



AMERICAN CONSTITUTIONALISM
 VOLUME I: STRUCTURES OF GOVERNMENT
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Supplementary Material

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Chapter 4: The Early National Era – Powers of the National Government

Resolutions of the Hartford Convention (1814)¹

The Hartford Convention proved to be the final undoing of the Federalist Party. Consistent with their New England political base, the Federalists had been bitterly opposed to the embargo, giving them a new issue with which to attack the Republicans and one that had substantial popular backing. When Jefferson's policy of economic pressure finally gave way to outright war during the Madison administration, New England remained openly sympathetic with Britain. Political and economic leaders in the region refused to support "Mr. Madison's War," to the point of refusing to place state militias under federal command or help to finance the war effort. Militarily, the war did not go well for the Americans, and the possibility of secession and a separate peace was openly advocated in New England. Finally, in 1814, the New England states honored the Massachusetts legislature's call for a convention to discuss the situation. Moderates won out at the convention, defeating resolutions calling for secession. Nonetheless, the convention delegates embraced a strong states' rights vision and proposed a number of constitutional amendments aimed at limiting the power of the national government and checking national majorities. Their timing could not have been worse, however, as an end of the war was successfully negotiated and General Andrew Jackson won a smashing military victory at New Orleans just as the resolutions of the Convention were made public. Instead of rallying public opinion behind constitutional reform and the Federalist Party, the Convention tarnished the Federalists as disloyal. Consider these proposed amendments, however, in light of the initial debates of the Philadelphia Convention and subsequent developments. Would they have strengthened or subverted the constitutional project?

.....
 Resolved.-That the following amendments of the Constitution of the United States, be recommended to the States as aforesaid, to be proposed by them for adoption by the State Legislatures, and, in such cases as may be deemed expedient, by a Convention chosen by the people of each State.

.....
 First.-Representatives and direct taxes shall be apportioned among the several States which may be included within this union, according to their respective numbers of free persons, including those bound to serve for a term of years, and excluding Indians not taxed, and all other persons.

Second.-No new State shall be admitted into the union by Congress in virtue of the power granted by the Constitution, without the concurrence of two-thirds of both Houses.

Third.-Congress shall not have power to lay any embargo on the ships or vessels of the citizens of the United States, in the ports or harbors thereof, for more than sixty days.

Fourth.-Congress shall not have power, without the concurrence of two-thirds of both Houses, to interdict the commercial intercourse between the United States and any foreign nation or the dependencies thereof.

Fifth.-Congress shall not make or declare war, or authorize acts of hostility against any foreign nation, without the concurrence of two-thirds of both Houses, except such acts of hostility be in defense of the territories of the United States when actually invaded.

Sixth.-No person who shall hereafter be naturalized, shall be eligible as a member of the Senate or House of Representatives of the United States, nor capable of holding any civil office under the authority

¹ Excerpt taken from Theodore Dwight, *History of the Hartford Convention* (New York: N. & J. White, 1833), 377-379.



of the United States.

Seventh.-The same person shall not be elected President of the United States a second time; nor shall the President be elected from the same State two terms in succession.

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