

Part 2 Growing a Democratic Republic Page 1

- 2. [George Washington Creates Executive Privilege](#) Chapter numbers from source documents
- 11. [Jackson's New Use for a Presidential Veto](#)
- 12. [1800 Sees First Peaceful Democratic Power Transfer](#)
- 13. [Marshal Creates a Third Separate Power](#)

#2 George Washington Creates Executive Privilege A Virginia Republican ignored Washington's order to keep Jay Treaty content secret and passed a copy to the French who helped make it public. Hamilton's treaty defense in front of the New York City Hall had him stoned crating a bloody face. In Boston a British ship was set aflame. [Source](#) Washington's use of [Executive Privilege](#) to keep Jay Treaty information from Congress was the first of many such Presidential attempts. [Richard Nixon attempt may be the most notorious](#). The result was our [First Party System](#). Hamilton's use of [Implied Powers](#) to defend the constitutionality of the [First Bank of the United States](#) was one of Washington's turning points. Chief Justice [John Marshall](#) first used it in [McCulloch v. Maryland](#).

#11 Jackson's New Use for a Presidential Veto "Before Independence Day 1832 the Senate and House voted to renew the charter of the Second Bank of the "United State." Most of Jackson's cabinet was against a clash with Bank President Biddle so Jackson got help from his wordsmith-tactician Amos Kendall to help with the fight. Amos became a member of what became known as the President's "Kitchen Cabinet" and drafted most of Jackson's hellfire message that vetoed the Bank's renewal. Jackson's veto was sustained. [Source](#)

12. 1800 Sees First Peaceful Democratic Power Transfer Republican ideology of the late 18th century believed political parties were detrimental to society because they served vested interests. A nonpartisan elite would best served the Republic but differences and party politics developed. Thomas Pain wondered if Washington was a traitor or an imposter. Federalist Adams won the 1796 election and the constitution indicated second place finisher Jefferson was Vice President. The two friends had different political beliefs and would not get along .A key differences between the two was diplomatic relations with England and France. Federalist loved Britain and idealized their government. They felt the U.S. was too weak to get involved with the intense war between the two countries. They also hated the French because of the anarchy that had resulted after the French Revolution. Jefferson's group had strong Republican beliefs and soon were called Republicans. They felt the Federalist wanted to turn the fledgling Republic into a Monarchy plus and they wanted to help revolutionary war ally France.

Federalist believed in a strong central government as demonstrated by the Washington administration assuming state revolutionary war debt even though some states had already paid their debt. They also formed the Bank of the U.S and generated revenue with a new tariff. Both helped the Northeast industry much more than Southern agriculture. Republicans lived in mostly rural states. They felt these actions endangered the Republic. They wanted a weak central government that did not need revenue and they didn't like the eastern bankers or their tariffs. They wanted states rights. [Source](#)

13. Marshal Creates a Third Separate Power [Of all a President's powers many feel the appointment of a Supreme Court justice is most important](#). The Federalist lost power in 1800 and feared anarchy from the new administration. They decided to decrease the new President's power. Outgoing Federalist under President Adams decides to control the federal judiciary. He appointed John Marshall as Supreme Court Chief Justice. Then the Federalist congress passed a law that decreased the number of justices from 7 to 5 and increased the number of Federal Judgeships. Adams dutifully appoint these new justices with the last group appointed the night he left office. These 42 appointments were left signed and sealed but undelivered by Chief Justice Marshall. They became known as the infamous "[Midnight Judges](#)" Chief Justice Marshall felt signed and sealed meant appointed and the new administration had to mail the appointments. [Source](#)

15 Who Are We of We the People?

At the dawn of the American Revolution about 60% of the white males (and their oldest son) could vote provided they owned a reasonable amount of real property or personal property. Republican government needed people who had a stake in society, a vested interest in a stable society and who wanted low taxes. No poor would be allowed to vote themselves money from the wealthy. Democracy was mob rule. Residency was also required in many states and some excluded Catholics and Jews. Property owning women, free African Americans, and Indians were allowed in a few states.

After the Revolution payment of taxes and being in the militia or army were added to the list of conditions. Most states eliminated religious tests. Maryland, North Carolina and three other states allowed free blacks to vote. We were founded as a Representative Republic where some and not all had control. The constitution had left voting to the states. Westward expansion led to new states and their leaders wanted economic prosperity and high congressional representation. Both required people and Vermont was first when in 1791 she allowed all white males to vote but only Kentucky followed in 1792. In 1817 Indiana started a movement toward universal white male suffrage and many states quickly followed. [Source](#)

- 15. [Who Are We of We the people?](#)
- Page 2
- 23. [Who Protects Unalienable 1866 Rights of Whom?](#)
- 25. [The 1870's Take Away Unalienable Rights](#)
- 42. [1973 Finally Brings Faster Track Civil Rights](#)
- [Return to Part 1](#)

The Politics "A speedy Death to General Washington!" cartoon was one of many. It depicted the President being chased out of town by those who felt the unconstitutional treaty was reason for impeachment. [The South not being compensated for freed slaves who had fought for England was one reason for unhappiness was that. Secretary of State Hamilton wanted to negotiate but his friendship with England ruled him out. Supreme Court Chief Justice Jay was sent. Soon to be a Republican, Jay was far from being a loyal cabinet member. See Leader of the Opposition: In Wait at Monticello from Thomas Jefferson: The Art of Power, 2012 by J. Meacham and U. S. History Hamilton vs. Jefferson.](#)



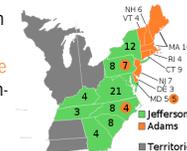
The Politics Few Presidents before Jackson had vetoed bills and he was the first to do so simply because he did not like it. Neither Chamber got the two-thirds votes necessary to overturn Jackson's veto. Biddle "flung open the cash draws" to stop the President's [1832 reelection](#) but Jackson and Van Buren with 55% of the vote easily beat Clay. As Jackson predicted, Clay would not do well west of the mountains and south of the Potomac where Clay only won home state Kentucky.

The 1800 Presidential Election was very [rancorous](#) because no rules of acceptable behavior existed and politics could be a messy business. The Aurora of Philadelphia became the mouthpiece of the Jeffersonian Republicans. They printed that Adams was a Monarchist who would appoint himself King. His son would be the hereditary successor. They said Adams had ordered a boatload of prostates delivered from England to meat his lustful passions. The Porcupine Gazette did the same for the Federalists. They printed Jefferson was an atheist and anarchists. Two mistakes hurt Adams. In 1798 he had created a standing army and enlarged the Navy. This hurt because traditional Republican orthodoxy preached that a standing army always led to a dictator. A citizen soldier was enough to meet emergencies. Second, the Alien and Sedition Acts hurt on two fronts. Immigrants didn't like the Alien Act which made them wait longer for citizenship and allowed them to be arrested and even deported. The Sedition Act made Republican written anti- government literature illegal. [This would be the first of many such instances where the President's would abuse the Constitution in the name of national security.](#) The election ended in an Electoral College tie. Receiving votes were two Federalists , Adams(65) and Thomas Pickney(64) plus two Republicans Jefferson(73) and Aaron Burr(73). John Jay had one vote. The election went to the House of Representing. Hamilton worked behind the scenes for Jefferson who he felt was [less-dangerous than Burr](#). The runoff was tied for 36 ballots and finally on number 37 Jefferson was declared the winner. [The U.S. became the first society to followed a revolution with a peacefully transfer of power](#). In his Inaugural Jefferson said "We are all Federalists. We are all Republicans." This assured a more peaceful power transfers. Two interesting side-note VP Burr later killed former Treasury Secretary Hamilton in a dual. Former friends Adams and Jefferson became bitter enemies because of partisan politics and didn't communicate until 1812 when letters between the two healed the damage. Letters continued until their death on the same day of 7/4/26, the 50th anniversary of the nation's birth.

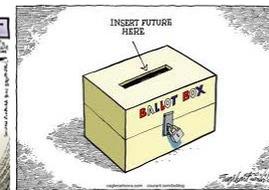
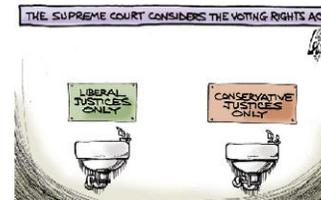


Federalist and Republican House quarrel. [Foreign influence on Domestic Politics](#)

Presidential election results map. Green for Jefferson, orange for Adams, gray non-voting territories. Numbers are electoral votes.



Jefferson refused and issued 25 new appointments in their place. Marshal wanted his fellow justices to rule the 1801 Judiciary Act unconstitutional. The justices refused. Then William Marbury sued for his appointment. He wanted the soon to be appointed be Secretary of State John Madison to send the mail. In [Marbury v. Madison](#) the court ruled that Marbury had a right to the commission and that the law provided Marbury with the correct [legal remedy](#). Nonetheless the Court stopped short of ordering Madison (by writ of [mandamus](#)) to hand over Marbury's commission. Instead it held that the provision of the [Judiciary Act of 1789](#) that enabled Marbury to bring his claim to the Supreme Court was itself unconstitutional since it purported to extend the Court's [original jurisdiction](#) beyond that which Article III had established. Over the years legal scholars have decided what Marshal did was a stretch at best but the deed was done. [Voting for a President is almost always voting for a Supreme Court Justice or two and giving a direction for history toward a President's political philosophy.](#) Madison felt adding to the court's power was more important than the short term political gain of his Federalist Party. The concept of [Judicial Review](#) would spread throughout the world. [Supreme Court Building](#). See [FDR Court-packing plan](#)



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