

Debating the Proper Role of Government during the Founding Era

JASON HARSHMAN, Program Officer, National Endowment for the Humanities

MEGAN BRETT, Digital History Associate, Roy Rosenzweig Center for History & New Media

LEAH BAER, Division of Education, National Endowment for the Humanities

The National History Day® (NHD) 2022 theme, *Debate & Diplomacy in History: Successes, Failures, Consequences*, asks students to think about competing and multiple perspectives on various issues across history. Since the decision to form a federal government, Americans have debated what role the government should assume in providing for the military, immigration issues, and the rights of citizens who disagree with our government. This article explores debates surrounding the role of government during the early years of the newly-created republic and the extent to which these debates remain important today.

This article is framed by the compelling question: “To what extent can the rights of citizens and the security of the nation be equally protected by a federal government?” In it, educators will find resources, research prompts, and lessons on the U.S. War Department’s role following the Revolutionary War, the Alien and Sedition Act of 1798, and connections beyond the Founding Era to link these issues to contemporary debates.

The materials and learning activities included in this article allow students to:

- › Examine the role of government in the political, social, and cultural life of people in the United States;
- › Analyze constitutional debates and the evolution of a two-party system within the federal government;
- › Analyze debates about the responsibility of the War Department to the families of those who served in wartime;
- › Evaluate the ability to provide for national security, civil liberties, First Amendment rights, and citizenship;
- › Evaluate how Constitutional debates of the time continue to emerge across U.S. history through today; and
- › Create original interpretations of historical and contemporary debates on the proper role of government.

PAPERS OF THE U.S. WAR DEPARTMENT

Along with the U.S. State and the Treasury Departments, the War Department (now called the Department of Defense) became one of the new United States government’s first departments established under the Articles of Confederation. Its work was essential, and it continued under the U.S. Constitution. In the first decade of the new nation, the U.S. War Department oversaw veteran affairs, managed naval affairs (until 1798), and handled militia and army matters. The War Office engaged commercial firms and merchants across the nation; it was a major consumer of fabric, clothing, shoes, food, medicine, building materials, and weapons. It provided security, governance, and diplomacy and also shaped relations with Native Nations.¹



The seal of the U.S. War Department (the precursor to the Department of Defense). Courtesy of Wikimedia Commons.

The War Department was involved in many aspects of life after the Revolutionary War and many debates about the new government’s functionality. Some of these were outside its control, for example, the debates about the ratification of the U.S. Constitution or the creation of the

¹ “About,” Papers of the War Department, 1784-1800. Roy Rosenzweig Center for History and New Media and George Mason University, accessed December 19, 2020. <https://wardepartmentpapers.org/s/home/page/about>.

U.S. Navy. Still, many of these debates impacted the work of the War Department. Sometimes, officers and clerks untangled the finer points of a debate as it moved from controversy to policy.

One debate involved the question of what the government owed to people who served the nation during wartime. What was owed to the surviving spouses and children of those killed in action?

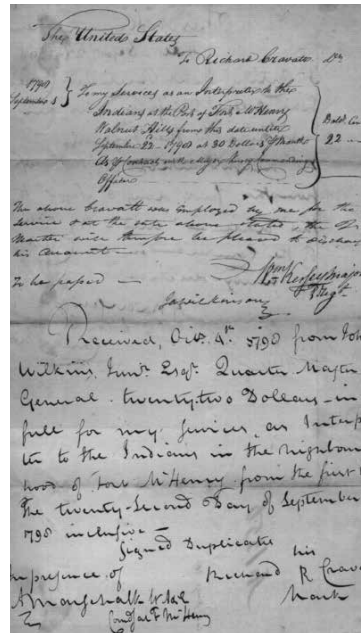
“A MORE PERFECT UNION”

As part of its “A More Perfect Union” initiative, the National Endowment for the Humanities (NEH) offers free K-12 educational resources for teaching about the 250th Anniversary of the Declaration of Independence through EDSITEment.

- Teacher’s Guide: “A More Perfect Union”
edsitement.neh.gov/teachers-guides/more-perfect-union-0
- Lesson Plan: “A Day for the Constitution”
edsitement.neh.gov/lesson-plans/day-constitution
- Lesson Plan: “The Federalist Debates: Balancing Power Between the State and Federal Governments”
edsitement.neh.gov/lesson-plans/federalist-debates-balancing-power-between-state-and-federal-governments
- Lesson Plan: “The Creation of the Bill of Rights: Retouching the Canvas”
edsitement.neh.gov/lesson-plans/creation-bill-rights-retouching-canvas
- Teacher’s Guide: “Preparing for National History Day”
edsitement.neh.gov/teachers-guides/preparing-national-history-day
- Teacher Resource Book: *Building a More Perfect Union*
nhd.org/250

THE WAR DEPARTMENT AND THE REVOLUTIONARY WAR

During the Revolutionary War, the Continental Congress authorized pension payments for the widows and orphans of officers killed in the line of duty and pensions for veterans of the Continental Army. After the war, debates raged about who was owed what, how much support should be offered, and whom. When the U.S. Congress established pensions for veterans, widows, and orphans, it created the United States’ first social welfare system. Many of the people involved in the debate over this system had serious concerns about its implementation.



A receipt for payment to Dr. Richard Cravatt for \$22.00 as payment for interpreter services and boarding at Fort Mchenry, September 22, 1789. Courtesy of Papers of the War Department.

First, the War Department needed to ascertain whether an applicant was eligible for a pension in an era before photo identification or formal service records. Some officials were as concerned about the possibility of fraud as they were with helping disabled veterans. A few individuals were clearly eligible because they were famous officers. Others continued their military service after the Revolutionary War. However, not all cases were so clear cut. How would the Department verify the claim of someone who moved since the war? How should it handle claims of “invalid” (disabled) applicants who claimed their disabilities came from service?

After the U.S. Congress approved the pensions, the War Department approved and paid out the valid applications. This process was a massive task, and it was only one of the Department’s many responsibilities. During this time, the main office was made up of only six or seven employees at any time, including the Secretary of War.

PRESERVING AND ACCESSING THE PAPERS OF THE U.S. WAR DEPARTMENT

On November 8, 1800, a fire broke out in the U.S. War Department office. Two weeks later, Secretary of War Samuel Dexter wrote in a letter, “All the papers in my office [have] been destroyed.”² Thus, the official records of the U.S. War Department effectively began with Dexter’s letter. The rest of the documents created between 1784 and 1800 were believed to be lost.

Nearly 200 years later, in the 1990s, historian Ted Crackel realized many of the War Department’s records still existed in the personal papers of the many individuals who worked with and for the War Department. From 1993 to 2002, Crackel and a staff of researchers at East Stroudsburg University in Pennsylvania consulted more than 3,000 collections in more than 200 repositories in the United States, Canada, England, France, and Scotland to search for copies of the documents destroyed in the 1800 fire. The team copied, scanned, and processed tens of thousands of documents that resided in the War Office the night of the fire.

These digitized records are available as an open-access online collection, *The Papers of the War Department* (wardepartmentpapers.org). The site includes information on how to navigate, search, and use the documents. Consult the search guide

(wardepartmentpapers.org/s/home/page/searching-pwd) for tips on advanced searches. One way students can search is by entering specific words or names related to their research interests. Try searching “shoes” for some surprising results.

Students can also engage with *The Papers of the War Department* through four modules that encourage them to analyze a set of transcribed primary sources relating to four themes. Each module includes a selection of primary sources, historical context, and a historian’s worksheet.

- The debate over pensions: wardepartmentpapers.org/s/home/page/pensions
- Counterfeiting in the early American nation: wardepartmentpapers.org/s/home/page/counterfeit
- Diplomacy with Native Nations: wardepartmentpapers.org/s/home/page/indigenoustdiplomacy
- The Quasi-War between the United States and France: wardepartmentpapers.org/s/home/page/quasiwar

The War Department passed the burden of proof onto the individuals requesting a pension. Their applications needed to include witness statements confirming their or their spouse’s service, notes from physicians relating to any physical disabilities, and confirmations of their character. This last one may not seem relevant to us today, but for the War Department clerks, it was an additional assurance that the applicant was an honest man or woman and not someone trying to cheat the government.

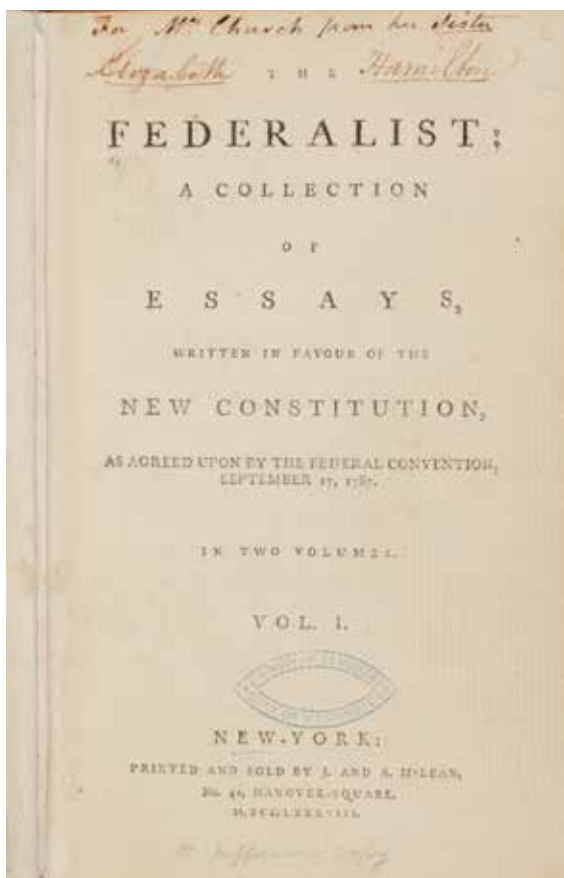
THE ALIEN AND SEDITION ACT OF 1798

The drafting of the U.S. Constitution spurred a series of debates that ultimately determined the federal government’s structure and breadth. The framers disagreed over the nature of the union: the parameters

of the executive, legislative, and judicial branches; economic policies; and whether to include a Bill of Rights. Anti-federalists—those who were wary about granting excessive power to a new national government—argued that citizens’ fundamental rights required unequivocal protection from the federal government. The Federalists—a coalition that supported a strong central government—believed that adding a Bill of Rights was unnecessary and feared that any freedom included could be interpreted as comprehensive. They deemed a Bill of Rights superfluous because regulating civil liberties such as freedom of the press was not a power explicitly conferred upon the federal government by the U.S. Constitution.³ This section examines conflicting viewpoints addressed by the adoption of the Alien and Sedition Acts in 1798 and the continued relevance of these Constitutional issues to our debates over the government’s proper role today.

2 Letter from Secretary of War Samuel Dexter to Captain James Taylor, November 19, 1800, Records of the Office of the Secretary of War (RG 107), National Archives and Records Administration. Papers of the War Department, 1784-1800. <https://wardepartmentpapers.org/s/home/item/77259>.

3 “The Debate Over a Bill of Rights,” Center for the Study of the American Constitution, University of Wisconsin – Madison, accessed December 19, 2020. <https://csac.history.wisc.edu/document-collections/constitutional-debates/bill-of-rights/>.



The cover page of a copy of *The Federalist Papers*, sent from Elizabeth (Eliza) Hamilton to her sister, Angelica Schuyler Church. Courtesy of the Rare Books and Special Collections Division of the Library of Congress (09021562).

Following the ratification of the Constitution in 1788, political rifts emerged. President George Washington fielded criticism while attempting to navigate the nascent nation through rising political tension in Europe and establishing a strong financial system.⁴ In his 1796 Farewell Address, President Washington urged the country to recognize the inherent dangers of political partisanship.⁵ However, by the time John Adams assumed the presidency in March 1797, the two-party system had become a permanent aspect of the American political system. The Federalist and Democratic-Republican parties dominated political debates and held opposing views on various matters, including the freedoms ensured in the Bill of Rights.

CLASSROOM RESOURCE

EDSITEment has a primary source-based lesson sequence on the Federalists and Democratic-Republican parties' competing philosophies entitled "The Federalist and Anti-federalist Debates on Diversity and the Extended Republic," available at edsitement.neh.gov/curricula/federalist-and-anti-federalist-debates-diversity-and-extended-republic.

Neither the Federalists nor the Democratic-Republicans recognized the legitimacy of their opposition. Political leaders in both parties accused the others of adopting policies capable of dismantling the federal government.⁶ They disagreed over a response to the French Revolution and attacks on U.S. vessels by French privateers. Federalist Alexander Hamilton supported declaring war on France and strengthening an alliance with Great Britain.⁷ Democratic-Republicans unequivocally supported France and distrusted Great Britain.⁸ When the U.S. Congress convened in 1798, war hysteria and Federalist Francophobia dominated the debates. This atmosphere of patriotism and fear culminated in the Alien and Sedition Acts of 1798, a series of four laws signed over 27 days.

Three of these laws addressed citizenship and immigration. The Naturalization Act, signed on June 18, 1798, granted the federal government jurisdiction over the naturalization process, stripping the states of their former ability to preside over matters of citizenship. It increased the years of residency required to become a citizen from five years to 14 years and required white noncitizens to register with the U.S. government within 48 hours of their arrival in the country.

The Aliens Friends Act, signed on June 25, 1798, granted the U.S. president the authority to deport any non-citizen suspected of conspiring against the government in war or peacetime. President Adams ordered three deportations under the Alien Friends Act. The first was French General Victor Collot, the second a man identified only as Mr. Schweitzer. The third was a person who posed such a dire threat to the U.S. government that he or she was only identified in a letter scribed by Rufus King, the ambassador to Great Britain.

The Aliens Enemies Act, passed on July 6, 1798, bestowed upon the U.S. president the right to arrest, restrain, and deport citizens of nations that declared war on or threatened to invade the United States. The act granted

4 Wendell Bird, *Criminal Dissent: Prosecutions under the Alien and Sedition Acts of 1798* (Cambridge: Harvard University Press, 2020), 10-11.

5 "Washington's Farewell Address, 1796," Avalon Project, Yale University, updated 2008, accessed December 18, 2020. https://avalon.law.yale.edu/18th_century/washing.asp.

6 Bird, *Criminal Dissent*, 34.

7 Bird, *Criminal Dissent*, 21.

8 Bird, *Criminal Dissent*, 12.

both federal and state courts authority to preside over these cases and determine sentences. The Alien Enemies Act provided the option to deport thousands of French citizens residing in the United States. However, since neither country declared war, President John Adams never enforced the law.

The fourth law, the Sedition Act, signed on July 14, 1798, differed from the three other laws because of its ability to target U.S. citizens deemed enemies of the federal government. This act defined sedition as employing defaming rhetoric, resisting laws, or encouraging opposition to the government. It targeted citizens employed as newspaper journalists or editors and those who participated in public protest against the government by criminalizing the writing, printing, uttering, or publishing of seditious material that attacked the U.S. government, Congress, or the president. The federal government filed or prosecuted 51 cases under the Sedition Act.

CLASSROOM RESOURCE

EDSITEment's lesson on the debates that occurred in the U.S. Congress over the Sedition Act offers primary sources students can consider as they evaluate these pressing questions: edsitement.neh.gov/lesson-plans/lesson-2-debate-congress-sedition-act.

The mere threat of widespread enforcement of the Alien Acts led many French immigrants to leave the United States. Leaders of the Federalist majority used the Naturalization and Alien Acts to stunt the growth of the Democratic-Republican Party and target its supporters. The Sedition Act typified the Federalist Party's antagonism towards newspapers and desire to curb their growing influence over the general public.

These acts spurred political debates about the limits of the federal government and national security that centered around the question, "Could the Federalists, the party in control, wield power necessary to protect America against those who opposed it without wielding that power against those who opposed them?" Federalists framed French and Irish immigrants as seditious enemies comparable to the Democratic-Republican Party and threats to the nation's political system. President Adams accused French immigrants of seditious activity, claiming they acted as agents for their home nation.

Since the Revolutionary War, United States citizens have held broad interpretations of civil liberties. The debates that resulted from the Alien and Sedition Acts marked the first national controversy over the breadth of the freedoms of speech and press ensured by the First Amendment in the Bill of Rights. Widespread discontent with these acts culminated in President Adams' defeat in the 1800 election

to Thomas Jefferson. Adams was the last Federalist president, and the party eventually ceased to exist.

This era's political discourse laid the foundation for future controversies concerning the federal government's ability to regulate civil liberties protected by the Bill of Rights during times of conflict or war. These issues raise questions about the government's proper role and its ability to balance security and rights on a national scale. How can partisan politics affect the process of shaping security policies? To help answer this question, students may be interested in President Abraham Lincoln's administration's censorship of newspapers, mail, and telegraphs during the American Civil War or President Woodrow Wilson's signing of the Espionage Act of 1917 and Sedition Act of 1918 to quell dissent to America's involvement in World War I.

CONCLUSION

Debates over the Constitution remain a cornerstone of our democracy. Political parties have become an ingrained piece of our political discourse, even though political parties are not mentioned in the U.S. Constitution. As the 1790s progressed and the new government tended to the growing complexity of issues facing the young nation, differing perspectives on the government's proper role continued to develop.

These developments fueled the debates over how to support families of soldiers who fought and died during the Revolutionary War, the First Amendment rights of citizens who disagree with their government, and the powers of the presidency when it comes to citizenship and immigration. Research on the extent to which a federal government can equally protect citizens' rights and social welfare and the nation's security will inevitably lead to comparisons across time, including contemporary connections.

NHD projects on the successes, failures, and consequences of debates and diplomacy in history will result in various topics and insightful arguments supporting one side or another. Across it all, the study of debates and the measured consideration of opposing and diverse perspectives that have persisted across history also inform one's civic knowledge and participation beyond research, writing, and presenting. Listening, reflecting, and even cooperation can emerge from participating in and studying multiple sides of an issue, and collectively, these move us all closer to a more perfect union.

To access more theme resources, go to nhd.org/themebook.