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WHEN GEORGE WASHINGTON accepted the presidency of the United States in 1789, he gave the untried new nation a symbol of unity that turned out to be more than just a symbol. The first federal census of 1790 revealed that the nation had nearly four million citizens, but no census was required to reveal much division and deep-seated differences among these millions. How could “these united States” become *the* United States? Some sought that unity in religious ideology, some in political structures. Alexander Hamilton saw banking, commerce, and manufacturing as the foundation on which a national government could unite sections and factions. John Adams tried to enforce a kind of political and (some feared) religious orthodoxy to make the many into one. But many others thought unity more a danger than a promise. Their concerns centered on state and local matters; a wobbly central government could fend for itself.

In the first wide-open presidential election in 1800, the supporters of Adams arrayed themselves against partisans of Thomas Jefferson in a contest so bitter that any optimism concerning national unity looked as if it would surely sink. Political parties, not envisioned by the Constitution, now moved onto the national stage. The Federalists, especially strong in New England and especially supportive of Washington and Adams, regarded themselves as destined to rule as (in their eyes) the men of virtue, the elite, the chosen of God. They believed in a government *for* the people, but not necessarily *of* or *by* the people.

The Jeffersonian Republicans, on the other hand,



Washington's First Cabinet Only four men sat in Washington's cabinet: Henry Knox (secretary of war), Alexander Hamilton (secretary of the treasury), Thomas Jefferson (secretary of state), and Edmund Randolph (attorney general), here depicted in an 1876 illustration. Together with a handful of clerks, a tiny army, the federal judges and Supreme Court justices, the members of Congress, and a modest cohort of postmasters and customs agents stationed throughout the nation, these men *were* the government of the United States.

sought votes from all levels of society, even from newly arrived immigrants not yet schooled in the ways of the new nation. Their "rule," if such should happen, would (Federalists said) be only a temporary and unfortunate interruption before voters returned to their senses and gave the reins of power back to those who deserved them. For the next three decades, however, the Federalists dissolved while the Jeffersonians held on to executive and legislative power. Over those years, the Jeffersonian party had its chance to give some substance and some definition to the American dream. How was the national character to be defined?

And what was recognizably "American" about politics, literature, religion, education, social structures, and moral purposes in the era of the Washington, Adams, and Jefferson presidencies? A wandering traveler in the 1790s, after traversing much of the new nation, observed that America was "a vast outline, with much to fill up." So it was when George Washington took his oath of office in New York City. How wisely and how well that outline was filled up involved not just the first three presidents but those four million Americans —

male and female, black and white, young and old — anxious to see how the story might turn out.

GEORGE WASHINGTON AND NATIONAL UNITY

When General Washington resigned his commission on December 19, 1783, in Annapolis, Maryland, the country could not have felt more indebted to any other individual. He had prevailed in battle with dignity, honor, perseverance, and above all with a clear sense of the right relationship between military and civilian authority. Already "first in war," soon he would also be (in the memorable phrase of Henry Lee) "first in peace, and first in the hearts of his

countrymen." Although he did much alone, he did appoint able, if sometimes quarrelsome, assistants, and he did benefit from a strong public sense of America as a nation of destiny and promise. In his relationships with Congress and with the ill-defined judiciary, Washington would set patterns that would be followed — or at least appealed to — by generations to come. Finally, in foreign affairs the first president would keep his young and vulnerable country out of war and the greedy grasp of Europe's expansionist powers.

∞ *The Executive: Washington and His Cabinet*

Just as the choice of Washington as presiding officer at the Constitutional Convention helped that body reach a successful conclusion, so the choice of Washington as president could set the country, under its new charter, on a hopeful path. There was no contest. On February 4, 1789, the Electoral College unanimously elected the one man around whom the country could unite. Then another two months passed before Congress could get itself together so that the votes could be officially counted in its presence. Washington waited at Mount Vernon until he could be formally notified of his election in April, and then set out for the temporary capital in New York City.

Washington's progression from Virginia to New York was a triumphal march, despite eight days spent on muddy, rutted roads. Crowds clamored to see and cheer him, banners welcomed the unblemished hero, pageants

were given in his honor, and dinner parties planned at every stop. Flowers were strewn in his path and Handel's "See the Conquering Hero Come" was lustily sung. At the inauguration itself on April 30, church bells rang out, ships' cannons in New York harbor noisily burst forth, fire-crackers exploded, and loud cheers reverberated against the balustrades of Federal Hall on Wall Street. If pomp, pageantry, and good will could ensure success, then the new president faced only clear weather ahead.

The uncertain times, however, demanded more than pomp. Federal union was hardly more than a potentially powerful idea. But at the moment, power rested on the fortunes of one man and the durability of one document: the Constitution. Fortunately for Washington, those chosen or elected to serve with him were committed to making that one document work. The Anti-Federalists for the moment at least took to the sidelines, waiting for an opportunity to point out that they were right all along: a national government would never succeed.

In his inaugural address, Washington embraced the pervading view that a wise and merciful Providence watched over America. "No people," he declared, "can be bound to acknowledge and adore the invisible hand, which conducts the Affairs of men, more than the people of the United States. Every step by which they have advanced to the character of an independent nation seems to have been distinguished by some token of providential agency." He also called for a public virtue that, he and many others believed, was the only safe foundation for a free society. There is, he noted, "an indissoluble union between virtue and happiness, between duty and advantage, between the genuine maxims of an honest and magnanimous policy and the solid rewards of public prosperity and felicity." Like every subsequent inaugural address, Washington's was filled with hope. But also like all his successors, George Washington found political reality a sobering experience.

Everything was new, untested. As Washington pointed out even before taking the oath of office, "I should consider myself as entering upon an unexplored field, enveloped on every side with clouds and darkness." After taking that oath, the darkness did not disappear nor the apprehension diminish. Washington knew that he "walked on untrodden ground. There is scarcely any part of my conduct which may not hereafter be drawn into precedent." He must cautiously but wisely chart a path where none existed.

Not all choices were his to make. The vice presidency, for example, was determined not by the president (nor would it be until after the Twelfth Amendment to the

Constitution in 1804) but by members of the Electoral College. On that ground, John Adams of Massachusetts was named to the position. Politically, it made sense to soften sectional rivalry by balancing a president from the South with a vice president from the North (just as the admission of Vermont to the Union in 1791 had to be "balanced" by bringing in Kentucky the following year). But Washington and Adams never developed a warm relationship. The vice president was given little authority or dignity, another precedent that endured well into the twentieth century.

In choosing persons to head the several departments of government — the president's "cabinet," though that word was not yet used — Washington named Jefferson as secretary of state and Alexander Hamilton as secretary of treasury. Exceptionally able as these two men were, they did not get along, and Jefferson resigned after Washington's first term. Hamilton, on the other hand, retained Washington's favor throughout the entire eight years, and exercised ever-increasing influence even when not in office. Washington was no king, but Hamilton nonetheless saw himself as a prime minister. A Revolutionary War hero, Henry Knox, who had served as secretary of war under the Confederation Congress, continued in that capacity in Washington's cabinet. As the nation's first attorney general, Washington appointed his old friend Edmund Randolph, who tried to keep the peace between Jefferson and Hamilton — and after Jefferson resigned, Randolph became secretary of state. (Soon, however, he was driven from office amid accusations of taking bribes.) Washington knew all his cabinet members personally, consulted them regularly, and regularly acted on their advice; this constituted another vital precedent.

In 1789 Washington entertained high hopes for the young republic, writing to Lafayette that "Nothing but harmony, honesty, industry and frugality are necessary to make us a great and happy people." That list of virtues, however, represented a severe demand not only on the population at large but also on the executive officers themselves. Washington would soon despair about the growth of a "party spirit," even as his anxiety mounted over the festering feud of his two trusted allies, Jefferson and Hamilton. In 1792 he wrote to both men, urging them to find some common ground. "I have a great, a sincere esteem and regard for you both, and ardently wish that some line could be marked out by which both of you could walk." Otherwise, Washington noted sadly, the nation might lose "the fairest prospect of happiness and prosperity that ever was

presented to man." But even patriarchal pleas did not produce harmony. Was the nation, even in its tender youth, in danger of coming apart?

✧ *Millennialism and the Republic*

If the nation was to hold together, perhaps ideas more than personalities would make that possible. A biblically informed if not a biblically obedient people spoke and wrote of that much-prophesied kingdom of God on earth, of that thousand-year reign of peace and happiness ushered in by the omnipotent Creator in cooperation with his fallible creatures. Many during the Revolution and in the decades following clung to the conviction that America was uniquely part of God's plan. Yale president, Ezra Stiles, in an election sermon preached in 1783, declared that all of America had now become that Puritan "city set on a hill." Tyranny was dethroned; liberty reigned. Stiles called on his audience to reflect on "how wonderful, how gracious, how glorious has been the good hand of our God upon us." A later Yale president, Timothy Dwight, in 1794 gave the sentiment poetic expression:

*O happy state! the state, by Heaven design'd,
To reign, protect, employ, and bless mankind.*

Just as God had guided ancient Israel, so God would direct the fortunes of America, "God's New Israel." The divine hand, evident in the American Revolution, was now revealed in the person of George Washington. "O WASHINGTON!" Stiles exclaimed, "how have I often adored and blessed thy God for creating and forming thee the great ornament of human kind!" For the future, many believed, the same divine hand will be demonstrated in the mission of the nation to all the world.

Just as Christians had received a "Great Commission" to go forth and make disciples of all peoples, so America now had its charge to promulgate the "Gospel of Liberty" that would forever bury all tyranny in ruins. In the seventeenth century, such language and religious optimism was most closely associated with New England and the Puritans. Now, in the late eighteenth century, republican ideology had joined with covenant theology to light a brighter beacon for the whole world to see. Northerners and southerners, Federalists and Anti-Federalists, could all join in a chorus of praise to that "Great Temple of Liberty" called America.

The earliest days of governance under the new Constitution were obviously experimental, and experiments could fail. But if Divine Providence smiled, the experimenters would not fail. Enormous psychological satisfaction could be found in the assurance that God would protect his New World Israelites just as he had those of the Old World. Politicians might quarrel, natural catastrophes might erupt, banks and crops might fail, but the gates of hell would never prevail against a divinely led people.

In the latter decades of the eighteenth century, the nation did not grow more secular-minded or profane, as has been widely assumed. Rather, the cloak of religious rhetoric and religious vision enveloped not just the churches, but the nation as a whole. A kind of political millennium gave promise and hope and perhaps some arrogance to the people at large: to their survival first of all, but well beyond that to their destiny across the continent and around the globe.

Even in the realm of language, Noah Webster of Connecticut tried to point the path to the unity of a nation. In his *Dissertations on the English Language* (1789), Webster not only standardized American spellings, but also pointedly drew distinctions between British English

✧ IN THEIR OWN WORDS

"God's American Israel"

In this sermon, preached at Hartford, Connecticut, on May 8, 1783, and entitled "The United States Elevated to Glory and Honor," Ezra Stiles encapsulates the widespread belief that God had a special plan for the new nation.

Already does the new constellation of the United States begin to realize this glory. It has

already risen to an acknowledged sovereignty among the republics and kingdoms of the world. And we have reason to hope, and I believe to expect, that God has still greater blessings in store for this vine which his own right hand hath planted, to make us "high among the nations in praise, and in name, and in honour." The reasons are very numerous and conclusive. . . .

Liberty, civil and religious, has sweet and attractive charms. The enjoyment of this, with property, has filled the English settlers in America with a most amazing spirit, which has operated, and still will operate, with great energy. Never before has the experiment been so effectually tried, of every man's reaping the fruits of his labour and feeling his share in the aggregate system of power.

(honour, colour) and American English (honor, color); the American version was simpler, clearer, more direct. That same year, Jedidiah Morse of Massachusetts published *The American Geography*, an immensely popular work suggesting that the nation had a geographical as well as a political destiny. Both Webster and Morse, firm Congregationalists, ardently supported a strong central government as the key to the fulfillment of the American millennial dream.

3 The Legislature: Washington and Congress

The Constitution had much more to say about the powers of Congress than it did about the authority of either of the other two branches of government. The Constitution's First Article, by far its longest, detailed the wide scope of congressional authority. And Congress thought that only proper. Congress was closest to the people who were, of course, the ultimate base of all power in a republic. Only Congress could levy taxes, declare war, impeach and convict presidents, confirm the appointment of justices, and consent to treaties. Since Congress could do so much, the president obviously had to work closely with it.

Congress, jealously guarding its own powers, was immediately suspicious of any effort by the executive branch to assert its prerogatives. And since a president could be re-elected indefinitely, was there not danger that the newly elected American George could someday resemble the recently defeated British George? Congress would make certain that this did not happen. Although they may have trusted the George Washington who happened to be president, they harbored deep suspicions of what his successors might do.

Washington had no disposition to become a king. He thanked God for having led him "to detest the folly and madness of unbounded ambition." He knew how to exercise power responsibly, as well as how to limit it carefully. When in 1783 his long unpaid army officers contemplated marching on the government, Washington appeared, uninvited, to quell their threatened insurrection. In a carefully worded speech, he called upon those present "to express your utmost horror and detestation of the man who wishes, under any specious pretenses, to overturn the liberties of our country, and who wickedly attempts to open the floodgates of civil discord and deluge our rising empire in blood." No military coup took place. And as president Washington would see to it that no coup on behalf of royalty would ever occur. Besides, as he pointed out, he would make a

pathetic king since, being childless, he had no heirs.

Yet Congress worried. How should the president be addressed? How should he be received? Should they bow as he passed? William Maclay, a republican-minded Senator from Pennsylvania in the first Congress, kept a diary that reveals just how much attention was given to what now seems so trivial. That question of precedent, however, loomed large once more. On May 1, 1789, the minutes of the Congress referred to Washington's inaugural address of the day before as "His most gracious Speech." Appalled, Maclay rose to address the Senate: "We have lately had a hard struggle against Kingly Authority; the Minds of Men are still heated; everything related to that Species of Government is odious to the People. The words prefixed to the President's Speech are the same that are usually placed before the Speech of his Britannic Majesty. I know they will give offense; I consider them as improper." So convoluted did these and similar questions become that Congress found it necessary to appoint a Joint Committee on the Subject of Titles.

Richard Henry Lee of Virginia contended that all the civilized and, for that matter, the savage world found titles to be worthwhile. "There must be something in Human Nature," he suggested, "that occasioned this general Consent." Maclay responded that as knowledge increased, the need for titles correspondingly declined. The Constitution, moreover, specifically provided that "No Title of Nobility shall be granted by the United States." When the Joint Committee reported that the proper title of the president should be "His Highness the President of the United States of America and Protector of the Rights of the Same," Maclay was beside himself. If the title "His Highness" was going to be used because of the "high station" of the president, then such a title "belongs with more propriety to the Man in the Moon than Anybody Else, as his Station . . . is certainly the most exalted of any that we know of." Despite the sarcasm, Maclay was deadly serious: aristocratic tyranny lurked just around the corner. He blamed Lee along with Vice President John Adams for "all the fooleries, fopperies, fineries, and pomp of Royal etiquette." And he won. The most exalted title by which the chief executive officer of the United States would henceforth be known was, simply, "Mr. President."

More critical issues than mere titles shaped the relationship between the president and Congress. The Senate had the right to give its consent to presidential appointments, but could it dismiss appointees once in office? Many Senators thought such a right was implied; if granted, it would greatly weaken the executive

IN THEIR OWN WORDS

"That Species of Republick"

I also am as much a Republican as I was in 1775. I do not "consider hereditary Monarchy or Aristocracy as Rebellion against Nature." On the contrary, I esteem them both Institutions of admirable wisdom and exemplary Virtue in a certain stage of Society in a great

Nation. The only Institutions that can possibly preserve the Laws and Liberties of the People, and I am clear that America must resort to them as an Asylum against Discord, Seditions and Civil War, and that at no very distant Period of time. I shall not live to see it — but you may. I think it therefore impolitick to cherish prejudices against Institutions which

must be kept in view as the hope of our Posterity. I am by no means for attempting any such thing at present. Our Country is not ripe for it in many respects, and it is not yet necessary, but our ship must ultimately land on that shore or be cast away.

John Adams to Benjamin Rush, 1789

office. James Madison, as close adviser to Washington (as well as a member of the House of Representatives), urged the House to vote against such a senatorial privilege, which it promptly did. In the Senate, where the matter was much more hotly debated, a tie vote was broken by the presiding officer, Vice President Adams, in favor of the stronger executive. This precedent, too, was of critical significance.

Washington, on the other hand, was reluctant to use the veto power to thwart the will of Congress. In his view, the veto should be used not over policy differences, but only when an action of Congress seemed to violate the Constitution. As a "president above party," Washington saw himself as the neutral, impartial judge of the constitutionality of a legislative act. Later, when presidents became party leaders, then it fell to the Supreme Court to determine the constitutionality of the acts of Congress.¹

The president made some attempt to gain the Senate's consent by meeting with them face to face early in his presidency to discuss a treaty with the southern Indians. But the process was so tedious and the results so unsatisfactory that Washington determined to let the Senate operate on its own leisurely timetable while he — at some remove — would operate on his. When, despite his presence, the Senate decided to refer the whole matter to a committee, Washington rather angrily responded that "This defeats every purpose of my coming here." In deciding never again to visit the Senate for such a reason, Washington fixed yet another precedent.

The Judiciary and the Supreme Court

The Constitution had less to say about the judicial branch than about either the legislative or executive

branches. That so little was explicitly set forth aroused more suspicions than it allayed. For after all, here was the highest court in the land in which that most precious of judicial liberties, trial by jury, was absent. Here also was a court that potentially could rob the state courts of any genuine power.

Debates in the Constitutional Convention gave considerable attention to judicial appointments. Should they be by the Senate, by the president, or — as ultimately agreed — by the president with the consent of the Senate? Gouverneur Morris conceived of the chief justice of the Supreme Court as serving on a Council of Advisers to the president and chairing it in his absence. He had also urged that the chief justice propose such laws as "may promote useful learning and inculcate sound morality throughout the Union." But none of these notions found their way into the Constitution, which spoke only of the Court's judicial power extending to all cases "arising under this Constitution, the Laws of the United States, and Treaties made."

Alexander Hamilton, in *Federalist* Number 78, had tried to reassure an anxious public that the Supreme Court, having neither the power of the sword nor of the purse, was the least dangerous branch of government. "It may truly be said to have neither Force nor Will but merely judgment; and must ultimately depend upon the aid of the executive arm even for the efficacy of its judgments." Hamilton did suggest, however, that the Court would necessarily get involved when any legislative act contravened the Constitution; in such an instance, "the Constitution ought to be preferred to the statute, the intention of the people to the intention of their agents."

Washington appointed John Jay as the first Supreme Court chief justice. A lawyer and former chief justice of New York, Jay was also an ardent nationalist who had argued forcefully for approval of the Declaration of In-

1. See below, pp. 244-45.

dependence and for ratification of the Constitution. He joined with Hamilton and Madison in writing *The Federalist*, though he contributed the least of the three. Because he had served as secretary of foreign affairs during the Articles of Confederation period, Washington thought him the logical choice for secretary of state in his new “cabinet.” Jay, however, preferred becoming chief justice, and Washington quickly accommodated him.

But what kind of institution had Jay agreed to direct? Later in 1789 the Judiciary Act spelled out the detail absent from Article III of the Constitution. In addition to the chief justice, the Supreme Court would have five associate justices. Thirteen federal district courts were established, as well as three circuit courts. States could appeal to the Supreme Court if any of their own laws were challenged as being unconstitutional. Most significantly, the Judiciary Act of 1789 made it clear that federal laws and federal treaties would be “the supreme Law of the Land” and that state sovereignty would in every case yield to national sovereignty.

In 1793, however, in *Chisholm v. Georgia*, Jay’s Court ruled that the Constitution explicitly allowed a citizen of one state to sue another state. This seemed too harsh a blow against the rights of the states, with the result that in 1794 the Eleventh Amendment was proposed, and was ratified in 1795. Here the federal judicial arm was shortened to block it from reaching down to hear suits against a state by citizens of any other state or foreign power.

In 1793 Jay also declined an invitation to advise the executive branch on the interpretation of foreign treaties. Jay pointed out that the Constitution had drawn clear lines between the three branches and that these lines would inevitably be blurred if the Court became a party either to executive decisions or to congressional deliberations. Within a year, Jay had even more reason to be sensitive about treaties and their interpretation: while still chief justice, he was asked to negotiate a treaty with Britain. “Jay’s Treaty” proved exceedingly unpopular. After five years as chief justice, Jay resigned to become governor of New York. Washington appointed in his place Oliver Ellsworth of Connecticut, principal author of the Judiciary Act of 1789 and a jurist of broad experience.

During Washington’s administration, the Supreme Court did not manage to define itself as a major branch of government. Hamilton’s words were fully vindicated: namely, that “the judiciary is beyond comparison the weakest of the three departments of power.” That situation, however, would change soon after 1800.

✧ Alexander Hamilton and Economic Structures

As Washington’s secretary of the treasury, Hamilton had clear responsibility for economic matters. But his concern in this area went well beyond mere official duty. Alexander Hamilton, more than anyone else in Washington’s entourage, had a single-minded vision of where the United States should be headed as an economic power and of the steps necessary to take the country there. Only thirty-five years old when named secretary, Hamilton, the illegitimate son of a Scottish merchant, was fired by extraordinary ambition and thirst for glory. Not guilty of trying to line his own pockets with federal money, he allied himself with merchants and manufacturing interests who managed to fill theirs. But, from Hamilton’s point of view, it was all in the interest of national unity. Without capital, without credit, without economic strength at home or fiscal respect abroad, the new nation could quickly collapse.

In 1790-91, Hamilton presented to Congress four significant reports: on credit (including duties and taxes), on a national bank, on a mint, and on manufactures. Here his vision took on reality. And here, too, Hamilton’s design to weaken the power of the states by strengthening the power of the nation grew clear. Hamilton had the immense advantage of a fixed sense of direction and of remarkable boldness in putting the new nation on a solid economic foundation.

The first economic problem confronting the country was its enormous debt — about \$54 million — accumulated during the course of the Revolution. Congress had sold certificates to fund the war effort or had given certificates (in effect, IOUs) to its soldiers in lieu of salary. Over the years, much of this paper had been resold at far below face value, and most of them had passed into the hands of speculators, some of whom were also members of the first Congress. Many assumed that the certificates would be redeemed at some discount — say, fifty cents on the dollar — but Hamilton felt strongly that the integrity of the nation required that the “funding” (as the paying off was called) be at full value, even if it did enrich the speculators. Madison and Jefferson vigorously opposed Hamilton’s program, but Congress seemed disposed in its favor. An additional advantage, Hamilton believed, was that the sudden accumulation of wealth in the hands of speculators could make money available for lending to the government or to those prepared to begin industrial development.



Continental Currency This 1777 five-dollar note is typical of the paper money issued by the Continental Congress to pay for the costs of the American Revolution. Because the new government issued more paper currency than it could back up with gold or silver reserves, the currency eventually became nearly worthless.

Continued European demand for American foodstuffs delayed this investment of capital that Hamilton envisioned.

Tied to the "funding" issue was the related question of "assumption": that is, the federal government taking over or assuming the debts accumulated by the individual states during the course of the war. Even more unpopular than funding, this proposal of Hamilton's ran into stiff opposition not only from Jefferson and Madison but also from many others as well. Staunch Federalist Gouverneur Morris, for example, thought it made no more sense to take over the debts of the states than to take over the debts of businesses or individuals. Several states, moreover, principally in the South, had already repaid much if not all of their debts. It was

grossly unfair for citizens of these states to have paid taxes once to retire their own debts, only to be federally taxed a second time to pay off the debts owed by other states. Hamilton, on the other hand, argued that the New England states, if their debts were not assumed, might withdraw from the Union. John Adams commented, "It is a rapture to see a returning disposition to respect treaties, to pay debts, and to do justice by holding property sacred and obeying the commandment, 'Thou shalt not steal.'"

For weeks Congress wrestled and worried and searched for an acceptable accommodation. A complex tangle grew more complex as the question of the permanent location of the nation's capital turned into a toy tossed around to win a vote here, a vote there. The compromise ultimately arrived at between Hamilton and Jefferson gained the votes of two Virginia congressmen for Hamilton's assumption plan, but only if the national capital was fixed along Virginia's northern border. According to the agreement reached at a din-

ner attended by Hamilton, Jefferson, and Madison, the capital would move from New York City to Philadelphia for ten years, then after that to a new ten-mile-square Federal District on the Potomac River, carved out of land granted by Maryland and Virginia.

In all this jockeying between Hamilton and his opponents, battle lines had been drawn: northern and mercantile interests versus southern and agricultural interests. Not yet having broken with Hamilton, Jefferson conceded in conciliatory tones that “in general I think it is necessary to give as well as take in a government like ours.” Yet even Washington felt the rare sting of criticism: he had sold out his troops by not supporting Madison’s proposal to reward only the original holders of the certificates; then, he had sold out again by bargaining to get the permanent capital, almost within view of his Mount Vernon acres. But Washington was only glad to have the contentious issues resolved.

Buoyed by his legislative victories, Hamilton pushed on to questions of currency and a national bank. While the narrow issue was the creation of a bank, the broader issue — that reverberates down through all subsequent American history — was one of constitutional interpretation. How “loosely” or how “strictly” should that fundamental document be interpreted? True, the Constitution said nothing about a national bank or charters of incorporation. On the other hand, the Constitution did say that Congress had the power to “make all Laws which shall be necessary and proper for carrying” out the specified powers (Art. I, Sec. 8). As “strict” constructionists (as least on this issue), Madison and Jefferson held that it was unconstitutional to take any action that the Constitution did not expressly allow. As a “loose” constructionist, Hamilton found in the “necessary and proper” clause plenty of room for a national bank and no doubt many other innovations as changed circumstances might warrant.

Both sides advised Washington: the two strongest members of his cabinet, Jefferson and Hamilton, as well as his trusted adviser, James Madison. Washington even asked Madison to prepare a veto message should he decide that the proposal for a national bank really was unconstitutional. Jefferson, at Washington’s request, prepared a memo in opposition to the national bank, explaining that granting a monopoly to such an entity would set a dangerous precedent — that moving beyond the clear constitutional language was “to take possession of a boundless field of power, no longer susceptible of any definition.” Privately, his language was even less restrained: “There are certainly persons in

all the departments who are driving too fast,” with the “monied interests” greatly favored over the agricultural interests. Or as Senator William Maclay stated bluntly: “Congress may go home; Mr. Hamilton is all-powerful, and fails in nothing he attempts.”

The president invited Hamilton to respond to Jefferson and Madison, which he did — at great length and with superb reasoning. Any government that ties itself to a literal text, said Hamilton, is frozen in place; it has no flexibility, no adaptability, no life. Scoring an effective debating point, Hamilton noted that even Madison recognized this fact in *The Federalist* when he wrote that “No axiom is more clearly established in law, or in reason, than that wherever the end is required, the means are authorized; wherever a general power to do a thing is given, every particular power for doing it is included” (Number 44). What had changed Madison from a loose constructionist in 1788 to a strict constructionist in 1791? The answer, of course, is that Madison and Jefferson saw the Hamilton juggernaut as driving toward an America that neither wished to see realized.

George Washington received the bank bill on February 14, 1791, and had ten days to sign or veto it. During those ten days, Madison prepared the possible veto message and Hamilton composed his lengthy response. At the last possible moment, Washington, having been pulled in opposite directions, signed the bill into law. The nation now had a bank that, though largely private, could issue notes, provide credit, service the national debt, handle government finances, and make loans — even to the nation itself. At this point, Jefferson concluded that only an organized party could resist or thwart a Hamilton program that seemed invincible.

Now the secretary of treasury turned his agile attention to making the United States a major industrial and manufacturing power. In his famous “Report on Manufactures,” written in 1791, Hamilton argued that the nation should not be dependent on imports from abroad, but should be a producer not just of agricultural goods but of manufactured items as well. Such a move would “afford a more ample and various field for enterprise,” just as it would create “a more certain and steady demand for the surplus produce of the soil.” Protective tariffs could give infant industries a chance to succeed. Hamilton took refuge in the broadest constitutional language of all: the “promote the general Welfare” clause of the preamble. The national bank was, at least, a single institution, but claiming a right to do anything that, however vaguely, promoted the general welfare, threw the doors very wide open indeed. Madison wrote

in some despair to Virginia's Governor Henry Lee, "The federal government has been hitherto limited to the specified powers, by the greatest champions for latitude in expounding those powers. If not only the *means*, but the *objects* are unlimited, the parchment had better be thrown into the fire at once." But Congress felt that it had moved far and fast enough in Hamilton's direction: the report was shelved, and the Jefferson-Madison alliance could retain some hope still for an agrarian and small-town America.

Foreign Affairs and Bitter Final Days

President Washington seriously considered retirement at the end of his first term in 1793, and asked Madison to draft an address suitable for the occasion. Though only sixty years of age, Washington had suffered severe illnesses. As the duties of the office grew more tiresome, he wrote to Jefferson, "retirement and tranquillity became an irresistible passion." He also feared dying in office, for that would set the precedent of the president serving for life. But all his friends and advisers declared that his departure at this critical time would be a disaster, and the Electoral College on February 13, 1793, unanimously named Washington to a second term.

RELATIONS WITH FRANCE AND BRITAIN

Two weeks before, France had declared war on Great Britain. The French Revolution of 1789 had run its course, becoming ever more radical, reaching a climax of sorts in the beheading of Louis XVI early in 1793 and of Queen Marie Antoinette many months later. Britain, along with Austria and Prussia, wanted to restore monarchy to France; the French republicans wanted to steer their own course. And President Washington hoped that the United States could steer its own course so as to avoid being drawn into a war for which it was surely not ready. Neither France nor Britain made it easy for America to stay aloof, as both treated the United States with contempt on the high seas and in the interior of the North American continent alike.

Nor was Washington's burden lightened by his secretary of state's vigorous partisanship for agriculture and France, while his secretary of treasury with equal passion supported commerce and England. Both Jefferson and Hamilton agreed that the United States should stay out of the war, but each saw the nation's sympathies as resting in different places. In April 1793 Washington issued a Proclamation of Neutrality that, in effect, canceled the Franco-American Treaty of 1778 that theoretic-

cally made the two countries allies "forever." Jefferson thought that treaty should still be honored; Hamilton thought otherwise since it had been made with a king now overthrown. In any case, the proclamation should keep the young nation out of war.

Or so it seemed, until the British grew increasingly callous in their treatment of America. To the Americans' continued irritation Britain retained control of military posts in the interior that, by the terms of the treaty ending the Revolutionary War, should long before have been abandoned. With consummate gall, they even built a new fort in Ohio, near what is today Toledo. British fur traders competed — much too successfully — with American fur traders, even as they armed and formed alliances with the Indians to frustrate further advancement of the western frontier. By impressing — that is, seizing sailors off American ships at sea, men who they claimed were Royal Navy deserters — the British deeply offended American feelings. Then in 1793 Britain confiscated dozens of American ships trading with the French West Indies, an act that so enraged the American public that war appeared inevitable.

Relations with France fared no better, mainly because the new republic, recognized by the United States at Jefferson's urging, sent as its first ambassador Edmond Charles Genêt — the worst possible choice. Genêt acted not so much like an ambassador as a petty ruler who could make or break laws as he wished, who could use American waters as staging areas for forays against British shipping. Jefferson and other Francophiles first tried to defend Genêt, but he ultimately became such an embarrassment that none came to his rescue. In August 1793, Washington demanded his recall. He resigned, but did not return to France where he likely would have been executed. He stayed in the United States, deflated and ignored. Yet France could not be ignored. And a position of neutrality, even of civility, grew ever harder to maintain.

JAY'S TREATY

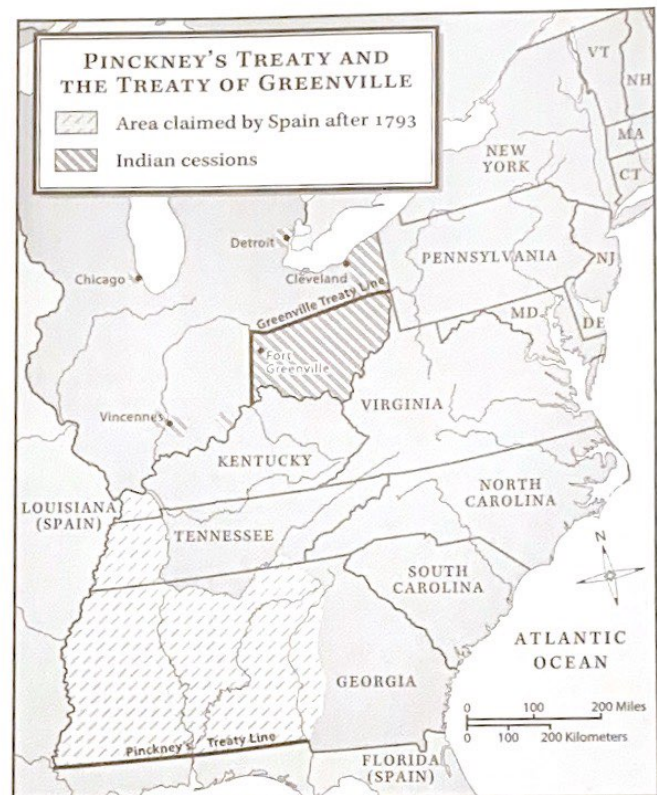
Meanwhile, relations with Britain deteriorated to the point that Washington determined to send John Jay as special emissary to see if some calming agreement could be reached. But Jay's Treaty (with Hamilton as the real force in the background) calmed practically no one. England gave up little. Jay had been instructed to seek an opening of British West Indian trade to American ships, to settle disputed terms of the 1783 treaty that ended the Revolutionary War, and to arrive at a commercial agreement with England. All he got were

promises (1) to abandon the forts in the Old Northwest — promises that had been made before; (2) to compensate the U.S. for the vessels seized in December 1793, but only if the British creditors collected debts owed before the Revolution; and (3) to allow some trade from American ports to the British West Indies, but only in vessels less than seventy tons and only if they carried no sugar, molasses, coffee, cocoa, or cotton. Britain did reaffirm to Americans their right to navigate the Mississippi River, but this concession came more at the expense of Spain than of Britain.

The treaty found no welcome in America. When at last the details of the agreement leaked out, Jay was condemned in every market place and hanged in effigy in nearly every town. Sentiments painted on a fence in Taunton, Massachusetts, revealed the public mood: "Damn John Jay! damn every one that won't damn John Jay!! damn every one that won't put lights in his windows and sit up all night damning John Jay!!!" Appropriately, Hamilton came in for his share of damning, too, since he had taken Britain's part so improperly, even giving the British ambassador private information that gravely weakened Jay's hand as a negotiator.

But the Senate still had to consent to the treaty and the president still had to sign it. Amazingly, despite all the inflammatory rhetoric and ill will, in 1795 the Senate mustered the two-thirds vote of concurrence (with no votes to spare), though it did delete the clause regarding trade with the West Indies. The president signed, chiefly on the grounds that war with England had been avoided. (As it turned out, it had only been postponed until 1812, but that was long enough to permit the nation to grow stronger.) He also signed because the one member of his cabinet most opposed to his doing so, Edmund Randolph (Jefferson's successor at the State Department), had been implicated in taking French bribes, and was forced to resign. Even after presidential and senatorial approval, the treaty was threatened by an effort in the House to deny the necessary funding. Washington, ever concerned about precedent, argued that the House had no constitutional basis for frustrating or nullifying a treaty agreement: that was a matter for the Senate and the executive. After prolonged debate, the House on April 30, 1796, approved the required funds, but by the slim vote of 51 to 48.

The bitter controversy surrounding Jay's Treaty put Washington's administration under such a cloud that it was difficult to find men who would step into vacant cabinet posts or even accept nomination to the Supreme Court. A federal job was made even more unattractive



by the severe yellow fever epidemic that infected much of Philadelphia in 1793; thousands fell before the devastating disease, and the federal government was even forced to flee inland. For Washington, the second term could not end soon enough. If he thought that patriots could rise above party, he was virtually alone in that lofty position. Jeffersonian Republicans gathered strength in the rural areas, emphasized equality of classes, and saw the rise of cities as akin to sores afflicting the human body. Hamiltonian Federalists, on the other hand, vested their confidence in the elite and well-born, the "natural aristocracy," in the wealth of the rising mercantile class, and in the political strength of the cities. Republicans favored local control, Federalists centralized control. And while both groups initially resisted adopting party labels or platforms, both ultimately turned from Washington's complete disdain of "party."

THE WHISKEY REBELLION

Washington enjoyed somewhat greater success in asserting federal power within the United States. In western Pennsylvania, frontiersmen vigorously protested the new federal excise tax on liquor. This tax aggravated many other grievances of those living in the West: burdensome and ill-paid militia duty, continued conflicts with the Indians, elite members of eastern officialdom



Negotiating the Treaty of Greenville Native American chiefs ceded their ancestral lands to General Anthony Wayne of the United States for 1/6-cent per acre. This picture of the transaction was painted from a sketch by one of Wayne's officers. Wayne is the figure in the center; to his left is William Henry Harrison, who would later be president.

drawing good salaries in their towns, and the especially onerous requirement of journeying all the way to York or Philadelphia to stand trial for non-compliance with the federal tax. Since exporting whiskey was one of the few means that westerners had to turn into a small amount of cash (hauling wagonloads of corn over the mountains to eastern markets was prohibitively expensive), this tax struck western farmers as just another example of federalism gone mad. The central government was treating its subjects as Parliament and the king had a few decades earlier treated theirs. Rural

protest escalated into the violent episode called the Whiskey Rebellion: armed men defying government authority and shedding blood. It was Shays's Rebellion all over again, and Washington would have none of it. If a minority could defy and dictate to the majority, then, said Washington, "there is an end put at one stroke to republican government, and nothing but anarchy and confusion is to be expected thereafter."

Washington, who had fought over the terrain around the small village of Pittsburgh before, determined to lead the troops himself. Calling out militiamen from Virginia, Maryland, Pennsylvania, and New Jersey, Washington commanded an immense force of nearly fifteen thousand troops in the fall of 1794. The rebellious frontiersmen, when confronted with such a show of governmental muscle, faded into the forest

and no pitched battle was ever fought. Leaders were tried, found guilty, but — having received a presidential pardon — never put to death. Hamilton, serving as Washington's chief of staff on this occasion, exulted over so clean and clear a victory. Even some Jeffersonian Republicans agreed that "all attempts to oppose the execution of constitutional laws by force are improper, dangerous to freedom, and highly unbecoming good citizens." Such activity unchecked would, said these Republicans, inevitably "produce anarchy and civil war." Yet, in the election of 1800, the Republicans denounced this heavy-handed display of federal power. The whole episode demonstrated to Hamilton the need for a standing army; to Hamilton's opponents, it kept just that fearful spectacle in clear view.

SUCCESS IN THE WEST

Another show of force in the Old Northwest likewise yielded results in which President Washington took satisfaction. On August 20, 1794, General Anthony Wayne crushed the Miamis in the Battle of Fallen Timbers in Ohio. As a consequence, most of what was to become the state of Ohio came under federal control, as was spelled out a year later in the Treaty of Greenville. Eager settlers and land speculators could now move freely into lands north of the Ohio River. By the end of the year Washington believed that the infant nation had demonstrated to the skeptics abroad that "republicanism is not the phantom of a deluded imagination; on the contrary, that under no form of government will the laws be better supported, liberty and property better secured, or happiness more effectually dispensed to mankind."

In dealing with Spain, Thomas Pinckney had far greater success than Jay had with the British. By Pinckney's Treaty of 1795, Spain (1) granted free U.S. navigation of the Mississippi; (2) undertook mutually with the United States to restrain Indians from attacking each other's settlers; and (3) conceded that the U.S. border extended all the way to the thirty-first parallel (roughly the northern border of Florida) and all the way to the Mississippi River. This agreement had the further virtue of winning the restless citizens of Kentucky (admitted to the Union in 1792) and Tennessee (admitted in 1796) back into the good graces of the United States.

As long as the Spanish authorities at New Orleans had manipulated American access to the Gulf of Mexico, both Kentucky and Tennessee had flirted with transferring allegiance to Spain. Some residents had

even talked of creating a separate Allegheny Nation in the transmountain west. At least until Pinckney's Treaty was signed, westerners continued to feel neglected by the urban East and thought that it made sense to look more to Spain than to Philadelphia for economic support and commercial outlet. Pinckney's Treaty was much more warmly received in the United States than Jay's. On March 3, 1796, the Senate voted its unanimous approval.

WASHINGTON'S FAREWELL ADDRESS

By that time, George Washington was already at work on drafts for a final address to his fellow citizens. He had asked Madison to draft remarks when he was thinking of retiring at the end of the first term, and that draft he still possessed. But much had happened in the second term that needed to be taken into account, and for help at this stage he turned to Alexander Hamilton. By now, he was unequivocal that the second term would be his last. He would, he wrote in response to a query from Hamilton, "close my public life on March 4 [1797], after which no consideration under heaven that I can foresee shall again draw me from the walks of private life." Once more, a powerful precedent was set: a maximum of eight years as president, even though the Constitution had placed no limit on the number of terms. (This precedent stood until Franklin D. Roosevelt's election to a third term in 1940.)

What is known as Washington's "Farewell Address" was never delivered as a speech — for Washington was no orator. Rather, it was published in a Philadelphia newspaper in September 1796, and rapidly reprinted thereafter, both at home and abroad. Washington wished it to be his final legacy, and Hamilton also labored to make it "*importantly and lastingly* useful." Washington, distressed by growing political partisanship, emphasized over and over the necessity of union, of common purposes, of oneness as Americans. "You have in a common cause fought and triumphed together," he told the American people. "The independence and liberty you possess are the work of joint councils and joint efforts, of common dangers, sufferings, and successes. . . . every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole." "Union," "common," "joint," "together" — these were the words that Washington would return to repeatedly. If rhetoric could make the Union one, the president in his last months of office would do all within his power to provide that cement.

The United States must look to its own interests, Washington continued, not confusing those with the interests of any other nation. "Against the insidious wiles of foreign influence . . . , the jealousy of a free people ought constantly to be awake." Temporary foreign alliances might be necessary, but not permanent alliances. And in looking to itself for unity and wholeness, America must not forsake virtue. "'Tis substantially true that virtue or morality is a necessary spring of popular government." Moreover, "reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle." Here was no voice of party or faction, of region or of class, but of a patriarchal Moses trying to lead his children out of the wilderness of foreign domination and moral confusion into the promised land of a true and lasting liberty.

Washington left office in March 1797, and a little over two years later he was dead. Despite the bitter partisan attacks he had endured in the last years of his presidency, his funeral and the unrestrained bounty of praises poured out upon him constituted his country's own Farewell Address. And it too lacked all spirit of party or faction. Almost deified, certainly sanctified, Washington ascended into heaven, according to one famous artistic rendition, accompanied by a host of angels. When Timothy Dwight delivered his eulogy, he chose his biblical text with care: "And there arose not a prophet since in Israel like unto Moses, whom the Lord knew face to face" (Deuteronomy 34:10).

JOHN ADAMS AND THE RISE OF POLITICAL PARTIES

George Washington's last official words had warned against the rising "party spirit"; John Adams's first presidential words bemoaned the persisting "party spirit." Despite these high-level cautions, parties would ultimately become the most familiar feature of American political life. Since John Adams had served George Washington faithfully if quietly as his vice president for eight years, his election to the presidency in 1796 might be regarded as inevitable. That this was far from the case, however, testified not only to party differences but even more to serious divisions among the Federalists. For a variety of reasons, the presidency of John Adams was not a happy time for him, although the country fared somewhat better than he did personally. The Washington precedent of two terms did

not work its magic for Adams; in 1800, in a bitter election battle, Adams would lose to his own vice president and political rival, Thomas Jefferson.

☞ *The Party Spirit*

The notion of political parties, not envisioned by the Constitution and welcomed neither by Washington nor by Adams, found little favor generally in the final decades of the eighteenth century. In the first place, in England and on the Continent, dedication to a party interest meant loyalty to a private, selfish faction. A party's good stood in contrast to the public good. In the second place, what Americans needed in the 1780s and 1790s was, above all else, *unity*. For the new nation to survive, it seemed, all Americans had to rise above parochial interests of region, class, or occupation. The nation was a land of differences: in creed, in race, in language, in blood. If it could not achieve unity on the *political* level, then (almost everyone agreed) oneness was only a phantom or a fantasy. Rejecting the whole idea of political parties not only made sense: the alternative made no sense.

Nevertheless, and it is a critical *nevertheless*, the seeds of party division began to sprout almost from the beginning. The seedlings were most evident in the "party platform" of Alexander Hamilton and his program for national economic development. If Washington held the real reins of power in his hand, Hamilton was the party boss — a role to which he diligently and disastrously clung during Adams's term as president. The party that he led came to call itself the Federalists, with Hamilton's own loyal following often designated the High Federalists. It aligned itself with the rich and powerful, the merchant and urban class, and aristocratic tendencies that distrusted anything smacking of democracy. "The mass of the people," said Hamilton, "are turbulent and changing — they seldom judge or determine right."

As Hamilton grew more insistent in the pursuit of his program, he galvanized opponents to organize, too. Madison and Jefferson, differing sharply with Hamilton, argued that the mass of the people must be brought into the political process, not shut out from it. Government should not grant favors to the chosen few, but rather must guarantee equal rights for all. Above all, it should protect the farmers. "Cultivators of the earth are the most valued citizens," Jefferson informed Jay in 1785. "They are the most vigorous, the most independent, the most virtuous, and they are

tied to their country, and wedded to its interests, by the most lasting bonds." Jeffersonian Republicans favored equality, individualism, freedom, farmers, and France; Hamiltonian Federalists admired hierarchy, order, authority, merchants, and England. And each faction had its own newspaper to disseminate the "party line": the *Gazette of the United States* for Federalists, and the *National Gazette* for Republicans.

The fierce arguments over Jay's Treaty revealed, among other things, the two movements in the process of becoming two parties, with the geographical divisions now evident. New England in general favored ratification of the treaty; the South and West generally opposed it; the states in between were divided. This roughly corresponded to the sectional divisions of the two parties; Federalists were the treaty's main supporters and Republicans, its principal opponents. Later, the French Revolution similarly divided Federalists and Republicans. The former abhorred that radical revolt, seemingly so different from the American Revolution; the Republicans, on the other hand, supported it as another great — if bloody — blow on behalf of liberty around the world.

Democratic-Republican societies sprang up to support France in its struggles, even as they saw themselves as a necessary counterweight to the growing assertiveness of the urban and capitalistic East. Their voices, often strident and sometimes radical, aggravated the anxieties of those concerned above all with the unity of the new nation. Even Washington turned more and more to the safety and order of the Federalists, though never admitting, even to himself, that he might be a party member.



The Apotheosis of Washington American painter Rembrandt Peale created this image of George Washington, after his death in 1799, rising triumphantly to heaven, and cheap lithographs (like this one) were widely distributed throughout the nineteenth century. Federalist-era politics had made even Washington a polarizing figure, but death transformed him into an icon of patriotism, piety, and republican rectitude.

By 1795, Jefferson concluded that political parties were not deplorable — only inevitable. “Were parties here divided merely by a greediness for office, as in England,” he observed, “to take a part with either would be unworthy of a reasonable or moral man.” But that was not the case in the United States, he insisted. Here where the difference was one of principle, a difference “as substantial and as strongly pronounced as between the republicans & the Monocrats of our country, I hold it as honorable to take a firm & decided part, and as immoral to pursue a middle line.” He would be a party man with pride, not with apology, Jefferson concluded, and many fellow citizens agreed.

Newspapers also became increasingly partisan, and as their numbers multiplied, so did their political passions. As a Baltimore editor unapologetically explained near the end of the eighteenth century, “The American people have long enough been imposed upon by the pretended impartiality of printers; it is all delusion.” He added that “every party will have its printer, as well as every sect its preacher; and it is as incongruous for a publication to be alternately breathing the spirit of Republicanism and Aristocracy as for a clergyman to preach to his audience Christianity in the morning, and Paganism in the evening.” Battle lines, evident in 1796, grew vehemently more so in 1800.

✧ *The Contest of 1796*

Adams won the election, but by the slimmest of margins. The Federalists fielded two candidates: John Adams and Thomas Pinckney; the Republicans, also two: Thomas Jefferson and Aaron Burr. Both “tickets” had geographical balance, with Adams from Massachusetts and Pinckney from South Carolina on one side, with Jefferson from Virginia and Burr from New York on the other. But at that time “tickets” did not run as such; instead, the electors in each state voted separately for two candidates for president. Voters did not voice their choices directly for president, but voted for electors pledged to support a particular man or (by 1796) even a “Federal” or “Jefferson” ticket. After counting the Electoral College votes, Congress would declare the person with the largest number of votes to be president, and the runner-up to be vice president. By this awkward mechanism, soon to be corrected,² Adams, with 71 electoral votes, was named president; Jefferson, with 68 votes, became vice president.

2. By the Twelfth Amendment in 1804.

It was not auspicious for the Adams presidency to win by so narrow a margin, and to have as his second in command the leader of the opposition party. Like Washington, Adams had serious reservations about the rise of parties. In 1780 he declared that “There is nothing I dread so much as a division of the republic into two great parties, each arranged under its leader, and concerting measures in opposition to each other.” He saw this as a danger in Massachusetts under its newly adopted constitution, and a danger in the new nation under its fundamental frame of government. Parties were bad.

But, for Adams in 1796 the news got worse. A political manipulator of endless energies, Hamilton had decided that Thomas Pinckney would be more pliable than stubborn John Adams. Hoping to make Pinckney president, Hamilton persuaded the South Carolina Federalists to cast all their votes for Pinckney. But New England electors, getting wind of this legerdemain, withheld enough votes from Pinckney to ensure that the larger number went to Adams. (In the final tally, Pinckney received 59 electoral votes.)

Still the humiliations grew. In his cabinet Adams retained many who had served Washington, for to have a wholesale housecleaning would suggest a party spirit. Few of them manifested leadership or brilliance; worse, few of them demonstrated a primary loyalty to Adams. They either took their cues directly from Hamilton or looked back with defeatist nostalgia to the days when the country had a *real* president: George Washington. A vice president of another party, a cabinet of dubious loyalty, and a populace that compared the second president disadvantageously to the first. All of Adams’s resources of character and training would be called upon just to survive.

Adams brought a wealth of experience to his new position, and he had thought and written much about the nature of government in general and the Constitution in particular. A man of voracious intellectual appetite, he read more widely and more thoughtfully than almost any other statesman of his generation. Then he had served for eight years as vice president, and though he described it as “the most insignificant office that ever the invention of man contrived or his imagination conceived,” it kept him fully immersed in public affairs. Few men have ever come to the presidency more thoroughly prepared for the office. But the presidency required its occupant to be both a consummate politician and a statesman. Adams was more the latter than the former.

⚔ *War with France?*

The overriding concern and external pressure confronting the Adams administration was the nation's relationship with France. When Adams became president on March 4, 1797, the most urgent question was whether war with France could be avoided. France had reacted negatively to the ratification of Jay's Treaty, for it seemed both a repudiation of the Franco-American alliance dating back to 1778 and a submission to British interests at the expense of French interests. In a single year, from June of 1796 to the summer of 1797, France had seized more than 300 American ships and imprisoned many of the crewmembers. When the very pro-French minister, James Monroe, was replaced by a more neutral envoy, C. C. Pinckney of South Carolina, the French arrogantly refused to recognize him and threatened even to arrest him.

By the fall of 1797 Adams convinced Congress to send a three-man commission to France, consisting of Pinckney, Elbridge Gerry of Massachusetts (a Republican), and John Marshall of Virginia (a Federalist). The French condescended, ultimately, to deal with this commission, though so far as mutual relations were concerned it would have been far better had they not. For the three anonymous French agents (dubbed X, Y, and Z by John Adams) demanded huge bribes for France before substantial negotiations could proceed. This insolence infuriated the commissioners, the president, and the American public. Adams said that the United States must choose "between actual hostilities on our part or national ruin." But the administration chose a "qualified hostility" over an outright declaration of war. In the summer of 1798, Congress authorized the capture of armed French ships and cut off all commercial activity with that difficult nation. On June 13 the president vowed that "I will never send another minister to France without assurances that he will be received, respected, and honored as the representative of a great, free, powerful, and independent nation." Four weeks later Congress formally announced that all former treaties with France were now null and void. It was not war, but it was so close as to be virtually indistinguishable.

Seeing these dangerous developments, Adams argued for an American navy — more than for a much-feared standing army — to guard American shores. Such a force would be a first line of defense against any European powers, but it could also, where necessary, see to it that a hostile power felt America's sting. Within

two years, more than eighty armed French vessels were captured, mostly in the West Indies. Congress also created the new Department of the Navy in 1798. Adams appointed Maryland merchant Benjamin Stoddert as the first secretary of the navy, giving him at least one cabinet officer not caught up in either Washington's or Hamilton's orbit. Under Stoddert's leadership, the building of naval vessels and the establishment of naval yards proceeded rapidly.

If a full-scale war actually did break out, however, something would have to be done about an army, no matter the reluctance of Adams himself and much of the public to pay for "idle men." When Congress authorized a force of 10,000 men to serve for three years, Adams turned to the nation's favorite retired general to take command. Washington agreed, but only if Hamilton served as second-in-command. Adams had no choice but to take yet another bitter dose of Hamiltonianism, although he understandably thought that as commander-in-chief he, not Washington, should have made the choice. The army never went to war, however, no doubt to the real regret of Hamilton who had visions of leading an impressive force into the Floridas and Louisiana to expel the French.

Public resentment against France was so strong and Hamiltonian hatred of France so intense that only Adams's rigid determination kept the United States out of war. He was stubborn, in this instance fortunately so. Hearing that France might be more amenable to some calming compromises, Adams — without consulting anybody — appointed a special envoy to Paris. Caught off guard, the High Federalists predictably reacted with fury. But Adams stuck to his position. When the commissioners finally arrived late in 1799, they found themselves dealing with the newly ascendant Napoleon Bonaparte. After months of tiresome maneuvers, in the Convention of 1800 (ratified by the Senate the next year), both sides agreed simply to settle for a cancellation of all treaties between them.

That agreement seemed minimal indeed — with two exceptions. First, it did avoid a costly war for which the United States was ill-prepared. Second, it helped make it possible in the next administration for the United States to negotiate the extraordinary purchase of the entire Louisiana Territory. But the immediate effect was a further decline in the popularity of John Adams. By refusing to go to war, he put country ahead of personal ambition and severely damaged his chances for re-election. Yet he never regretted his action. Years later, he wrote that he found such satisfac-

tion in the outcome of the negotiations that "I desire no other inscription over my gravestone than 'Here lies John Adams, who took upon himself the responsibility of the peace with France in the year 1800.'"

✧ *Adams and the Ordeal of Liberty*

Despite his great familiarity with government and human nature, Adams did not come into office with any domestic agenda clearly in mind. He responded to circumstances more than he attempted to shape or anticipate them. And whenever opportunity presented, he escaped to his homestead in Quincy, Massachusetts. He saw himself more as an umpire between quarreling factions than as initiator of legislation. He also saw himself as much put upon by a critical press, badly mistreated by his enemies in government, and — like every president — repeatedly let down by his friends. During his presidential years, both he and Abigail suffered from serious bouts of ill health. And when the capital was moved from Philadelphia to Washington, D.C., in 1800, the cold, empty, unfinished White House only added to the unhappiness of its first occupants. "This House," Abigail Adams wrote to her sister, "is built for ages to come." Meanwhile she hung her wash to dry in the empty reception room.

Adams, when first elected, asked his vice president to attend the cabinet meetings. But after consulting Madison and others, Thomas Jefferson declined on the grounds that it might compromise his role as leader of the loyal opposition. Declining also spared him the agony of meetings that, more often than not, took positions that Jefferson abhorred. But respectfully excusing himself from regular cabinet meetings also brewed suspicions in Adams's mind that this man was not loyal — certainly not in the way that Vice President Adams had been loyal to Washington. When some private opinions of Jefferson's critical of Adams became public knowledge, Adams saw his one-time friend as his enemy. "You can witness for me how loath I have been to give him up," Adams wrote to his son, John Quincy, in 1797. "It is with much reluctance that I am obliged to look upon him as a man whose mind is warped by prejudice and so blinded by ignorance as to be unfit for the office he holds."

Many thought that Adams was unfit for the office he held, and these critics were by no means all Jeffersonian Republicans. Hamilton had done his best to keep Adams from becoming president. He had failed, but would succeed in seeing that Adams never had a sec-

ond term. In 1800, Hamilton (who in general preferred to operate craftily behind the scenes) published a most impolitic "Letter from Alexander Hamilton concerning the Public Conduct and Character of John Adams, Esq., President of the United States." While praising his patriotism and his integrity, Hamilton concluded baldly that Adams "does not possess the talents adapted to the Administration of Government, and that there are great and intrinsic defects in his character, which unfit him for the office of Chief Magistrate." Adams, accused of having a violent temper, held it in check at this time, though years later he denounced Hamilton as "a bastard brat of a Scotch pedlar" who was so consumed by ambition that he "hated every man young or old who stood in his Way."

No question about it, John Adams had real enemies. Well he might from time to time believe himself surrounded by them. From that conviction he could easily move to the corollary belief that the country, too, was surrounded by enemies. Many Federalists thought of themselves as the only legitimate interpreters of the Constitution; therefore criticizing them meant criticizing and perhaps condemning the republic itself. Although he did not author the bills that came to be known collectively as the Alien and Sedition Acts of 1798, Adams sympathized with their purpose and promptly signed them into law. Under them, the residency requirement for citizenship was extended from five to fourteen years. In time of war or threat of war, the president could expel all aliens who were citizens of the enemy nation.

The Sedition Act, far broader in its sweep, made it a crime to threaten "any officer of the United States Government with any damage to his character, person, or property." Penalties were provided for all found guilty "of printing, writing, or speaking in a scandalous or malicious way against the government of the United States, either house of Congress, or the President." Since both Federalist and Republican newspapers had for years been printing the vilest diatribes against each other's rival candidates, this action obviously represented a major change from what had been widely understood as fundamental constitutional rights.

And while these changes drove Jeffersonian Republicans right up the wall, they also drove many of them into jail, as editors of Republican presses found themselves repeatedly charged with violation of the Sedition Act. Jefferson and others came to the rescue of editors deprived of their livelihood, making contributions for their needs and complaining loudly of the injustices

they suffered. In June 1798 Benjamin Franklin Bache, grandson of his namesake, was arrested for slandering Adams. Long an object of Federalist contempt for his anti-government diatribes, Bache charged Adams with being “blind, bald, toothless, and querulous.” He was arrested since one charge was obviously false: Adams was not blind.

James Madison condemned these congressional actions as not only unauthorized by the Constitution but also specifically prohibited by it. Giving such sweeping powers to the federal government, said Madison, ought “to produce universal alarm, because it is levelled against that right of freely examining public characters and measures, and of free communication thereon, which has ever been justly deemed the only effectual guardian of every other right.” Jefferson saw a Federalist coup at work, ushering in America’s own “Reign of Terror.” If the public tolerated this extreme legislation, then next, said Jefferson, “we shall immediately see attempted another act of Congress, declaring that the President shall continue in office during life . . . and the establishment of the Senate for life.” A deadly poison had been inserted into the body politic; Madison and Jefferson felt obliged to find an antidote — and quickly.

The two Republican leaders, protecting the ideals of the republic as they envisioned them, proceeded at the state level to thwart or “nullify” these unacceptable federal actions. Madison prepared resolutions for Virginia, while Jefferson secretly did the same for Kentucky. The point of these “resolves” in both cases was to give states the right to determine the constitutionality of federal actions and, if they so chose, to void the application of the odious law in their own territories. As parties to the compact that had created the Union, states could withdraw from that compact when they found it necessary. In Jefferson’s proposed language for Kentucky, “. . . every state has a natural right in cases not within the compact . . . to nullify of their own authority all assumptions of power by others within their limits.” This was strong language — so strong that it did not survive in the final wording of the Kentucky Resolutions. But the principle did survive, not only in 1798 but decades later when threats to the unity of the nation proved more serious and even disastrous (see Chapters 12 and 14).

Jefferson and Madison believed that other states should be consulted, but none chose to follow the lead of Virginia and Kentucky. If the possibility of secession was implied in the language of either man, neither in-

tended to go that far. As Jefferson wrote to John Taylor in November 1798, “For the present, I should be for resolving the alien & sedition laws to be against the constitution & merely void, and for addressing other States to obtain similar declarations.” Then he added, “I would not do anything at this moment which should commit us further.” But in the minds of many, too much had been done already, and party divisions never seemed deeper or more dangerous.

The Republicans, or “Jacobins”³ as Adams called them, not only clung to their love of France but, said Adams, were convinced that the Federalists were their enemy and the country’s. Rumors spread that state militias in the South were arming for any eventuality. Adams deemed it “prudent and necessary to order chests of arms from the War Office” to be brought quietly through the back doors of the executive mansion. On the other hand, the High Federalists, who clung to their love for England, pushed for war against France; such a war, said Adams, would give them an opportunity to attack the Republican opposition at home. (The High Federalists, said Jefferson, “have had their heads shorn by the harlot England.”) By April of 1799, Adams thought it expedient to declare a national day of fasting, urging the Almighty to “withhold from us unreasonable discontent, from disunion, faction, sedition, and insurrection.” The days were dark with gloom, and for Adams they would grow gloomier still.

☞ *Defeat and Disillusionment*

When John and Abigail Adams moved into the presidential home in Washington, D.C., in the fall of 1800, it was clear that the family would not be spending another four years in what would later be called the White House.⁴ Formal political campaigning was not the Federalist style, but what hurt Adams more than anything else was the irreparable split in his own party. Hamilton campaigned, but not for Adams. His presidential choice this time was General Charles Cotesworth Pinckney, brother of Thomas Pinckney, whom he had supported in 1796. As inspector general of the army, Hamilton lost no opportunity to tell any troops that he saw that Adams was too weak to be president and that a mili-

3. An emotionally laden term of abuse, *Jacobin* referred to the radicals of the French Revolution. In America, the tag when hurled at anyone during these years aroused great fear.

4. As we shall see in Chapter 9, the mansion acquired this name after the War of 1812.



Anti-Jefferson Propaganda The elections of 1796 and 1800 set the tone for most subsequent presidential contests with their vicious mudslinging. In this broadside from the 1800 campaign, Thomas Jefferson is about to sacrifice the United States Constitution on the "Altar of Gallic [French Revolutionary] Despotism," already blazing with deistic writings and encircled by the devil's tail. In his other hand he brandishes a letter he had written to his Italian radical friend Philip Mazzei, supposedly defaming George Washington. Under the ever-vigilant eye of God, however, the American eagle thwarts the infidel Jefferson's wickedness. Jefferson's supporters replied in kind, accusing the Federalists of being crypto-monarchists.

tary man was needed for the office. "This intriguer," Abigail Adams wrote, has been "endeavoring to divide the Federal party — to create divisions and heart burnings against the President, merely because he cannot sway him or carry such measures as he wishes."

Adams, who had put up with Hamilton's "intriguing" and with a disloyal cabinet far longer than anyone believed that he could or should, finally reached the breaking point. In May 1800 he dismissed Secretary of War James McHenry and Secretary of State Timothy Pickering for having given total allegiance to Hamilton and incessantly scheming against Adams. Hamilton responded with his damning letter, and friends of Adams bounded to his defense. Dictionary-maker Noah Webster rebuked Hamilton sharply, asking whether all men would not "believe that your ambition, pride, and overbearing temper have destined you to be the evil genius of this country." Other friends came to Adams's rescue

as well, but the damage was done as a bitterly divided Federalist party presented to the voters its ticket of Adams and Pinckney.

Still hoping for victory, the Federalists made religion a central campaign issue and Jefferson presented a most tempting target. Condemning the vice president as a skeptic, deist, and "enemy to pure morals and religion, and consequently an enemy to his country and his God," the Federalist press unleashed its barrage. "Anyone who has so little shame as to vote for Thomas Jefferson," editorialized the *Gazette of the United States*, "insults his maker and his redeemer." The election boiled down to a simple issue, Federalist partisans exclaimed in screaming headlines: "GOD — AND A RELIGIOUS PRESIDENT; or ... JEFFERSON AND NO GOD!!!" The Republicans responded by noting that Jefferson had publicly declared that America's "liberties are a gift of God." Also, the man who in his Statute on Religious Freedom had referred to the "Holy Author of our Religion" as "Lord both of body and mind" was no enemy to God, though he was no friend to Calvinist orthodoxy. (Neither, indeed, was John Adams, although his New England admirers chose to overlook this.)

In December 1800, as the electoral votes trickled in, the early returns gave encouragement to the Jeffersonians. New England solidly supported its native son, but New York went Republican, and Pennsylvania split. Virginia weighed heavily on behalf of its native son, as did the rest of the South. When the tally was completed, the Adams-Pinckney ticket had 65 votes, while the Jefferson-Burr ticket claimed 73. Not only had Adams lost, but the Federalist party as well received a body blow from which it never recovered. John and Abigail Adams heard that grim news at the same time that they learned of the death of their son Charles in New York City. "My little bark has been oversett in a squall of thunder & lightning & hail," the president wrote to another son. "I feel my shoulders relieved from a burden" and "the short remainder of my days will be the happiest of my life." The "short remainder" (which lasted for another quarter-century) did see a considerable degree of equanimity return to the much-besieged second president of the United States.

THE REVOLUTION OF 1800 AND A JEFFERSONIAN REPUBLIC

John Adams had been defeated — but had Thomas Jefferson been elected? That question was not so readily

answered because Jefferson and Aaron Burr ended up with exactly the same number of Electoral College votes. When that matter was finally worked out, Jefferson had another problem: namely, putting his own stamp on the judicial branch of government. On the domestic front, Jefferson gave more than lip service to his dictum, "That government is best which governs least." The one exception to his reining in of the federal establishment was the pivotal Louisiana Purchase, an eventuality not explicitly authorized by the Constitution. In foreign affairs, Jefferson, having now lost some of his ardor for the French Republic, tried to bring both France and Great Britain into a more acceptable posture toward to the United States. And, unlike Adams, Jefferson did win a second term, giving him the opportunity to put a Jeffersonian stamp on the still malleable nation.

✧ *The Election and Jefferson's First Inaugural*

As distinct from the Federalists, who never wanted to get too close to the masses, the Republicans — although not Jefferson himself — campaigned with an almost modern vigor. They also depended on the "Democratic-Republican Societies," which had arisen in the mid-1790s among friends of the French Revolution and admirers of Thomas Jefferson. In 1800, these grassroots organizations could function as local headquarters of the Jefferson-for-President movement. Federalists dismissed the membership of these clubs as "butchers, tinkers, broken hucksters, and trans-Atlantic traitors." The last phrase indicated the Federalist conviction that these groups imitated the radical Jacobin clubs of Paris, but, in fact, they also had roots in such home-grown popular precedents as the Regulators in North Carolina and the Sons of Liberty in Massachusetts. Far broader than these societies, however, Republican campaigning spread to the marketplace and the fields,

to city centers and village crossroads. Another Federalist reported with disgust that "Every threshing floor, every husking, every party work on a house-frame or raising a building, the very funerals are infected with bawlers or whisperers against government." But the bawlers and whisperers proved the practical political wisdom of getting and staying close to the people.

DEADLOCK

The victory of the Jefferson-Burr "ticket" clearly showed the geographical division of the two parties. New England went solidly for the Federalists, and the South — except for North Carolina and Maryland — went just as solidly for the Republicans. The middle states followed no simple pattern: New York fell into the Republican column, New Jersey and Delaware into the Federalist column, while Pennsylvania split almost evenly (8 votes for the Republicans, 7 for the Federalists). The relatively narrow margin of the Republican victory (73 to 65) was wider in the House races of 1800 where Republicans won 66 seats to only 40 for the Federalists. But the margin of victory did not grip the public's attention so much as the perplexing tie in Electoral College votes between Thomas Jefferson and Aaron Burr. Each man received 73 votes. Which one should be president?

That was a question for the House of Representatives to settle, if it could. And if it could not, then some officer in the federal government might be designated a temporary president until another election was held. Such a course of action would paralyze the country for many months; as it turned out, government virtually ground to a halt anyway in December and January. The whole awkward situation was not anticipated because one elector from South Carolina was supposed to cast a vote for George Clinton of New York instead of Burr. That would have brought Burr in at 72 votes to Jefferson's 73, thus avoiding the entire crisis and making runner-up

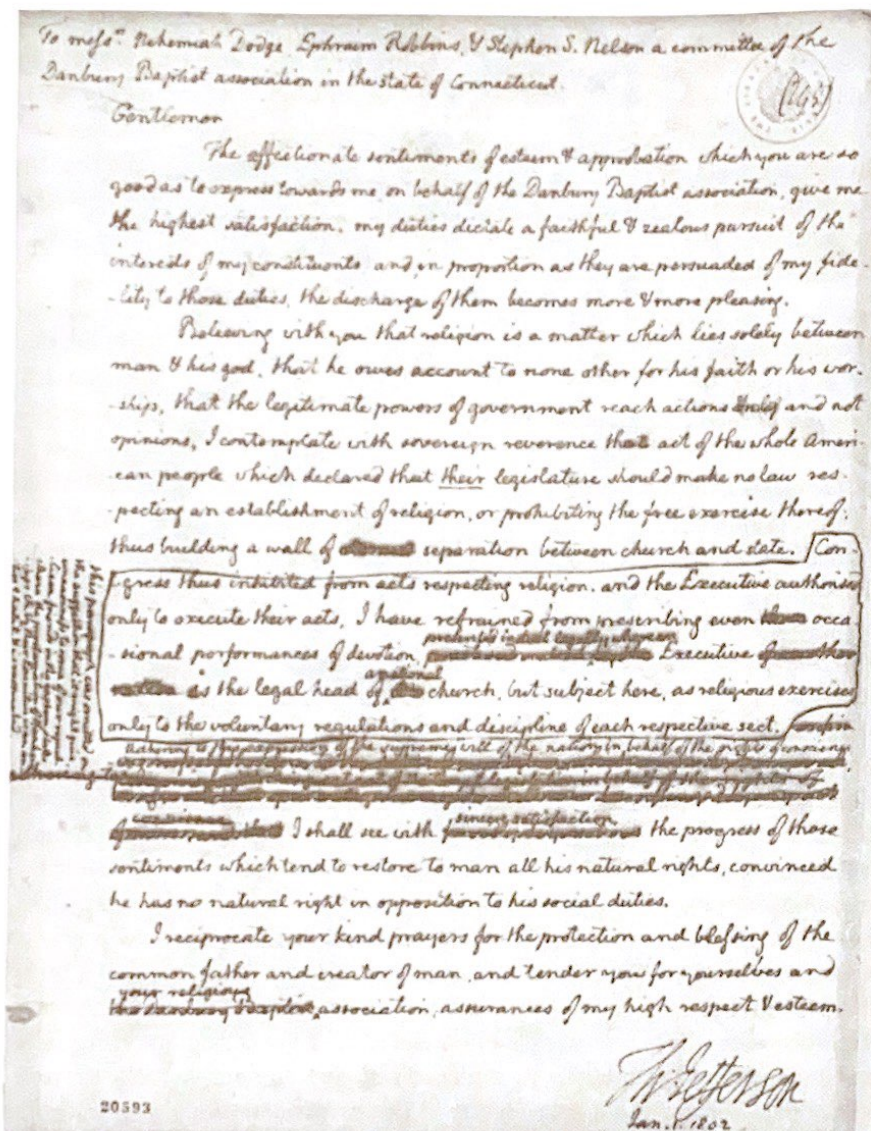
✧ IN THEIR OWN WORDS

Jefferson's First Inaugural Address, 1801

Let us then, fellow citizens, unite with one heart and mind; let us restore to social intercourse that harmony and affection without which liberty and even life itself are but dreary things. And let us reflect that, having banished from our land that religious

intolerance under which mankind so long bled and suffered, we have yet gained little, if we countenance a political intolerance, as despotic, as wicked, and as capable of as bitter and bloody persecutions. During the throes and convulsions of the ancient world, during the agonizing spasms of infuriated man, seeking through blood and slaughter

his long-lost liberty, it was not wonderful [surprising] that the agitation of the billows should reach even this distant and peaceful shore; that this should be more felt and feared by some, and less by others, and should divide opinions as to measures of safety; but every difference of opinion is not a difference of principle.



Jefferson's "Wall of Separation" In 1802 Thomas Jefferson wrote this letter to the Danbury Baptist Association, supporting their assertion of religious freedom in a state — Connecticut — that still officially established the Congregational Church. "Believing with you that religion is a matter which lies solely between man & his god," Jefferson wrote, "that he owes account to none other for his faith or his worship, that the legitimate powers of government should reach actions only and not opinions, I contemplate with sovereign reverence that act of the whole American people which declared that their legislature should make no law respecting an establishment of religion or prohibiting the free exercise thereof, thus building a wall of separation between church and state."

Burr the vice president. But for reasons unknown, the elector failed to do what was expected of him.

As soon as the tie between Jefferson and Burr became public knowledge, political maneuvering began. Most Republicans assumed that the "ticket" meant that Jefferson would become president and Burr vice presi-

dent. Most Federalists preferred Burr, if only to spite Jefferson. But one influential Federalist — who else but Hamilton? — argued for Jefferson. Although he despised Jefferson, he despised Burr even more. Damning with faint praise, Hamilton opined: "Jefferson is to be preferred. He is by far not so dangerous a man, and he has pretensions to character." Adams too, though he largely stayed out of the fray, despaired over the prospect that Burr, this "dexterous gentleman," might rise "like a balloon filled with inflammable air."

The electoral votes were officially counted on February 11, 1801. At this point, the House of Representatives, still controlled by the Federalists, could begin its task of deciding between the two men. The vote would be by states, of which there were now sixteen. The Republican states would vote for Jefferson, the Federalist states — despite Hamilton — for Burr. And the count was eight states for Jefferson, six for Burr, and two delegations divided and therefore not voting. Jefferson had only half the states — not the required majority. For six days, and through thirty-five ballots, the House tallied the same

monotonous results. Finally, on the thirty-sixth ballot, the Federalists in the divided delegations of Vermont and Maryland abstained, thus giving the Republican Representatives in those states the opportunity to cast their votes for Jefferson. South Carolina and Delaware turned in blank ballots, leaving Burr with only four New England states. This brought Jefferson's number of states to ten and the requisite majority was at hand. Finally, on February 17, only two weeks before the inauguration, Jefferson was named president-elect. Like Adams in 1796, it did not seem the best of beginnings.

DIFFERENCES BETWEEN ADAMS AND JEFFERSON

In those many weeks of uncertainty, Jefferson had the confidence (or optimism) to consider what he would say

to the nation when, and if, he were chosen as its third president. The sentiments that divided Republicans from Federalists were already well known. While Jefferson would be loyal to his supporters, he would not exile or disparage his opponents. The differences between Adams and Jefferson had, however, become personal as well as philosophical. Adams preferred to talk of the glories of the past, as in the republic of ancient Rome or the vision of early Puritanism; Jefferson preferred to talk about the promise of the future, as in the optimism of the Enlightenment and the emancipation of reason. Jefferson later noted that the two parties viewed progress very differently, the party of reform seeing no limit to the horizons of the human mind. "The enemies of reform, on the other hand," Jefferson wrote, "denied improvement, and advocated steady adherence to the principles, practices and institutions of our fathers, which they represented as the consummation of wisdom and acme of excellence, beyond which the human mind could never advance."

In the realm of religion, the two men also differed sharply. Adams preferred to cultivate ties between the government and churches; Jefferson wanted to sever them. Adams as president declared national days of fasting and of prayer; Jefferson as president left such matters to the clergy, not the politicians. Adams cultivated the clergy and curried their favor. Jefferson, on the other hand, was depicted by Federalists as atheist, infidel, and arch-demon determined to destroy all religion.

Jefferson was, to be sure, the enemy of all efforts to enforce religious conformity. State-protected religion, he had written in 1787, had only one effect: to make "one half the world fools, and the other half hypocrites." Jefferson was no atheist and Adams no Calvinist, but their approaches to and attitudes toward religious structures did set them apart in 1800. Adams's political strength lay in New England, and it was just there that Jefferson found the most powerful alliance between church and state. Congregationalism remained the official religion of Connecticut and Massachusetts, and Congregational clergy — Jefferson was convinced — still harbored ambitions to create a national church. For all their tactical differences, however, in the realm of religious ideas, both Jefferson and Adams were deists. They emphasized the role of reason in religion, questioned the divinity of Jesus and the Christian doctrine of the Trinity, and devalued the authority of revelation and miracles.

A PEACEFUL TRANSFER OF POWER

On March 4, 1801, the new capital city of Washington heard its first inaugural address. Intending to make a

statement both in his dress and his demeanor, Jefferson walked to the inauguration wearing a plain black suit. He presented himself as the simple Virginia farmer, acceding to the wishes of the people — not a king to be crowned with pomp and parade. And after his speech, he walked to the boarding house where meals were served, sat at the foot of the table, and took no notice of status or rank, neither his nor that of others around the table. America should set itself on a deliberately different course from the monarchies of Europe.

Those attending the inaugural probably appreciated the speech more in the reading than in the hearing of it, for Jefferson, like his two predecessors, was no spellbinding orator. He was, however, a spellbinding and gifted writer. Calling for wholeness in the troubled body politic, as had Adams and Washington before him, Jefferson urged his fellow citizens to "unite with one heart and one mind." "We have called by different names brethren of the same principle. We are all Republicans; we are all Federalists." Then, with one eye cast on the hated Sedition Act, he added: "If there be any among us who 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."

Jefferson noted with gratitude that the nation, thus far, had been spared direct involvement in Europe's nearly incessant wars. America, he said, was "kindly separated by nature and a wide ocean from the exterminating havoc of one quarter of the globe." He clearly hoped that this removal from European strife would continue, as the nation maintained "honest friendship with all nations" but rejected "entangling alliances." Indeed, nature had so richly blessed the United States that it had all the ingredients for great happiness ahead. The nation now needed only "a wise and frugal government, which shall restrain men from injuring one another, shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread it has earned."

In crisp and compact language, Jefferson laid out what he believed to be the "essential principles of our government." He emphasized the role of the states as "the surest bulwarks against antirepublican tendencies," but he also honored and staunchly defended "the preservation of the general government in its constitutional vigor, as the sheet anchor of our peace at home and safety abroad." Rights and liberties fought for in the American Revolution, and freedoms guaranteed in the Bill of Rights, were no less precious in 1801.

John Adams heard none of these words, having left town early that morning, bound for his quiet home in Massachusetts. But this first real transfer of power was peaceful: no heads rolled, no troops were mustered, no blood was shed. In marked contrast to what was happening in France at the end of the century, the United States allowed the machinery of government to operate as the framers had foreseen or, at least, had hoped.

The "revolution" of 1800, as Jefferson himself had called it, did not reach everyone. In his own state of Virginia, Gabriel, a slave and legally the property of a plantation owner, in 1800 planned a general slave uprising in and around Richmond. Perhaps as many as five thousand slaves knew of the plot, but only a fraction of that number armed themselves and prepared to revolt. Before their elaborate plans could be carried out authorities learned of the plot and arrested its leaders. Twenty were executed, with the sentences of the Henrico court monotonously repeated: "[The Court] sentences Will, a negro man slave, the property of John Mosby, Senior, of Henrico, to death on charge of conspiracy and insurrection, and orders that he be hung on the 12th [September] at the usual place of execution." Slaves in particular, African Americans in general, watched the Jeffersonian revolution from afar, not participants in its vibrant optimism and only tardily heirs to its promise.

John Marshall Leads the Supreme Court

The night before leaving town, John Adams made several appointments to the federal and other courts in the District of Columbia, the so-called "midnight appointments." The Federalists had lost the presidency and lost their majorities in Congress; but, reasoned Adams, they should not lose the judiciary too. Two weeks earlier, the Federalist Congress had passed the Judiciary Act of 1801, among other provisions creating twenty-three new federal judgeships. With alacrity Adams proceeded to offer nominees for these positions so that the outgoing Senate could confirm them before it expired on March 4. These appointments, together with the last-minute recommendations for the District, stacked the courts with Jefferson's enemies. And Jefferson did not look kindly upon his former friend's action. The nominees, he noted, "were from my most ardent political enemies, from whom no faithful cooperation could ever be expected. . . . It seemed but common justice to leave a successor free to act by instruments of his own choice." Much of Adams's hurried appointment of "midnight judges" was undone the very next year

when a Republican Congress repealed the act of 1801. With their offices abolished, those who had briefly held them were abruptly turned out.

One appointment of Adams, however, endured throughout Jefferson's two terms and far beyond: John Marshall, the new chief justice of the Supreme Court. A distant kinsman of Jefferson's and a fellow Virginian, John Marshall was a Federalist. He and Jefferson, therefore, were political opponents, and while that made life more difficult for the president, it did help to establish the judiciary as an independent branch of government. Marshall's tenure on the Court was so long (from 1801 to 1835), and his leadership so firm that he left it a far different institution than he found it.

A former soldier in the Revolutionary War, Marshall returned to Virginia to practice law. Financially, he married well and politically he was soon identified as the leading Federalist in Virginia. In 1800 he accepted appointment as Adams's secretary of state. A year later, when Chief Justice Oliver Ellsworth resigned from the Court, Adams offered the position first to John Jay, who declined, and then to John Marshall, who accepted. Adams had apparently considered some older men, but he decided that the Federalists needed someone who could look after their cause for years to come. At the age of forty-five, Marshall fit the bill nicely.

A personable and persuasive figure, with a reputation for conviviality and ready humor, Marshall brought the other justices wholly within his orbit. He spoke for the Court, literally, handing down a long succession of mostly unanimous opinions. Justices lived outside Washington except during the Court's relatively brief sessions. Then they lived in rooming houses, often the same one, giving them a kind of off-bench unity as well as while they were sitting. Under Marshall's guidance, the Court maintained a Federalist line: curb the power of the states and magnify the authority of the national government; protect private property and money interests; and make the Court permanently strong. Marshall accomplished this feat not in a single stroke, but virtually so in the celebrated case of *Marbury v. Madison*, decided in 1803.

William Marbury, a justice of the peace in Washington, was one of Adams's "midnight judges." James Madison served as Jefferson's secretary of state. Marbury, along with three other justices, sued Madison when he refused to give them their duly signed (by Adams) commissions of appointment — normally a formality falling within the secretary of state's purview. It was a minor case, but the Supreme Court agreed to