

Primary Source

Debating the National Bank

The following are excerpts from the 1791 debates between Thomas Jefferson and Alexander Hamilton regarding the constitutionality of the National Bank. Jefferson opposed the bank, saying that the power to create such a bank was not specifically written in the Constitution. Hamilton supported the National Bank.

Directions: Read the sources, and then answer the questions that follow.

Jefferson's Opinion on the Constitutionality of a National Bank, 1791: "I consider the foundation of the Constitution as laid on this ground: That 'all powers not delegated to the United States, by the Constitution, nor prohibited by it to the States, are reserved to the States or to the people.' [XIIth amendment]"

Hamilton's Opinion on the Constitutionality of a National Bank, 1791: "... the Constitution, and the laws of the United States made [according to the Constitution], and all treaties made, or which shall be made, ... shall be the serene [highest] law of the land. The power which can create the supreme law of the land in any case, is doubtless [of absolute authority] as to such case."

- 1. Who does Jefferson believe should possess the powers not delegated to the federal government by the Constitution?

- 2. Does Hamilton believe the government's power should be strong or weak?

- 3. Draw Conclusions Why did Jefferson think the National Bank was unconstitutional? Why did Hamilton believe that it was supported by the Constitution?

Launching a New Nation

Comparing Viewpoints

Debating the Alien Act

In June 1798, the House of Representatives held debates on the Alien Act. Two debate participants were New York Representative Edward Livingston and Connecticut Representative John Wilkes Kittera. Livingston was a Republican who had protested the terms of Jay's Treaty with Britain and opposed the Alien Act. Kittera was a Federalist who supported the Alien Act. The following selection is adapted from a Congressional report on the debates.

Directions: *Read the speeches and then answer the questions.*

Livingston: . . . Our Government . . . is founded on . . . a distribution [division] of the Legislative, Executive, and Judiciary powers, into several hands. . . . Examine, then, sir, the bill on your table [the Alien Act], and declare whether [it does not go against] those fundamental powers of Government . . . by it, the President alone is empowered to make the law, to fix in his mind what acts, what words, what thoughts or looks, shall [be viewed as a crime] by this bill, that is, the crime of being "suspected to be dangerous to the peace and safety of the United States." . . . This, then, comes completely within the definition of despotism [tyranny]

Kittera: . . . If we had anything to [get in the way of] our liberty, the danger did not arise from Government having too much power, but from its want [lack] of power. . . . But [Livingston] calls upon the people to resist this law, because it is unconstitutional. . . . If this power [of the Alien Act] was not given to the President, an enemy might even import an army, and Government might be told that they could not remove them until they had received a legal trial.

1. On what does Livingston claim the government is founded?

2. To whom does Livingston believe the Alien Act gives too much power?

3. What does Kittera say is a threat to liberty? _____

4. **Contrast** How do Livingston and Kittera differ in their attitudes toward the power of the federal government? _____
