should deliver but did not have to since Congress goes beyond its Const. Authority when, in the Judiciary Act of 1789, it had granted the SC the power to issue such a writ
    3. Overturn Judiciary Act of 1789→Declare an act of Congress unconstitutional

4. Overturn only state laws until Dred Scott Decision in 1857 when overturn National Law
5. Significance → Judicial Review est.
- ii. *McCulloch v. Maryland (1819)*
  1. Question if the State of Maryland had the power to tax a national corp (2<sup>nd</sup> BUS bank)
  2. Answer—
    - a. State could not tax a National Corp since that was the National Gvt decision
    - b. Congress did have the power to have a National Bank—not stated directly in the Const—Loose interpretation
- iii. *Fletcher v. Peck (1810)*—*property rights in question*
  1. large land grant made by Georgia leg to the Yazoo Land Co.
  2. State then try to rescind the contract but Marshall say no to Georgia
  3. Constitution says with the “Contract Clause” that states could not pass any law against contracts
  4. Loose view—contract extends to state grants and charters
- iv. *Dartmouth College v. Woodward (1819)*
  1. NH could transform a private corp., D College into a State U.
  2. Marshall concluded that the college’s original charter granted to its trustees by George III in 1769 was a contract
  3. Constit forbid States to interfere with contracts
  4. Sign → once a state issued a charter to a business, it lost its right to alter that charter or regulate it
- v. *Cohens v. Virginia (1821)*—defend federal power
  1. Cohens found guilty by the Virginia courts of illegally selling lottery tickets, appealed to the SC
  2. Virginia won the convictions being upheld
  3. But Marshall asserted the right of the SC to review the decisions of the state SC in all questions involving powers of the federal gvt.
  4. States’ rights proponents were aghast
- vi. *Gibbons v. Ogden (1824)*
  1. Monopoly of NY leg granted to Aaron Ogden for steamboats passenger service across Hudson R to NJ
  2. Upheld idea that the Const gave the Fed gvt the authority to reg interstate commerce/people
  3. Therefore, Thomas Gibbons could also transport people and goods across since he held a fed license to transport people and goods
- vii. Significance—National Statutes over State legislation
- f. Coming of War under Jefferson
  - i. 1807 *USS Chesapeake* Affair—GB *Leopold* fires and killed 21 sailors and impress 4
    1. Brit apologize and compensate but continue seizing goods and impressing
    2. US not allow British Navy ships to dock in Am ports
  - ii. Embargo Act of 1807
    1. Neutral Rights—“Free Ships makes Free Goods”.
    2. Orders in Council and Continental System vs International Law gives Neutrals the right to trade with any belligerent but Fr and Brit were stopping this with seizures. Still profit was high and outweighed the risks
    3. Prohibited Am ships from leaving home ports until Brit and Fr repealed their restrictions on US trade

- a. Hurt exports \$108 mill (1806) to \$22 million (1808)
  - b. Farmers and Merchants upset
4. TJ repeal. Overestimate US trade importance to Fr. & GB

VI. War of 1812

A. Coming of War under Madison

i. Nonintercourse Act—1809

1. can trade with other nations but not Fr or GB until they respect US neutral rights
2. Ignored again by Fr. & GB