

## Jay's Treaty

*adapted from "Presidents the Constitution" of the Bill of Rights Program*

George Washington knew that he set an example for future Presidents with every act. His main goal was the development of a strong national government that would protect the rights of its people and earn international respect.

The 1793 war between Britain and France created an urgent problem for the United States because of the busy trade system between the US and both Britain and France. John Jay helped negotiate the treaty endings the American Revolution. Washington called on him again in 1794 to draft a new treaty to avoid further conflict with the British.

When Jay arrived in London in June, 1794, his bargaining position was weak, but he did achieve some of his goals. The treaty itself provided that the British would evacuate the Great Lakes forts that they continued to occupy after 1783, and would pay reparations for having seized some US ships.

However, the treaty left unresolved some of the most important American concerns, including recognition of America's natural trading rights, and the need for a formal commitment to stop the impressment of American sailors (seizing them and forcing them to serve for the British.)

Jay knew the final treaty would stir much controversy at home. However, as he said in a letter, "Further concessions on the part of Great Britain cannot... Be attained." It was the best he could do.

While Jay's Treaty did not accomplish some of its important objectives, many of its results were noteworthy. Its most important goal of avoiding war with Britain was met at a time when the US probably could not have won. It provided a way to settle the boundary disputes and evacuate British troops from the Great Lakes forts, encouraging westward movement and an economic boom. The Treaty also established the President's role as Chief Diplomat.

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## XYZ affair

The French had helped America beat the British and gain their independence in the American Revolution. So when the French found out about Jay's Treaty they felt betrayed that America would make a deal with Great Britain. During this time the French also began the practice of impressment (kidnapping American sailors off our ships). These events severely hurt the relationship between the USA and France.

To try to fix the alliance, President Adams sent three American diplomats to France to work things out. When the Americans arrived however the French government refused to talk with them. Instead three mysterious men, whom history calls X, Y, and Z tried to bribe the American Diplomats. The Americans refused to pay the bribe to speak with the French Government and went home. President Adams said, "I will never send another minister to France without assurances that he will be received, respected, and honored, as the representative of a great, free, powerful, and independent nation."

As word of the XYZ Affair spread through our country, Americans became furious and more and more people began to distrust the French. Our government began preparing for the possibility of war with France; this was the beginning of our Navy. While we never officially went to war over the XYZ affair, a quasi-war (quasi means kind of but not really) did start in the Caribbean. From 1798-1800 our American ships attacked any French ship that interfered with our trade. The quasi-war ended with the Convention of 1800, when France and America officially ended their alliance with each other.

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## Alien and Sedition Acts

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Many people wanted the US to take sides when France declared war on England. President Washington believed we should steer clear of foreign entanglements, declaring that the US would stay neutral. Our second President, John Adams, also wished to remain neutral. But with Federalist pressuring Adams to support England on one side, and Democratic Republicans urging him to support France on the other, it was getting harder for Adams to keep America uninvolved.

In 1797, Adams sent diplomats to France to negotiate peace. France refused to receive the diplomats unless they paid a bribe. The American diplomats left. The XYZ Affair further increased the anti-French sentiment in the US.

In June of 1798, the Federalist-controlled Congress took up several bills said to be for national security. These bills required immigrants to wait up to fourteen years (from five) to become citizens and vote. They gave the President more power to deport immigrants. And they made it a crime to publish any "false, scandalous and malicious writing" against the President or Congress." John Adams signed the Alien and Sedition Acts (as they are known jointly) into law on July 17, 1798.

Although the laws were national security measures designed to quiet support for the French, they were also designed to silence Adam's political opposition. Immigrants tended to vote Democratic-Republican. Those charged under the Alien and Sedition Acts were Democratic-Republicans.

The laws were condemned in some states as violating the First Amendment. The Supreme Court was never asked to rule on the constitutionality of the Alien and Sedition Acts. Though the election of 1800 was close, Adams' loss was probably due in part to public reaction to the laws. The law expired on the last day Adams was in office. Thomas Jefferson, the leader of the Democratic Republicans, became the third president.

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## Virginia and Kentucky Resolutions

The passage of the Alien and Sedition Acts angered many Americans because the laws made it a crime to speak bad about the government and made it harder for immigrants to become US citizens. Many people condemned the laws and called them unconstitutional. While the Supreme Court was never asked to determine the constitutionality of the laws, some states took matters into their own hands.

In 1798 and 1799 two resolutions, known as the Virginia and Kentucky Resolutions, were drafted by Thomas Jefferson and James Madison (both Democratic-Republicans). They argued that the Alien and Sedition acts were unconstitutional and the states did not have to follow the laws. This is known as the Doctrine of Nullification. The Doctrine of Nullification said that if states believed a federal law to be unconstitutional then they could nullify (void) it.

The states of Virginia and Kentucky were the only states to present the resolution. As a result the only lasting legacy of the resolution was the Doctrine of Nullification. This idea of state's rights would be used again in the 1830s by South Carolina in protest to an unpopular tariff and would become the argument for the secession of the Southern states during our Civil War.

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