

CHAPTER 10: A New Nation

Chapter Overview

- ◆ With the Declaration of Independence, colonial governments began acting as state governments, each with its own constitution.
- ◆ In 1776 George Mason wrote the Virginia Bill of Rights, adopted by the state of Virginia the same year. Other states followed Virginia's example.
- ◆ In 1776, John Dickinson, in an attempt to get the states to agree on a constitution for the new national government, introduced in Congress the Articles of Confederation and Perpetual Union. All of the states but Maryland approved the Articles of Confederation by 1779. Maryland ratified them in 1781.
- ◆ Following the revolution, religion in the United States underwent changes. In 1786 the Virginian assembly passed Jefferson's Statute of Religious Liberty. The American churches cut off ties with their mother churches in Europe, forming distinctly American groups. In 1784, John Carroll was named prefect apostolic of the Catholic Church in the United States, and bishop in 1789.
- ◆ Congress was facing many problems fulfilling its obligations to both Britain and its own people, so many Americans began to see the need for a stronger national government.
- ◆ In 1786, Massachusetts farmers, led by Daniel Shays, rose in rebellion against the high debts and taxes that were troubling them. The rebellion was crushed by 1787. This troubled many in America, as they were convinced that the current national government was insufficient to keep the peace.
- ◆ In 1787 Congress adopted the Northwest Ordinance, which governs United States territories to this day.
- ◆ Virginia and Maryland called for a convention of all the states to meet in September 1786 to discuss revisions to the Articles of Confederation. When only very few delegates came to attend, in February of 1787 Congress called for another convention to discuss revisions to the Articles. During the convention, two factions arose. One faction, the nationalists, called for a strong central government that would dominate the states, with proportional representation of the states in the legislature. The other faction favored a weak central government, the preservation of state sovereignty, with equal representation of the states in the legislature.
- ◆ Roger Sherman suggested the "Connecticut Compromise," a plan that called for proportional representation in the lower house and equal representation in the senate. The compromise was agreed upon and passed, and a committee drafted the new constitution on August 6.
- ◆ When 12 out of 13 states had approved the new constitution, Congress formally ratified it and called for presidential and congressional elections
- ◆ George Washington was elected the first president of the United States on April 30, 1789, with the entire electoral vote.
- ◆ Washington chose Thomas Jefferson and Alexander Hamilton to serve in his cabinet. Around these two men, who had very

different visions for the new republic, grew up two parties, the Republicans and the Federalists.

- ♦ Congress approved a bill of rights, a series of checks on the federal government. By December 15, 1791, the required number of states approved ten of the 12 provisions in the Bill of Rights, and these became formally part of the Constitution.
- ♦ Washington was reelected in 1792, again with a unanimous electoral vote. He retired in 1797, and John Adams became president, with Jefferson as his vice president. Washington died in 1799.
- ♦ Washington chose Thomas Jefferson and Alexander Hamilton to serve in his cabinet. Around these two men, who had very different visions for the new republic, grew up two parties, the Republicans and the Federalists.
- ♦ Congress approved a bill of rights, a series of checks on the federal government. By November 1791, the required number of states approved ten of the 12 provisions in the Bill of Rights, and these became formally part of the Constitution.
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What Students Should Know

1. Variations in state constitutions after the Revolution

With the Congress' declaration of independence, existing colonial governments began to function as state governments with little or no change to their constitutions.

Virginia's constitution – a legislature that dominated government, a council whose members were appointed by the legislature, and a governor whose veto power had to be supported by the council – became the model for several other states.

In 1779, John Adams drafted a new state constitution for Massachusetts, which established a house of representatives, elected by the people; a senate, which represented the wealthier citizens; and a popularly elected governor, who could veto acts of the legislature and appoint state officials. The governor appointed the members of an independent judiciary that could decide on the constitutionality of acts passed by the government. Adams' constitution reflected a strain of republican thought that held that pure forms of government inevitably became corrupt: monarchies became tyrannies; aristocracies hardened into oligarchies; and popular governments collapsed into anarchy. Adams thought the best government is one that has a mixture of monarchical, aristocratic, and popular elements. Such a government would allow each element to check the power of the others.

Pennsylvania stood at the opposite end of the political spectrum from Massachusetts, having adopted a unicameral (one-house) legislature with no governor. Many radical thinkers thought this the only proper form of government for a republic. The people ruled through the legislature, they said – so what need was there for another governmental body to check the will of the people? The people's representatives were the best safeguard for popular liberties.

2. How the suffrage differed from state to state

The states differed in their qualifications for the suffrage. All the states limited the

suffrage to white males, except for New Jersey, where women who held property and free blacks could vote. Seven states allowed every white male taxpayer to vote, while the rest established property requirements for voting. Almost every state permitted only property owners to vote for members of the upper house of the legislature. A few states, such as New Hampshire, had test oaths of loyalty for office-holders to keep Catholics and loyalists from holding office.

3. The character of the Virginia Bill of Rights and its effects

On June 12, 1776, the Virginia House of Burgesses adopted a bill of rights, authored by George Mason. The Virginia Bill of Rights declared “that all men are by nature equally free and independent, and have certain inherent rights, of which, when they enter into a state of society, they cannot by any compact deprive or divest their posterity.” These rights, wrote Mason, are “the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.” The Virginia Bill of Rights further declared “that a power is vested in, and consequently derived from, the people; that magistrates are their trustees and servants, and at all times amenable to them.” The Virginia bill listed as rights trial by jury, protection from searches without a warrant, and the freedom of the press. Without disestablishing the Anglican Church, the bill guaranteed “the free exercise of religion, according to the dictates of conscience.” Other states followed Virginia's example and adopted bills of rights.

4. When the Articles of Confederation were introduced and when they were adopted

In July 1776, John Dickinson introduced into Congress the draft of a constitution called the Articles of Confederation and Perpetual Union. On November 15, 1777, Congress approved the Articles of Confederation and submitted them to the state legislatures for approval. It wasn't until February 1779 that all the states but one approved the articles. Maryland alone held out. When Maryland at last ratified the Articles, they went formally into effect on March 1, 1781, only seven months before Cornwallis surrendered at Yorktown.

5. The provisions of the Articles of Confederation

The Articles of Confederation gave the new government power to declare war and make peace, conclude treaties, regulate the coining of money, and decide in disputes between states. The articles, however, were drawn with special attention to state sovereignty. Article two stated that “each state retains its sovereignty, freedom and independence, and every Power, Jurisdiction and right, which is not by this confederation expressly delegated to the United States, in Congress assembled.” To protect the sovereignty of each, every state, whatever its population, received one vote in Congress. The articles granted Congress no power to collect taxes; instead, Congress had to rely on state contributions for its revenue. Nor did Congress have the power to place duties on foreign trade. Any important decisions – such as declaring war, making treaties, and borrowing money – had to garner the agreement of nine of the thirteen states. Further, any change in the articles had to draw the unanimous consent of all the state legislatures.

6. Political reforms in the states after the Revolution

Following the Revolution, Virginia abolished primogeniture when an owner died intestate and entailment. Several northern states had movements to abolish slavery. Yet slavery was only abolished in those northern states where it was no longer economically viable – and, even then, many slaves were sold south and not freed at all. A Massachusetts court, however, freed a slave, Quock Walker, saying the state's bill of rights demanded it. Other northern states, Connecticut, New Hampshire, and Pennsylvania, declared the children of slaves to be free. Virginia, Delaware, Maryland, along with all the northern states, prohibited the foreign slave trade.

7. Effects of the Revolution on religious establishments

Like most European nations, most of the states had long had established churches – churches recognized by law and supported by taxes. In some cases, governments required attendance at church services. Following the revolution, however, New York, Maryland, and both Carolinas disestablished the Anglican Church. Thomas Jefferson and other republicans called for the disestablishment of state churches. Jefferson wanted not only freedom for all religions but what he called in an 1802 letter he wrote to the Baptists of Danbury, Connecticut, a “wall of separation” between church and state. Central to Liberalism is the conviction that religion is a purely private affair. It has nothing to do with the state, or the state with it. This conviction was rooted in another assumption – that religion is not about truth but is merely private opinion. The Virginia Bill of Rights had called for the “free exercise of religion, according to the dictates of conscience,” but tax monies still went to support the established Anglican Church.

Jefferson fought vigorously for the disestablishment of the Anglican Church in Virginia. In 1777, the Virginia assembly repealed all laws requiring church attendance and universal support for the established Anglican Church. But Jefferson wanted to go further. In January 1786, the Virginia assembly passed Jefferson’s Statute of Religious Liberty that disestablished the Anglican Church in Virginia. In New England, the Congregational Church remained quasi-established, since townships appointed ministers to local congregations.

8. Religion in America after the Revolution

Because, in New England, town selectmen tended to appoint more liberal-minded, this-worldly Unitarian ministers instead of the old hard-line Puritans, to lead congregations, Calvinists began setting up their own churches, supported by their members, not the state. Almost everywhere in the states, churches cut off ties with their mother churches in Europe and formed distinctly American groups. The state of the Catholic Church in America was not robust. In all there were about 25,000 Catholics in the United States, centered for the most part in Maryland and Pennsylvania; about 1,500 Catholics lived in New York and 200 in Virginia. Catholics in Pennsylvania, who were mostly English with a few Germans and a growing number of Irish, had benefited from Pennsylvania’s traditional religious tolerance. But before the revolution, Catholics in Maryland had lived in fear of the penal laws. The priests in America were Jesuits who, because their flocks could not support them, were forced to make their living as planters. The Catholics in English America were under the authority of the bishop of London, called the “vicar-apostolic.” Both priests and the Catholic faithful were

opposed to the appointment of a Catholic bishop for America, fearing it would spark a persecution against them. Yet, because of the revolution, attitudes towards Catholics had begun to grow more positive in the United States. Still, Catholics who had suffered centuries of persecution, or the threat of persecution, continued to tread warily.

9. Who John Carroll was and how he became the United States' first bishop

Both John Carroll and his cousin, Charles Carroll, belonged to an aristocratic family of Maryland. Both went to school in France; but while Charles turned to the study of law, John pursued studies for the priesthood as a member of the Jesuit order. A advocate for American independence during the revolution, John Carroll in 1776 accompanied his cousin, Charles, Benjamin Franklin, and Samuel Chase to Quebec in the unsuccessful attempt to convince the Canadians to join the rebellion. After the Revolution, in 1783, Father Carroll with five other priests issued a declaration to Rome stating that no bishop was needed in the United States but asked one of their number be appointed to serve as a superior. Carroll was nominated, and in 1784, Carroll was named prefect apostolic of the Church in the United States, with the faculties to administer the Sacrament of Confirmation.

As prefect apostolic, Carroll lacked priests, and the priests he received from Europe were often unworthy. He had to struggle with a peculiarly American form of Church government – trusteeship – where Catholic laymen, designated trustees, established and funded Catholic congregations and paid priests' salaries. Because of their status, it was not long before trustees began to see themselves as the final authorities in Church matters, hiring priests and firing them at will

if they did not approve of them. Such troubles convinced Carroll that the American Church needed a bishop; and, after he had been elected by the priests of America, on November 6, 1789, Pope Pius VII appointed Carroll bishop of Baltimore with jurisdiction over the entire United States.

10. Issues faced by the Catholic Church in the United States

The problems in the American Church did not end because it now had a bishop. Trustees continued to assert their authority, and Carroll still had to rely on foreign priests to staff the churches. Revolution in France was driving a number of priests to American shores. Many of these were worthy men; some were not. The former Jesuits in the U.S. were attacked by a disgruntled priest of living like lords on estates worked by slaves, whom the priests treated cruelly. The former Jesuits did own slaves. They did not live in luxury, nor did they treat their slaves cruelly. Racial tensions affected the Catholic Church in the U.S., when German Catholics wanted a German bishop, and well-established parishes balked at submitting to a bishop's authority. But in 1791 four French Sulpician priests and five English-speaking students established a seminary for the United States and the Sulpician priests also staffed the first Catholic college in America, Georgetown College (now in Washington, D.C.).

11. The weaknesses of the Articles of Confederation

States had been unwilling to compromise their newly won independence by giving too much power to the national government, and they would not cooperate with it once it was established. Since Congress could not tax but only requisition money from the states, it relied on the willingness of state legislatures

to supply needed revenues, but these were often not forthcoming. Attempts to enhance Congress' taxing power through amendments failed because it could not garner the consent of all the states. Congress' weaknesses meant it could not fulfill its obligations under the peace bargain with Great Britain, such as protection of loyalists. When Congress protested Great Britain's violation of the Treaty of Paris by retaining forts in the American northwest, the British government retorted that the United States had not honored the treaty, either: debts to Britain had not been paid, and the property of loyalists had not been returned. Congress could do little to settle state conflicts that threatened to tear the fledgling union apart.

12. The provisions and importance of the Northwest Ordinance

The Northwest Ordinance divided the Northwest (the territories north of the Ohio River and west of the Appalachians) into five regions, each of which eventually became a state. When any of these regions attained a population of 5,000 free males, Congress was to establish a territorial government for it. The government consisted of a representative assembly, elected by the people of the territory; a governor, appointed by Congress; and a council of five chosen by Congress from names submitted by the territorial assembly. All townships in the territories were to be surveyed six miles square and divided into 36 sections, each a mile square, that were to be sold at auction. Section 16 in every township was reserved for the support of public schools. When a region attained a population of 60,000 freemen, it could become a state, equal in rights and privileges to the original states. The Northwest Ordinance included a sort of bill of rights. Congress guaranteed territorial inhabitants

religious freedom. Settlements had to provide for schools, since, said the ordinance, "religion, morality, and knowledge" are "necessary to good government and the happiness of mankind." The Northwest Ordinance called for respect to be shown to Indians and their property rights and forbade slavery within the territories – though the ordinance included a fugitive slave provision.

13. How Shays' Rebellion accelerated the movement to revise the Articles of Confederation

Shays' Rebellion was troubling to many in America, confirming their conviction that the current form of the national government was insufficiently powerful to keep the peace. Though the Massachusetts militia had proved quite capable of handling the rebellion, some pointed out that the federal government had been powerless to help. Leaders throughout America were deeply worried about the future of the American union.

14. The course of events leading to the Constitutional Convention

When, in 1785, delegates from Virginia and Maryland met to settle their disputes over oyster fisheries and the Potomac boundary, they realized they could not reach a resolution on these questions without the cooperation of Delaware and Pennsylvania. The process of addressing such issues was haphazard and difficult under the Articles of Confederation, for it possessed no way to force states to come to an agreement on controversial points – and having come to an agreement, observe it. Virginia and Maryland called for a convention of all the states to meet in Annapolis, Maryland. But when the convention met in September 1786, only five

states had sent delegates. The called for another convention. Congress concurred and on February 21, 1787 invited the states to send delegates to a convention that was to meet in Philadelphia “for the sole and express purpose of revising the Articles of Confederation” so that they might “render the federal constitution adequate to the exigencies of government, and the preservation of the Union.” The convention was set to open on May 14, 1787; but, by that date, only a few delegates had appeared in Philadelphia. Eleven days later, delegates from only seven states were present. Delegates from Vermont, New Hampshire, Connecticut, and Maryland trickled in over the next few months. Rhode Island’s delegates never showed up.

15. The provisions of the Virginia Plan

Introduced by Edmund Randolph of Virginia, the Virginia Plan called for a bicameral (two-house) national legislature. Both the lower and upper houses would represent the states according to population (proportional representation). The plan provided that the people would elect members of the lower house, while members of the upper house, the Senate, would be appointed by the lower house from lists provided by the states. The Virginia Plan provided for a national executive and a national judiciary. The Virginia Plan said the legislature should make laws “in all cases to which the separate States are incompetent, or in which the harmony of the United States may be interrupted by the exercise of individual legislation.” It would further have the right “to negative all laws passed by the several States, contravening, in the opinion of the National Legislature the articles of Union; and to call forth the force of the Union against any member of the Union failing to

fulfill its duty under the articles thereof.” To assuage the fears of delegates who were wary of a strong national government, the plan provided for a Council of Revision that could overturn any acts of the national government that it deemed violated the rights of the states.

16. The provisions of the New Jersey Plan

The New Jersey Plan was introduced into the convention by William Paterson of New Jersey on June 15, 1787. It opposed proportional representation and called for a mere revision of the Articles of Confederation and for equal representation of states in the legislature.

17. What compromise was reached

When delegates from Delaware, New Jersey, and Maryland threatened to leave the convention, Roger Sherman of Connecticut offered a compromise plan that he had offered earlier – proportional representation in the lower house, equal representation in the senate. The vote on the “Connecticut Compromise,” as it was called, was five to five; nevertheless, it was recorded as passing.

18. The provisions of the new constitution

The draft of the new constitution, released on August 6, 1787, contained the Connecticut Compromise – the lower house, the House of Representatives, would have proportional representation, while the Senate would admit two representatives from each state. The executive, called the president, would be elected indirectly by the people – that is, the people would vote for electors who, in turn, voted for the president. The number of electors for each state was to be proportional to its population. The president would be commander-in-chief of the armed forces and

would have veto power over congressional legislation. Only a two-thirds majority in both houses of the legislature could override a president's veto. Finally, the draft established a supreme court whose members, appointed for life by the president with the consent of the Senate, would serve during good behavior. The draft elicited more controversy over immigration, a standing army, paper money, property qualifications for public office, and the slave trade. For the slavery question, the convention adopted a compromise that allowed the foreign slave trade for another twenty years, after which time it would be illegal. Another controversy arose over the coercive powers of the federal government. The resolution is found in Article 6 of the Constitution – the national government could not resort to force but only to the courts of law if states refused to comply with congressional acts.

What resulted from all the debates was a “federal” model of government that more or less defined the areas where the national and state governments exercised sovereignty. The United States was to have two sovereigns – the states in regards to their internal affairs, and the national government in relation to national matters, such as war and peace, treaties with foreign nations, and international and interstate trade. As one aspect of this sovereignty, the national government would have the authority to lay taxes directly on citizens, bypassing state legislatures and thus freeing it from monetary dependence on the states.

19. When the Constitution was signed

The delegates signed the Constitution on September 17, 1787.

20. Who opposed the Constitution and why

Winning approval from the states for the new constitution was not automatic or easy. A vigorous opposition awaited the “federalists,” as the supporters of the Constitution called themselves. Their foes, the “antifederalists,” came from a variety of backgrounds and opposed the new constitution for a variety of reasons. In some cases, they represented the proponents of democracy, optimistic about human nature and hoping for the birth of an ideal age. These feared a strong centralized government with the power to tax; such a government, they thought, would become the tool of the few for the oppression of the many. Others opposed the new government for less worthy reasons, and many opposed it for a variety of reasons that cannot be easily cataloged. A common division was based on age – younger men tended to support the constitution while the older, more established men opposed it. This was true especially in the South, where the strongest opposition to the constitution came from the settled tidewater regions, while the raw western counties supported it.

Some antifederalists criticized the Constitution for its failure to outlaw slavery and because it did not forbid government offices to non-Christians. Those who thought liberty was preserved only if representatives served one-year terms objected to the two-year term for representatives and the six-year term for senators. Patrick Henry criticized the constitution because he said delegates had exceeded their authority in drawing it up. The office of president, he said, “squints toward monarchy” and the new taxing power would allow the Congress to obtain dictatorial powers. Chiefly, Henry feared that the new government would compromise America’s fledgling liberty. George Mason questioned whether the Constitution could

govern so wide a territory as the United States while preserving liberty.

21. **The *Federalist Papers* and their importance**

To counter New York opposition to the Constitution, Alexander Hamilton and John Jay, joined by the Virginian, James Madison, wrote, under the pen name “Publius,” a series of articles for New York journals in defense of the Constitution. These articles, later collected into a volume called *The Federalist*, developed the themes of the insufficiency of the Articles of Confederation and the advantages of the Constitution. This collection, written by men who had participated in the constitutional convention, has since gained a quasi-official status as an authoritative interpretation of the Constitution.

22. **The Bill of Rights, their ratification and contents**

In part to appease the antifederalists, Washington in his inaugural address hinted that Congress should approve a bill of rights. Accordingly, twelve amendments were presented to Congress, which approved them and sent them on to the states for ratification. By November 1791, the required number of states had ratified ten of the twelve amendments, and they became part of the constitution.

The Bill of Rights was seen as a series of checks upon the power of the federal government. Thus, while Article I forbids Congress from making a “law respecting an establishment of religion, or prohibiting the free exercise thereof,” it does not forbid state governments from doing so. Article II protects a state’s right to a militia and so forbids the federal government from infringing on “the right of the people to keep and bear Arms.” Article X enshrines a

principle dear to the antifederalists – the separation of powers in American government, mandating that “powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.” Neither this amendment nor any part of the constitution, however, clearly delineates the respective powers of the federal government or the states – assuring that the question would serve as the grist for future debates both inside and outside of Congress.

23. **What the Judiciary Act did**

An important task for Washington was composing the Supreme Court. Although the constitution established the judiciary as the third branch of government, it did not specify how many justices should sit on the court. Thus, on September 24, 1789, Congress passed the Judiciary Act, setting the number of justices at six – one chief justice and five associates. (The number was later increased to nine.) The act also established 13 district courts and three circuit courts.

24. **What precedents the Jay Court established**

The Supreme Court presided over by John Jay, the republic’s first chief justice, is significant for establishing precedents for what later became known as “judicial review” – the court’s critique of the legal acts of states and the federal government. The first of these precedents was the Supreme Court’s decision that a law passed by the Connecticut assembly was unconstitutional; the second was the court’s refusal to execute a law passed by Congress. In the latter case, the court said that it was unconstitutional for the federal courts to act as the agents of Congress.

25. Alexander Hamilton's ideas and politics

Alexander Hamilton became Washington's most trusted adviser. Hamilton's goal was to see the new federal government well-established and strong. An admirer of the British government, Hamilton worked to set the financial affairs of the federal government upon principles already established in the mother country. For Hamilton, the wealthy (cultured and established families, prosperous merchants, creditors, and successful financiers) were the solid pillars upon which to erect the federal government. He thought that if the federal government established policies favorable to the wealthy, the wealthy would in turn lend their support

to the federal government over state governments, which Hamilton wanted to see weakened.

Hamilton advocated a number of policies to put the new government on a sound financial footing. He promoted repayment of both the foreign and domestic debt. He convinced the president and then Congress that, instead of having each state pay its own debts, the federal government should assume and pay off all state debt. Under Hamilton's leadership, the federal government by 1795 had paid off the foreign debt. Hamilton also suggested and lobbied for the creation of a federal bank – the Bank of the United States.

Key Terms at a Glance

trusteeship: an American form of church government in which Catholic laymen established and funded Catholic congregations and paid priests' salaries.

Articles of Confederation: the first United States constitution

Northwest Ordinance: a body of laws adopted by Congress in 1787 to govern the territories

nationalists: those who favored a strong, central government that would dominate the states

Connecticut Compromise: the compromise promoted by Roger Sherman that provided for a dual system of representation in the legislature and was used as the basis of the existing Constitution

federalists: supporters of the new Constitution to replace the Articles of Confederation

antifederalists: opponents of the new Constitution

strict construction: a principal of interpreting the Constitution that says that the federal government only possesses those powers clearly granted it by the Constitution and may do only what is strictly necessary to the carrying out of the powers

loose construction: a principal of interpreting the Constitution that says that the federal government has the authority to act on any measure that bears an obvious relation to a power given by the Constitution to the federal government and is not forbidden by any part of the Constitution

26. Thomas Jefferson's opposition to Hamilton, and his ideas

Thomas Jefferson differed most from Hamilton in his ideas on society and government. Jefferson repudiated Hamilton's favoritism of the wealthy and his admiration for British government – Jefferson was horrified to learn that Hamilton had even been heard to say that he thought corruption an essential part of effective government. Jefferson represented the American democratic idealist. He hoped that the change to republican government and manners would draw mankind to new perfections. He favored the common man, the small farmer, whose independence he thought would form the foundation for free government. While it is true that he did not trust the common man's wisdom and believed that a republican government would foster a "natural aristocracy" that would direct the affairs of the nation, he also believed that defects in the common man could be remedied by free public education. Finally, unlike Hamilton, Jefferson wanted agriculture to be the economic foundation of the United States and mistrusted manufacturers and the artisan and merchant classes.

27. Strict and loose construction of the Constitution

Jefferson argued for a strict construction of the Constitution. He said that while the Constitution allowed Congress "to make all laws necessary and proper" to carry out the federal government's designated powers, it did not allow Congress to do what is merely convenient. For instance, a national bank, said Jefferson, was not necessary to federal finance and therefore was unconstitutional.

Hamilton's theory of constitutional interpretation is called loose construction. He

said if some measure had "an obvious relation" to a power given by the Constitution to the federal government, and was not forbidden by any part of the Constitution, then "it may safely be deemed to come within the compass of the national authority." Thus, a national bank, according to Hamilton's reasoning, would be constitutional because, even though it was not necessary to federal finance, it had an obvious relation to it, since it facilitated the operation of a constitutional power of the federal government.

28. The rise of the Federalist and Republican political factions

The differences in American politics, exemplified by Jefferson and Hamilton, but including John Adams, Washington, and James Madison, crystalized in two political divisions. Jefferson's party, called Republican, was strict constructionist in interpreting the Constitution. They claimed to stand for the common man against the wealthy. It included former antifederalists, and looked kindly on the French Revolution. The Federalists, on the other hand, were loose constructionists and wanted to rest the republic on the the foundation of the powerful and wealthy, and looked to Great Britain as an example of government. This division into two factions characterized what became representative of American government -- the two party system.

29. What the Whiskey Rebellion was. Its results

The Whiskey Rebellion, an uprising of farmers in western Pennsylvania, was an early challenge to federal power. In 1791, Congress had laid an excise tax on whiskey, which affected the farmers of the Appalachian region, who could only transport their corn by distilling it into

spirituous liquors. When farmers in western Pennsylvania refused to pay the tax and rose in revolt, the Jeffersonian Republican governor of Pennsylvania, Thomas Mifflin, did nothing. With Washington's urging, however, Congress called up the militia of four states. Led by Washington, who was accompanied by Hamilton, the militia dispersed the farmers, putting an end to what was jokingly called the "Whiskey Rebellion."

30. The provisions of the Jay Treaty and opposition to it

Jay's Treaty was a treaty signed between the United States and Great Britain on November 19, 1794 in which the British agreed to evacuate all their forts on United States territory by 1796 and granted American ships a limited right to trade with the British West Indies; and while the United States agreed to pay back debts, the British offered a large sum in reparation for the illegal capture of American ships. But other parts of the treaty, Washington knew, would only stoke Republican ire – and they made even Washington wince. For one, the treaty forbade American ships from carrying, as they long had been doing, certain products, including cotton, molasses, and sugar, from the British West Indies to America. It did not press the British to compensate slave owners for slaves taken at the end of the war. Finally, the treaty made no mention of the impressing of American sailors – one of the chief complaints against the British. Republicans strongly opposed the treaty, which came to be one incident that illustrates the growing partisanship in the politics of the new republic. Even before the treaty, Republican attacks against not only the Federalists but even Washington himself had been

increasing in frequency and bitterness. The treaty only exacerbated this tendency.

31. What Washington said in his farewell address on September 17, 1796

In his farewell address, Washington expressed the hope that the happiness of the United States would be so preserved as to "acquire to them the glory of recommending it to the applause, the affection and adoption of every nation which is yet a stranger to it." He spoke of the value of the union and the importance of cultivating a national patriotism over local sympathies. Because of his deep regard for the union, Washington warned against factions, against altering the Constitution except by "an explicit and authentic act of the whole people," and against "the spirit of party in general." Washington praised religion and morality as instruments conducive to political prosperity. "A volume could not trace," he said, "all their connections with private and public felicity... reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle." The president added praises for "institutions for the general diffusion of knowledge," since, he said, they are "essential that public opinion should be enlightened."

Questions for Review

1. What was the significance of the Virginia Bill of Rights?

The Virginia Bill of Rights was the first bill of rights to be adopted by a state government. It states that that all men are by nature equally free and independent, and have certain inherent rights, of which, when they enter into a state of society, they cannot by any compact deprive or divest their posterity.

Other states followed Virginia's example and adopted bills of rights.

2. What was Maryland's reason for not ratifying the Articles of Confederation, and how was the problem solved?

Maryland held back on ratifying the Articles of Confederation because a powerful cadre of land speculators, who had formed the Illinois-Wabash company, had convinced the Maryland legislature to delay ratification of the Articles until the settlement of a land dispute with Virginia. When Virginia agreed to cede her western lands to the United States, Maryland ratified the Articles.

3. What were some of the political and social reforms realized in the United States after the Revolution?

Following the Revolution, Virginia abolished primogeniture when an owner died intestate and entailment. Several northern states had movements to abolish slavery. Other northern states, Connecticut, New Hampshire, and Pennsylvania, declared the children of slaves to be free. Virginia, Delaware, Maryland, along with all the northern states, prohibited the foreign slave trade.

4. Why did republicans call for the disestablishment of state churches?

Some republicans called for disestablishment of state churches because central to Liberalism is the conviction that religion is a purely private affair. It has nothing to do with the state, or the state with it. This conviction was rooted in another assumption – that religion is not about truth but is merely private opinion.

5. Briefly explain Jefferson's Statute of Religious Liberty.

Jefferson's Statute of Religious Liberty says that "... no one shall be compelled to frequent or support any religious worship, place or ministry whatsoever, nor shall be enforced, restrained, molested, or burthened in his body or goods, nor shall otherwise suffer on account of his religious opinions or belief; but ... all men shall be free to profess, and by argument to maintain, their opinion in matters of religion, and that the same shall in no wise diminish, enlarge or affect their civil capacities."

6. What were the problems Father John Carroll faced as prefect apostolic of the Church of the United States? Give a brief description of each.

As prefect apostolic, Carroll lacked priests, and the priests he received from Europe were often unworthy. He had to struggle with a peculiarly American form of Church government – trusteeship – where Catholic laymen, designated trustees, established and funded Catholic congregations and paid priests' salaries. Because of their status, it was not long before trustees began to see themselves as the final authorities in Church matters, hiring priests and firing them at will if they did not approve of them.

7. What were the inadequacies of the Articles of Confederation?

States had been unwilling to compromise their newly won independence by giving too much power to the national government, and they would not cooperate with it once it was established. Since Congress could not tax but only requisition money from the states, it relied on the willingness of state legislatures to supply needed revenues, but these were often not forthcoming. Attempts to enhance Congress' taxing power through amendments failed because it could not

garner the consent of all the states. Congress' weaknesses meant it could not fulfill its obligations under the peace bargain with Great Britain, such as protection of loyalists. Congress could not settle conflicts threatening the union between the states.

8. What did the Northwest Ordinance do for the United States?

The Northwest Ordinance divided the Northwest (the territories north of the Ohio River and west of the Appalachians) into five regions, each of which eventually became a state and organized these territories. The Northwest Ordinance governs the United States to this day.

9. What is the significance of Shay's Rebellion? How did it contribute to the call for a new constitution?

Shay's Rebellion accelerated the movement to revise the Articles of Confederation because it confirmed the conviction that the current form of the national government was insufficiently powerful to keep the peace.

10. Describe the two factions that divided the delegates to the Constitutional Convention.

One faction was the nationalists, those who favored a strong, central government that would dominate the states. The other faction, which favored a weak central government and the preservation of state sovereignty, was at first disorganized and unable to stop the forward momentum of the nationalists. The second faction represented the small states.

11. What was the Connecticut Compromise?

The Connecticut Compromise was a constitutional plan that proposed proportional representation in the lower

house of the national legislature, equal representation in its senate.

12. List the factors that made it difficult for the new Constitution to be ratified?

Those who opposed the new Constitution, the "antifederalists," feared a strong centralized government with the power to tax; such a government, they thought, would become the tool of the few for the oppression of the many. Others opposed the new government for less worthy reasons.

13. What is the Bill of Rights and what did it seek to clarify?

As part of its ratification, the Massachusetts convention requested the addition of a bill of rights to the constitution. The Bill of Rights sought to clarify the rights of citizens by providing a series of checks upon the power of the federal government.

14. What were some of the problems that Washington faced as the first president?

Washington had to turn a written constitution into a working government over a people, many of whom still opposed it. He had to deal with political factions among members of his own cabinet and in the country at large.

Ideas in Action

- 1. Read and discuss the Constitution and the Bill of Rights. (Copies of these may be found on the Internet.) How have the ideas presented in these documents played out in the history of the United States?**
- 2. Study the arguments of the anti-federalists. Have their predictions of the kind of government and society the Constitution would create come true? Why or why not?**

3. Debate the merits of the ideas of the strict and loose construction of the Constitution.
4. Read Washington's Inaugural and Farewell addresses (also found on the Internet). Does the United States today live up to the ideals that Washington espoused?
5. What political/social reforms were made in the states after the revolution?
6. Why did Thomas Jefferson and others want to disestablish state churches?
7. What happened to many churches after the revolution?

Sample Quiz I (pages 181-193)

Please answer the following in complete sentences.

1. With the Declaration of Independence, how did existing governments function?
2. What rights did the Virginia Bill of Rights list?
3. What powers did the Articles of Confederation give the new government?
4. How did the Articles of Confederation protect state sovereignty?
5. Who was John Carroll, and what is he known for?
6. What convinced Carroll that the American Church needed a bishop?
7. Describe the model of territorial government established by the Northwest Ordinance.
8. How did Shay's Rebellion accelerate the movement to revise the Articles of Confederation?

Answers to Sample Quiz I

Students' answers should approximate the following.

1. With the Congress' declaration of independence, existing colonial governments began to function as state governments with little or no change to their constitutions.
2. The Virginia Bill of Rights listed as rights "the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety."
3. The Articles of Confederation gave the new government power to declare war and make peace, conclude treaties, regulate the coining of money, and decide in disputes between states.
4. According to the Articles of Confederation, to protect the sovereignty of each, every state, whatever its population, received one vote in Congress.
5. Following the Revolution, Virginia abolished primogeniture when an owner died intestate and entailment. Several northern states had movements to abolish slavery.
6. Thomas Jefferson and others wanted to disestablish state churches because they believed that religion is a purely private affair. It has nothing to do with the state, or the state with it.
7. After the Revolution, almost everywhere in the states churches cut off ties with their mother churches in Europe and formed distinctly American groups.
8. John Carroll was a Jesuit who was named prefect apostolic of the Catholic Church in the United States, and later made bishop of the United States.
9. Troubles with trustees who began to see themselves as the final authorities in Church matters, hiring priests and firing them at will if they did not approve of them, convinced Carroll that the American Church needed a bishop.

10. The government of the Northwest Ordinance consisted of a representative assembly, elected by the people of the territory; a governor, appointed by Congress; and a council of five chosen by Congress from names submitted by the territorial assembly.
11. Shays' Rebellion accelerated the movement to revise the Articles of Confederation because it convinced many in America that the current form of the national government was insufficiently powerful to keep the peace.

Sample Quiz II (pages 193-209)

Please answer the following in complete sentences.

1. What event caused states to call for a revision of the Constitution?
2. Explain the Connecticut Compromise.
3. What resulted from debates over the new Constitution?
4. What are some reasons why the antifederalists opposed the new Constitution?
5. What was the purpose of the *Federalist Papers*?
6. What is the Judiciary Act?
7. What was the significance of the John Jay Supreme Court?
8. What was the Whiskey Rebellion?
9. What was the Jay Treaty?
10. What did President Washington warn against in his farewell speech?

Answers to Sample Quiz II

Students' answers should approximate the following.

1. When, in 1785, delegates from Virginia and Maryland met to settle disputes, they realized they could not reach a resolution on these questions without the cooperation of Delaware and Pennsylvania. Since the process of addressing such issues was haphazard and difficult under the Articles of Confederation, states began to call for a revision of the articles.
2. When delegates from Delaware, New Jersey, and Maryland threatened to leave the Constitutional Convention, Roger Sherman offered a compromise plan that he had offered earlier – proportional representation in the lower house, equal representation in the senate. This is called the “Connecticut Compromise.”
3. What resulted from all the debates over the new Constitution was a “federal” model of government, that more or less defined the areas where the national and state governments exercised sovereignty.
4. Some antifederalists opposed the new Constitution because they feared a strong centralized government with the power to tax; such a government, they thought, would become the tool of the few for the oppression of the many. Some antifederalists criticized the Constitution for its failure to outlaw slavery and because it did not forbid government offices to non-Christians.
5. The *Federalist Papers*' purpose was to develop the themes of the insufficiency of the Articles of Confederation and the advantages of the Constitution.
6. The Judiciary Act set the number of justices in the Supreme Court at six and established 13 district courts and three circuit courts.
7. The Supreme Court presided over by John Jay, the republic's first chief justice, is significant for establishing precedents for what later became known as “judicial

- review” – the court’s critique of the legal acts of states and the federal government.
8. The Whiskey Rebellion, an uprising of farmers in western Pennsylvania, was an early challenge to federal power. In 1791, Congress had laid an excise tax on whiskey, which affected the farmers of the Appalachian region, who could only transport their corn by distilling it into spirituous liquors. Farmers in western Pennsylvania refused to pay the tax and rose in revolt.
 9. Jay’s Treaty was a treaty signed between the United States and Great Britain on November 19, 1794 in which the British agreed to evacuate all their forts on United States territory by 1796 and granted American ships a limited right to trade with the British West Indies.
 10. In his farewell speech, Washington warned against factions, against altering the Constitution except by “an explicit and authentic act of the whole people,” and against “the spirit of party in general.”

Essays

Instructions to be given to the students: Write in complete sentences. Underline your thesis. Give three supports or examples that explain why you think what you do and that support your thesis.

1. Referring to the ideas of the Enlightenment, explore the idea of the disestablishment of Church and state. What does the Catholic Church say about this idea? (See the *Catechism of the Catholic Church*, paragraphs 2244-2246 and 2104-2109.)
2. Do you think the rights listed in the Bill of Rights are true human rights? Why or why not?
3. Compare the government of the United States with previous and more traditional governments. How does the United States’ government improve on traditional government? How does it not?

Sample Test

Please answer the following in complete sentences.

I. Short Essay – Answer two of the following:

1. What were the weaknesses of the Articles of Confederation?
2. Explain the basic form of the government established by the Constitution in terms of the president, Congress, and judiciary.
3. Explain what is meant by strict and loose construction of the Constitution.
4. Explain the two political divisions of the early republic: Federalist and Republican.

II. Short Answer:

1. How many state votes were needed before Congress could make a major decision under the Articles of Confederation?
2. What assumption lies behind the conviction that religion has nothing to do with the state?
3. What particularly American problem did John Carroll have to deal with?
4. Identify the following:
 - a. Federalist
 - b. Antifederalist
5. What was the Bill of Rights meant to do?

Answer Key to the Chapter Test

Students' answers should approximate the following:

- I.
1. States had been unwilling to compromise their newly won independence by giving too much power to the national government, and they would not cooperate with it once it was established. Since Congress could not tax but only requisition money from the states, it relied on the willingness of state legislatures to supply needed revenues, but these were often not forthcoming. Attempts to enhance Congress' taxing power through amendments failed because Congress could not garner the consent of all the states. Congress' weaknesses meant it could not fulfill its obligations under the peace bargain with Great Britain, such as protection of loyalists and payment of debts. Congress could do little to settle state conflicts that threatened to tear the fledgling union apart.
 2. The draft of the new constitution established a congress with two houses – the lower house, the House of Representatives, would have proportional representation, while the Senate would admit two representatives from each state. The executive, called the president, would be elected indirectly by the people – that is, the people would vote for electors who, in turn, voted for the president. The president would be commander-in-chief of the armed forces and would have veto power over congressional legislation. Only a two-thirds majority in both houses of the legislature could override a president's veto. The Constitution established a supreme court whose members, appointed for life by the president with the consent of the Senate, would serve during good behavior.
 3. Jefferson argued for a strict construction of the Constitution. He said that while the Constitution allowed Congress "to make all laws necessary and proper" to carry out the federal government's designated powers, it did not allow Congress to do what is merely convenient. Congress, according to the strict constructionist argument, could only do what the Constitution expressly allowed it to do. Hamilton's theory of constitutional interpretation is called loose construction. He said if some measure had "an obvious relation" to a power given by the Constitution to the federal government, and was not forbidden by any part of the Constitution, then "it may safely be deemed to come within the compass of the national authority."
 4. Jefferson's party, called Republican, was strict constructionist in interpreting the Constitution. They claimed to stand for the common man against the wealthy. It included former antifederalists, and looked kindly on the French Revolution. The Federalists, on the other hand, were loose constructionists, wanted to rest the republic on the the foundation of the powerful and wealthy, and looked to Great Britain as an example of government.
- II.
1. Under the Articles of Confederation, any important decisions – such as declaring war, making treaties, and borrowing money – had to garner the agreement of nine of the thirteen states.
 2. The conviction that religion has nothing to do with the state is rooted in the assumption that religion is not about truth but is merely a private affair.
 3. John Carroll had to struggle with a peculiarly American form of Church government – trusteeship.
 4.
 - a. Federalists were supporters of the new Constitution
 - b. Antifederalists opposed the new Constitution

5. The Bill of Rights was meant to serve as a series of checks upon the power of the federal government.