

3 Debating the Nation's Course

Section Focus

Key Terms XYZ Affair ■ Alien and Sedition Acts ■ Kentucky and Virginia Resolutions ■ states' rights ■ *Marbury v. Madison*

Main Idea A near-war with France triggered a Federalist effort to stamp out Republican opposition. In the election of 1800, however, the Republicans swept the Federalists from office and worked to overturn Federalist programs.

Objectives As you read, look for answers to these questions:

1. What problems did Adams face as President?
2. What constitutional issues emerged during this period?
3. Why was the election of 1800 significant?

It was October 1797 in Paris. The French government was in a triumphant and arrogant mood because of recent military successes against other European powers. Into this situation came three Americans: Charles C. Pinckney, John Marshall, and Elbridge Gerry. They had been sent by President Adams to talk peace.

France had been openly disdainful of the United States since the election of Adams the year before. French privateers had continued to attack American shipping. As President, Adams faced the same dilemma as George Washington: how to preserve

American honor and yet keep the United States out of a war that might destroy it. Washington had worked to avoid war with Britain. Now, the challenge for Adams would be to avoid war with France.

THE XYZ AFFAIR

Talleyrand, the French Minister of Foreign Affairs, at first refused to meet with the American delegation. Then Talleyrand sent agents—later referred to as X, Y, and Z—to demand a bribe as the first step in negotiations. Somewhat deaf and un-



This American cartoon of the XYZ Affair depicts revolutionary France as a vicious five-headed monster. Staunch American diplomats resist its insatiable demands for money, declaring "Cease bawling, monster! We will not give you sixpence!" **CULTURAL PLURALISM** What other symbols of the French Revolution appear in the cartoon? How are they presented?

able to believe his ears, Pinckney had responded to the request, "No, no, not a sixpence."

"Millions for defense, but not one cent for tribute."

—Popular slogan, following XYZ Affair

When Adams made public the **XYZ Affair**, war seemed likely. "Millions for defense, but not one cent for tribute," became a popular slogan. The Federalist Congress supported Adams's requests to beef up the military. It voted more funds for the American navy, raised an army, and in general put the nation on a war footing. George Washington even agreed to lead the army once again should war come. To pay for the army and navy, Congress passed direct taxes on houses and land.

Republican opposition to Adams's policies remained, however, and the President could not stomach it. At this time of near-war he considered opposition just short of treason. Feelings on both sides were intense. Jefferson wrote that men who had been friends all their lives "cross the streets to avoid meeting, and turn their heads another way."

As Adams saw it, there were two sources of opposition: the Republican newspapers and the thousands of new immigrants. The Republican newspapers used every verbal weapon possible to attack Adams and the Federalists. Among the sharp-tongued critics were recent immigrants. In fact, most of the new immigrants to the United States were Republicans. They included about 25,000 Frenchmen as well as thousands of Irish.

THE ALIEN AND SEDITION ACTS

The Federalist-controlled Congress resolved to stop what it considered treasonous activity. Thus, in 1798 it passed the **Alien and Sedition Acts**. The Alien Acts required that immigrants live in the United States for fourteen years before becoming citizens. (The earlier requirement was five years.) They also gave the President power to deport any alien he thought dangerous. The Alien Acts were never applied, but thousands of immi-

grants left the United States in fear they would be deported.

The Sedition Act was a clear attempt to destroy Republican opposition to the government. The law forbade "false, scandalous, and malicious" remarks—spoken or written—about the government. Altogether about 25 newspaper editors and other government critics were arrested under the Sedition Act. Among those arrested was a drunkard whose crime was expressing the hope that a cannonball might land on Adams's broad behind. An editor was convicted for writing that John Adams had "an unbounded thirst for ridiculous pomp, foolish adulation, and selfish avarice."

Jefferson and Madison, horrified by the new laws, cast about for a way to preserve the liberty that had been violated. Jefferson drafted a resolution adopted by the Kentucky legislature; a resolution written by Madison was approved by the Virginia legislature. The **Kentucky and Virginia Resolutions** asserted that the states had the right to declare an act of Congress unconstitutional. The resolutions declared that the Alien and Sedition Acts were void because they violated the Bill of Rights.

The Kentucky and Virginia Resolutions revived arguments made earlier by Antifederalists. These arguments are known as the theory of **states' rights**, which seeks to protect the powers of the states against those of the national government. While no other states sided with Kentucky and Virginia against the federal government, the states' rights issue would not go away. Later supporters of states' rights would even claim that the states had the right to leave the Union, a position that led to the Civil War.

UNDECLARED WAR WITH FRANCE

During this time of internal disputes, the United States was also fighting an undeclared naval war against France. Hard-line Federalists, led by Alexander Hamilton, urged an outright declaration of war. Hamilton viewed war as a means to a stronger national government and even to personal glory. If war were declared, Hamilton would be field commander of the American army.

Adams, however, saw war only as a last resort. Even when Congress authorized the recruitment

THE JEFFERSONIAN "REVOLUTION"

In his Inaugural Address, Thomas Jefferson called for unity. "Let us unite with one heart and one mind," he urged. "Every difference of opinion is not a difference of principle. We are all Republicans, we are all Federalists."

As President, however, Jefferson proceeded to undo as much of the Federalist program as he could. At his urging, the new Republican-controlled Congress repealed the Alien and Sedition Acts. In addition, Jefferson released from prison any persons convicted under the Sedition Act. Congress also abolished internal taxes, including the taxes on land and houses and the excise tax on whiskey. Then, having reduced the government's income, Congress tried to cut spending in order to pay off the national debt.

In effect, Jefferson wanted to destroy the Hamiltonian finance system. Hamilton's system was fueled by a certain amount of public and private debt. Jefferson, however, believed that debt in any form was bad and could only lead to corruption. "Banking establishments are more dangerous than standing armies," he said. "The principle of spending money to be paid by posterity . . . is but swindling . . . on a large scale." Jefferson had no sympathy for industry or for the life of cities. Government should encourage agriculture, he believed, because the land nurtured republican virtue and the innate goodness of people.

A FEDERALIST JUDICIARY

Jefferson also took aim at Federalist policies toward the judiciary. Between the election of 1800 and Jefferson's inauguration, Adams and congressional Federalists had tried to make the courts more pro-Federalist. When the Chief Justice of the United States resigned, Adams appointed John Marshall to the position.

One reason Adams chose Marshall was that he was "in the full vigor of middle age." Thus, Adams reasoned, Marshall would be around a long time to check the Republicans. Adams guessed right. Marshall would serve as Chief Justice until his death in 1835. Perhaps more than any other person, he defined and shaped the American constitutional tradition.

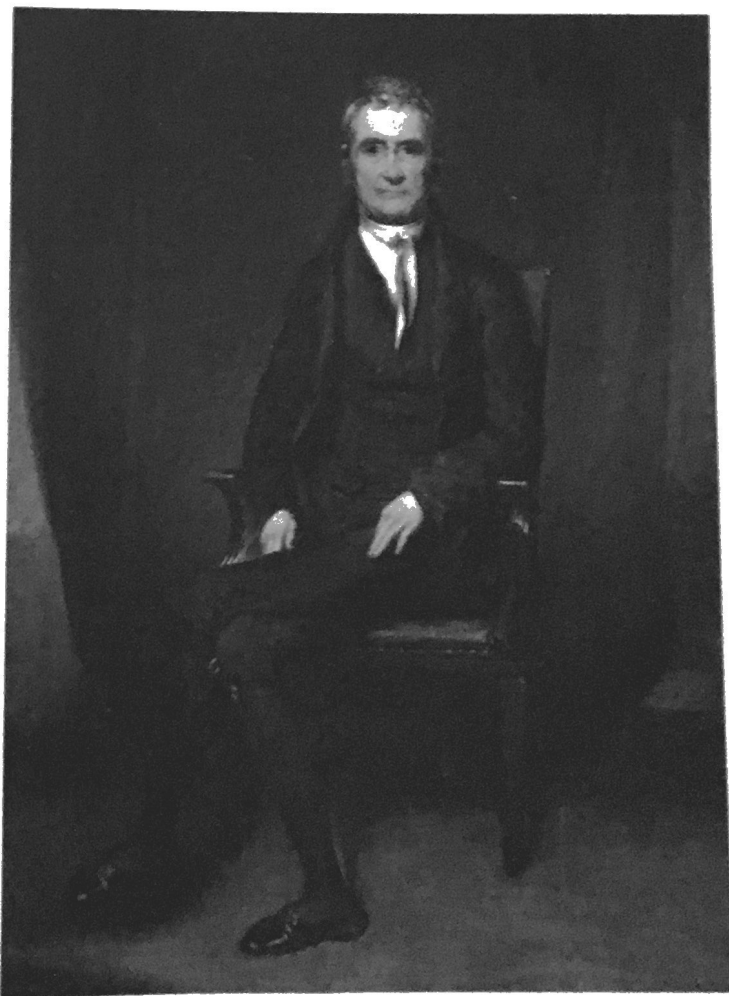
One of the last acts of the Federalist-controlled

Congress was to pass the Judiciary Act of 1801, which created 16 new federal judgeships. Adams's very last days in office were spent in filling these judgeships and in appointing justices of the peace for the new city of Washington, D.C. (The government had moved to the new capital late in 1800.)

Jefferson was furious at the Federalists for trying to control the judiciary. He did not want to recognize the appointments of what he called "the midnight judges." The Republican Congress supported Jefferson by repealing the Judiciary Act of 1801. In doing so, however, it raised a constitutional issue. According to the Constitution, federal judges are appointed for life. Was it not then unconstitutional, the Federalists charged, to abolish their offices?

This led to a more basic question. Who should have the power to decide what was and what was

Chief Justice John Marshall sat for this portrait near the end of his distinguished career. Marshall served on the Supreme Court for 34 years and greatly expanded the Court's authority through decisions such as *Marbury v. Madison*. CONSTITUTIONAL HERITAGE What issue was decided in *Marbury v. Madison*?



not constitutional? The states? Congress? The President? The courts? The Constitution itself did not provide a clear answer, but people had plenty of opinions on the matter. States' rights advocates such as Jefferson argued that since the states had ratified the Constitution in the first place, state governments had the power to interpret it. Chief Justice John Marshall, however, said this power belonged to the Supreme Court.

Marshall's view became apparent in the first of his landmark decisions, *Marbury v. Madison* (1803). In this case the Court declared for the first time that a law passed by Congress was unconstitutional. More than half a century would pass before the Court struck down another federal law. But Marshall had established a principle crucial to the operation of the American government: the power of judicial review.

SECTION REVIEW

- 1. KEY TERMS** XYZ Affair, Alien and Sedition Acts, Kentucky and Virginia Resolutions, states' rights, *Marbury v. Madison*
- 2. PEOPLE** Talleyrand, Alexander Hamilton, John Marshall, Thomas Jefferson, Aaron Burr
- 3. COMPREHENSION** Why did Congress pass the Alien and Sedition Acts? What was the response of the Kentucky and Virginia legislatures?
- 4. COMPREHENSION** How and why did the Republicans try to undo Hamilton's financial system?
- 5. CRITICAL THINKING** It is sometimes said that the power to appoint judges is one of the strongest powers a President has. Why, do you think, might this be true?

4 Jefferson Looks West

★ Section Focus

★ **Key Terms** Louisiana Purchase ■ Lewis and Clark expedition

★ **Main Idea** In 1800 the movement of people was bringing rapid change to the Trans-Appalachian West. Jefferson's foreign policy, weighted toward the concerns of westerners and southerners, resulted in the acquisition of new lands for the United States.

★ **Objectives** As you read, look for answers to these questions:

1. What changes were taking place on the Pacific Coast? What changes were taking place on the Great Plains?
2. How did events in the West Indies affect the course of American history?
3. What effect did the frontier have on Jefferson's foreign policy?

"This is a great country, the most peaceful and quiet country in the world," the new arrival wrote home. "One lives better here than in the most cultured court in Europe." The new arrival was Diego de Borica, appointed by Spain in 1794 to be governor of its colony of California. Borica probably knew little about the struggling new republic on the other side of the continent. But that republic—the United States—was taking a more active interest in events taking place to its south and west.

CHANGES ALONG THE PACIFIC COAST

The entire continent of North America was undergoing change in 1800. This was caused by European rivalry, movements of people, new technology, new trading patterns, and new ideas. Americans were involved in some of this change but not all of it.

The Pacific Coast was one region experiencing change. Spain had once claimed the entire coast. By 1800, however, it was forced to share its claim to the Pacific Northwest, where other nations