

# CHAPTER 11

## JEFFERSON: IDEALIST? OR PRAGMATIST?



### *The Statesmanship Thesis*

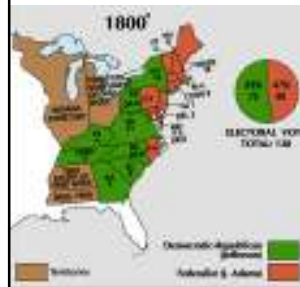
- ✦ The most important moment of the founding generation was not the romanticized “Miracle at Philadelphia” in 1787 but the miraculous avoidance of crisis in Washington, D.C., in 1801.
- ✦ It is argued that statesmen acting at the right moment were the key to weathering the first constitutional crisis.

### *The Statesmanship Thesis*

- ✦ The founders had designed an electoral system without providing guidelines for treatment of defective ballots, the self-interest of the Senate and the President, the dangers of a lame duck Congress, voting rules for the House runoff election, and the possibility that a President would not be selected by the inaugural date.
- ✦ Solution? Statesmanship, not partisanship, was the way out.



### *Election of 1800*

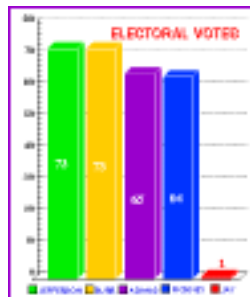


- ✦ Adams faced substantial opposition within his own party. **Hamilton opposed Adams' reelection and schemed to have Pinckney, Adams Vice Presidential candidate receive more electoral votes and thus become President.**
- ✦ The election was settled when the New York legislature fell under the sway of Burr and became dominated by supporters of Jefferson, thus providing him with 12 key electoral votes.

- ✦ **Thomas Jefferson and Aaron Burr each received 73 electoral votes.**

### *The Election of 1800*

- ✦ Though the Jeffersonians won control of Congress, for ten weeks the lame-duck Federalists still controlled the legislative branch.
- ✦ Who will be the president?
- ✦ The Constitution requires that in case of a tie, the House will vote, state-by-state, with each state getting one vote each.
- ✦ Because there were 16 states, candidates would need 9 to be chosen president.



### *Thomas Jefferson    Aaron Burr*



## Horatius

- ✦ One commentator writing under the pseudonym “Horatius,” cast himself as a “cool legalist” and offered a solution.
- ✦ if the House should deadlock in its determination, Congress should pass a statute naming an “officer of the United States” to serve as President.
- ✦ While Horatius did not recommend who that officer should be, John Marshall was the senior public official and, presumably, the most likely choice.
- ✦ Who was Horatius—the author of this potential solution?
- ✦ Secretary of State John Marshall.



- ✦ The President of the Senate (Jefferson as V.P.) officially counts the Electoral College votes.
- ✦ Among the entries was an irregular ballot from Georgia. Jefferson simply opened the envelope, announced the choices, and moved on.
- ✦ There was a possibility that the envelope was intercepted en route and a new list written on the back of the certificate. Jefferson could have called attention to the possibility of fraud, but the disqualification of an entire state could have initiated a new crisis.

## Partisanship or Statesmanship?

- ✦ Since the Constitution mandates that a contingent election be held immediately, and since Jefferson and Burr would not have received a majority of the electoral vote, the House would have held an election among the top five electoral vote-getters. In such a case, the lame-duck Federalist House could have chosen to elect Pinckney, Adams, or even Jay.
- ✦ Some argue that by recognizing Georgia’s submission as legitimate, Jefferson made a quick decision in statesmanship, arguably saving the country from a worse predicament. Without clear rules from the founders for resolving such a dispute, the matter could have devolved into a clash of legal formalisms with unclear rules.
- ✦ Others see Jefferson’s action as self-interested for the lame-duck Federalist House would have surely chosen one of their own as president.

## Lame-Duck President John Adams



- ✦ In 1798, during the undeclared war with France, Adams created the first standing Army with Alexander Hamilton in charge of the troops.
- ✦ Yet Adams reversed course, dissolved the Army in June 1800, and urged a peaceful solution to the conflict.
- ✦ After the election, the Jeffersonian governors of Pennsylvania and Virginia threatened to call out their state militias to march on the new Capitol in Washington if the Federalists did not recognize the legitimacy of the 1800 election.
- ✦ If Hamilton’s Army had remained in the field, the “dis-United States of America may have dissolved before ever really getting started.”
- ✦ **CONSTITUTIONAL CRISIS**

## Aaron Burr

- ✦ Burr could have fought for the presidency, OR given his votes to Jefferson, but chose to travel to Albany to attend his daughter’s wedding and remained there throughout the conflict in the House.
- ✦ Alexander Hamilton said he supported Jefferson because he was “by far not so dangerous a man” as Burr and was also reported to say “At least Jefferson was honest.”
- ✦ When it became clear that Burr would not be asked to run again with Jefferson, Burr sought the New York governorship in 1804, but was badly defeated by forces led by Hamilton.



Aaron Burr



Alexander Hamilton

## Rep. James Bayard (F-DE)



- ✦ When it seemed the Federalists were about to vote for Aaron Burr, Bayard is believed to have followed the advice of Alexander Hamilton and persuaded his Federalist colleagues to abstain from voting, and therefore throw the presidency to Jefferson.
- ✦ It was also believed Bayard struck a deal with Jefferson, to refrain from the wholesale removal of Federalists from appointed positions. While never proved, when he took office Jefferson allowed the Federalist office holders to remain employed.

## *Amendment XII*

- ✦ To avert another crisis, the 12<sup>th</sup> Amendment was ratified in 1804.
- ✦ It specified that the electoral votes for president and vice president be distinct.
- ✦ “The electors shall meet in their respective states and vote by ballot for President and Vice-President . . . they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President.”

## *Amendment XX*

- ✦ “The Lame Duck Amendment.”
- ✦ Ratified in 1933.
- ✦ Changed the terms of incoming members of Congress and the President.
- ✦ Under the initial Constitution, new officeholders begin their service on March 4<sup>th</sup>.
- ✦ “The terms of the President and Vice President shall end at noon on the 20th day of January, and the terms of Senators and Representatives at noon on the 3d day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.”

## *Partisanship or Statesmanship?*

- ✦ Was it the statesmanship of all of these actors that resulted in a victory for Jefferson, and a victory for the constitutional order with a peaceful resolution struck without constitutional or military crisis?
- ✦ Is it the case that similarly disputed elections in 1824, 1876, 1960, and 2000 also resulted in acts of statesmanship in order to avert constitutional crises?
- ✦ For more information, see THE FAILURE OF THE FOUNDING FATHERS: JEFFERSON, MARSHALL, AND THE RISE OF PRESIDENTIAL DEMOCRACY, by Bruce Ackerman. Cambridge: The Belknap Press of Harvard University Press, 2005.
- ✦ ALEXANDER HAMILTON, by Ron Chernow. New York: The Penguin Press, 2004.

## *Definitely Partisanship*

- ✦ Federalism Discredited
  - Essex Junto-Group of New Englanders sought to reestablish the glory of Federalism
  - Secession of New England
  - Burr encourages plot
  - Essex Junto collapses and Federalists are largely rejected
  - Burr-Hamilton Duel on July 11, 1804 at Weehawken, New Jersey. Hamilton deliberately missed Burr, Burr did not.
  - Hamilton was killed and the nation lost a man of great talent



## *The REAL revolution: Peaceful transfer of power*

- ✦ What The Federalists had Contributed:
  - Strengthened the Federal Government
  - Established a sound fiscal system
  - diversified the economy
  - reached an accommodation with Great Britain
  - Refused to get caught up in the French Revolution

## *Jeffersonian Democracy*

- ✦ Jefferson as President
  - Jefferson promised his countrymen a “wise and frugal government”
  - Noted for his moderation—respected the view of the political minority. He was committed to cooling partisan passions.
  - He repealed the tax on Whiskey
  - He made cuts in the military budgets—the proposed 40 warships was reduced to 8.

- Reduced the national debt by 25% in eight years
- Repealed the Naturalization Act
- Allowed the Alien and Sedition Acts to expire of their own accord in 1801 and 1802.
- Jefferson held many informal dinner parties which helped him to become friends with many important congressmen, which helped him build support for his programs.

### **JEFFERSONIAN ERA 1800-1812**



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- ✦ JEFFERSONIAN DEMOCRACY
- ✦ LIMITED CENTRAL GOVERNMENT/  
PRO STATES RIGHTS
- ✦ JUDICIAL POWERS STRENGTHED
- ✦ TERRITORIAL EXPANSION
- ✦ INTERNATIONAL CHALLENGES

### **JEFFERSONIAN DEMOCRACY** **His beliefs, but not always his actions**

- abandon aristocratic democracy
- idealistically favored democracy by the masses
- faith in the common man
- strict interpretation of constitution??????
- idealistically favored a nation of farmers

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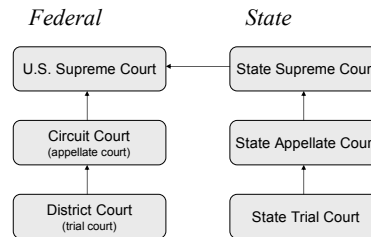
### **LIMITED CENTRAL GOVERNMENT /PRO STATES RIGHTS**

- Repealed Alien & Sedition Acts/Whiskey Tax
- Local Government most important
  - County and state government emphasis
  - "transition to the Jacksonian"
- Slashed Government Expenditures
  - military reduced
    - Army \$4 to 2 million
    - Navy \$3.5 to \$1 million
- reduced national debt (83 to 45 million)
  - Condemned Hamilton's financial plan
    - yet incorporated U. S. bank

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## Structure of Court Systems



The Court is empowered by Congress to issue Writs of Mandamus by the **JUDICIARY ACT OF 1789**

But the Act is also vague and insufficient for a growing democracy

### Judiciary act of 1801 (Lame Duck law)

- ✦ Judiciary Act of 1801
  - Lame duck Congress!
  - Adopted on February 13, 1801, repealed on April 29, 1802.
- ✦ Reduced the number of seats on the Supreme Court from six to five.
- ✦ The Judiciary Act created six new circuit courts presided over by 16 new federal judges and an large number of attorneys, marshals, and clerks.
- ✦ Doubling number of Circuit Court from three to six, and created three new circuit judgeships for each circuit.
- ✦ Ten additional District Courts.

### Judiciary act of 1801 (Lame Duck law)

- ✦ Attacking the Judiciary
  - Jefferson disliked the Judiciary for a number of reasons:
    - One reason was a natural bias toward entrenched judicial power that he believed would, over time, grab power to the judiciary and away from the people.
    - Another reason was because of the partisanship displayed by the Federalist judges during the alien and sedition trials.
  - When the Federalists attempted to ram through the Judiciary Act of 1801, Jefferson tried to block it

### Filling the Vacancies

- ✦ Adams had 19 days to fill as many of the newly created judgeships.
- ✦ Called "Midnight Judges" because Adams was said to be signing their appointments at midnight prior to President Thomas Jefferson's inauguration. (Actually, only three commissions were signed on his last day.)
- ✦ Marbury v. Madison involved one of these "midnight" appointments, although it was an appointment to a "justice of peace" in the District of Columbia, which was authorized under a different Act of Congress.

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- ✦ INTERNATIONAL CHALLENGES

## TERRITORIAL EXPANSION

- France forced Spain to relinquish claims to North American interior
- Wanted to use Haiti as staging area to conquer US. **Toussaint L'Ouverture**
- **Louisiana Purchase 1803**: only wanted N.O.
  - \$15 million 3¢ an acre
  - Jefferson wanted to wait for a constitutional amendment to buy it
  - sold to US to fund Napoleon's war effort
- Lewis & Clark 1803-1806
  - Missouri to Columbia



## *Election of 1804. Jefferson easily defeats Pinckney 162-14*

- ✦ The Burr Conspiracy
  - After being replaced as vice-president by George Clinton in 1804, Burr contacted the British minister, Anthony Merry, and attempted to deliver a considerable tract of western lands to the British for £110,000.
  - British decide not to participate
  - Burr then joined with General James Wilkinson, governor of the Louisiana territory, with the goal of raising an army and invading New Orleans or Mexico.
  - Burr was betrayed by Wilkinson, captured in February 1807, and tried for treason.
  - Jefferson worked overtime to convict Burr, the Judge, Chief Justice Marshall worked equally hard to acquit.
  - The jury acquitted Burr, who then went into exile in Europe.

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## INTERNATIONAL CHALLENGES

- **1. European Cold War (French/English)**
  - British - supreme at sea
    - British - Orders in Council
    - all ships must port first in Britain.
  - French - controlled land
    - French - Continental System
    - neutral vessels that observed
    - "orders in council" would be seized

## INTERNATIONAL CHALLENGES

### 2. Barbary Wars 1801-1805

- \$2 million to Barbary Pirates 1790-1800 The Barbary Pirates
- Pirates of the North African states of Morocco, Algiers, Tunis, and Tripoli had for many years run a protection racket by exacting tribute from ships traveling through the Mediterranean.
- Jefferson did not like this practice
- Washington and Adams had paid tribute
- When the Pasha of Tripoli, Bashaw Yusuf Karamanli, decided to raise the rates, Jefferson refused to pay the tribute.



## INTERNATIONAL CHALLENGES

- The Pasha declared war on the United States in May 1801.
- Jefferson sent in the Navy to force him to sign a peace
- Mixed results, the U.S. lost the *U.S.S. Philadelphia*, but was able to renegotiate the payments with Tripoli.
- In 1805 Tripoli signed a peace treaty with the U.S.
- The United States was the only maritime power to challenge the pirates.
- Right--Stephen Decatur fights hand to hand with pirates in Tripoli harbor.



## INTERNATIONAL CHALLENGES

### - 3. Economic War

#### a. Embargo Act of 1807 -

- all imports/exports prohibited
- American farmers/merchants suffered
- 1808 Embargo repealed

#### b. Non-intercourse Act -

- trade with all countries
- except France & Britain would resume
- trade with country willing to respect
- American shipping



## INTERNATIONAL CHALLENGES

### - 3. Economic War

#### c. Macon's Bill No. 2

- opened trade with England/France -
- as soon as one agreed to American terms . . . America would cut off trade with other

*French were first- Madison declared an end to trade with Britain, and basically declared war at the same time*

## INTERNATIONAL CHALLENGES

### d. War of 1812 "Mr. Madison's War"

1. fought to defend the rights of American shipping on the high seas
2. fought to wipe out Indian Base in Canada
  - Federalists & N.E. merchants against war
  - **War Hawks** - young Republican congressmen nationalistic & outraged at "British indignities" resented aid of British to N.W. Territory Indians. War Hawks saw opportunity to take Canada with few British troops in N.A. because of wars in Europe
  - Clay & Calhoun

W  
A  
R

