judges sitting with two of the Supreme Court justices. In the same act, Congress gave the Supreme Court the power to make the final decision in cases involving the constitutionality of state laws.

The Constitution referred indirectly to executive departments but did not specify what or how many there should be. The first Congress created three such departments—state, treasury, and war—and also established the offices of the attorney general and postmaster general. To the office of secretary of the treasury, Washington appointed Alexander Hamilton of New York, who at age thirty-two was an acknowledged expert in public finance. For secretary of war he chose a Massachusetts Federalist, General Henry Knox. As attorney general he named Edmund Randolph of Virginia, sponsor of the plan on which the Constitution had been based. As secretary of state he chose another Virginian, Thomas Jefferson, who had recently served as minister to France.

FEDERALISTS AND REPUBLICANS

The resolution of these initial issues, however, did not resolve the deep disagreements about the nature of the new government. On the contrary, for the first twelve years under the Constitution, American politics was characterized by a level of acrimony seldom matched in any period since. The framers of the Constitution had dealt with many disagreements not by solving them but by papering them over with a series of vague compromises; as a result, the conflicts survived to plague the new government.

At the heart of the controversies of the 1790s was the same basic difference in philosophy that had been at the heart of the debate over the Constitution. On one side stood a powerful group that believed America required a strong, national government: that the country's mission was to become a genuine nation-state, with centralized authority, a complex commercial economy, and a proud standing in world affairs. On the other side stood another group—a minority at first, but one that gained strength during the decade—that envisioned a far more modest central government. American society should not, this group believed, aspire to be highly commercial or urban. It should remain predominantly rural and agrarian, and it should have a central government of modest size and powers that would leave most power in the hands of the states and the people. The centralizers became known as the Federalists and gravitated to the leadership of Alexander Hamilton. Their opponents took the name Republicans and gathered under the leadership of James Madison and Thomas Jefferson.

Hamilton and the Federalists

For twelve years, control of the new government remained firmly in the hands of the Federalists. That was in part because George Washington had always envisioned a strong national government and as president had quietly supported those who were attempting to create one. His enormous prestige throughout the nation was one of the Federalists' greatest assets. But Washington also believed that the presidency should remain above political controversies, and so he avoided any personal involvement in the deliberations of Congress. As a result, the dominant figure in his administration became his talented secretary of the treasury, Alexander Hamilton, who exerted more influence on domestic and foreign policy than anyone else both during his term of office and, to an almost equal extent, after his resignation in 1794.

Of all the national leaders of his time, Hamilton was one of the most aristocratic in personal tastes and political philosophy—ironically, perhaps, since his own origins as an illegitimate child in the Caribbean had been so humble. Far from embracing the republican ideals of the virtue of the people, he believed that a stable and effective government required an enlightened ruling class. Thus, the new government needed the support of the wealthy and powerful; and to get that support it needed to give those elites a stake in its success. Hamilton proposed, therefore, that the new government take responsibility for the existing public debt. Many of the miscellaneous, uncertain, depreciated certificates of indebtedness that the old Congress had issued during and after the Revolution were now in the hands of wealthy speculators; the government should call them in and exchange them for uniform, interest-bearing bonds, payable at definite dates. (This policy was known as "funding" the debt.) He also recommended that the federal government "assume" (or take over) the debts the states had accumulated during the Revolution; this assumption policy would encourage state as well as federal bondholders to look
to the central government for eventual payment. Hamilton did not, in other words, envision paying off and thus eliminating the debt. He wanted instead to create a large and permanent national debt, with new bonds being issued as old ones were paid off. The result, he believed, would be that creditors—the wealthy classes most likely to lend money to the government—would have a permanent stake in seeing the government survive.

Hamilton also wanted to create a national bank. At the time, there were only a few banks in the country, located principally in Boston, Philadelphia, and New York. A new, national bank would help fill the void that the absence of a well-developed banking system had created. It would provide loans and currency to businesses. It would give the government a safe place to deposit federal funds. It would help collect taxes and disburse the government’s expenditures. It would keep up the price of government bonds through judicious bond purchases. The bank would be chartered by the federal government, would have a monopoly of the government’s own banking business, and would be controlled by directors, of whom one-fifth would be appointed by the government. It would provide a stable center to the nation’s small and feeble banking system.

The funding and assumption of debts would require new sources of revenue, since the government would now have to pay interest on the loans it was accepting. Up to now, most government revenues had come from the sale of public lands in the West. Hamilton proposed two new kinds of taxes. One was an excise to be paid by distillers of alcoholic liquors, a tax that would fall most heavily on the whiskey distillers of the backcountry, especially in Pennsylvania, Virginia, and North Carolina—small farmers who converted part of their corn and rye crop into whiskey. The other was a tariff on imports, which not only would raise revenue but would also protect American manufacturing from foreign competition. In his famous “Report on Manufactures” of 1791, he laid out a grand scheme for stimulating the growth of industry in the United States and wrote glowingly of the advantages to the nation of a healthy manufacturing base.

The Federalists, in short, offered more than a vision of how to stabilize the new government. They offered a vision of the sort of nation America should become—a nation with a wealthy, enlightened ruling class, a vigorous, independent commercial economy, and a thriving industrial sector; a nation able to play a prominent role in world economic affairs.

Enacting the Federalist Program

Few members of Congress objected to Hamilton’s plan for funding the national debt, but many did oppose his proposal to accept the debt “at par,” that is at face value. The old certificates had been issued to merchants and farmers in payment for war supplies during the Revolution, or to officers and soldiers of the Revolutionary army in payment for their services. But many of these original holders had sold their bonds during the hard times of the 1780s to speculators, who had bought them at a fraction of their face value. Many members of Congress believed if the federal government was to assume responsibility for these bonds, some of them should be returned to the original purchasers. James Madison, now a representative from Virginia, proposed dividing the
federally-funded bonds between the original purchasers and the speculators. But Hamilton’s allies insisted that such a plan was impractical and that the honor of the government required that it pay the bondholders themselves, not the original lenders who had sold their bonds of their own accord. Congress finally passed the funding bill Hamilton wanted.

Hamilton’s proposal that the federal government assume the state debts encountered greater difficulty. His opponents argued that if the federal government took over the state debts, the people of states with few debts would have to pay taxes to service the larger debts of other states. Massachusetts, for example, owed far more money than did Virginia. Hamilton and his supporters struck a bargain with the Virginians to win passage of the bill.

The deal involved the location of the national capital. The capital had moved from New York back to Philadelphia in 1790. But the Virginians wanted a new capital near them in the South. Hamilton met with Thomas Jefferson (after Jefferson’s return from France) and agreed over dinner to provide northern support for placing the capital in the South in exchange for Virginia’s votes for the assumption bill. The bargain called for the construction of a new capital city on the banks of the Potomac River, which divided Virginia and Maryland, on land to be selected by Washington himself. The government would move there by the beginning of the new century.

Hamilton’s bank bill sparked the most heated debate, the first of many on this controversial issue. Hamilton argued that creation of a national bank was compatible with the intent of the Constitution, even though the document did not explicitly authorize it. But Madison, Jefferson, Randolph, and others argued that Congress should exercise no powers that the Constitution had not clearly assigned it. Nevertheless, both the House and the Senate finally agreed to Hamilton’s bill. Washington displayed some uncertainty about its legality at first, but he finally signed it. The Bank of the United States began operations in 1791, under a charter that granted it the right to continue for twenty years.

Hamilton also had his way with the excise tax, although protests from farmers later forced revisions to reduce the burden on the smaller distillers. He won passage, too, of a new tariff in 1792, although it raised rates less than he had wished.

Once enacted, Hamilton’s program had many of the effects he had intended and won the support of influential segments of the population. It quickly restored public credit; the bonds of the United States were soon selling at home and abroad at prices even above their par value. Speculators (among them many members of Congress) reaped large profits as a result. Manufacturers profited from the tariffs, and merchants in the seaports benefited from the new banking system.

Others, however, found the Hamilton program less appealing. Small farmers, who formed the vast majority of the population, complained that they had to bear a disproportionate tax burden. Not only did they have to pay property taxes to their state governments, but they bore the brunt of the excise tax on distilleries and, indirectly, the tariff. A feeling grew among many Americans that the Federalist program served the interests not of the people but of small, wealthy elites. Out of this feeling an organized political opposition arose.

The Republican Opposition

The Constitution had made no reference to political parties, and the omission was not an oversight. Most of the framers—and George Washington in particular—believed that organized parties were dangerous and should be avoided. Disagreement on particular issues was inevitable, but most of the founders believed that such disagreements need not and should not lead to the formation of permanent factions. “The public good is disregarded in the conflicts of rival parties,” Madison had written in The Federalist Papers (in Number 10, perhaps the most influential of all the essays), “and... measures are too often decided, not according to the rules of justice and the rights of the minor party, but by the superior force of an interested and overbearing majority.”

Yet within just a few years after ratification of the Constitution, Madison and others became convinced that Hamilton and his followers had become just such an “interested and overbearing majority.” Not only had the Federalists enacted a program that many of these leaders opposed. More ominously, Hamilton himself had, in their eyes, worked to establish a national network of influence that embodied all the worst features of a party. The Federalists had used their control over appointments and the awarding of government franchises, and all the other powers of their offices, to reward their supporters and win additional allies. They had encouraged the formation of
local associations—largely aristocratic in nature—to strengthen their standing in local communities. They were doing many of the same things, their opponents believed, that the corrupt British governments of the early eighteenth century had done.

Because the Federalists appeared to be creating such a menacing and tyrannical structure of power, their critics felt, there was no alternative but to organize a vigorous opposition. The result was the emergence of an alternative political organization, which called itself the Republican Party. (This first “Republican” Party is not a direct ancestor of the modern Republican Party, which was born in the 1850s.) By the late 1790s, the Republicans were going to even greater lengths than the Federalists to create an apparatus of partisan influence. In every state they formed committees, societies, and caucuses. Republican groups were corresponding with one another across state lines. They were banding together to influence state and local elections. And they were justifying their actions by claiming that they and they alone represented the true interests of the nation—that they were fighting to defend the people against a corrupt conspiracy by the Federalists. Just as Hamilton believed that the network of supporters he was creating represented the only legitimate interest group in the nation, so the Republicans believed that their party organization represented the best interests of the people. Neither side was willing to admit that it was acting as a party; neither would concede the right of the other to exist. This institutionalized factionalism is known to scholars as the “first party system.”

From the beginning, the preeminent figures among the Republicans were Thomas Jefferson and James Madison. Indeed, the two men were such intimate collaborators with such similar political philosophies that it is sometimes difficult to distinguish the contributions of one from those of the other. But Jefferson, the more magnetic personality of the two, gradually emerged as the most prominent spokesman for the Republicans. Jefferson considered himself a farmer. (He was, in fact, a substantial planter; but he had spent relatively little time in recent years at his estate in Virginia.) He believed in an agrarian republic, most of whose citizens would be sturdy, independent farmer-citizens tilling their own soil.

![The Jeffersonian Idyll](image)

American artists in the early nineteenth century were drawn to tranquil rural scenes, symbolic of the Jeffersonian vision of a nation of small, independent farmers. By 1822, when Francis Alexander painted this pastoral landscape, the simple agrarian republic it depicts was already being transformed by rapid economic growth. (Gift of Edgar Williams and Bernice Chrysler Garbusch, © 1998 Board of Trustees, National Gallery of Art, Washington)
Jefferson did not scorn commercial activity; he assumed farmers would market their crops in the national and even international markets. Nor did he oppose industry; he believed the United States should develop some manufacturing capacity. But he was suspicious of large cities, feared urban mobs as "sores upon the body politic," and opposed the development of an advanced industrial economy because it would, he feared, increase the number of propertyless workers packed in cities. In short, Jefferson envisioned a decentralized society, dominated by small property owners engaged largely in agrarian activities.

The difference between the Federalist and Republican social philosophies was visible in, among other things, reactions to the French Revolution. As that revolution grew increasingly radical in the 1790s, with its attacks on organized religion, the overthrow of the monarchy, and eventually the execution of the king and queen, the Federalists expressed horror. But the Republicans generally applauded the democratic, anti-aristocratic spirit they believed the French Revolution embodied. Some even imitated the French radicals (the Jacobins) by cutting their hair short, wearing pantaloons, and addressing one another as "Citizen" and "Citizeness."

Although both parties had supporters in all parts of the country and among all classes, there were regional and economic differences. The Federalists were most numerous in the commercial centers of the Northeast and in such southern seaports as Charleston; the Republicans were most numerous in the rural areas of the South and the West.

As the 1792 presidential election—the nation's second—approached, both Jefferson and Hamilton urged Washington to run for another term. The president reluctantly agreed. But while most Americans considered Washington above the partisan battle, he was actually much more in sympathy with the Federalists than with the Republicans. And during his presidency, Hamilton remained the dominant figure in government.

ESTABLISHING NATIONAL SOVEREIGNTY

The Federalists consolidated their position—and attracted wide public support for the new national government—by dealing effectively with two problems the old Confederation had been unable fully to resolve. They helped stabilize the nation's western lands, and they strengthened America's international position.

Securing the Frontier

Despite the Northwest Ordinance, the Confederation Congress had largely failed to tie the outlying western areas of the country firmly to the government. Farmers in western Massachusetts had risen in revolt; settlers in Vermont, Kentucky, and Tennessee had toyed with the idea of separating from the Union. At first, the new government under the Constitution faced similar problems.

In 1794, farmers in western Pennsylvania raised a major challenge to federal authority when they refused to pay a whiskey excise tax and began terrorizing the tax collectors (much as colonists had done at the time of the Stamp Act). But the federal government did not leave settlement of the so-called Whiskey Rebellion to Pennsylvania, as the Confederation Congress had left Shays's Rebellion to Massachusetts. At Hamilton's urging, Washington called out the militias of three states, raised an army of nearly 15,000 (a larger force than he had commanded against the British during most of the Revolution), and personally led the troops into Pennsylvania. As the militiamen approached Pittsburgh, the center of the resistance, the rebellion quickly collapsed.

The federal government won the allegiance of the whiskey rebels by intimidating them. It won the loyalties of other frontier people by accepting their territories as new states in the Union. The last of the original thirteen colonies joined the Union once the Bill of Rights had been appended to the Constitution—North Carolina in 1789 and Rhode Island in 1790. Then Vermont, which had had its own state government since the Revolution, became the fourteenth state in 1791 after New York and New Hampshire finally agreed to give up their claims to it. Next came Kentucky, in 1792, when Virginia gave up its claim to that region. After North Carolina finally ceded its western lands to the Union, Tennessee became first a territory and, in 1796, a state.

Native Americans and the New Nation

The new government faced a greater challenge, inherited from the Confederation, in the more distant areas of the Northwest and the Southwest, where In-
Although Thomas Jefferson and other Republicans claimed to welcome occasional popular uprisings, the Federalists were horrified by such insurgencies as Shays’s Rebellion in Massachusetts and, later, the Whiskey Rebellion in Pennsylvania. This Federalist cartoon portrays the rebels as demons who pursue and eventually hang an unfortunate “exciseman” (tax collector), who has confiscated two kegs of rum.

(Atwater Kent Museum)

Indians (occasionally in alliance with the British and Spanish) continued to challenge the republic’s claim to tribal lands. The ordinances of 1784–1787, establishing the terms of white settlement in the West, had produced a series of border conflicts with Indian tribes resisting white settlement in their lands. The new government inherited these clashes, which continued with few interruptions for nearly a decade. Although the United States eventually defeated virtually every Indian challenge (if often at great cost), it was clear that the larger question of who was to control the lands of the West—the United States or the Indian nations—remained unanswered.

These clashes revealed another issue the Constitution had done little to resolve: the place of the Indian nations within the new federal structure. The Constitution barely mentioned Native Americans. Article I excluded “Indians not taxed” from being counted in the population totals that determined the number of seats states would receive in the House of Representatives; and it gave Congress the power to “regulate Commerce with foreign Nations, and among the several States, and with the Indian tribes.” Article VI bound the new government to respect treaties negotiated by the Confederation, most of which had been with the tribes. But none of this did very much to clarify the precise legal standing of Indians or Indian nations within the United States.

On the one hand, the Constitution seemed to recognize the existence of the tribes as legal entities. On the other hand, it made clear that they were not “foreign Nations” (in the same sense that European countries were); nor were their members citizens of the United States. The tribes received no direct representation in the new government. Above all, the Constitution did not address the major issue that would govern relations between whites and Indians: land. Indian nations lived within the boundaries of the United States, yet they claimed (and the white government at times agreed) that they had some measure of sovereignty within their own lands. But neither the Constitution nor common law offered any clear guide to the rights of a “nation within a nation” or to the precise nature of tribal sovereignty, which ultimately depended on control of land. Thus, the relationship between the tribes and the United States remained to be determined by a series of treaties, agreements, and judicial decisions in a process that has continued for two centuries.

Maintaining Neutrality

Not until 1791—ten years after the end of the Revolution—did Great Britain send a minister to the United States, and then only because Madison and the Republicans were threatening to place special trade restrictions on British ships. That was one of many symbols of the difficulty the new government had in establishing its legitimacy in the eyes of the British. Another crisis in Anglo-American relations emerged in 1793 when the new French government, created by the revolution of 1789, went to war with
Great Britain and its allies. Both the president and Congress took steps to establish American neutrality in that conflict. But the neutrality quickly encountered severe tests.

The first challenge to American neutrality came from revolutionary France and its first diplomatic representative to America, the brash and youthful Edmond Genet. Instead of landing at Philadelphia and presenting himself immediately to the president, Genet disembarked at Charleston. There he made plans to use American ports to outfit French warships, encouraged American shipowners to serve as French privateers, and commissioned the aging George Rogers Clark to lead a military expedition against Spanish lands to the south. (Spain was at the time an ally of Great Britain and an enemy of France.) In all of this, Genet was brazenly ignoring Washington's policies and flagrantly violating the Neutrality Act. His conduct infuriated Washington (who provided "Citizen Genet," as he was known, with an icy reception in Philadelphia) and the Federalists; it also embarrassed all but the most ardent admirers of the French Revolution among the Republicans. Washington eventually demanded that the French government recall him, but by then Genet's party was out of power in France. (The president granted him political asylum in the United States, and he settled with his American wife on a Long Island farm.) The neutrality policy had survived its first serious test.

A second and even greater challenge came from Great Britain. Early in 1794, the Royal Navy began seizing hundreds of American ships engaged in trade in the French West Indies, outraging public opinion in the United States. Anti-British feeling rose still higher at the report that the governor general of Canada had delivered a warlike speech to the Indians on the northwestern frontier. Hamilton was deeply concerned. War would mean an end to imports from England, and most of the revenue for maintaining his financial system came from duties on those imports.

**Jay's Treaty and Pinckney's Treaty**

This was, Hamilton believed, no time for ordinary diplomacy. He did not trust the State Department to reach a settlement with Britain. Jefferson had resigned as secretary of state in 1793 to devote more time to his political activities, but his successor, Edmund Randolph, was even more ardently pro-French than Jefferson had been. So Hamilton persuaded Washington to name a special commissioner to England: John Jay, chief justice of the United States Supreme Court and a staunch New York Federalist. Jay was instructed to secure compensation for the recent British assaults on American shipping, to demand withdrawal of British forces from the frontier posts, and to negotiate a new commercial treaty.

The long and complex treaty Jay negotiated in 1794 failed to achieve these goals. But it was not without merit. It settled the conflict with Britain and helped prevent what had seemed likely to become a war between the two nations. It established undisputed American sovereignty over the entire Northwest. And it produced a reasonably satisfactory commercial relationship with Britain, whose trade was important to the United States. Nevertheless, when the terms became public in America, there were bitter public denunciations of it for having failed to extract enough promises from the British. Jay himself was burned in effigy in various parts of the country. Opponents of the treaty—nearly all the Republicans and even some Federalists, encouraged by agents of France—went to extraordinary lengths to defeat it in the Senate. The American minister to France, James Monroe, and even the secretary of state, Edmund Randolph, joined the desperate attempt to prevent ratification. But in the end the Senate ratified what was by then known as Jay's Treaty.

Among other things, the treaty made possible a settlement of America's conflict with the Spanish, because it raised fears in Spain that the British and the Americans might now join together to challenge Spanish possessions in North America. When Thomas Pinckney arrived in Spain as a special negotiator, he had no difficulty in gaining nearly everything the United States had sought from the Spaniards for more than a decade. Under Pinckney's Treaty (signed in 1795), Spain recognized the right of Americans to navigate the Mississippi to its mouth and to deposit goods at New Orleans for reloading on oceangoing ships; agreed to fix the northern boundary of Florida where Americans always had insisted it should be, along the 31st parallel; and required Spanish authorities to prevent the Indians in Florida from launching raids across the border.
George and Martha Washington lavished enormous attention to their home at Mount Vernon, importing materials and workmen from Europe to create a house that they hoped would rival some of the elegant country homes of England. This detail from a mantle suggests the degree to which they—like many wealthy planters and merchants of their time—strived to bring refinement and gentility to their lives. (Photograph Paul Rocheleau/Rebus, Inc.)

THE DOWNFALL OF THE FEDERALISTS

The Federalists' impressive triumphs did not ensure their continued dominance in the national government. On the contrary, success seemed to produce problems of its own—problems that eventually led to their downfall.

Since almost all Americans in the 1790s agreed that there was no place in a stable republic for an organized opposition, the emergence of the Republicans as powerful contenders for popular favor seemed to the Federalists a grave threat to national stability. Beginning in the late 1790s, when major international perils confronted the government as well, the Federalists could not resist the temptation to move forcefully against the opposition. Facing what they believed was a stark choice between respecting individual liberties and preserving stability, the Federalists chose stability. The result was political disaster. After 1796, the Federalists never won another election. The popular respect for the institutions of the federal government, which they had worked so hard to produce among the people, survived. But the Federalists themselves gradually vanished as an effective political force.

The Election of 1796

Despite strong pressure from his many admirers to run for a third term as president, George Washington insisted on retiring from office in 1797. In a "Farewell Address" to the American people (actually a long letter, composed in part by Hamilton and published in a Philadelphia newsletter), he reacted sharply to the Republicans. His reference to the "insidious wiles of foreign influence" was not just an abstract warning against international entanglements; it was also a specific denunciation of those Republicans who had been conspiring with the French to frustrate the Federalist diplomatic program.

With Washington out of the running, no obstacle remained to an open expression of the partisan rivalries that had been building over the previous eight years. Jefferson was the uncontested candidate of the Republicans in 1796. The Federalists faced a more difficult choice. Hamilton, the personification of Federalism, had created too many enemies to be a credible candidate. So Vice President John Adams, who had been directly associated with none of the unpopular Federalist measures, became his party's nominee for president.

The Federalists were still clearly the dominant party, and there was little doubt of their ability to win a majority of the presidential electors. But without Washington to mediate, they fell victim to fierce factional rivalries that almost led to their undoing. Hamilton and many other Federalists (especially in the South) were not reconciled to Adams's candidacy and favored his running mate Thomas Pinckney instead. And when, as expected, the Federalists elected a majority of the presidential electors, some of these Pinckney supporters declined to vote for Adams; he
Adams's illustrious career as Revolutionary leader, diplomat, and president marked the beginning of four generations of public distinction among members of his family. His son, John Quincy Adams, served as secretary of state and president. His grandson, Charles Francis Adams, was one of the great diplomats of the Civil War era. His great-grandson, Henry Adams, was one of America's most distinguished historians and writers. (Adams National Historic Site, Quincy, Massachusetts)

managed to defeat Jefferson by only three electoral votes. Because a still larger number of Adams's supporters declined to vote for Pinckney, Jefferson finished second in the balloting and became vice president. (The Constitution provided for the candidate receiving the second highest number of electoral votes to become vice president—hence the awkward result of men from different parties serving in the nation's two highest elected offices. The Twelfth Amendment, adopted in 1804, reformed the electoral system to prevent such situations.)

Adams thus assumed the presidency under auspicious circumstances. He presided over a divided party, which faced a strong and resourceful Republican opposition committed to its extinction. Adams himself was not even the dominant figure in his own party; Hamilton remained the most influential Federalist, and Adams was never able to challenge him effectively. The new president was one of the country's most accomplished and talented statesmen, but he had few skills as a politician. Austere, rigid, aloof, he had little talent at conciliating differences, soliciting support, or inspiring enthusiasm. He was a man of enormous, indeed intimidating rectitude, and he seemed to assume that his own virtue and the correctness of his positions would alone be enough to sustain him. He was usually wrong.

The Quasi War with France

American relations with Great Britain and Spain improved as a result of Jay's and Pinckney's Treaties. But the nation's relations with revolutionary France quickly deteriorated. French vessels captured American ships on the high seas and at times imprisoned the crews. When the South Carolina Federalist Charles Cotesworth Pinckney, brother of Thomas Pinckney, arrived in France, the government refused to receive him as the official representative of the United States.

Some of President Adams's advisers favored war, most notably Secretary of State Thomas Pickering, a stern New Englander who detested France. But Hamilton recommended conciliation, and Adams agreed. In an effort to stabilize relations, Adams appointed a bipartisan commission—consisting of Charles Cotesworth Pinckney, the recently rejected minister; John Marshall, a Virginia Federalist, later chief justice of the Supreme Court; and Elbridge Gerry, a Massachusetts Republican but a personal friend of the president—to negotiate with France. When the Americans arrived in Paris in 1797, three agents of the French foreign minister, Prince Talleyrand, demanded a loan for France and a bribe for French officials before any negotiations could begin. Pinckney responded succinctly and angrily: "No! No! Not a sixpence!"

When Adams heard of the incident, he sent a message to Congress denouncing the French insults and urging preparations for war. He then turned the report of the American commissioners over to Congress, after deleting the names of the three French
An American ship under the command of Gamaliel Bradford engages four French privateers in the strait of Gibraltar in July 1800—part of an effort by the United States to protect its maritime commerce. Bradford beat off the privateers after a short battle, but lost his leg in the fighting. (Naval Historical Center)

agents and designating them only as "Messrs. X, Y, and Z." When the report was published, it created widespread popular outrage at France's actions and strong support for the Federalists' response. For nearly two years after the "XYZ Affair," as it became known, the United States found itself engaged in an undeclared war with France.

Adams persuaded Congress to cut off all trade with France, to repudiate the treaties of 1778, and to authorize American vessels to capture French armed ships on the high seas. In 1798, Congress created a Department of the Navy and appropriated money for the construction of new warships. The navy soon won a number of duels with French vessels and captured a total of eighty-five ships, including armed merchantmen. The United States also began cooperating closely with the British and became virtually an ally of Britain in the war with France.

In the end, France chose to conciliate the United States before the conflict grew. Adams sent another commission to Paris in 1800, and the new French government (headed now by "first consul" Napoleon Bonaparte) agreed to a treaty with the United States that canceled the old agreement of 1778 and established new commercial arrangements. As a result, the "quasi war" came to a reasonably peaceful end. In the process, the United States had at last freed itself from the entanglements and embarrassments of the "perpetual" alliance with France it had forged during the Revolution.

**Repression and Protest**

The conflict with France helped the Federalists increase their majorities in Congress in 1798. Armed with this new strength, they began to consider ways to silence the Republican opposition. The result was some of the most controversial legislation in American history: the Alien and Sedition Acts.

The Alien Act placed new obstacles in the way of foreigners who wished to become American citizens, and it strengthened the president's hand in dealing with aliens. The Sedition Act allowed the government to prosecute those who engaged in "sedition" against the government. In theory only libelous or treasonous activities were subject to prosecution; but since such activities were subject to widely varying definitions, the law made it possible for the federal government to stifle virtually any opposition. The Republicans interpreted the new laws as part of a Federalist campaign to destroy them and fought back.

President Adams signed the new laws but was cautious in implementing them. He did not deport any aliens, and he prevented the government from launching a major crusade against the Republicans. But the legislation had a significant repressive effect nevertheless. The Alien Act helped discourage immigration and encouraged some foreigners already in the country to leave. And the administration made use of the Sedition Act to arrest and convict ten men, most of them Republican newspaper editors whose only crime had been to criticize the Federalists in government.

Republican leaders pinned their hopes for a reversal of the Alien and Sedition Acts on the state legislatures. (The Supreme Court had not yet established its sole right to nullify congressional legislation, and there were many who believed that the states had that power too.) The Republicans laid out a theory for state action in two sets of resolutions in 1798–1799, one written (anonymously) by Jefferson and adopted by the Kentucky legislature and the other drafted by Madison and approved by the Virginia
The Virginia and Kentucky Resolutions, as they were known, used the ideas of John Locke to argue that the federal government had been formed by a "compact" or contract among the states and possessed only certain delegated powers. Whenever it exercised any undelegated powers, its acts were "unauthoritative, void, and of no force." If the parties to the contract, the states, decided that the central government had exceeded those powers, the Kentucky Resolution claimed, they had the right to "nullify" the appropriate laws.

The Republicans did not win wide support for nullification; only Virginia and Kentucky declared the congressional statutes void. The Republicans did, however, succeed in elevating their dispute with the Federalists to the level of a national crisis. By the late 1790s, the entire nation was as deeply and bitterly divided politically as it would ever be in its history. State legislatures at times resembled battlegrounds. Even the United States Congress was plagued with violent disagreements. In one celebrated incident in the chamber of the House of Representatives, Matthew Lyon, a Republican from Vermont, responded to an insult from Roger Griswold, a Federalist from Connecticut, by spitting in Griswold's eye. Griswold attacked Lyon with his cane. Lyon fought back with a pair of fire tongs, and the two men ended up wrestling on the floor.

The election was close, and the crucial contest was in New York. There, Aaron Burr had mobilized an organization of Revolutionary War veterans, the Tammany Society, to serve as a Republican political machine. And through Tammany's efforts, the Republicans carried the city by a large majority, and with it the state. Jefferson was, apparently, elected.

But an unexpected complication soon jeopardized the Republican victory. The Constitution called for each elector to "vote by ballot for two persons." The normal practice was for an elector to cast one vote for his party's presidential candidate and another for the vice presidential candidate. (The difficulties in sustaining this delicate practice in a highly partisan environment had led in 1796 to the election of Jefferson as vice president under his opponent, Adams.) To avoid a tie between Jefferson and Aaron Burr (the Republican vice presidential candidate in 1800), the Republicans had intended for one elector to refrain from voting for Burr. But the plan went awry. When the votes were counted, Jefferson and Burr each had 73. No candidate had a majority. According to the Constitution the House of Representatives had to choose between the two leading candidates when no one had a majority; in this case, that meant deciding between Jefferson and Burr. Each state delegation would cast a single vote.

The new Congress, elected in 1800 with a Republican majority, was not to convene until after the inauguration of the president, so it was the Federalist Congress that had to decide the question. Some Federalists hoped to use the situation to salvage the election for their party; others wanted to strike a bargain with Burr and elect him. But after a long deadlock, several leading Federalists, most prominent among them Alexander Hamilton, concluded that Burr (whom many suspected of having engineered the deadlock in the first place) was too unreliable to trust with the presidency. On the thirty-sixth ballot, Jefferson was elected.

After the election of 1800, the only branch of the federal government left in Federalist hands was the judiciary. The Adams administration spent its last months in office taking steps to make the party's hold on the courts secure. By the Judiciary Act of 1801, passed by the lame duck Congress, the Federalists reduced the number of Supreme Court justiceships by one but greatly increased the number of federal judgeships as a whole. Adams quickly appointed Federalists to the...
CONGRESSIONAL BRAWLERS

This cartoon lampoons a celebrated fight on the floor of the House of Representatives in 1798 between Matthew Lyon, a Republican from Vermont, and Roger Griswold, a Federalist from Connecticut. The conflict began when Griswold insulted Lyon by attacking his military record in the Revolutionary War. Lyon replied by spitting in Griswold's face. Two weeks later, Griswold attacked Lyon with his cane, and Lyon seized a pair of fire tongs and fought back. That later scene is depicted (and ridiculed) here. Other members of Congress are portrayed as enjoying the spectacle. On the wall is a picture entitled "Royal Sport," showing animals fighting.

(New York Public Library)

newly created positions. Indeed, there were charges that he stayed up until midnight on his last day in office to finish signing the new judges' commissions. These officeholders became known as the "midnight appointments."

Even so, the Republicans viewed their victory as almost complete. The nation, they believed, had been saved from tyranny. A new era could now begin, one in which the true principles on which America had been founded would once again govern the land. The exuberance with which the victors viewed the future—and the importance they attributed to the Federalists' defeat—was evident in the phrase Jefferson himself later used to describe his election. He called it the "Revolution of 1800." It remained to be seen how revolutionary it would really be.

CONCLUSION

The writing of the Constitution of 1787 was the single most important political event in the history of the United States, and a notable event in the political history of the modern world. In creating a "federal" system of dispersed and divided authority—authority divided among national and state governments, authority divided among an executive, a legislature, and a judiciary—the young nation sought to balance its need for an effective central government against its fear of concentrated and despotic power. The ability of the delegates to the Constitutional Convention to compromise again and again to produce the ultimate structure gave evidence of the deep yearning among them for a stable political system. The same willingness to compromise allowed the greatest challenge to the ideals of the new democracy—slavery—to survive intact.

The writing and ratifying of the Constitution settled some questions about the shape of the new nation. The first twelve years under the government created by the Constitution solved others. And yet by the year 1800, a basic disagreement about the future of the nation—a disagreement personified by the differences between committed nationalist Alexander Hamilton and the self-proclaimed champion of democracy Thomas Jefferson—remained unresolved and was creating bitter divisions and conflicts within the political world. The election of Thomas Jefferson to the presidency that year opened a new chapter in the nation's public history. It also brought to a close, at least temporarily, savage political conflicts that had seemed to threaten the nation's future.