

Contentious People and Factious Parties in the Early Republic, 1789 – 1824 *

The Founding Fathers feared political factions as a natural corruption of democratic government. None envisioned the rise of the severe factionalism that arose during Washington's administration from 1789 to 1797. Divisions occurred over Secretary of the Treasury Alexander Hamilton's plans for the federal government to assume states' debts, establish a national bank, raise taxes, and pursue a pro-British foreign policy. Secretary of State Thomas Jefferson and James Madison, believing Hamilton's proposals were unconstitutional, vehemently opposed the Hamiltonian program. Though officially neutral, President Washington always seemed to side with Hamilton. At the root of this factionalism were opposing visions for the future of the nation. Opponents of Hamilton's plans feared the creation of a coercive centralized government that served financial and political special interests.

These competing visions gave rise to quasi-political parties, the Democrats and the Federalists. Both sides claimed to represent democratic principles and invectively attacked their opponents for betraying the Constitution. Jeffersonian Democrats (initially known as the Democratic-Republican party) proved more effective in rallying average voters. Ultimately the largely New England-based Federalist party collapsed during the War of 1812. This period saw the first signs of partisan politics appealing to the common man, even though suffrage remained restricted.

By the time a disgusted Washington left office in 1797, clear factions within the country had emerged: Federalists aligned with Hamilton's program and Democrats who supported Jefferson's and Madison's call for a strict interpretation of the Constitution, a small federal government, and states' rights. Federalists responded by arguing that the establishment of a central bank, protective tariffs, and the assumption of state debts served the larger national interests within the intent of the framers of the Constitution. At a time when the word "party" was almost a swear word, both factions denied they were forming parties and in fact publicly denounced parties as a threat to the republic. Hamilton warned that factions were "the natural disease of popular governments."

Accusations of conspiracies ran rampant on both sides, with Federalists denouncing their opponents as pro-French radical egalitarian Jacobins, while Jeffersonians remained convinced that Hamilton and his allies sought to create an urbanized, centralized nation. In this vituperative, highly charged atmosphere, in which parties had only rudimentary existence, gossip and

broad­sides proliferated and public demonstrations turned violent, both Hamiltonians and Jeffersonians nonetheless saw themselves as "men of honor" following ritualized codes of behavior. Within this code of honor, politicians denounced political parties and self-gain in favor of democratic virtue, high principle, and elite leadership.

Having been elected unanimously and without contest by the first Electoral College, George Washington entered the presidency intent on setting a high moral tone and establishing precedents embodying democratic principles. To provide geographic balance, John Adams of Massachusetts was elected vice president. Washington's cabinet included Hamilton to spearhead Treasury and John Jay at the Department of State, later replaced by Thomas Jefferson.

Washington's administration quickly became mired in factional dispute. At stake between Hamilton and Jefferson-Madison were perspectives of the country's future. Jefferson articulated his goal for the new nation in *Notes on the State of Virginia* (1787), in which he championed rural life. For him, the backbone of any republic rested in an independent, small-scale, landholding yeomanry. He viewed cities as generators of disease, poverty, and corruption. Urban wage labor, he believed, sapped the manly independence of citizens. His beliefs were deeply rooted in his wide reading of ancient history and eighteenth-century liberal political thought, an abiding faith in "the people," and his experience of living in squalid London and Paris. Jefferson distrusted large-scale manufacturing and advocated small-household manufacturing. Future population growth meant that westward expansion remained essential to his vision of agrarian democracy. At the same time he was a large slaveholding planter, increasingly insistent in his later years on slaveholders' rights.

Hamilton proposed that the federal government develop industries and commercial trade. His *Report on Manufacturers* (1791), written at the request of Washington, called for protective tariffs (i.e., taxes on imports) and a national bank to aid domestic commercial development, create a prosperous urban artisan workforce, and promote a self-sufficient economy. Ideology as well as personal rivalry divided Jefferson and Hamilton.

The first major issue confronted by the new government was what to do with old war debts and the worthless paper money that was still circulating. Secretary of the Treasury Hamilton, a believer in a strong national government, proposed that the federal government fund Confederation debts by repurchasing bonds at face value, even though the market value of these bonds had fallen dramatically. Hamilton believed his plan would strengthen the nation's credit. The plan drew immediate criticism from James Madison, floor leader in the House of Representatives. Madison charged that the current holders of the debt were speculators who had bought the Confederation bonds from patriotic, debt-ridden patriots who had sold their nearly worthless bonds at little more than two cents on the dollar. Congress rejected Madison's proposal to pay original

* Critchlow, Donald T. *American Political History: A Very Short Introduction*. (Chapter 2) New York: Oxford University Press, 2015.

bondholders at the original face value and pay later speculators the depreciated market value of the bonds.

Madison was even more outraged over Hamilton's proposal to assume state debts. Southern states, including Madison's home state of Virginia, had paid off their debts. Madison charged that southern states were now being called upon to pay higher taxes to help pay northern states' debts. After Jefferson arranged a dinner meeting between the two men, Madison agreed to the assumption of state debts at face value in return for moving the nation's capital from New York to the Virginia-Maryland border on the Potomac River. While the new city was being built, the capital moved temporarily from New York City to Philadelphia, where it stayed for the next ten years. Pennsylvanians grumbled that the capital might remain there permanently.

In 1791, Hamilton proposed a federally chartered national bank using a public-private partnership inspired by the Bank of England. Hamilton believed the bank offered hope of rationalizing the nation's currency and augmenting its citizens' access to credit. He maintained the bank was constitutional under the commerce clause. Jefferson disagreed, declaring the proposal unconstitutional because it extended power beyond what the framers meant by the "proper and necessary" clause. Washington sided with Hamilton, and the measure passed Congress by a narrow vote.

The chasm between political factions within the administration widened farther when Hamilton proposed a large tax on whiskey distillers in order to increase government revenue. Hamilton's proposal hurt small whiskey distillers relative to rum importers and large domestic whiskey distillers who could afford the tax. In backcountry western Pennsylvania and Kentucky, many farmers drew most of their income from small distilleries. After the Whiskey Tax passed Congress in 1791, Hamilton sent internal revenue agents throughout the country to collect the taxes. Jefferson believed Hamilton was creating a personal political machine of Treasury agents to do his bidding.

Washington easily won reelection in 1792, but the Hamilton-Jefferson feud continued, and Washington grew closer to Hamilton. The feud became entangled in foreign affairs, specifically American relations with warring Britain and France. America engaged in trade with both countries, but they refused to recognize American neutrality. When revolution first broke out in France in 1789, Americans greeted the event with excitement, believing it to be another sign of the new age of democracy. But the French revolution turned more violent with the execution of King Louis XVI, Hamilton and his allies, including many New England Protestant clergymen, reacted in horror. This was not democracy but mob tyranny. When war erupted between France and Britain, Hamilton, an Anglophile, urged a closer relationship with Britain. Jefferson, a Francophile, opposed a pro-British American foreign policy. In 1793 when Washington proclaimed American neutrality in the conflict between the two

nations, Jefferson resigned from the cabinet. He went to work with Madison to develop a political movement aimed at stopping the Hamiltonian program.

Further trouble came with the arrival of Edmond Charles Genet as French ambassador to the United States in April 1793. Citizen Genet mistook his initially warm reception as a sign of enthusiastic support for the French revolution. Democratic-Republican societies displaying support for France had sprung up throughout the country, largely among urban artisans. Jefferson and Madison kept their distance from this movement with its often belligerent egalitarianism and radicalism. In street demonstrations, Hamilton and other Federalist leaders were burned in effigy. While attracting artisans, the clubs' membership was heterogeneous, including lawyers, merchants, and teachers. What held the clubs together was radical egalitarianism. Some members of the Democratic-Republican Clubs wore red liberty caps in solidarity with the French revolutionaries, and they organized committees of correspondence across state lines. Federalists saw a conspiracy afoot.

Genet poured fuel on the fire by threatening to go over Washington's head and appealing to the American people to allow the outfitting of private gunships to attack British ships. This was a clear violation of Washington's policy of neutrality. Genet's ploy backfired when he was perceived as insulting Washington, the hero of the American Revolution. Federalists unleashed a barrage of public and private attacks on Genet trying to link him with Jefferson and Madison. Under political attack, the two Virginians sought to distance themselves from the French ambassador. Finally, Washington ordered the irascible man back to France, but Genet's enemies came to power in France, and he remained in the United States as a political refugee.

The Genet affair placed Jefferson on the defensive, but protests on the frontier over the whiskey tax caused resentment toward Hamilton's program. In 1794, farmers in western Pennsylvania rebelled against tax collectors. In July the rebellion turned violent when 500 armed men attacked the home of the unpopular federal excise inspector, ransacking and burning the property to the ground. Insurgents spoke of attacking Pittsburgh. An alarmed Hamilton persuaded Washington that this was an insurrection, and 13,000 militia, mostly from Virginia, were called out to suppress the insurgency. Twenty of the whiskey rebels were arrested, although all were later acquitted or pardoned.

Domestic turmoil encouraged Washington to seek conciliation abroad. He sent John Jay to England as a special envoy to convince Britain to recognize American neutrality and to stop impressing American seamen into the British navy. This British practice of seizing American sailors (who did not carry citizenship papers) from U.S. vessels on the high seas outraged Americans. Jay, anxious to ease tensions, agreed to what essentially was a treaty that did not recognize American neutrality rights or stop impressment. Jeffersonians denounced Jay's Treaty publicly and in the halls of Congress. The Jay Treaty

divided the nation as never before. After a furious debate, the Senate reluctantly approved the treaty in 1795.

George Washington expressed growing disillusionment with politics. He enjoyed some success in signing the Treaty of Greenville with twelve Indian tribes, following the defeat of a loose confederation of tribes at Fallen Timbers in Ohio the previous year. The treaty ceded much of the area to white settlement. In late 1795, Washington scored another triumph with Pinckney's Treaty with Spain, which confirmed United States' southern boundary with Spanish Florida and gave American farmers the right to ship goods down the Mississippi River to New Orleans, which was controlled by Spain. Washington refused a third term out of respect for democratic principle and because he was fed up with politics. In his farewell address, he lamented the rise of political parties and warned against permanent foreign alliances.

By the time Washington left office in 1797, the Democrat and Federalist factions were well cemented. These distinct factions, however, should not be seen as mass political parties like those we have today. Democrats and Federalists are best described as "proto-parties," organized around political leaders and party newspapers. Because "party" was an odious word in the eighteenth century, leaders of both factions denied they were forming political parties. Both spoke of representing democratic principles that could only be subverted by the formation of political parties. Neither faction believed in the concept of a loyal opposition acting as a rival political party. Political victory meant permanently driving out the other faction.

Both factions viewed themselves as providing elite leadership to the masses. The task of politicians was to represent the people and instruct voters. Jeffersonians spoke the language of democracy more readily than the Federalists and appeared more willing to "court" the voters. In this way, Jeffersonians tapped into a popular democratic political culture that had deepened following the American Revolution.

The 1796 election pitted the two factions against one another in the nation's first contested presidential election. John Adams won with 71 electoral votes; his rival Jefferson received 68 electoral votes, which gave him the vice presidency. In only half of the sixteen states did voters directly choose presidential electors, while legislatures in other states appointed electors. This election showed that a crude two-party system had emerged, with electioneering, organizing, and the construction of political tickets.

Adams came into office seeking factional reconciliation, but hopes of political harmony were quickly dashed by a diplomatic crisis and quasi-war with France. When Adams sent a diplomatic mission to France to avoid war, he ruptured relations with anti-French Hamiltonians within the Federalists, and he alienated Jefferson, who believed a Democrat should have been appointed to the commission. At this point Jefferson reached out to Aaron Burr in New York to begin organizing Democrats in that state. When unofficial French

representatives—later dubbed X, Y, and Z—tried to extort a bribe from the American delegation, Americans became outraged by this insult. Anti-French feelings swept across America, placing Jeffersonians once again on the defensive.

At this point, the Federalists overplayed their hand by seeking legislation to crush the opposition. In the summer of 1798, Federalists passed three repressive anti-alien acts and an ominous Sedition Law that made it unlawful to impede the operation of any law or intimidate any person holding public office. The acts created martyrs for the Democrats to rally around when a number of editors such as William Duane, editor of the *Philadelphia Aurora*, were arrested for sedition. At the same time, these acts aggravated sectional tensions in the South.

These sectional tensions manifested themselves in resolutions enacted in Virginia and Kentucky arguing that states could nullify federal laws that were determined to be unconstitutional by state legislatures. Working behind the scenes, a deeply disturbed Vice President Jefferson joined with Madison in secretly drafting these resolutions. They labeled the Alien and Sedition Laws unconstitutional. Jefferson's agent in Virginia, Wilson Cary Nicholas, gave the resolution to a legislator in Kentucky to introduce after being sworn to secrecy to keep the vice president's name out of the controversy. In Virginia, Madison, at Jefferson's insistence, drafted a more radical version of the resolution, stating that a state could declare a federal law null and void. Federalists pointed out that Democrats had been responsible for the Virginia Sedition Act in 1792, which punished slanderous and libelous assertions, but charges of hypocrisy were not an effective argument. The resolutions were intended to defend personal liberty and restrain the coercive powers of the federal government. Two decades later, Southerners employed this doctrine of nullification to defend slavery and states' rights, hardly an expression of a belief in universal personal liberty. The resolutions also show states serving as policy laboratories, in this case to the detriment of federal power.

The Alien and Sedition Acts revealed that Adams's policy of factional reconciliation had failed.* At the same time, Adams found himself embattled

* The bitter and emotion-clogged political atmosphere was never more strongly evidenced than in the debates, in Congress and in the press, over the Alien and Sedition Acts. These acts, actually four separate pieces of legislation, developed out of the XYZ frenzy.

On April 26, 1798, Thomas Jefferson wrote: "One of the war party [Federalists], in a fit of unguarded passion, declared sometime ago they would pass a citizen bill, an alien bill & a sedition bill . . ." That same day the Senate appointed an all-Federalist committee to draft an alien bill. Later the vice-president wrote Madison, denouncing Adams's statements to the public and noting his own uncertainty about congressional action: "What new law they will propose . . . has not yet leaked out. The citizen bill sleeps. The alien bill, proposed by the Senate, has not yet been brought in.

That proposed by the H of R has been so moderated, that it will not answer the passionate purposes of the war gentlemen.”

The Senate’s committee reported on May 4, recommending an alien bill of thirteen parts. The president would be authorized to deport aliens when they were considered dangerous “to the peace and safety” of the nation. Such aliens, moreover, would be denied a jury trial, and the president would not have to explain or justify his decisions.

This committee report was widely discussed and after many weeks developed into four separate pieces of legislation. A Naturalization Act became law on June 18; an Act Concerning Aliens (sometimes known as the Alien Friends Act) was signed by the president on June 25, 1798; a third act, the Act Respecting Alien Enemies, passed Congress on July 6. The fourth and most widely discussed was the Sedition Act, known officially as the Act for the Punishment of Certain Crimes; it was designed to silence criticism of public officials and their actions. This was passed by the Senate on July 4.

Many of the Federalists felt that their failure to obtain a declaration of war against France necessitated the Sedition Act. Senator Lloyd, one of the bills chief sponsors, wrote to George Washington: “I fear Congress will close the session without a declaration of War, which I look upon as necessary to enable us to lay our hands on traitors, and as the best means that can be resorted to, to destroy the effect of the skill of the Directory in their transactions with Mr. Gerry.” A week later, on July 11, the House passed the Sedition Bill by a close vote of forty-four to forty-one. Signed by the president, it became law on July 14.

The Naturalization Act lengthened to fourteen years the period of residence required prior to obtaining citizenship. This act reflected the nativistic fear of immigrant influence as well as the political fact that the majority of the new citizens were joining the Jeffersonian party. The Federalists had been critical of the increasing immigration into the United States for several years. As early as May of 1797 they had tried to place a twenty dollar tax on naturalization. The frenzy over the XYZ affair provided an emotional climate in which Federalists in Congress could lash out at both new immigrants and Republican opponents.

The first of the alien bills, officially titled An Act Concerning Aliens, but usually referred to as the Alien Friends Act, was to expire in 1800. It empowered the president to deport any alien he considered dangerous to the public peace. The Alien Enemies Act allowed the president to deport citizens of any country with which the United States was at war. It was a bipartisan measure supported by many Republicans and was designed to be permanent.

The Sedition Act was most controversial and has been much criticized. It grew out of a variety of circumstances and conditions. Some have attributed it to the XYZ affair, but that excitement probably provided the occasion rather than the cause of its passage. It provided prison sentences for criticizing the president or Congress.

Senator Bingham wrote to Rufus King on September 30, “The Friends of the Government have improved the Opportunity of cloathing the Executive with additional Energies.” Certainly the desire to strike out at political opposition was one of the major causes of the alien and sedition legislation. Many Federalists were alarmed at the growth of Jeffersonian strength and fearful that their party would lose its dominant position. This attitude was compounded of two parts: selfish fear of losing power and sincere

concern for the nation, which would certainly suffer, they felt, from being subjected to a different political philosophy.

In order to understand and properly appraise the Sedition Act, certain facts must be accepted. In the first place, English common law provided for the punishment of seditious speech or press. During congressional debate on the sedition bill, it was actually argued, and fairly so, that the legislation being proposed was more lenient than the common law. The act as it was finally passed by the House required the prosecution to prove “malice and intent,” a safeguard never provided by common law. Furthermore, the Sedition Act as passed was more lenient than the common-law doctrine on libels.

In the second place, it must be remembered that the first prosecution of libelous editors took place before the Sedition Act was passed. Bache was arrested June 26, nineteen days before the Sedition Act became law. Furthermore, there is evidence that the debate over this act brought into the open a disagreement about the role of the federal judiciary that had existed between Federalists and Republicans for some time. At least as early as 1796, Chief Justice Francis Dana of the Massachusetts Supreme Court, in his address at the opening of a session of that court, had criticized the slanderous treatment accorded those in public office. In the spring of 1797 Supreme Court Justice Iredell, presiding over the circuit bench in Virginia, condemned the “unsettling tendencies” of some members of the House of Representatives.

It should also be noted, in appraising the Sedition Act, that there were rather recent English precedents for this type of legislation, and that the Republican opposition was very largely based on their objection to an extension of the power of the central government. There is little indication that the Republicans were fighting for a free press; they merely wanted the supervision of the press to be in the hands of the state courts. Such a position was no doubt compounded out of equal parts of political philosophy and of fear of Federalist dominance of the judiciary.

As finally passed into law, the Sedition Act consisted of two sections. The first set a maximum fine of five thousand dollars and a maximum sentence of five years for “conspiracies and combinations to impede the operation of federal laws.” The second section set a possible two thousand dollar fine and a two-year sentence for “false, scandalous and malicious” accusations against the president, the Congress, or the government. The law imposed on the prosecution the necessity of proving “intent to defame” or “to bring them into contempt or disrepute, or to excite against them the hatred” of the American people.

While a good number of Republicans supported the Alien Enemies Act, the other pieces of legislation were truly partisan acts, introduced, defended, and passed by Federalists, and signed into law by a Federalist president. Why this nearly unanimous support for the alien and sedition legislation by the Federalists? It is easy for us today, reading their private letters as well as the public pronouncements, to argue that the motivation for this legislation was compounded out of hatred for France and the desire to destroy the political power of the Jeffersonians. Yet there must have been many Federalists who were sincerely fearful lest what they thought of as an ideal society be destroyed. England had become alarmed by the influence of the French Revolution, and had passed legislation restricting both aliens and “dangerous” political doctrines. Federalists may have felt that such legislation was what had saved England. Robert Goodloe Harper, militant Federalist representative from South Carolina, in debate on

June 19, 1798, pontificated that “Unless we follow their [the European nations which had escaped French dominance] example and crush the viper in our breast, we shall not, like them, escape the scourge which awaits us.”

It is always difficult to sense the true feelings of the average man or woman. Perhaps Billy Shaw, nephew of Abigail and secretary to John Adams, expressed the feelings of middle-class Federalists when he wrote his aunt, on January 2, 1799, that he had decided the Alien and Sedition Acts were absolutely necessary because a licentious press would destroy the social order.

John Adams has been condemned, or at least criticized, by most historians for his role in the passage of this legislation. That he neither drafted the legislation nor asked Congress, even in general terms, for such acts, is of course admitted by everyone. His involvement or responsibility would seem to consist of these elements: the president never opposed the passage of this legislation, and he did not kill the acts with a veto as he might have tried to do. Furthermore, almost every historian writing in this period has concluded that by his replies to addresses, especially in the late spring and summer of 1798, John Adams played a major role in whipping up fervent nationalism, and that this spirit, in turn, was in considerable part responsible for the repressive legislation then passed.

Historians have disagreed about John Adams’s personal attitude toward the legislation at the time it was discussed and passed. Those historians who have argued that John Adams personally favored the acts are not convincing, although it is true that he did not oppose the acts nor veto the bills when they were passed. It is known that Adams was disturbed by the slanderous nature of the opposition press. Beyond that there seems no certainty of his position.

Pertinent to an evaluation of Adams’s part in the laws, however, is the matter of its enforcement. A decade and a half after the passage of this legislation, John Adams wrote to Thomas Jefferson that “he had not applied the alien law in a single instance,” and the historian Frank Malloy Anderson believed he “was at least technically correct.” The same historian wrote, “There is no evidence to show that President Adams ever personally interested himself in the enforcement of either law.” There is evidence that many Federalists, especially Timothy Pickering, wanted to use the alien laws to deport large numbers of noncitizens. There is also proof that John Adams resisted this pressure—he refused to deport French consuls already stationed in this country, and he several times rejected Pickering’s appeal that he sign blank warrants to be used at Pickering’s discretion. There is evidence that Pickering was continually trying to persuade the president to move more energetically under these laws.

The Alien Acts were not without effect. Many aliens, especially recent French emigres, hurriedly left the country, fearing the provisions of the Alien Acts would be turned against them. Enemy agents may well have reduced their activity for fear of reprisals. President Adams did sign warrants for the deportation of three aliens, but they had left the country before they could be apprehended.

It was the Sedition Act, however, that caused most of the anger and dispute, as it has attracted most of the attention of the historians of the period. That both John and Abigail were seriously nettled by the malign accusations and attacks of the Jeffersonian press is readily admitted. At the end of March 1798 for example, a Charleston, South Carolina, newspaper demanded the resignation of the president and his entire cabinet,

accusing them of being the source of all the trouble with France. Week after week the administration was accused of dishonesty, misrepresentation, and malicious disloyalty. Without approving of censorship of the press, one can sympathize with Abigail when she wrote her sister, “Yet dairingly do the vile incendaries keep up in Baches paper the most wicked and base, violent & calumniating abuse But nothing will have an Effect until congress pass a Sedition Bill”

As noted above, when the Sedition bill was being debated in Congress its proponents argued that it was more lenient than recently passed British legislation, more protective of the rights of the accused than the common law, and that there were safeguards such as the necessity to prove “malice and intent” and the provision that allowed submission of the truth as evidence. Yet Borden pointed out that “in operation, these safeguards were of little value. Truth was never used as an effective defense.” Furthermore, he indicated, “judges freely delivered blazing lectures to the jury” in “a climate of fear and defiance.”

During the period of hysteria that followed its passage, fourteen persons were sentenced under the Sedition Act. John Adams, without doubt, and despite protestations he made in later life, must take some of the blame for that hysteria, for he seems to have approved at least two of the major prosecutions.

This is certainly not a happy aspect of American history, and those who, through the years, have proclaimed it one of the most fearful and disgraceful episodes in our history have been quite correct. Most judges in 1798 and 1799 seem to have been linked both by politics and by social and economic class to the Arch Federalists, and few of those indicted under the Sedition Act seem to have received an impartial trial. Speaking of the alien and sedition legislation, DeConde wrote, “with Secretary of State Pickering as their chief enforcement officer, and Hamilton a leading advocate of their enforcement, the spirit of the black cockade became one of intolerant, oppressive, and, at times, hysterical native Americanism.”

It is quite proper to condemn the alien and sedition legislation, yet it should be recognized that the significance of that legislation has been overstated. There were Republicans, as well as Federalists, who supported at least part of the program. Some Americans defended the legislation as “war measures.” When the Republicans were in power in certain states, Virginia among them, they used the state courts and English common law to inflict penalties for libel even more excessive than those meted out by federal courts under the Sedition Act.

Furthermore, the political effects of the legislation have been distorted and misrepresented. Even the most thorough student of the Jeffersonian newspaper press concluded, “Indisputably, the Sedition Law was a key issue in the 1800 campaign.” It has been pointed out, however, that in the elections of 1799, eight out of nineteen Virginians elected to the national House of Representatives were Federalists; and thus it would appear that in Virginia, seedbed of the Virginia and Kentucky Resolutions, stronghold of Jefferson and Madison, the Federalists did roughly twice as well as they had in the previous election. Nationalism, aroused by the XYZ fervor, seems to have been a much more potent political factor than any anger directed at the sponsors of the repressive legislation. Many of those who have studied the presidential election of 1800, especially the more recent scholars, tend to deemphasize the importance of the Alien and Sedition Laws in accounting for Jefferson’s victory. In spite of the publicity that

within his own administration by Hamiltonian Federalists who accused him of moderation and political ineptitude. Federalists entered the 1800 presidential elections badly split, a fissure which had widened when Hamilton tried to prevent Adams's renomination for a second term.

The election of 1800 was the first election without Washington, who died in late 1799. The critical turning point in the election came in May when the returns of the New York legislature came in giving the state to the Democrats. The campaign had been carefully orchestrated by Burr, who organized New York City down to the precinct level and tapped new faces to run for office. Burr's success prompted Jefferson to put him on the ticket as his vice-presidential running mate. The election took place in the states from May to December. In ten of the sixteen states, legislators chose the electors. When the returns were finally tallied, Jefferson and Burr received the identical number of electoral votes, seventy-three, to Adams's sixty-five. The Constitution called for the top vote-getter to be president and the runner-up to be vice president. (Adams would have won the election in all likelihood if the three-fifths clause had not given fourteen electoral votes to the South based on its slave population).

The electoral tie threw the final outcome of the election to the House of Representatives. Had the Democrats been a truly united party, the House would have picked Jefferson, the party's presidential choice, over Burr, the vice-presidential candidate. Instead there was intrigue. Under the Constitution each state was allowed to cast a single vote, which meant in 1800 that nine of the sixteen votes were needed to win. Determined to prevent Jefferson from gaining the White House, some Federalist legislators supported Burr. Fearful of a Burr presidency, Hamilton cajoled Federalists to support Jefferson. (The personal and political antagonism between Burr and Hamilton led to a duel in 1804 in which Hamilton died.) House voting began in February. After thirty ballots the deadlock was broken when Federalist James Bayard from Delaware left town and allowed Delaware's vote to go to Jefferson. Two hostile parties agreed to transfer power peacefully.

Jefferson proclaimed the election the "Revolution of 1800," although it marked a peaceful transfer of power between hostile political parties. This description was correct in the sense that the Virginia dynasty of Jefferson, Madison, and Monroe controlled the White House for the next twenty-four

resulted from the abortive efforts of the Republicans to repeal the legislation, and the attention to these laws in the Jeffersonian press in 1800, most recent historians have tended to believe that both taxes and the issue of the army were more potent, politically, than the Alien and Sedition Acts.

This footnote comes from Ralph Adams Brown's *The Presidency of John Adams*. Lawrence: University of Kansas, 1975: pp. 121 – 127.

years. In his inaugural address, Jefferson called for the end of partisanship. Despite this reconciliatory tone, Jefferson tried to impeach several Federalist judges. This action failed. In 1803, Chief Justice John Marshall expanded the Supreme Court's power by declaring, in *Marbury v. Madison* (1803), the court had the right to pass on the constitutionality of federal laws.

Jefferson's greatest achievement in his first term was the purchase of the Louisiana territory from France. In 1803, the debt-ridden Napoleon offered to sell the Louisiana territory to the United States at a bargain price. Jefferson undertook this purchase through executive action—a remarkable extension of presidential powers. The landmass of the United States doubled in this single deal. Shortly after the purchase, Jefferson commissioned the Lewis and Clark expedition to explore western lands to the Pacific. Along the way, the expedition offered peace medals to various Indian tribes. Nonetheless, some Indian leaders, such as Tecumseh of the Shawnee confederation, resisted American westward expansion. Jefferson won reelection in 1804 against a faction-ridden, New England-based, Federalist opposition. Democratic-Democrats, as the party now increasingly called itself, won control of both houses of Congress.

America's extension to the west through the Louisiana Purchase fostered Jefferson's dreams of building a white democracy of small-scale subsistence farmers. Not all was tranquil in the west, however. In 1807, former Vice President Aaron Burr was arrested and charged with treason for trying to organize a plot to establish a new western republic in the former Spanish territory of the Mississippi River valley. In the subsequent trial before Chief Justice John Marshall, Burr was acquitted under a strict definition of treason, but his political career was over.

Whatever confidence Jefferson felt about the future of the nation in the west, it failed to allay his frustration with Britain's intransigence about accepting American claims of neutrality in shipping. A less Anglophobic president might have better understood Britain's need to cut American shipping to its enemy Napoleon, but Jefferson was convinced that England could be forced to accommodate U.S. demands because it was reliant on American goods. Finally, an exasperated Jefferson pressured Congress to enact a trade embargo that prohibited American ships from leaving their ports to engage in foreign trade. The Jefferson administration imposed draconian enforcement of this legislation. Unfortunately, the embargo led to severe economic hardship in New England and eventual war with England.

Jefferson's popularity, and the disorganization of the Federalists, enabled him to pass the presidential mantle to his close friend Madison in 1808. Federalists had been reduced to a feckless opposition without much strength outside of New England. A few Democratic-Democrats aligned with Madison's opponent, John Randolph, who tried to rally behind James Monroe, but Jefferson backed Madison. Perhaps if the embargo had become law earlier and

its full economic effects felt, Federalist candidate Charles C. Pinckney might have done better in the presidential election. Madison defeated Pinckney 122 to 47 in the Electoral College.

For all of his intellectual brilliance, Madison proved to be a generally ineffective president, even though he won a second term in 1812. His cabinet appointments balanced sectional factions at the expense of competency. Relations with Congress proved rancorous. He confronted a group of War Hawks in the House—Henry Clay of Kentucky, John C. Calhoun from South Carolina, and Felix Grundy from Tennessee—who called for war with Britain. Old Democrat-Republicans, adherents of constrained government and states' rights, continued to be a thorn in Madison's side. In 1812 Congress refused to charter the Bank of the United States, even though Madison supported the measure as a financial necessity for a nation about to go to war. (Only when the government tottered toward bankruptcy in 1817 did Congress recharter a new bank.) The administration also lost control of its foreign policy when Congress enacted trade legislation that inadvertently favored Britain. Confronted by Britain's refusal to agree to recognize American neutrality and its continued support of Indian attacks on frontier settlers, Madison sent Congress a war message in June 1812, carrying the House seventy-nine to forty and the Senate by nineteen to thirteen.

War with Britain proved initially disastrous. The Democrats controlled Congress, intent on retiring the national debt and not raising taxes, and that left the army ill prepared. Madison's secretary of war proved utterly incompetent. In 1814, British forces attacked and burned the nation's young capital, Washington, D.C. Americans took solace in the courage and fortitude of Baltimore's Fort McHenry's resistance to a British bombardment, and they cheered a naval victory on Lake Champlain. When a final peace was reached at Ghent on Christmas Eve 1814, little had been achieved. Shortly before the final peace treaty arrived, Americans learned that Major General Andrew Jackson had defeated a British assault on New Orleans after the treaty had been negotiated.

Virginian James Monroe, another ally of Jefferson, won election to the presidency in 1816. By this time the Federalists had collapsed, having opposed the War of 1812 and threatened secession at a meeting in Hartford, Connecticut, shortly before the war concluded. The Hartford Convention proposed a two-thirds super-majority voting requirement in Congress for the admission of new states, declarations of war, and laws restricting trade. The convention also called for removing the three-fifths compromise that counted slaves as part of a state's population. News of Jackson's victory just a few weeks after the convention met spawned a patriotic fervor across the nation that discredited the Federalists, assuring their demise as a political force.

The war gave Americans a new hero—Andrew Jackson—and with him egalitarian democracy took root, organized around exactly what the Founders had feared: political parties.