

The Triumphs and Travails of the Jeffersonian Republic

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1800–1812

*Timid men . . . prefer the calm of despotism
to the boisterous sea of liberty.*

THOMAS JEFFERSON, 1796

In the critical presidential contest of 1800, the first in which Federalists and Democratic-Republicans functioned as two national political parties, John Adams and Thomas Jefferson again squared off against each other. The choice seemed clear and dramatic: Adams's Federalists waged a defensive struggle for strong central government and public order. Their Jeffersonian opponents presented themselves as the guardians of agrarian purity, liberty, and states' rights. The next dozen years, however, would turn what seemed like a clear-cut choice in 1800 into a messier reality, as the Jeffersonians in power were confronted with a series of opportunities and crises requiring the assertion of federal authority. As the first challengers to rout a reigning party, the Republicans were the first to learn that it is far easier to condemn from the stump than to govern consistently.

Federalist and Republican Mudslingers

In fighting for survival, the Federalists labored under heavy handicaps. Their Alien and Sedition Acts had aroused a host of enemies, although most of these critics were dyed-in-the-wool Jeffersonians anyhow. The Hamiltonian wing of the Federalist party, robbed of its glorious war with France, split openly with President Adams. Hamilton, a victim of arrogance, was so indiscreet as to attack the president in a privately printed pamphlet. Jeffersonians soon got hold of the pamphlet and gleefully published it.

The most damaging blow to the Federalists was the refusal of Adams to give them a rousing fight with France. Their feverish war preparations had swelled the public debt and had required disagreeable new

The Reverend Timothy Dwight (1752–1817), president of Yale College, predicted that in the event of Jefferson’s election,

“the Bible would be cast into a bonfire, our holy worship changed into a dance of [French] Jacobin phrensy, our wives and daughters dishonored, and our sons converted into the disciples of Voltaire and the dragoons of Marat.”

taxes, including a stamp tax. After all these unpopular measures, the war scare had petered out, and the country was left with an all-dressed-up-but-no-place-to-go feeling. The military preparations now seemed not only unnecessary but extravagant, as seamen for the “new navy” were called “John Adams’s

Jackasses.” Adams himself was known, somewhat ironically, as “the Father of the American Navy.”

Thrown on the defensive, the Federalists concentrated their fire on Jefferson himself, who became the victim of one of America’s earliest “whispering campaigns.” He was accused of having robbed a widow and her children of a trust fund and of having fathered numerous mulatto children by his own slave women. (Jefferson’s long-rumored intimacy with one of his slaves, Sally Hemmings, has been confirmed through DNA testing; see “Examining the Evidence,” p. 213.) As a liberal in religion, Jefferson had earlier incurred the wrath of the orthodox clergy, largely through his successful struggle to separate church and state in his native Virginia. Although Jefferson did believe in God, preachers throughout New England, stronghold of Federalism and Congregationalism, thundered against his alleged atheism. Old ladies of Federalist families, fearing Jefferson’s election, even buried their Bibles or hung them in wells.

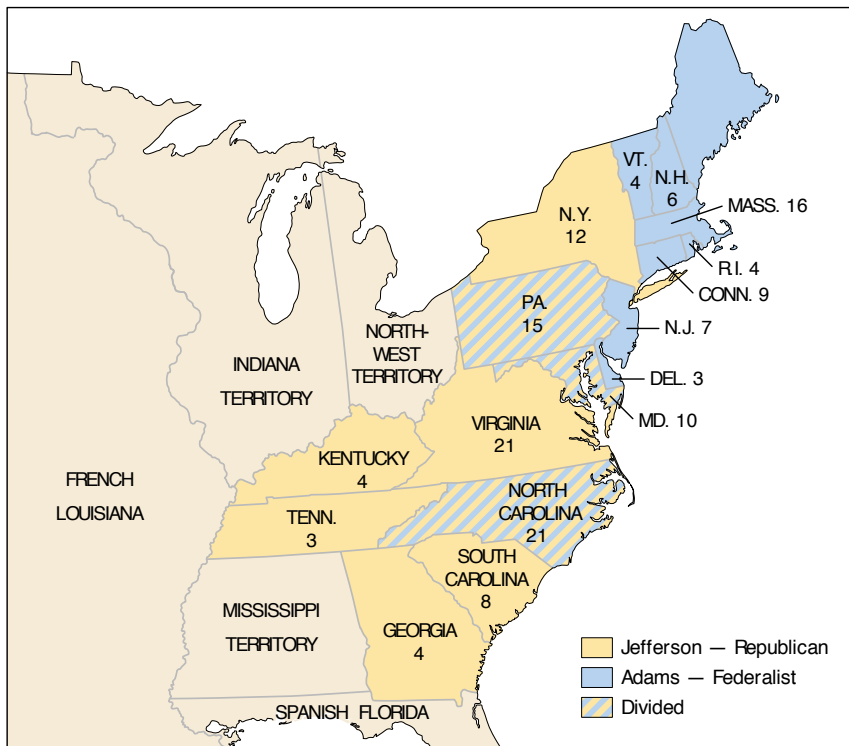




EXAMINING THE EVIDENCE

Sorting out the Thomas Jefferson–Sally Hemmings Relationship Debate over whether Thomas Jefferson had sexual relations with Sally Hemmings, a slave at Monticello, began as early as 1802, when James Callendar published the first accusations and Federalist newspapers gleefully broadcast them throughout the country. Two years later, this print, “The Philosophic Cock,” attacked Jefferson by depicting him as a rooster and Hemmings as a hen. The rooster or cock was also a symbol of revolutionary France. His enemies sought to discredit him for personal indiscretions as well as radical sympathies. Although Jefferson resolutely denied any affair with Hemmings, a charge that at first seemed only to be a politically motivated defamation refused to go away. In the 1870s, two new oral sources of evidence came to light. Madison Hemmings, Sally’s next to last child, claimed that his mother had identified Thomas Jefferson as the father of all five of her children.

Soon thereafter, James Parton’s biography of Jefferson revealed that among Jefferson’s white descendants it was said that his nephew had fathered all or most of Sally’s children. In the 1950s, several large publishing projects on Jefferson’s life and writings uncovered new evidence and inspired renewed debate. Most convincing was Dumas Malone’s calculation that Jefferson had been present at Monticello nine months prior to the birth of each of Sally’s children. Speculation continued throughout the rest of the century, with little new evidence, until the trustees of the Thomas Jefferson Memorial Foundation agreed to a new, more scientific method of investigation: DNA testing of the remains of Jefferson’s white and possibly black descendants. Two centuries after James Callendar first cast aspersions on Thomas Jefferson’s morality, cutting-edge science established with little doubt that Jefferson was the father of Sally Hemmings’s children.



Presidential Election of 1800
(with electoral vote by state)
New York was the key state in this election, and Aaron Burr helped swing it away from the Federalists with tactics that anticipated the political “machines” of a later day. Federalists complained that Burr “travels every night from one meeting of Republicans to another, haranguing . . . them to the most zealous exertions. [He] can stoop so low as to visit every low tavern that may happen to be crowded with his dear fellow citizens.” But Burr proved that the price was worth it. “We have beat you,” Burr told kid-gloved Federalists after the election, “by superior *Management*.”

The Jeffersonian “Revolution of 1800”

Jefferson won by a majority of 73 electoral votes to 65. In defeat, the colorless and presumably unpopular Adams polled more electoral strength than he had gained four years earlier—except for New York. The Empire State fell into the Jeffersonian basket, and with it the election, largely because Aaron Burr, a master wire-puller, turned New York to Jefferson

by the narrowest of margins. The Virginian polled the bulk of his strength in the South and West, particularly in those states where universal white manhood suffrage had been adopted.

Jeffersonian joy was dampened by an unexpected deadlock. Through a technicality Jefferson, the presidential candidate, and Burr, his vice-presidential running mate, received the same number of electoral votes for the presidency. Under the Constitution the tie could be broken only by the House of Representatives (see Art. II, Sec. I, para. 2). This body was controlled for several more months by the lame-duck Federalists, who preferred Burr to the hated Jefferson.* Voting in the House moved slowly to a climax, as exhausted representatives snored in their seats. The agonizing deadlock was broken at last when a few Federalists, despairing of electing Burr and hoping for moderation from Jefferson, refrained from voting. The election then went to the rightful candidate.

A Philadelphia woman wrote her sister-in-law about the pride she felt on the occasion of Thomas Jefferson’s inauguration as third president of the United States in 1801:

“I have this morning witnessed one of the most interesting scenes a free people can ever witness. The changes of administration, which in every government and in every age have most generally been epochs of confusion, villainy and bloodshed, in this our happy country take place without any species of distraction, or disorder.”

*A “lame duck” has been humorously defined as a politician whose political goose has been cooked at the recent elections. The possibility of another such tie was removed by the Twelfth Amendment in 1804 (for text, see the Appendix). Before then, each elector had two votes, with the second-place finisher becoming vice president.

John Adams, as fate would have it, was the last Federalist president of the United States. His party sank slowly into the mire of political oblivion and ultimately disappeared completely in the days of Andrew Jackson.

Jefferson later claimed that the election of 1800 was a “revolution” comparable to that of 1776. But it was no revolution in the sense of a massive popular upheaval or an upending of the political system. In truth, Jefferson had narrowly squeaked through to victory. A switch of some 250 votes in New York would have thrown the election to Adams. Jefferson meant that his election represented a return to what he considered the original spirit of the Revolution. In his eyes Hamilton and Adams had betrayed the ideals of

1776 and 1787. Jefferson’s mission, as he saw it, was to restore the republican experiment, to check the growth of government power, and to halt the decay of virtue that had set in under Federalist rule.

No less “revolutionary” was the peaceful and orderly transfer of power on the basis of an election whose results all parties accepted. This was a remarkable achievement for a raw young nation, especially after all the partisan bitterness that had agitated the country during Adams’s presidency. It was particularly remarkable in that age; comparable successions would not take place in Britain for another generation. After a decade of division and doubt, Americans could take justifiable pride in the vigor of their experiment in democracy.

Responsibility Breeds Moderation

“Long Tom” Jefferson was inaugurated president on March 4, 1801, in the swampy village of Washington, the crude new national capital. Tall (six feet, two and a half inches), with large hands and feet, red hair (“the Red Fox”), and prominent cheekbones and chin, he was an arresting figure. Believing that the customary pomp did not befit his democratic ideals, he spurned a horse-drawn coach and strode by foot to the Capitol from his boardinghouse.

Jefferson’s inaugural address, beautifully phrased, was a classic statement of democratic principles. “The will of the majority is in all cases to prevail,” Jefferson declared. But, he added, “that will to be right—must be reasonable; the minority possess their equal rights, which equal law must protect, and to violate would be oppression.” Seeking to allay Federalist fears of a bull-in-the-china-closet overturn, Jefferson ingratiatingly intoned, “We are all Republicans, we are all Federalists.” As for foreign affairs, he pledged “honest friendship with all nations, entangling alliances with none.”

With its rustic setting, Washington lent itself admirably to the simplicity and frugality of the Jeffersonian Republicans. In this respect it contrasted sharply with the elegant atmosphere of Federalist Philadelphia, the former temporary capital. Extending democratic principles to etiquette, Jefferson established the rule of pell-mell at official dinners—that is, seating without regard to rank. The resplendent British minister, who had enjoyed precedence among the pro-British Federalists, was insulted.

As president, Jefferson could be shockingly unconventional. He would receive callers in sloppy

attire—once in a dressing gown and heelless slippers. He started the precedent, unbroken until Woodrow Wilson’s presidency 112 years later, of sending messages to Congress to be read by a clerk. Personal appearances, in the Federalist manner, suggested too strongly a monarchical speech from the throne. Besides, Jefferson was painfully conscious of his weak voice and unimpressive platform presence.

As if plagued by an evil spirit, Jefferson was forced to reverse many of the political principles he had so vigorously championed. There were in fact two Thomas Jeffersons. One was the scholarly private citizen, who philosophized in his study. The other was the harassed public official, who made the disturbing discovery that bookish theories worked out differently in the noisy arena of practical politics. The

The toleration of Thomas Jefferson (1743–1826) was reflected in his inaugural address:

“If there be any among us who would wish to dissolve this Union or to change its republican form, let them stand undisturbed as monuments of the safety with which error of opinion may be tolerated where reason is left free to combat it.”



open-minded Virginian was therefore consistently inconsistent; it is easy to quote one Jefferson to refute the other.

The triumph of Thomas Jefferson's Democratic-Republicans and the eviction of the Federalists marked the first party overturn in American history. The vanquished naturally feared that the victors would grab all the spoils of office for themselves. But Jefferson, in keeping with his conciliatory inaugural address, showed unexpected moderation. To the dismay of his office-seeking friends, the new president dismissed few public servants for political reasons. Patronage-hungry Jeffersonians watched the Federalist appointees grow old in office and grumbled that "few die, none resign."

Jefferson quickly proved an able politician. He was especially effective in the informal atmosphere

President John F. Kennedy (1917–1963) once greeted a large group of Nobel Prize winners as "the most extraordinary collection of talent, of human knowledge, that has ever been gathered together at the White House, with the possible exception of when Thomas Jefferson dined alone."

of a dinner party. There he wooed congressional representatives while personally pouring imported wines and serving the tasty dishes of his French cook. In part Jefferson had to rely on his personal charm because his party was so weak-jointed. Denied the power to dispense patronage, the Democratic-Republicans could not build a loyal political following. Opposition to the Federalists was the chief glue holding them together, and as the Federalists faded, so did Democratic-Republican unity. The era of well-developed, well-disciplined political parties still lay in the future.

Jeffersonian Restraint

At the outset Jefferson was determined to undo the Federalist abuses begotten by the anti-French hysteria. The hated Alien and Sedition Acts had already expired. The incoming president speedily pardoned the "martyrs" who were serving sentences under the Sedition Act, and the government remitted many fines. Shortly after the Congress met, the Jeffersonians enacted the new naturalization law of 1802. This act reduced the unreasonable requirement of fourteen years of residence to the previous and more reasonable requirement of five years.

Jefferson actually kicked away only one substantial prop of the Hamiltonian system. He hated the excise tax, which bred bureaucrats and bore heavily on his farmer following, and he early persuaded Congress to repeal it. His devotion to principle thus cost the federal government about a million dollars a year in urgently needed revenue.

Swiss-born and French-accented Albert Gallatin, "Watchdog of the Treasury," proved to be as able a secretary of the treasury as Hamilton. Gallatin

agreed with Jefferson that a national debt was a bane rather than a blessing and by strict economy succeeded in reducing it substantially while balancing the budget.

Except for excising the excise tax, the Jeffersonians left the Hamiltonian framework essentially intact. They did not tamper with the Federalist programs for funding the national debt at par and assuming the Revolutionary War debts of the states. They launched no attack on the Bank of the United States, nor did they repeal the mildly protective Federalist tariff. In later years they embraced Federalism to such a degree as to recharter a bigger bank and to boost the protective tariff to higher levels.

Paradoxically, Jefferson's moderation thus further cemented the gains of the "Revolution of 1800." By shrewdly absorbing the major Federalist programs, Jefferson showed that a change of regime need not be disastrous for the defeated group. His restraint pointed the way toward the two-party system that was later to become a characteristic feature of American politics.

The "Dead Clutch" of the Judiciary

The "deathbed" Judiciary Act of 1801 was one of the last important laws passed by the expiring Federalist Congress. It created sixteen new federal judgeships and other judicial offices. President Adams remained at his desk until nine o'clock in the evening of his last day in office, supposedly signing the commissions of the Federalist "midnight judges." (Actually only three commissions were signed on his last day.)

This Federalist-sponsored Judiciary Act, though a long-overdue reform, aroused bitter resentment. "Packing" these lifetime posts with anti-Jeffersonian partisans was, in Republican eyes, a brazen attempt by the ousted party to entrench itself in one of the three powerful branches of government. Jeffersonians condemned the last-minute appointees in violent language, denouncing the trickery of the Federalists as open defiance of the people's will, expressed emphatically at the polls.

The newly elected Republican Congress bestirred itself to repeal the Judiciary Act of 1801 in the year after its passage. Jeffersonians thus swept sixteen benches from under the recently seated "midnight judges." Jeffersonians likewise had their knives sharpened for the scalp of Chief Justice John

Marshall, whom Adams had appointed to the Supreme Court (as a fourth choice) in the dying days of his term. The strong-willed Marshall, with his rasping voice and steel-trap mind, was a cousin of Thomas Jefferson. Marshall's formal legal schooling had lasted only six weeks, but he dominated the Supreme Court with his powerful intellect and commanding personality. He shaped the American legal tradition more profoundly than any other single figure.

Marshall had served at Valley Forge during the Revolution. While suffering there from cold and hunger, he had been painfully impressed with the drawbacks of feeble central authority. The experience made him a lifelong Federalist, committed above all else to strengthening the power of the federal government. States' rights Jeffersonians condemned the crafty judge's "twistifications," but Marshall pushed ahead inflexibly on his Federalist course. He served for about thirty days under a Federalist administration and thirty-four years under the administrations of Jefferson and subsequent presidents. The Federalist party died out, but Marshall lived on, handing down Federalist decisions serenely for many more years. For over three decades, the ghost of Alexander Hamilton spoke through the lanky, black-robed judge.

One of the "midnight judges" of 1801 presented John Marshall with a historic opportunity. He was obscure William Marbury, whom President Adams had named a justice of the peace for the District of Columbia. When Marbury learned that his commission was being shelved by the new secretary of state, James Madison, he sued for its delivery. Chief Justice Marshall knew that his Jeffersonian rivals, entrenched in the executive branch, would hardly spring forward to enforce a writ to deliver the commission to his fellow Federalist Marbury. He therefore dismissed Marbury's suit, avoiding a direct political showdown. But the wily Marshall snatched a victory from the jaws of this judicial defeat. In explaining his ruling, Marshall said that the part of the Judiciary Act of 1789 on which Marbury tried to base his appeal was unconstitutional. The act had attempted to assign to the Supreme Court powers that the Constitution had not foreseen.

In this self-denying opinion, Marshall greatly magnified the authority of the Court—and slapped at the Jeffersonians. Until the case of *Marbury v. Madison* (1803), controversy had clouded the question of who had the final authority to determine the meaning of the Constitution. Jefferson in the Ken-

In his decision in Marbury v. Madison, Chief Justice John Marshall (1755–1835) vigorously asserted his view that the Constitution embodied a “higher” law than ordinary legislation, and that the Court must interpret the Constitution:

“The Constitution is either a superior paramount law, unchangeable by ordinary means, or it is on a level with ordinary legislative acts, and like other acts, is alterable when the legislature shall please to alter it.

“If the former part of the alternative be true, then a legislative act contrary to the constitution is not law; if the latter part be true, then written constitutions are absurd attempts, on the part of the people, to limit a power in its own nature illimitable. . . .

“It is emphatically the province and duty of the judicial department to say what the law is. . . .

“If, then, the courts are to regard the Constitution, and the Constitution is superior to any ordinary act of the legislature, the Constitution, and not such ordinary act, must govern the case to which they are both applicable.”

tucky resolutions (1798) had tried to allot that right to the individual states. But now his cousin on the Court had cleverly promoted the contrary principle of “judicial review”—the idea that the Supreme Court alone had the last word on the question of constitutionality. In this landmark case, Marshall inserted the keystone into the arch that supports the tremendous power of the Supreme Court in American life.*

Marshall’s decision regarding Marbury spurred the Jeffersonians to seek revenge. Jefferson urged the impeachment of an arrogant and tart-tongued Supreme Court justice, Samuel Chase, who was so unpopular that Republicans named vicious dogs after him. Early in 1804 impeachment charges

against Chase were voted by the House of Representatives, which then passed the question of guilt or innocence on to the Senate. The indictment by the House was based on “high crimes, and misdemeanors,” as specified in the Constitution.† Yet the evidence was plain that the intemperate judge had not been guilty of “high crimes,” but only of unrestrained partisanship and a big mouth. The Senate failed to muster enough votes to convict and remove Chase. The precedent thus established was fortunate. From that day to this, no really serious attempt has been made to reshape the Supreme Court by the impeachment weapon. Jefferson’s ill-advised attempt at “judge breaking” was a reassuring victory for the independence of the judiciary and for the separation of powers among the three branches of the federal government.

Jefferson, A Reluctant Warrior

One of Jefferson’s first actions as president was to reduce the military establishment to a mere police force of twenty-five hundred officers and men. Critics called it penny-pinching, but Jefferson’s reluctance to invest in soldiers and ships was less about money than about republican ideals. Among his fondest hopes for America was that it might transcend the bloody wars and entangling alliances of Europe. The United States would set an example for the world, forswearing military force and winning friends through “peaceful coercion.” Also, the Republicans distrusted large standing armies as standing invitations to dictatorship. Navies were less to be feared, as they could not march inland and endanger liberties. Still, the farm-loving Jeffersonians saw little point in building a fleet that might only embroil the Republic in costly and corrupting wars far from America’s shores.

But harsh realities forced Jefferson’s principles to bend. Pirates of the North African Barbary States had long made a national industry of blackmailing and plundering merchant ships that ventured into the Mediterranean. Preceding Federalist administrations, in fact, had been forced to buy protection. At the time of the French crisis of 1798, when Americans were shouting, “Millions for defense but not

*The next invalidation of a federal law by the Supreme Court came fifty-four years later, with the explosive Dred Scott decision (see p. 417).

†For impeachment, see Art. I, Sec. II, para. 5; Art. I, Sec. III, paras. 6, 7; Art. II, Sec. IV in the Appendix.



Four Barbary States of North Africa, c. 1805

one cent for tribute,” twenty-six barrels of blackmail dollars were being shipped to piratical Algiers.

War across the Atlantic was not part of the Jeffersonian vision—but neither was paying tribute to a pack of pirate states. The showdown came in 1801. The pasha of Tripoli, dissatisfied with his share of protection money, informally declared war on the United States by cutting down the flagstaff of the American consulate. A gauntlet was thus thrown squarely into the face of Jefferson—the noninterventionist, the pacifist, the critic of a big-ship navy, and the political foe of Federalist shippers. He reluctantly rose to the challenge by dispatching the infant navy to the “shores of Tripoli,” as related in the song of the U.S. Marine Corps. After four years of intermittent fighting, marked by spine-tingling exploits, Jefferson succeeded in extorting a treaty of peace from Tripoli in 1805. It was secured at the bargain price of only \$60,000—a sum representing ransom payments for captured Americans.

Small gunboats, which the navy had used with some success in the Tripolitan War, fascinated Jefferson. Pledged to tax reduction, he advocated a large number of little coastal craft—“Jeffs” or the “mosquito fleet,” as they were contemptuously called. He believed these fast but frail vessels would prove valuable in guarding American shores and need not embroil the Republic in diplomatic incidents on the high seas.

About two hundred tiny gunboats were constructed, democratically in small shipyards where votes could be made for Jefferson. Often mounting

only one unwieldy gun, they were sometimes more of a menace to the crew than to the prospective enemy. During a hurricane and tidal wave at Savannah, Georgia, one of them was deposited eight miles inland in a cornfield, to the derisive glee of the Federalists. They drank toasts to American gunboats as the best in the world—on land.

The Louisiana Godsend

A secret pact, fraught with peril for America, was signed in 1800. Napoleon Bonaparte induced the king of Spain to cede to France, for attractive considerations, the immense trans-Mississippi region of Louisiana, which included the New Orleans area.

Rumors of the transfer were partially confirmed in 1802, when the Spaniards at New Orleans withdrew the right of deposit guaranteed America by the treaty of 1795. Deposit (warehouse) privileges were vital to frontier farmers who floated their produce down the Mississippi to its mouth, there to await oceangoing vessels. A roar of anger rolled up the mighty river and into its tributary valleys. American pioneers talked wildly of descending upon New Orleans, rifles in hand. Had they done so, the nation probably would have been engulfed in war with both Spain and France.

Thomas Jefferson, both pacifist and anti-entanglement, was again on the griddle. Louisiana in the senile grip of Spain posed no real threat;

America could seize the territory when the time was ripe. But Louisiana in the iron fist of Napoleon, the preeminent military genius of his age, foreshadowed a dark and blood-drenched future. The United States would probably have to fight to dislodge him; and because it alone was not strong enough to defeat his armies, it would have to seek allies, contrary to the deepening anti-alliance policy.

Hoping to quiet the clamor of the West, Jefferson moved decisively. Early in 1803 he sent James Monroe to Paris to join forces with the regular minister there, Robert R. Livingston. The two envoys were instructed to buy New Orleans and as much land to its east as they could get for a maximum of \$10 million. If these proposals should fail and the situation became critical, negotiations were to be opened with Britain for an alliance. "The day that France takes possession of New Orleans," Jefferson wrote, "we must marry ourselves to the British fleet and nation." That remark dramatically demonstrated Jefferson's dilemma. Though a passionate hater of war and an enemy of entangling alliances, he was proposing to make an alliance with his old foe, Britain, against his old friend, France, in order to secure New Orleans.

At this critical juncture, Napoleon suddenly decided to sell all of Louisiana and abandon his dream of a New World empire. Two developments prompted his change of mind. First, he had failed in his efforts to reconquer the sugar-rich island of Santo Domingo, for which Louisiana was to serve as a source of foodstuffs. Infuriated ex-slaves, ably led by the gifted Toussaint L'Ouverture, had put up a stubborn resistance that was ultimately broken. Then the island's second line of defense—mosquitoes carrying yellow fever—had swept away thousands of crack French troops. Santo Domingo could not be had, except perhaps at a staggering cost; hence there was no need for Louisiana's food supplies. "Damn sugar, damn coffee, damn colonies!" burst out Napoleon. Second, Bonaparte was about to end the twenty-month lull in his deadly conflict with Britain. Because the British controlled the seas, he feared that he might be forced to make them a gift of Louisiana. Rather than drive America into the arms of Britain by attempting to hold the area, he decided to sell the huge wilderness to the Americans and pocket the money for his schemes nearer home. Napoleon hoped that the United States, strengthened by Louisiana, would one day be a military and naval power that would thwart the ambi-

tions of the lordly British in the New World. The predicaments of France in Europe were again paving the way for America's diplomatic successes.

Events now unrolled dizzily. The American minister, Robert Livingston, pending the arrival of Monroe, was busily negotiating in Paris for a window on the Gulf of Mexico at New Orleans. Suddenly, out of a clear sky, the French foreign minister asked him how much he would give for all Louisiana. Scarcely able to believe his ears (he was partially deaf anyhow), Livingston nervously entered upon the negotiations. After about a week of haggling, while the fate of North America trembled in the balance,

treaties were signed on April 30, 1803, ceding Louisiana to the United States for about \$15 million.

When the news of the bargain reached America, Jefferson was startled. He had authorized his envoys to offer not more than \$10 million for New Orleans and as much to the *east* in the Floridas as they could get. Instead they had signed three treaties that pledged \$15 million for New Orleans, plus an immeasurable tract entirely to the *west*—an area that would more than double the size of the United States. They had bought a wilderness to get a city.

Once again the two Jeffersons wrestled with each other: the theorist and former strict constructionist versus the realist and public official. Where in his beloved Constitution was the president authorized to negotiate treaties incorporating a huge new expanse into the union—an expanse containing tens of thousands of Indian, white, and black inhabitants? There was no such clause.

Conscience-stricken, Jefferson privately proposed that a constitutional amendment be passed. But his friends pointed out in alarm that in the interval Napoleon, for whom thought was action, might suddenly withdraw the offer. So Jefferson shamefacedly submitted the treaties to the Senate, while admitting to his associates that the purchase was unconstitutional.

The senators were less finicky than Jefferson. Reflecting enthusiastic public support, they registered their prompt approval of the transaction. Land-hungry Americans were not disposed to split constitutional hairs when confronted with perhaps

the most magnificent real estate bargain in history—828,000 square miles at about three cents an acre.

Louisiana in the Long View

Jefferson's bargain with Napoleon was epochal. Overnight he had avoided a possible rupture with France and the consequent entangling alliance with England. By scooping up Louisiana, America secured at one bloodless stroke the western half of the richest river valley in the world and further laid the foundations of a future major power. The ideal of a great agrarian republic, as envisioned by Jefferson, would have elbowroom in the vast "Valley of Democracy." At the same time, the transfer established a precedent that was to be followed repeatedly: the acquisition of foreign territory and peoples by purchase.

The extent of the vast new area was more fully unveiled by a series of explorations under the direction of Jefferson. In the spring of 1804, Jefferson sent his personal secretary, Meriwether Lewis, and a young army officer named William Clark to explore the northern part of the Louisiana Purchase. Aided by the Shoshoni woman Sacajawea, Lewis and Clark ascended the "Great Muddy" (Missouri River) from St. Louis, struggled through the Rockies, and descended the Columbia River to the Pacific coast.

Lewis and Clark's two-and-one-half-year expedition yielded a rich harvest of scientific observations, maps, knowledge of the Indians in the region, and hair-raising wilderness adventure stories. On the Great Plains, they marveled at the "immense herds of buffalo, elk, deer, and antelope feeding in one common and boundless pasture." Lewis was lucky to come back alive. When he detached a group of just three other men to explore the Marias River in present-day western Montana, a band of teenage Blackfoot Indians, armed with crude muskets by British fur traders operating out of Canada, stole the horses of the small and vulnerable exploring party. Lewis foolishly pursued the horse thieves on foot. He shot one marauder through the belly, but the Indian returned the fire. "Being bareheaded," Lewis later wrote, "I felt the wind of his bullet very distinctly." After killing another Blackfoot and hanging one of the expedition's "peace and friendship" medals around the neck of the corpse as a warning

In accepting the Louisiana Purchase, Jefferson thus compromised with conscience in a private letter:

"It is the case of a guardian, investing the money of his ward in purchasing an important adjacent territory; and saying to him when of age, I did this for your good; I pretend to no right to bind you; you may disavow me, and I must get out of the scrape as I can; I thought it my duty to risk myself for you."

to other Indians, Lewis and his terrified companions beat it out of the Marias country to rejoin their main party on the Missouri River.

The explorers also demonstrated the viability of an overland trail to the Pacific. Down the dusty track thousands of missionaries, fur-traders, and pioneering settlers would wend their way in the ensuing decades, bolstering America's claim to the Oregon Country. Other explorers also pushed into the uncharted West. Zebulon M. Pike trekked to the headwaters of the Mississippi River in 1805–1806. The next year Pike ventured into the southern portion of the Louisiana territory, where he sighted the Colorado peak that bears his name.

The Aaron Burr Conspiracies

In the long run, the Louisiana Purchase greatly expanded the fortunes of the United States and the power of the federal government. In the short term, the vast expanse of territory and the feeble reach of the government obliged to control it raised fears of secession and foreign intrigue.

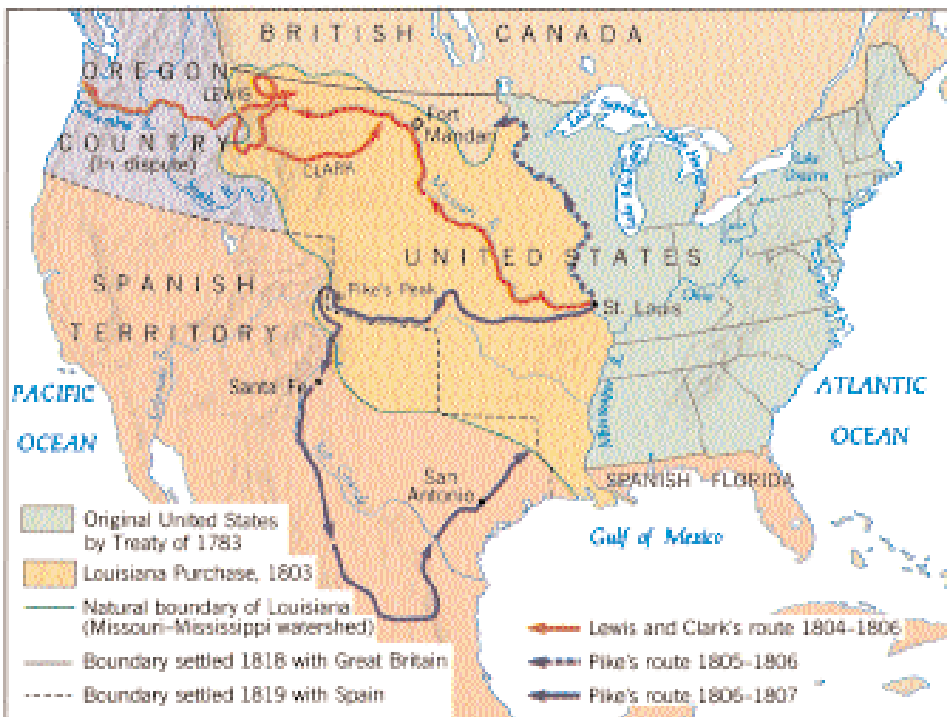
Aaron Burr, Jefferson's first-term vice president, played no small part in provoking—and justifying—such fears. Dropped from the cabinet in Jefferson's second term, Burr joined with a group of Federalist extremists to plot the secession of New England and New York. Alexander Hamilton, though no friend of Jefferson, exposed and foiled the conspiracy. Incensed, Burr challenged Hamilton to a duel.

Hamilton deplored the practice of dueling, by that date illegal in several states, but felt his honor was at stake. He met Burr's challenge at the appointed hour but refused to fire. Burr killed Hamilton with one shot. Burr's pistol blew the brightest brain out of the Federalist party and destroyed its one remaining hope of effective leadership.

His political career as dead as Hamilton's, Burr turned his disunionist plottings to the trans-Mississippi West. There he struck up an allegiance with General James Wilkinson, the unscrupulous military governor of Louisiana Territory and a sometime secret agent in the pay of the Spanish crown. Burr's

schemes are still shrouded in mystery, but he and Wilkinson apparently planned to separate the western part of the United States from the East and expand their new confederacy with invasions of Spanish-controlled Mexico and Florida. In the fall of 1806, Burr and sixty followers floated in flatboats down the Mississippi River to meet Wilkinson's army at Natchez. But when the general learned that Jefferson had gotten wind of the plot, he betrayed Burr and fled to New Orleans.

Burr was arrested and tried for treason. In what seemed to the Jeffersonians to be bias in favor of the accused, Chief Justice John Marshall, strictly hewing



Exploring the Louisiana Purchase and the West

Seeking to avert friction with France by purchasing all of Louisiana, Jefferson bought trouble because of the vagueness of the boundaries. Among the disputants were Spain in the Floridas, Spain and Mexico in the Southwest, and Great Britain in Canada.

to the Constitution, insisted that a guilty verdict required proof of overt acts of treason, not merely treasonous intentions (see Art. III, Sec. III). Burr was acquitted and fled to Europe, where he urged Napoleon to make peace with Britain and launch a joint invasion of America. Burr's insurrectionary brashness demonstrated that it was one thing for the United States to purchase large expanses of western territory but quite another for it to govern them effectively.

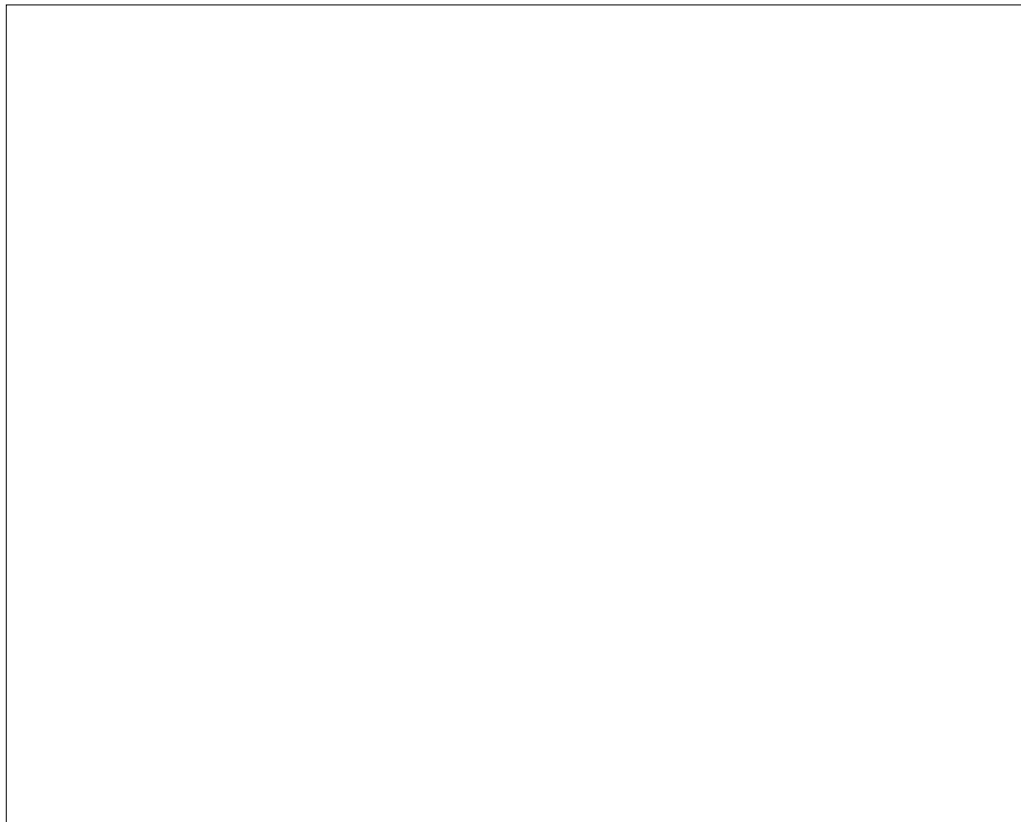
America: A Nutcrackered Neutral

Jefferson was triumphantly reelected in 1804, with 162 electoral votes to only 14 votes for his Federalist opponent. But the laurels of Jefferson's first administration soon withered under the blasts of the new storm that broke in Europe. After unloading Louisiana in 1803, Napoleon deliberately provoked a renewal of his war with Britain—an awesome conflict that raged on for eleven long years.

For two years a maritime United States—the number one neutral carrier since 1793—enjoyed

juicy commercial pickings. But a setback came in 1805. At the Battle of Trafalgar, one-eyed Horatio Lord Nelson achieved immortality by smashing the combined French and Spanish fleets off the coast of Spain, thereby ensuring Britain's supremacy on the seas. At the Battle of Austerlitz in Austria—the Battle of the Three Emperors—Napoleon crushed the combined Austrian and Russian armies, thereby ensuring his mastery of the land. Like the tiger and the shark, France and Britain now reigned supreme in their chosen elements.

Unable to hurt each other directly, the two antagonists were forced to strike indirect blows. Britain ruled the waves and waived the rules. The London government, beginning in 1806, issued a series of Orders in Council. These edicts closed the European ports under French control to foreign shipping, including American, unless the vessels first stopped at a British port. Napoleon struck back, ordering the seizure of all merchant ships, including American, that entered British ports. There was no way to trade with either nation without facing the other's guns. American vessels were, quite literally, caught between the Devil and the deep blue sea.



Even more galling to American pride than the seizure of wooden ships was the seizure of flesh-and-blood American seamen. Impressment—the forcible enlistment of sailors—was a crude form of conscription that the British, among others, had employed for over four centuries. Clubs and stretchers (for men knocked unconscious) were standard equipment of press gangs from His Majesty’s man-hungry ships. Some six thousand bona fide U.S. citizens were impressed by the “piratical man-stealers” of Britain from 1808 to 1811 alone. A number of these luckless souls died or were killed in His Majesty’s service, leaving their kinfolk and friends bereaved and embittered.

Britain’s determination was spectacularly highlighted in 1807. A royal frigate overhauled a U.S. frigate, the *Chesapeake*, about ten miles off the coast of Virginia. The British captain bluntly demanded the surrender of four alleged deserters. London had never claimed the right to seize sailors from a foreign warship, and the American commander, though totally unprepared to fight, refused the request. The British warship thereupon fired three devastating broadsides at close range, killing three Americans and wounding eighteen. Four deserters were dragged away, and the bloody hulk called the *Chesapeake* limped back to port.

Britain was clearly in the wrong, as the London Foreign Office admitted. But London’s contrition availed little; a roar of national wrath went up from infuriated Americans. Jefferson, the peace lover, could easily have had war if he had wanted it.

The Hated Embargo

National honor would not permit a slavish submission to British and French mistreatment. Yet a large-scale foreign war was contrary to the settled policy of the new Republic—and in addition it would be futile. The navy was weak, thanks largely to Jefferson’s anti-navalism; and the army was even weaker. A disastrous defeat would not improve America’s plight.

The warring nations in Europe depended heavily upon the United States for raw materials and foodstuffs. In his eager search for an alternative to war, Jefferson seized upon this essential fact. He reasoned that if America voluntarily cut off its exports, the offending powers would be forced to bow, hat in hand, and agree to respect its rights.

Responding to the presidential lash, Congress hastily passed the Embargo Act late in 1807. This rigorous law forbade the export of all goods from the United States, whether in American or in foreign ships. More than just a compromise between submission and shooting, the embargo embodied Jefferson’s idea of “peaceful coercion.” If it worked, the embargo would vindicate the rights of neutral nations and point to a new way of conducting foreign affairs. If it failed, Jefferson feared the Republic would perish, subjugated to the European powers or sucked into their ferocious war.

The American economy staggered under the effect of the embargo long before Britain or France began to bend. Forests of dead masts gradually filled New England’s once-bustling harbors; docks that had once rumbled were deserted (except for illegal trade); and soup kitchens cared for some of the hungry unemployed. Jeffersonian Republicans probably hurt the commerce of New England, which they avowedly were trying to protect, far more than Britain and France together were doing. Farmers of the South and West, the strongholds of Jefferson, suffered no less disastrously than New England. They were alarmed by the mounting piles of unexportable cotton, grain, and tobacco. Jefferson seemed to be waging war on his fellow citizens rather than on the offending foreign powers.

An enormous illicit trade mushroomed in 1808, especially along the Canadian border, where bands of armed Americans on loaded rafts overawed or overpowered federal agents.irate citizens cynically transposed the letters of “Embargo” to read “O Grab Me,” “Go Bar ’Em,” and “Mobrage,” while heartily cursing the “Dambargo.”

Jefferson nonetheless induced Congress to pass iron-toothed enforcing legislation. It was so inquisitorial and tyrannical as to cause some Americans to think more kindly of George III, whom Jefferson had berated in the Declaration of Independence. One indignant New Hampshireite denounced the president with this ditty:

*Our ships all in motion,
Once whiten’d the ocean;
They sail’d and return’d with a Cargo;
Now doom’d to decay
They are fallen a prey,
To Jefferson, worms, and EMBARGO.*

The embargo even had the effect of reviving the moribund Federalist party. Gaining new converts,

its leaders hurled their nullification of the embargo into the teeth of the “Virginia lordlings” in Washington. In 1804 the discredited Federalists had polled only 14 electoral votes out of 176; in 1808, the embargo year, the figure rose to 47 out of 175. New England seethed with talk of secession, and Jefferson later admitted that he felt the foundations of government tremble under his feet.

An alarmed Congress, yielding to the storm of public anger, finally repealed the embargo on March 1, 1809, three days before Jefferson’s retirement. A half-loaf substitute was provided by the Non-Intercourse Act. This measure formally reopened trade with all the nations of the world, except the two most important, Britain and France. Though thus watered down, economic coercion continued to be the policy of the Jeffersonians from 1809 to 1812, when the nation finally plunged into war.

Why did the embargo, Jefferson’s most daring act of statesmanship, collapse after fifteen dismal months? First of all, he underestimated the bulldog determination of the British, as others have, and overestimated the dependence of both belligerents on America’s trade. Bumper grain crops blessed the British Isles during these years, and the revolutionary Latin American republics unexpectedly threw open their ports for compensating commerce. With most of Europe under his control, Napoleon could afford to tighten his belt and go without Ameri-

can trade. The French continued to seize American ships and steal their cargoes, while their emperor mocked the United States by claiming that he was simply helping them enforce the embargo.

More critically, perhaps, Jefferson miscalculated the unpopularity of such a self-crucifying weapon and the difficulty of enforcing it. The hated embargo was not continued long enough or tightly enough to achieve the desired results—and a leaky embargo was perhaps more costly than none at all.

A Federalist circular in Massachusetts against the embargo cried out,

“Let every man who holds the name of America dear to him, stretch forth his hands and put this accursed thing, this *Embargo* from him. Be resolute, act like sons of liberty, of God, and your country; nerve your arm with vengeance against the Despot [Jefferson] who would wrest the inestimable germ of your Independence from you—and you shall be *Conquerors!!!*”

Curiously enough, New England plucked a new prosperity from the ugly jaws of the embargo. With shipping tied up and imported goods scarce, the resourceful Yankees reopened old factories and erected new ones. The real foundations of modern America’s industrial might were laid behind the protective wall of the embargo, followed by nonintercourse and the War of 1812. Jefferson, the avowed critic of factories, may have unwittingly done more for American manufacturing than Alexander Hamilton, industry’s outspoken friend.

Madison’s Gamble

Following Washington’s precedent, Jefferson left the presidency after two terms, happy to escape what he called the “splendid misery” of the highest office in the land. He strongly favored the nomination and election of a kindred spirit as his successor—his friend and fellow Virginian, the quiet, intellectual, and unassuming James Madison.

Madison took the presidential oath on March 4, 1809, as the awesome conflict in Europe was roaring to its climax. The scholarly Madison was small of stature, light of weight, bald of head, and weak of voice. Despite a distinguished career as a legislator, he was crippled as president by factions within his party and his cabinet. Unable to dominate Congress as Jefferson had done, Madison often found himself holding the bag for risky foreign policies not of his own making.

The Non-Intercourse Act of 1809—a watered-down version of Jefferson’s embargo aimed solely at Britain and France—was due to expire in 1810. To Madison’s dismay, Congress dismantled the embargo completely with a bargaining measure known as Macon’s Bill No. 2. While reopening American trade with all the world, Macon’s Bill dangled what Congress hoped was an attractive lure. If either Britain or France repealed its commercial restrictions, America would restore its embargo against the nonrepealing nation. To Madison the bill was a shameful capitulation. It practically admitted that the United States could not survive without one of the belligerents as a commercial ally, but it left determination of who that ally would be to the potentates of London and Paris.

The crafty Napoleon saw his chance. Since 1806 Britain had justified its Orders in Council as retaliation for Napoleon’s actions—implying, without promising outright, that trade restrictions would be lifted if the French decrees disappeared. Now the French held out the same half-promise. In August 1810 word came from Napoleon’s foreign minister that the French decrees might be repealed if Britain also lifted its Orders in Council. The minister’s message was deliberately ambiguous. Napoleon had no intention of permitting unrestricted trade between America and Britain. Rather, he hoped to maneuver the United States into resuming its embargo against the British, thus creating a partial blockade against his enemy that he would not have to raise a finger to enforce.

Madison knew better than to trust Napoleon, but he gambled that the threat of seeing the United States trade exclusively with France would lead the British to repeal their restrictions—and vice versa.

Rivals for the presidency, and for the soul of the young Republic, Thomas Jefferson and John Adams died on the same day—the Fourth of July, 1826—fifty years to the day after both men had signed the Declaration of Independence. Adam’s last words were, “Thomas Jefferson still survives.”

But he was wrong, for three hours earlier, Jefferson had drawn his last breath.

Insisted the editor of Niles' Weekly Register (June 27, 1812),

"The injuries received from France do not lessen the enormity of those heaped upon us by *England*. . . . In this 'straight betwixt two' we had an unquestionable right to select our enemy. We have given the preference to *Great Britain* . . . on account of her more flagrant wrongs."

Closing his eyes to the emperor's obvious subterfuge, he accepted the French offer as evidence of repeal. The terms of Macon's Bill gave the British three months to live up to their implied promise by revoking the Orders in Council and reopening the Atlantic to neutral trade.

They did not. In firm control of the seas, London saw little need to bargain. As long as the war with Napoleon went on, they decided, America could trade exclusively with the British Empire—or with nobody at all. Madison's gamble failed. The president saw no choice but to reestablish the embargo against Britain alone—a decision that he knew meant the end of American neutrality and that he feared was the final step toward war.

Tecumseh and the Prophet

Not all of Madison's party was reluctant to fight. The complexion of the Twelfth Congress, which met late in 1811, differed markedly from that of its predecessor. Recent elections had swept away many of the older "submission men" and replaced them with young hotheads, many from the South and West. Dubbed "war hawks" by their Federalist opponents, the newcomers were indeed on fire for a new war with the old enemy. The war hawks were weary of hearing how their fathers had "whipped" the British single-handedly, and they detested the manhandling of American sailors and the British Orders in Council that dammed the flow of American trade, especially western farm products headed for Europe.

Western war hawks also yearned to wipe out a renewed Indian threat to the pioneer settlers who were streaming into the trans-Allegheny wilderness. As this white flood washed through the green forests, more and more Indians were pushed toward the setting sun.

When the war hawks won control of the House of Representatives, they elevated to the Speakership thirty-four-year-old Henry Clay of Kentucky (1777–1852), the eloquent and magnetic "Harry of the West." Clamoring for war, he thundered,

"I prefer the troubled sea of war, demanded by the honor and independence of this country, with all its calamities and desolation, to the tranquil and putrescent pool of ignominious peace."

William Henry Harrison (1773–1841), Indian fighter and later president, called Tecumseh “one of those uncommon geniuses who spring up occasionally to produce revolutions and overturn the established order of things. If it were not for the vicinity of the United States, he would perhaps be founder of an Empire that would rival in glory that of Mexico or Peru.”

Two remarkable Shawnee brothers, Tecumseh and Tenskwatawa, known to non-Indians as “the Prophet,” concluded that the time had come to stem this onrushing tide. They began to weld together a far-flung confederacy of all the tribes east of the Mississippi, inspiring a vibrant movement of Indian unity and cultural renewal. Their followers gave up textile clothing for traditional buckskin garments. Their warriors forswore alcohol, the better to

In a speech at Vincennes, Indiana Territory, Tecumseh (1768?–1813) said,

“Sell a country! Why not sell the air, the clouds, and the great sea, as well as the earth? Did not the Great Spirit make them all for the use of his children?”

fight a last-ditch battle with the “paleface” invaders. Rejecting whites’ concept of “ownership,” Tecumseh urged his supporters never to cede land to whites unless all Indians agreed.

While frontiersmen and their war-hawk spokesmen in Congress were convinced that British “scalp buyers” in Canada were nourishing the Indians’ growing strength. In the fall of 1811, William Henry Harrison, governor of Indiana Territory, gathered an army and advanced on Tecumseh’s headquarters at the junction of the Wabash and Tippecanoe Rivers in present-day Indiana. Tecumseh was absent, recruiting supporters in the South, but the Prophet attacked Harrison’s army—foolishly, in Tecumseh’s eyes—with a small force of Shawnees. The Shawnees were routed and their settlement burned.

The Battle of Tippecanoe made Harrison a national hero. It also discredited the Prophet and drove Tecumseh into an alliance with the British. When America’s war with Britain came, Tecumseh fought fiercely for the redcoats until his death in 1813 at the Battle of the Thames. With him perished the dream of an Indian confederacy.

Mr. Madison’s War

By the spring of 1812, Madison believed war with Britain to be inevitable. The British arming of hostile Indians pushed him toward this decision, as did the whoops of the war hawks in his own party. People like Representative Felix Grundy of Tennessee, three of whose brothers had been killed in clashes with Indians, cried that there was only one way to remove the menace of the Indians: wipe out their Canadian base. “On to Canada, on to Canada,” was

the war hawks' chant. Southern expansionists, less vocal, cast a covetous eye on Florida, then weakly held by Britain's ally Spain.

Above all, Madison turned to war to restore confidence in the republican experiment. For five years the Republicans had tried to steer between the warring European powers, to set a course between submission and battle. Theirs had been a noble vision, but it had brought them only international derision and internal strife. Madison and the Republicans came to believe that only a vigorous assertion of American rights could demonstrate the viability of American nationhood—and of democracy as a form of government. If America could not fight to protect itself, its experiment in republicanism would be discredited in the eyes of a scoffing world.

Madison asked Congress to declare war on June 1, 1812. Congress obliged him two weeks later. The vote in the House was 79 to 49 for war, in the Senate 19 to 13. The close tally revealed deep divisions over the wisdom of fighting. The split was both sectional and partisan. Support for war came from the South and West, but also from Republicans in populous middle states such as Pennsylvania and Virginia. Federalists in both North and South damned the conflict, but their stronghold was New England, which greeted the declaration of war with muffled bells, flags at half-mast, and public fasting.

Why should seafaring New England oppose the war for a free sea? The answer is that pro-British

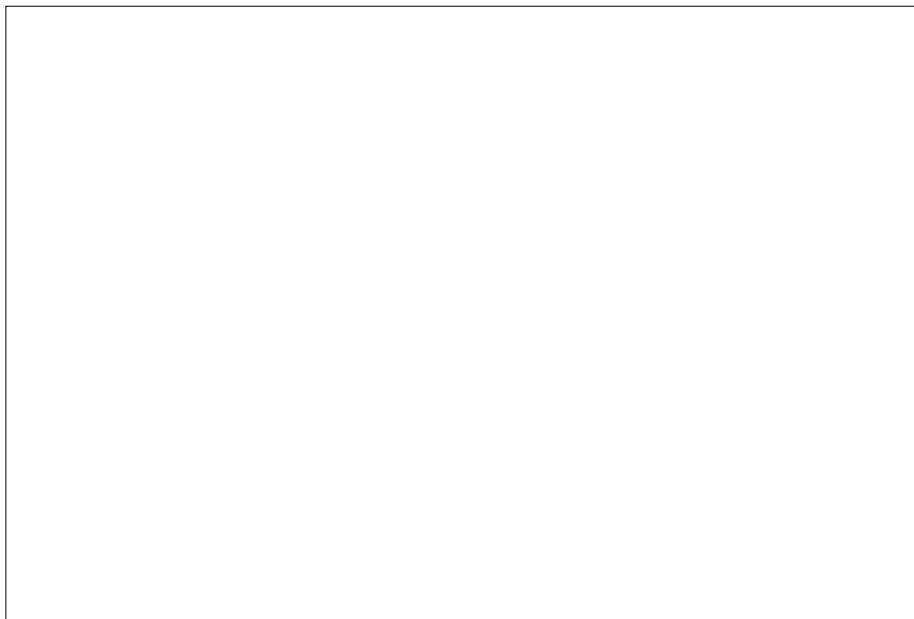
Federalists in the Northeast sympathized with Britain and resented the Republicans' sympathy with Napoleon, whom they regarded as the "Corsican butcher" and the "anti-Christ of the age." The Federalists also opposed the acquisition of Canada, which would merely add more agrarian states from the wild Northwest. This, in turn, would increase the voting strength of the Jeffersonian Republicans.

The bitterness of New England Federalists against "Mr. Madison's War" led them to treason or near-treason. They were determined, wrote one Republican versifier,

*To rule the nation if they could,
But see it damned if others should.*

New England gold holders probably lent more dollars to the British Exchequer than to the federal Treasury. Federalist farmers sent huge quantities of supplies and foodstuffs to Canada, enabling British armies to invade New York. New England governors stubbornly refused to permit their militia to serve outside their own states. In a sense America had to fight two enemies simultaneously: Old England and New England.

Thus perilously divided, the barely United States plunged into armed conflict against Britain, then the world's most powerful empire. No sober American could have much reasonable hope of victory, but by 1812 the Jeffersonian Republicans saw no other choice.



Chronology

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|---|---|
| 1800 Jefferson defeats Adams for presidency | 1806 Burr treason trial |
| 1801 Judiciary Act of 1801 | 1807 <i>Chesapeake</i> affair
Embargo Act |
| 1801- | |
| 1805 Naval war with Tripoli | 1808 Madison elected president |
| 1802 Revised naturalization law
Judiciary Act of 1801 repealed | 1809 Non-Intercourse Act replaces Embargo Act |
| 1803 <i>Marbury v. Madison</i>
Louisiana Purchase | 1810 Macon's Bill No. 2
Napoleon announces (falsely) repeal of
blockade decrees
Madison reestablishes nonimportation
against Britain |
| 1804 Jefferson reelected president
Impeachment of Justice Chase | |
| 1804- | |
| 1806 Lewis and Clark expedition | 1811 Battle of Tippecanoe |
| 1805 Peace treaty with Tripoli | 1812 United States declares war on Britain |
| 1805- | |
| 1807 Pike's explorations | |