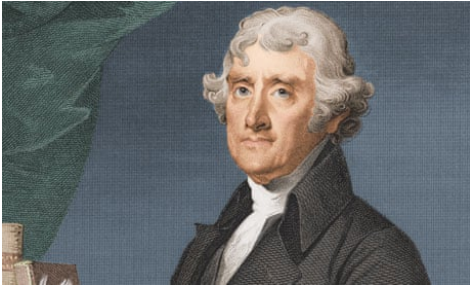




## The Age of Jefferson



As the election of 1800 approached, Federalists supported John Adams for reelection with Charles Pinckney as vice president. Republicans nominated Thomas Jefferson for president and Aaron Burr as his running mate.

The Democratic-Republicans clearly won the election, receiving 146 electoral votes to the 130 votes for Adams and Pinckney. However, since the Constitution called for each elector to cast two ballots- one for president, and one for vice president- and did not specify which position they were electing each candidate to, both men received the same number of electoral votes. Each of the 73 Democratic-Republican electors gave one vote to Jefferson and one vote to Burr, creating a tie.

The Constitution stated that, in the case of a tie, the House of Representatives would break it. Each of the 16 states would cast one vote for president. The winner needed a simple majority. The House, made up of mostly Federalists, voted 35 straight times and continued to be deadlocked in a tie between Jefferson and Burr. Finally, Alexander Hamilton spoke in defense of Jefferson and persuaded the members to vote for him. Jefferson, winning the house majority, became president and Aaron Burr became the vice president. Later, in 1803, the Constitution would be changed by the 12<sup>th</sup> Amendment to prevent this scenario from happening again. The rules were changed to require separate ballots for president and vice president.

1. What was the result of the election of 1800? How was this outcome decided?

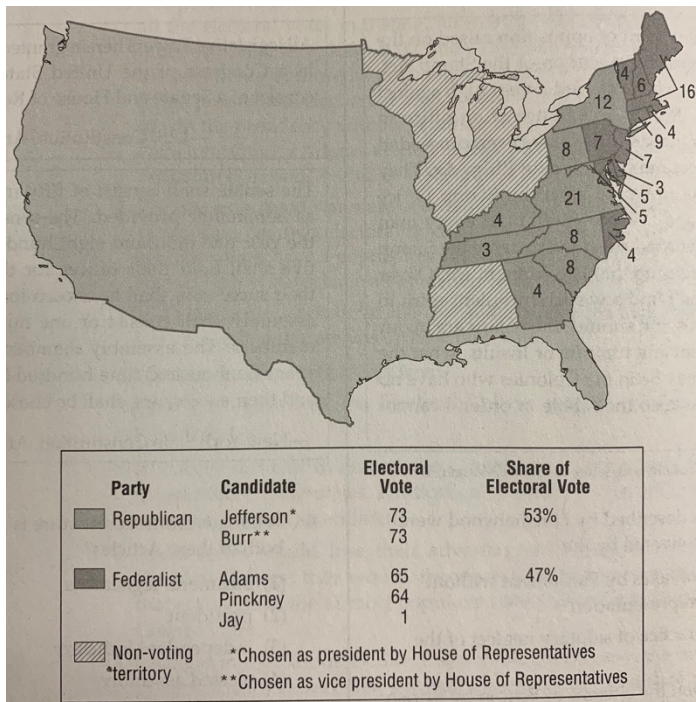
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2. Could this scenario happen this way again? Why/ why not?

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3. Where did most of the support for Jefferson come from? Where did most of the support for Adams come from? What could explain this?

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## The End of the Federalist Era

After the election of 1800, the Federalist party slowly declined in power. Federalists won fewer seats in Congress. In 1804, the party was greatly weakened when the party leader, Alexander Hamilton, was killed in a duel with Aaron Burr.

As president, Jefferson believed that it was the government's job to protect citizens' rights. Beyond that, he wanted the federal government to take a less active role. He believed in an economic idea known as **laissez faire**, a French term meaning "to let do", or to leave alone. When there is as little government interference as possible, everyone benefits- not just the wealthy. During his presidency, he sought to end many Federalist programs. At the president's urging, Congress- now controlled by Democratic-Republicans- allowed the Alien and Sedition Acts to end. Jefferson then released prisoners convicted under those acts. Congress also ended many taxes, including the unpopular whiskey tax. The loss of tax revenue lowered the government's income, so Jefferson reduced the number of federal employees to cut costs. He also reduced the size of the military. He did keep some Federalist programs, including the National Bank of the United States.

4. How would you define Jefferson's ideas about government?

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5. What is laissez faire economics?

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6. Compare Jefferson's views about government to Adams'.

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## A Landmark Supreme Court Case

Although the election of 1800 gave Republicans control of Congress, the Federalists remained powerful in the courts. Several months had passed since Jefferson's election, and while waiting to be inaugurated into office (this didn't occur until March after the election), the outgoing Federalist Congress passed the **Judiciary Act of 1801**. The law increased the number of federal judges. President Adams then appointed Federalist judges to fill these new positions. Adams' appointments could not take effect until these last-minute appointees, known as **midnight judges**, received certain official paperwork. Some of the paperwork was delivered in the final hours of Adams' presidency. When Jefferson was sworn into office, he ordered Secretary of State James Madison not to deliver the remaining paperwork.

One of the appointees who did not receive his paperwork was William Marbury, who Adams appointed as a federal judge in Washington, D.C. Marbury argued that he was entitled to the job and that the Judiciary Act of 1789 gave the Supreme Court **original jurisdiction**, or the legal authority, hear the case and force Madison to issue the paperwork. When the case came before the Court, John Marshall — the person who had failed to deliver the paperwork in the first place — was the new Chief Justice. The Court had to decide whether Marbury was entitled to his job, and if so, whether the Judiciary Act of 1789 gave the Court the authority it needed to force the Secretary of State to appoint Marbury to his position.

7. What is a midnight judge? Why did Adams appoint them? \_\_\_\_\_

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8. Why did William Marbury want the Supreme Court to intervene?

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9. What do you think the right choice is?

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***Marbury v. Madison: The Decision***

In the landmark case known as ***Marbury v. Madison***, the Supreme Court said that it did not have the jurisdiction- the legal authority- to do that. Although Justice Marshall agreed that Marbury should be entitled to the job, the court ruled in favor of James Madison, declaring the Judiciary Act was in fact unconstitutional. The Supreme Court did not have the right to decided cases brought against federal officials. Therefore, Congress couldn't give the Court that power simply by passing the Judiciary Act.

The ruling in *Marbury v. Madison* effected much more than just William Marbury. It established the principles of **judicial review**- that the Constitution was the highest law in the land, and that the Supreme Court can overturn any law that conflicts with the Constitution.

*Review: number the timeline events below to put them in chronological order.*

Jefferson refuses to honor the appointment of midnight judges	Adams appoints Federalist justices to new positions in his last days as president	The Supreme Court rules against Marbury- declares the Judiciary Act unconstitutional and establishes the power of Judicial Review	William Marbury asks the Supreme Court to force Secretary of State James Madison to give Marbury his paperwork	Judiciary Act of 1801 is passed	Federalists try to expand the court system
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**Analyzing Primary Sources**

“To consider the judges as the ultimate arbiters (referees) of all constitutional questions [is] a very dangerous [policy] indeed, and one which would place us under the tyranny of an oligarchy (rule by a few). Our judges are as honest as other men and not more so. They have with others the same passions for party, for power, and privilege... and their power the more dangerous as they are in office for life and not responsible, as the other functionaries are, to the elective control.”

- Thomas Jefferson

1. What is Jefferson’s opinion about judicial review? \_\_\_\_\_

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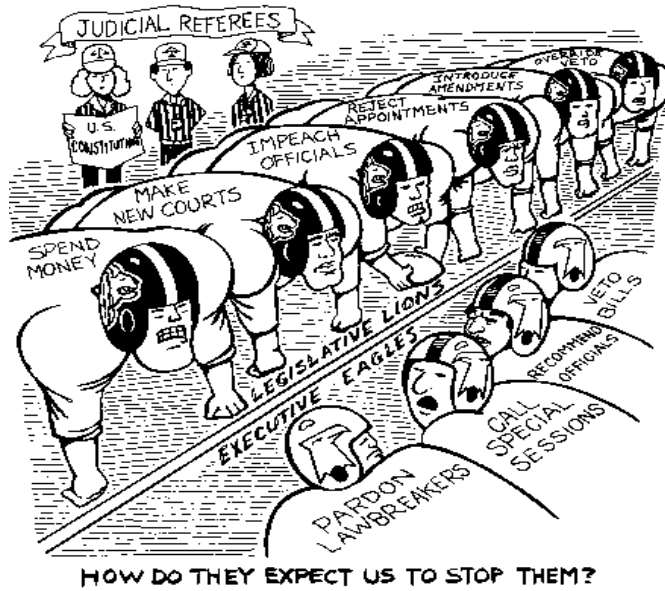
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“The interpretation of the laws is the power and peculiar [job] of the courts. A constitution is, in fact, and must be regarded by the judges, as a fundamental law. It therefore belongs to them to determine its meaning, as well as the meaning of any particular act proceeding from the legislative body.”

- Alexander Hamilton

2. What is Hamilton's opinion of judicial review? \_\_\_\_\_

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3. What three groups are represented in this cartoon? \_\_\_\_\_

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4. What does the writing on the backs of the players represent? \_\_\_\_\_

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5. What are the referees using as their rulebook? \_\_\_\_\_

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6. What power did *Marbury v. Madison* give the referees? \_\_\_\_\_

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7. How does this new power strengthen the role of the judicial branch? \_\_\_\_\_

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