

The ultimate yardstick of justice is conduciveness to the preservation of social cooperation. Conduct suited to preserve social cooperation is just, conduct detrimental to the preservation of society is unjust. [Ludwig Von Mises]<sup>3</sup>

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## CHAPTER 1

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### *THE QUEST FOR JUSTICE ABANDONED*

Thomas Jefferson's election in 1800 to the Presidency of the United States<sup>4</sup> has been generally characterized by historians as a return to *republican* (and decentralist) ideals and a rejection of *federalist* (and centralist) principles. One of the objectives of this chapter is to explore the degree to which this assessment is valid. Another is to shed additional light on the extent to which decisions by European-American leaders influenced the course of events in the Old World. Jefferson's vision of what the republic should become was considerably different from that of John Adams, Alexander Hamilton and others generally linked together and called *Federalists*. These differences are revealed as much in their private correspondence as by their public exhortations. As the nation's leaders prepared for the constitutional convention in 1787, rival factions emerged that looked to Jefferson, on the one hand, and to John Adams or Alexander Hamilton, on the other, for philosophical and political direction. Adams, Hamilton and Jefferson

assumed such great importance to the republic because they had been champions of liberty in the quest for independence from Britain and occupied key positions in the Federal government during the crucial period of consolidation under the new Constitution. Because of their very different views on how the Constitution directed them to execute the responsibilities of office, their declarations of principle as well as their deeds provide an almost self-descriptive view of the period. They had been united in rebellion against what they viewed as corrupt and unprincipled authority; however, they each possessed distinct visions of the society they hoped would emerge out of independence.

Jefferson came from the conservative class of large landowning families dominating the southern colonies. Adams grew up in the nearly ideal and Puritanical setting of Massachusetts, son of one of the leading citizens of his community of Braintree. Hamilton was born illegitimately in the British West Indies. His mother, a shopkeeper, died in 1768, leaving her young son in the care of the owner of a mercantile firm on the island of St. Croix; his father, James Hamilton, was a Scot who accomplished little and proved unable to support his family. Alexander, however, demonstrated his abilities early on and was sent by his employer in 1772 to New York where, after a year of preparatory work, he entered King's College. As events brought the Colonials closer to armed conflict with Britain, Hamilton was pulled into the struggle and never completed the course work necessary to graduate from King's. Instead, he was commissioned a captain in the New York militia in March of 1776, and a year later became aide-de-camp to George Washington. All three of these men were called upon by Washington to serve in high positions of his first Presidential administration—John Adams as Vice President, Alexander Hamilton as Secretary of the Treasury and Thomas Jefferson as Secretary of State. There was no question in Washington's mind that Jefferson was among the nation's leaders needed to establish the republic on a firm footing. Jefferson was already fearful that unbridled pursuit of self-interest was becoming

more pervasive than republican virtue. His concern increased upon his arrival in New York, where he found a general absence of republican spirit among those who surrounded George Washington. Moreover, few among this group seemed to recognize the precarious financial or military position of the United States should there be a determined European effort to regain lost colonial territories in the Americas.

What *Americans* needed more than anything else, thought Jefferson, was time to become a unified nation. Therefore, the republic's foreign policy had to be based on neutrality in all European conflicts. On this point both Jefferson and Alexander Hamilton agreed. Yet, Jefferson rather than Hamilton, would emerge in 1800 as the natural heir to the Presidency after George Washington and John Adams. He was, second only to George Washington, the "Founding Father" trusted to carry into government the true spirit of the *Revolution*. Few cared that in his own personal affairs expediency and the rationalization of principle aligned him with the conservative, slave-owning, landed interests. The greatest fear of many citizens was of a strong, central government that would subordinate their liberty to the will of *the state*. Jefferson, the principal author of the nation's Declaration of Independence, defender of States' rights, and a proponent of keeping power in the hands of the people, was the right man at the right time.

**IS THERE A UNITED STATES OF AMERICA,  
OR ARE THERE SOVEREIGN BUT UNITED STATES OF AMERICA?**

The prospects for *Americans* in 1789, despite the withdrawal of British military forces from the territorial borders of the United States, was rather desperate. George Washington assumed the Presidency in April. One of his first acts was to instruct the Congress to begin drafting of a Bill of Rights in the form of amendments to the Constitution. In the House of Representatives, James Madison was already attempting to

address the financial needs of the government by drafting a tariff bill, a measure opposed by northern merchants as a continuation of commercial warfare against Britain but looked upon by others as the government's only potential source of revenue. There was, in fact, little debate over the tariff that suggested either side understood the economic consequences of imposing a tariff on imports as opposed to other measures. For those familiar with the writings of Adam Smith, they could point to Smith's observation that "*high duties...served only to encourage smuggling [while reducing] the revenue of the customs below what more moderate duties would have afforded.*"<sup>5</sup> The Philadelphia merchant Pelatiah Webster had also argued the case for free trade in a series of articles published after 1776. "*It is a sad omen,*" Webster chided his countrymen, "*to find among the first effects of independence, greater restrictions of natural liberty, than was ever felt under the government we have lately renounced and shaken off.*"<sup>6</sup> In the end, with the government hungry for revenue and the tariff generally thought to be an imposition on the producer, the measure was passed by the House in July. A compromise between pro-British and pro-French factions left no distinction in assessment of the tariff based on the country of origin. However, a significant advantage was included for goods arriving on *American*-owned ships.

In September, Alexander Hamilton joined the cabinet as Secretary of the Treasury. He provided Congress with the nation's first report on fiscal matters in January, along with his plan for the creation of a national bank. Thomas Jefferson arrived later, in April of 1790, to take over the duties of Secretary of State from John Jay, who became the first Chief Justice of the Supreme Court.

Hamilton moved quickly to re-establish the nation's credit with a plan to fund the war debt. Unfortunately for Hamilton's reputation and political career, his appointment of William Duer as Assistant Secretary proved unwise, for Duer conspired with certain members of Congress and other northern speculators to acquire deeply discounted securities issued by the Continental Congress, knowing that Hamilton's plan

called for their retirement at face value, plus accrued interest. James Madison led an unsuccessful attack against Hamilton's plan (arguing that very few of these notes were still held by those who had originally accepted them in payment for goods) but was successful in rallying southern votes to prevent passage of a bill to nationalize the war debt incurred by individual States (the largest portion of which was owed by New York and Massachusetts). A stalemate continued through June, until Hamilton gained Jefferson's (and, as a consequence, Madison's) acquiescence to the assumption bill in return for his (Hamilton's) support for establishing the nation's capital in the south. What Hamilton seems not to have appreciated was that the gradual discounting of the war notes as they passed from person to person acted very much as a direct tax might have to distribute the cost of the war. In the end, a small number of speculators would experience huge profits at the expense of the general population. This was hardly in accord with the promise of the republic and the vision of its founders.

### Debt And The Attack On Constitutional Protections

Under Section 8 of Article I of the Constitution, the Congress was empowered "*To borrow money on the credit of the United States*" and "*To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures.*" Unfortunately, neither the Federal government nor anyone else had yet located in the public domain the land's vast storehouse of gold and silver with which to coin money. Because of Britain's tight restrictions against the exportation of bullion to North America, there was precious little coin in circulation. Surprisingly, the person most responsible for addressing these problems was not Hamilton but Jefferson, who in 1790 prepared a *Plan for Establishing Uniformity in the Coinage, Weights, and Measures of the United States* that was eventually adopted by the Congress in 1792. The

basis for Jefferson's plan rested on the experience of the Continental Congress:

Previous to the Revolution, most of the States were in the habit, whenever they had occasion for more money than could be raised immediately by taxes, to issue paper notes or bills...[Some] of the States named in the bill the day when it should be paid, laid taxes to bring in money enough for that purpose, and paid the bills punctually, on or before the day named. In these States, paper money was in as high estimation as gold and silver. On the commencement of the late Revolution, Congress had no money. The external commerce of the States being suppressed, the farmer could not sell his produce, and, of course, could not pay a tax. Congress had no resource then but in paper money....They did not foresee the long continuance of the war, the almost total suppression of their exports,...[and] the quantities which they were obliged to emit...exceeded what had been the usual quantity of the circulating medium....Justice will be done to all, by paying all persons what this money actually cost them, with an interest of six per cent, from the time they received it....<sup>7</sup>

Insofar as Jefferson was concerned, then, the issuance of promissory notes by government to replace actual money was a measure to be reserved for extraordinary circumstances such as those existing during the war for independence. Gold and silver were universally accepted in exchange for goods and services and, when coined and not debased, attained a value that while not always absolutely constant was always considerable. Hamilton's own plan to restructure the nation's debt was, in a manner similar to that described in the above passage by Jefferson, based on the use of coined money to retire the new bonds as they came due.

By May of 1791 Jefferson could write with some confidence that the state of the economy was "*proceeding in a train of unparalleled prosperity*."<sup>8</sup> Barely a year later, however, Jefferson warned George Washington that the level of taxation required merely to maintain the interest payments on the debt threatened to cause "*a drain of coin*" estimated at

some “three millions of dollars annually.”<sup>9</sup> Something had obviously gone very wrong.

In the interim, Hamilton had pursued his other important objective of establishing a Federally-chartered Bank of the United States. The Bank was to be partially subscribed by the government but privately managed; and, under Hamilton’s bill the Bank was empowered to issue notes redeemable in coined money or bullion, and in return for providing short-term loans to the Federal government became the repository of government receipts. Jefferson and Madison opposed as unconstitutional the creation of the Bank (a power Hamilton argued was implied under the provision for regulation of the currency), and nineteen Representatives in the House from southern States voted against the bill. This was not enough to kill the Bank, and its charter was issued in February of 1791.

Despite the legislative successes orchestrated by Hamilton—all of which had the full support of George Washington—the nationalist principles in which he believed and pragmatically pursued were widely regarded as damaging to the Union. Eventually, Jefferson and James Madison joined forces as architects of a sustained opposition to most of the initiatives advanced by the Secretary of the Treasury. Not surprisingly, Hamilton thought those who opposed his measures were “*activated by views...subversive of the principles of good government and dangerous to the union, peace, and happiness of the country.*”<sup>10</sup> A tactic Jefferson and Madison initiated was to arouse public opinion against Hamilton’s policies. They provided financial support for the starting of a newspaper published by Philip Freneau, called the *National Gazette*. Madison then contributed a series of articles to the paper that stimulated the gathering of a *Republican* faction within the Federal Congress as well as in each of the States.

Divisions widened following the outbreak of revolution in France. Hamilton and his supporters found common cause with Edmund Burke’s condemnation of the French Revolution and defense of the

British monarchy and constitution of government. John Adams added fuel to the fire with the publication in 1790 of a series of essays on political history that were interpreted by the *Republican* faction as a defense of aristocratic power and monarchist principles. The division really became heated when, early in 1791, a copy of Thomas Paine's *Rights of Man* reached Jefferson by way of James Madison, who asked Jefferson to pass the manuscript on to a printer in Philadelphia. After reading the manuscript, Jefferson forwarded it with a brief note that proved to be of far-reaching political consequences. In this note, which the printer included as an introduction to the pamphlet, Jefferson indicated his approval that "something is at length to be publicly said against the political heresies which have sprung up among us." There was no mistaking the target of Jefferson's remarks. Trapped by his own indiscretion, Jefferson "determined...to be utterly silent except so far as verbal explanations"<sup>11</sup> might calm the "dust Paine's pamphlet ha[d] kicked up"<sup>12</sup> across the political landscape. As personal alliances were forged around philosophical and practical differences of opinion, Adams and Hamilton emerged as leaders espousing the *Federalist* cause, while Jefferson and Madison became directly linked with that of *Republicanism*. As with all such movements or factions, there were those within who adopted extremely doctrinaire views concerning the relationship between the individual and *the state* (in this case, the Federal authority) and between the individual States and the national state.

Events outside the United States exacerbated what were fundamental conflicts over principle between Federalists and Republicans. For one thing, although *American* enthusiasm for the French Revolution began to fade after the ascendancy of Robespierre and the Reign of Terror, this did not translate into a widespread desire for closer ties with Britain. To be sure, shipping and financial interests in the United States depended upon trade with Britain, and within the northern coastal cities most *Americans* continued to feel a strong bond to *the people* of Britain. Rebellion against the British government had not completely severed



the close personal and family ties that existed on both sides of the Atlantic. Tens of thousands of Loyalists had been driven from the colonies into Canada, but even here there was hope on both sides of a reconciliation and a renewal of commercial relations. With the now independent (and sovereign?) *American States* united by a new Constitution, the conservative elite among *Americans* actually became far more fearful of a dilution of the nation's cultural heritage than a return of British imperialism. This attitude was not limited to New York or Boston *Federalists*. Historian John K. Alexander writes, for example, that "*Philadelphians who feared democrats knew that [Irish and French immigrants] would rarely be their allies*"<sup>13</sup> and were opposed to further immigration. That the Irish, French and other groups were largely Catholic in their religious practice was also a point of divisiveness. In fear there is negative power; and, to advance their own designs, the opponents of participatory democracy "*did not hesitate to paint the Irish and French as bloody Jacobins who wanted nothing more than to subvert any political system that stressed order and stability.*"<sup>14</sup>

The change in attitude on the part of many *Americans* was rapid and dramatic. By 1795-96 the political associations and clubs organized in sympathy with the French Revolution had disbanded, their members shocked by the radical turn taken by the Jacobins. These were replaced by a network of *Republican Societies* whose members looked to Thomas Jefferson for political guidance and accepted his world view as their own. Hamilton responded with a proposal that the *Federalists* unite in similar fashion. Through it all, however, Jefferson worked tirelessly for the peace he knew was essential to the survival of the fledgling republic. He understood that history had provided the republic a window of opportunity within which to achieve fundamental changes in socio-political arrangements and institutions, the closing of which he sensed was already fast approaching. To James Madison he wrote that the preservation of liberty depended upon an educated and virtuous nation. On both counts neither the governments of the States nor the

Federal government were providing for the education of the general population or stemming the rise of corruption.

Jefferson also feared the loss of virtue he identified with the rise of manufactures combined with a concentrated ownership of land that in the Old World created a huge landless class forced to work for paltry money wages. "When we get piled upon one another in large cities, as in Europe," he wrote, "we shall become corrupt as in Europe, and go to eating one another as they do there."<sup>15</sup> Already, in the republic's coastal cities there was great poverty and social unrest. Immigration was to add to the problems.

By the end of Washington's second term in office, Jefferson had become extremely troubled by what he described to Madison as "*the extraordinary acts of boldness...from the faction of monocrats*" who, with the ink barely dry on the Constitution were subverting "*the freedom of discussion, the freedom of writing, printing and publishing.*"<sup>16</sup> The question for Jefferson and the *Republicans* was whether these problems were inherent in the system of law created under the Constitutional framework or merely the result of poor policies advanced by misguided individuals. Jefferson was convinced that a *Republican* majority in the Congress was key to preserving what the war for independence had achieved and that a split of *the Union* into separate parts was on the horizon. The Constitution might eventually prove to be a sound framework for the States to function within a universal system of national law. Keeping the States willingly united during these first tentative years depended upon stability of leadership that, Jefferson realized, only George Washington could provide. Knowing that Washington was anxious to step aside and return to private life, Jefferson informed him of the probable consequences:

When you first mentioned to me your purpose of retiring from the government,...I was in a considerable degree silent....The public mind, too, was calm and confident, and therefore in a favorable state for making the experiment. Had no change of cir-

cumstances intervened, I should not, with any hopes of success, have now ventured to propose to you a change of purpose. But the public mind is no longer confident and serene; and that from causes in which you are no ways personally mixed....

The republican party, who wish to preserve the government in its present form, are fewer in number; they are fewer even when joined by the two, three, or half dozen anti-federalists, who, though they dare not avow it, are still opposed to any General Government; but, being less so to a republican than a monarchical one, they naturally join those whom they think pursuing the lesser evil.

Of all the mischiefs objected to...none is so afflicting and fatal to every honest hope, as the corruption of the Legislature....[I]t...will be the instrument for producing a king, lords and commons, or whatever else those who direct it may choose....I can scarcely contemplate a more incalculable evil than the breaking of the Union into two or more parts. Yet when we consider the mass which opposed the original coalescence; when we consider that it lay chiefly in the Southern quarter; that the Legislature have availed themselves of no occasion of allaying it, but on the contrary, whenever Northern and Southern prejudices have come into conflict, the latter have been sacrificed and the former soothed;...who can be sure that these things may not proselyte the small number which was wanting to place the majority on the other side?<sup>17</sup>

Only months later, in September of 1792, Jefferson would admit to Washington of being “*made a tool for forwarding [Hamilton’s] schemes,*” which he was convinced “*flowed from principles adverse to liberty*” and were “*calculated to undermine and demolish the Republic.*”<sup>18</sup> There were external threats—real and perceived—as well.

### Manifest Destiny: Origins Of A Nationalistic Creed

British restrictions on the importation of goods from the United States forced *American* ship owners and merchants to search out new markets, and by 1790 a lucrative commerce was developed in the Asian ports of Calcutta and Canton. In the West Indies, colonial plantation

owners were more than willing to join with *Americans* in a mutually-profitable smuggling trade that eluded not only British but French and Spanish authority. Despite these successful encroachments on European mercantilism, a formidable limit was imposed on *American* interests by Spanish control over the territory of Louisiana (and the port of New Orleans). The Spanish had also established colonial enclaves at San Diego and San Francisco on the distant western coast. Under Old World prerogatives, the Spanish empire continued to dominate in the Americas and appeared to be expanding still. The Spanish presence was particularly disconcerting to *Americans* living beyond the Appalachian mountain chain and who depended on access to the Mississippi River and the Spanish port at New Orleans to participate in export markets for their surplus agricultural commodities. In the far northwest, both *American* and British merchants were engaged in a profitable trade in furs with indigenous tribes, furs then carried in ocean vessels to China.

As Secretary of State, Jefferson was determined to secure for the United States control over the Mississippi River and hoped that Spain's weak financial and military condition might persuade the Spanish monarch, Charles III, to sell this territory to the United States. An opportunity arose in 1791 when Britain challenged Spain for control of Nootka Sound and Vancouver Island off the northwestern coast of North America, where the British had established a post in 1788. War between Britain and Spain was averted only when France refused to support Spanish interests. Settlement of this dispute in favor of Britain opened the northwest above the thirty-eighth parallel to British occupation. To advance *American* designs regarding the Mississippi delta and its western bank stretching north beyond St. Louis, Jefferson dispatched William Short and William Carmichael to Spain. At this point in time, however, Jefferson was not optimistic of gaining any ground until Spain was further pressured by events in Europe.

*Americans* did not have long to wait. The French revolutionaries embarked on their crusade of *liberation* on the European continent. Their incursions into Austria expanded into a full-scale conflict the ultimate objective of which was to overturn the monarchies of Europe, including those of Spain and (eventually) Britain. The dilemma this created for George Washington was considerable. The republic remained by treaty a formal ally of France and was certain to clash with British naval vessels in the West Indies and on the high seas. Debate arose among his cabinet officers over whether the government should make a formal declaration of neutrality. Although there was in certain sections of the republic a high level of what Jefferson described to James Madison as "*Anglophobia*," the Secretary of State counseled Washington against using this for any temporary advantage in the Anglo-French conflict. Jefferson was hardly in favor of taking a pro-British stance but realized full well the dangers of a strong attachment to France and French policies. The formal declaration of neutrality was issued on April 22, 1793 by George Washington.

The French leaders, meanwhile, still viewed the United States as a formal ally and anticipated the use of *American* territory as a base of operations against the British. In the spring of 1793, the new French minister, Edmund Genet, arrived in the United States to a warm welcome by the citizenry but to a cool reception from George Washington, Alexander Hamilton and others in the government. Only Thomas Jefferson initially gave him any encouragement. James Madison, angered over the neutrality declaration, challenged what he viewed as the administration's usurpation of a "*right vested in the Legislature*."<sup>19</sup> Hamilton vigorously defended the constitutionality of the proclamation—and condemned the French Revolution—in a series of articles signed with the name "*Pacificus*" and published in Philadelphia. At Jefferson's urging, Madison responded with some success and public support. Despite the United States government's formal declaration of neutrality, Genet was able to recruit a considerable number of privateers in a systematic attack on

British merchant ships. Washington's administration was essentially without the means to stop this activity. Fourteen privateers were soon engaging British ships off the coast and within months had captured more than eighty *prizes*, many within the limits of United States territorial waters. Jefferson described public reaction to the capture of one British ship by a French frigate off the coast of Delaware in May:

Upon her coming into sight, thousands and thousands of the *yeomanry* of the city crowded and covered the wharves. Never before was such a crowd seen there; and when the British colors were seen *reversed*, and the French flying above them, they burst into peals of exultation.<sup>20</sup>

By this time, even Jefferson and Madison—while still sympathetic to the French cause—were outraged by Genet's abuse of his position and violation of United States law. Genet had been instructed to request that the United States government provide him with funds as direct payment of the debt owed to France from the war of independence. In this matter Genet was refused by Hamilton and rebuked by Jefferson, who lectured him on international law. Convinced that Washington and his administration were out of touch with the sentiments of the *American* people, Genet attempted to use public opinion to force the government to either change its policies or resign in favor of a pro-French administration. Washington suffered the humiliation of mass demonstrations in Philadelphia, then finally exploded in anger against Genet. The tide of opinion quickly turned against the French minister, and Washington requested he be recalled to France.<sup>21</sup>

At his station in France, the U.S. minister, Gouverneur Morris, had been no less indiscreet in his opposition to the Revolution. Robespierre took the opportunity to respond in kind and demand that Morris be recalled to the United States. Morris was to be replaced by James Monroe, whose sentiments were thoroughly *Republican* and who still looked at the French Revolution as the first in an avalanche

of revolutions destined to rid the Old World of monarchy, aristocracy and despotism. In England, the Unitarian preacher Richard Price was generating widespread excitement with his calls for participatory government and freedom of conscience. From the lectern in November of 1789, he called for a universal movement to spread "*just ideas of civil government*" and condemned existing governments as "*usurpations on the rights of men, and little better than contrivances for enabling the few to oppress the many.*"<sup>22</sup> This document became a statement of principles for the Revolution Society in Britain. No less a public figure than Charles James Fox joined in the celebration of the French Revolution. A brief window of opportunity opened for reform of Britain's system of Parliamentary representation but was closed quickly by Edmund Burke and other conservatives. And yet, Burke's staunch defense of the status quo in his *Reflections on the Revolution in France* provided the fuel that gave new life to the reform movement in Britain. "*The reformers were never properly grateful to Burke for resuscitating their declining movement,*" writes Carl Cone. "*For without Burke, no Tom Paine; without Paine's Rights of Man, no reform Bible.*"<sup>23</sup> Well into the 1790s, conservatives in Britain remained extremely fearful of the widespread influence of Paine's writings among the general population; his followers were denounced as republicans and levellers. The propertied in Britain were fearful, of course, but were also raised to anger by the audacity of their inferiors to challenge the status quo. William Pitt conspicuously stationed troops in manufacturing towns where he anticipated possible uprisings. Thomas Paine also remained at large and a threat to order in Britain until September of 1792. Moreover, the Revolution in France was presenting a growing challenge to the imperial designs of Britain's leadership.

The National Assembly of France declared war on Britain and Holland on February 1, 1793 and invaded the southern Netherlands. Within Britain fear of sedition intensified and all movement in the direction of reform collapsed. At least two of the leading dissidents,

Joseph Priestly and Thomas Cooper, would eventually seek refuge in the United States.

As the year 1793 progressed, the attitude of many *Americans* toward the French Revolution soured but did not shift measurably in the direction of Britain. James Monroe, the new minister to France, continued to openly embrace the French cause. At the same time, however, John Jay was negotiating a rapprochement with the British government in an effort to quiet war fever in the United States. British warships had been instructed late in 1793 to seize all shipping departing from or heading toward French colonies. Hundreds of *American* ships were stopped, their cargos confiscated and many of their sailors impressed into the British navy. In April of 1794, Washington appointed Jay as special ambassador to Britain, charging him with reaching a settlement that would eliminate the basis for tension between the United States and Britain. Jay sought to remove British forces from their military posts in the so-called *Northwest Territories* of the United States, obtain reimbursement for illegally captured *American*-owned ships and goods and secure a promise from William Grenville, the Foreign Secretary, that Britain would honor U.S. neutrality.

What neither Washington nor Jay could have contemplated was the role played by Alexander Hamilton in undermining Jay's mission. First of all, Hamilton disclosed to George Hammond, Britain's minister in New York, that (under Hamilton's advice) Washington had declined an opportunity to join with Sweden and Denmark in a unified front against Britain's attacks on neutral ships. Armed with this information, Grenville took a hard line with Jay, coldly informing him that Britain would not withdraw from the *defensive* posts still occupied in United States territory and intended to hold them indefinitely. In order to obtain Grenville's promise for an eventual withdrawal, Jay was forced to accept continued British trade with the indigenous tribes on the United States side of the border. This was a devastating blow to *Americans* living at the frontier, inasmuch as Canadians and British



agents were supplying arms to the indigenous tribes resisting *American* encroachment on lands either fraudulently acquired by treaties signed by minor village chiefs or simply cleared by settlers who took it upon themselves out of necessity to carve farms out of the wilderness. The Canadians looked at the *Americans* with deep suspicion; as one newspaper editor in Canada wrote, "*the government as well as the people of the United States who are perfectly aware of the growing prosperity of Canada are devising means to thwart it.*"<sup>24</sup> British-Canadians could not conceive of their government relinquishing any territory to the upstart *Americans* and looked upon the indigenous tribes as the only effective buffer between themselves and *American* ambitions.

A second provision of the treaty merely established a commission to review *American* claims of loss, acknowledging no responsibility or commitment to abide by the findings of the commission. The treaty also stipulated that all goods carried by *American* ships from the British West Indies could be sold only in the United States, which meant that all trade with Britain would have to be carried on British ships. Finally, Britain made no concessions to *American* demands for recognizing the rights of neutrals on the high seas.

Upon receipt of the draft treaty, George Washington became so upset that he very nearly decided against submitting it to the Senate for debate. Alexander Hamilton, as one would expect, pressed hard for its approval, writing that "[a] very powerful state may frequently hazard a high and haughty tone with good policy; but a weak state can scarcely ever do it without imprudence."<sup>25</sup> Although Hamilton's assessment of U.S. power (or lack thereof) was that of a realist, his actions were viewed by many in the *Republican* camp as bordering on treason. John Adams met with John Jay to discuss the treaty, writing to his wife, Abigail, "*The treaty is of great extent and importance and will not be rejected nor adopted without a thorough examination.*"<sup>26</sup> Resigned from the cabinet and attending to his affairs at Monticello, Jefferson was moved by the disastrous (in his view) terms of Jay's Treaty to urge

Madison to “*take up your pen, and give a fundamental reply to [Jay and Hamilton].*”<sup>27</sup>

When the terms of the treaty became known to the public, both Jay and Hamilton were universally and mercilessly attacked. Hamilton was stoned in New York when he attempted a defense. Clearly, the Secretary of the Treasury had jeopardized the position of his government. In the process, however, the controversy over the treaty gave the nation time to strengthen defenses and face head-on the escalating internal disunity. From the comfortable position of our own time, one is tempted to second guess Washington’s eventual support of the treaty. Historian Thomas Baily does not and writes, in fact, that “*Washington’s decision must be accounted one of the wisest and most courageous acts of his life.*”<sup>28</sup> At a time when the Federal government had little reserves or international credit, Jay’s Treaty “*postponed war with Great Britain for eighteen years and enabled the young American republic to establish its footing.*”<sup>29</sup> concludes Baily. After heated debate the treaty was approved in the Senate by exactly the two-thirds majority required.

Washington was able to quiet the public discontent somewhat when Thomas Pinckney reached a favorable accord with the Spanish government over access to the port of New Orleans. This was made possible by peace between Spain and France, a new alliance raising Spanish fears that Britain would take the opportunity to attack her colonies in the Americas. By the Treaty of San Lorenzo signed in October of 1795, *Americans* secured the right of navigation in the portion of the Mississippi River controlled by Spain and the *right of deposit* at the port of New Orleans. The northern boundary of Florida was also established at the thirty-first parallel.

## Shadow Government

Jefferson in retirement between 1794 and 1797 canceled his subscriptions to newspapers and reduced his normally active correspondence to a minimum. Writing to Edmund Randolph, who succeeded him as Secretary of State, Jefferson quoted Montaigne, "*that ignorance is the softest pillow on which a man can rest his head,*" to express his personal need for a stint in the wilderness and away from politics. He added hopefully that he was "*sure it is true as to everything political, and shall endeavor to estrange myself to everything of that character.*"<sup>30</sup> Subsequent letters to Madison, Washington, Adams and others during 1794 express similar feelings. We have no reason to doubt Jefferson's sincerity. Even if he was ready for retirement and the practical concerns of family and his estate that demanded his attention, a significant part of the nation continued to look to him for leadership and direction. Madison regularly sent him important information about national and world affairs, so that despite his own desires his correspondence remained considerable. He would later write of this period: "*I remained closely at home, saw none but those who came there, and at length became very sensible of the ill effect it had upon my own mind, and of its direct and irresistible tendency to render me unfit for society, and uneasy when necessarily engaged in it.*"<sup>31</sup>

Early in 1796 Jefferson began work on an extensive renovation of Monticello. At the same time he was also growing increasingly concerned about the fate of the republic. To his former teacher, George Wythe, he expressed concern that the nation risked losing its legislative record, much of which remained in manuscript form only. The solution, he suggested, was for the government to print "*an edition of all the laws ever passed by our legislatures which can now be found*"<sup>32</sup> for as wide a distribution as possible. More and more, his thoughts were turning away from his responsibilities at Monticello and to those of national leadership. He possessed a keen sense of history and understood that

future generations would look back on his era with great interest. Absent a concerted effort to preserve the documents of the republic's early history, this wealth of information and knowledge might be lost forever. He would not much longer remain the wise sage, raised by distance and solitude above those who daily wrestled with the problems of government. Soon the call would come, and Jefferson would feel duty-bound to respond.

Alexander Hamilton had also returned to private life in January of 1795. However, from his New York offices he not only pursued his law practice but continued to play an important role in Washington's *shadow* government. Oliver Wolcott, Jr., who became Secretary of the Treasury after Hamilton's departure, made almost no decisions without seeking Hamilton's direction. Washington, however, accepted Hamilton's departure as final and for almost a year no longer solicited his advice. The one person to whom Washington would consistently turn was his new Secretary of State, Edmund Randolph, whose intellectual capabilities are assessed by historians as less than sufficient for the challenges he and Washington then faced. He was described by his own relative, John Randolph, as "*a chameleon on the aspen, always trembling, always changing.*"<sup>33</sup> Washington soon learned that Randolph had very likely solicited a bribe from the French in return for his opposition to the treaty with Britain, information that left the President with little choice but to sign Jay's treaty. Washington then confronted Randolph with dispatches that intimated his guilt. Randolph resigned in anger and publicly attacked Washington, the end result of which is conveyed by historian James Thomas Flexner:

The long and confused pamphlet Randolph published bristled with anger against Washington. Although intended to wound, the description of the President's vacillations and final about-face concerning the Jay Treaty was not altogether damaging, since it revealed his unhappiness concerning the document. Yet the picture of Washington that emerged...carried strong implications of weakness and indecision.

This was partly because Randolph, in revealing the great influence he himself had had over the President, involuntarily revealed himself, as he wallowed in self-praise and self-pity, as a fool. He also stated nastily, for the whole nation to see, what Washington himself suspected and feared: that the President was losing his mental powers.<sup>34</sup>

With Randolph gone and Washington's second term more than half over, he had little alternative but to appoint individuals of lesser renown to conduct the affairs of state. Patrick Henry, Charles Pinckney and Rufus King all declined Washington's invitation to join the cabinet. As a consequence, Washington turned increasingly to the Vice President, John Adams, for consultation and support. For his own part, Adams maintained an attitude toward the Congress that nurtured animosity rather than harmony. He often lectured the Senate on matters of governmental principle and conveyed an air of superiority that alienated the more democratic members.

Passage of Jay's Treaty increased the tensions with France and evoked verbal condemnations from both James Monroe and Thomas Paine, the leading *American* personalities then in France. In March the French government officially protested and declared the United States government hostile to French interests. French naval vessels also began an immediate campaign against *American* ships conducting trade with British colonies in the West Indies. Monroe was recalled by Washington and, in his place, Charles Pinckney of South Carolina was dispatched to France in an effort to avert an armed conflict. In an open letter, a still very ill Thomas Paine irresponsibly attacked Washington as an enemy of the French Revolution and a secret British sympathizer. The assessment of Paine's actions at this time by Samuel Edwards provides the appropriate context:

His poor health and the strains that he placed on it made him increasingly morbid, and his state of mind was undoubtedly responsible for his increasing hostility to George Washington. The President's failure to write to him bothered him more and

more and by the autumn of 1795 became an obsession. What Paine appeared incapable of realizing was that the first President of the United States was ever conscious of his own position and of any precedents he might create. He believed that it would have been improper for him to intervene directly in the case of a man whose citizenship was questionable and who had been imprisoned by the government of France. Moreover, Washington had no time or space for personal correspondence, and Paine was not the only friend he was forced to neglect.<sup>35</sup>

Washington, too, was extremely fatigued by the stress of office. He left the capital for Mount Vernon in the fall of 1796, instructing Secretary of State Timothy Pickering “*only to bother him if something momentous happened.*”<sup>36</sup> Nevertheless, although Washington now had to function during his last year in office without his most capable advisers, his administration would add one more piece of ground breaking legislation to its accomplishments—the Public Land Act of 1796.

### Disposing Of The People’s Birthright

Even before the Treaty of Paris established the northern and western borders of the territory of the United States of America, speculators were purchasing titles to land and petitioning the State legislatures to sell them large tracts still in the public domain. The Indiana Company and the Illinois-Wabash Land Company each acquired deeds to western lands directly from the indigenous tribes and lobbied Congress heavily to sanction their acquisitions. The State of New York had ceded its own western land claims to the Federal government early in 1780 and Virginia followed later in that year. Ostensibly, a considerable territory was designated for distribution to war veterans. Massachusetts and Connecticut relinquished their claims to western lands in 1784 and 1786, respectively. State authorities in North Carolina and Georgia had already sold off millions of acres of western land to speculators

and settlers. Although the North Carolina legislature voted to cede its western territory in 1784, the western population called for a convention to form their own government and seek admission to *the Union* as a separate State. North Carolina repealed its act of cession, but the frontier leaders forged ahead with the creation of the State of Franklin. After failing to gain approbation from the Federal government, the western citizens of *Franklin* were temporarily brought back under the control of North Carolina. North Carolina's western lands were finally turned over to the Federal government in 1790. Georgia continued to hold out until 1802.

Many of the leaders of the republic were heavily involved in land speculation, including, for example, Patrick Henry, who became by his later years "*one of the greatest landowners in Virginia.*"<sup>37</sup> He acquired additional tracts of land in Kentucky, *western Georgia* and North Carolina. Robert Morris, undoubtedly the period's most optimistic and aggressive speculator, "*owned or held title to seven million acres in half a dozen states.*"<sup>38</sup> After the creation of the District of Columbia, Morris and other speculators, including George Washington, acquired large numbers of building lots in anticipation of future demand for property in the Capital city. Unfortunately for Morris, his speculations were made on margin and his ability to fulfill his purchases depended on attracting new buyers. The outbreak of war on the European continent closed access to bank credit and severed the link to foreign investors. By 1795 the financial empire of Robert Morris was collapsing on top of him. He had borrowed heavily from the Bank of North America<sup>39</sup> and others to finance his real estate speculations, and now he was unable to find buyers for the land. His cash flow disappeared. His creditors besieged him for more than a year while he barricaded himself in his uncompleted Philadelphia home, after which he spent another three years in prison, dying poverty-stricken five years later. "*Morris was neither the first nor the last real estate operator to go broke through the intoxication of his own optimism,*"<sup>40</sup> writes Dana Thomas. *Americans—and a*

large number of Europeans—were intoxicated by the vastness and richness of the continent, and opportunistically rushed into the frontier ahead of or behind surveyors, frontiersmen, traders, trappers, and farmers.

The Ordinance of 1785 provided for the *orderly* disposition of western lands, which were to be surveyed into square tracts of 640 acres and auctioned off for a minimum price of \$640. In this way, concluded historian Ray Allen Billington:

[T]he Ordinance prevented pioneer farmers from buying government land, for no frontiersman needed such a large tract nor could he afford to buy on those terms. Instead the door was opened to speculators who could purchase sections or townships at eastern auctions, then parcel them out to users in smaller tracts and on credit.<sup>41</sup>

William Duer, who was to become Assistant Secretary of the Treasury and the principal conspirator in the securities speculation of 1790, now became a secret partner of the Ohio Company. This land company had been formed by two former generals of the war for independence by exchanging stock for certificates obtained from veterans that could be used to acquire land in the west. Duer formed the Scioto Company and channeled enough additional funds to the Ohio Company to facilitate the purchase of over 6.5 million acres with only a small down payment in hard money. Duer then used his position as secretary to the board of treasury to obtain approval of the sale by Congress. A Connecticut newspaper editor, Joel Barlow, was sent to France in an effort to find additional investors. Conditions in France at this time presented serious obstacles to Barlow, and he began selling small parcels to actual settlers. In 1790 around six hundred of these French settlers arrived in the United States and made their way to the Northwest Territories, where they found only great hardship and land barely able to support their needs. Many of those who stayed died of



hunger and disease, others moved on to land eventually granted by Congress in 1795.

A committee chaired by Thomas Jefferson recommended in 1784 that the western lands of the Mississippi Valley be organized into fourteen districts as a preliminary step to eventual statehood, but this measure was delayed and never went into effect. Those in the east feared the loss of their power; the frontier leaders disliked Jefferson's plan for rectangular boundaries that ignored more natural borders such as rivers and mountains. The measure that was finally passed as the Ordinance of 1787 provided for a three stage process that permitted a territory to apply for statehood upon reaching a population of 60,000. The settlers were under Federal jurisdiction until that time, and the Ordinance made no provision for a territory gaining independence rather than statehood. Most important, the settlers were provided the essential protections of the Federal Constitution as spelled out under the Ordinance. For reasons related more to regional power than to morality, slavery was prohibited in the Northwest Territories. The importance of this land ordinance to the future of the nation is captured by Ray Allen Billington:

[It did more to perpetuate the Union than any document save the Constitution. Men could now leave the older states assured they were not surrendering their political privileges. Congress had not only saved the Republic, but had removed one great obstacle to the westward movement.<sup>42</sup>

Despite the hardships, despite the uncertainty of title, despite resistance by the indigenous tribes and Spanish or British authorities—land companies opened up the frontier and settlers poured in. By 1787, with the delegates arriving in Philadelphia to draft a new constitution, Kentuckians were already pressuring Virginia to grant them independence so they could seek statehood in their own right. In general, the western settlers looked upon the legislatures of existing States with

great suspicion and the Federal government as a potential threat to their liberty. They lived under rough conditions that simultaneously fostered democratic as well as cooperative instincts. They nevertheless embraced an individualistic rather than egalitarian attitude toward the conquest of nature and the acquisition of property. Time would demonstrate that people on the frontier reacted immediately and violently when distant governments adopted measures threatening the life they had carved out of the wilderness.

For nearly a generation, the frontier settlers were heavily dependent on the good will of Spanish authorities in New Orleans and paid them tribute in order to get their goods to market. After the Treaty of San Lorenzo, settlement and prosperity in the Mississippi Valley started to expand. As the population soared, so did the resentment toward the Spanish authorities.

On the European continent Napoleon Bonaparte pushed the Austrians from the Italian peninsula. Britain became more fearful with every military victory by the French, and the government moved quickly to suppress criticism at home. Thomas Paine's *Rights of Man* was banned by the British attorney-general after editions appeared that were inexpensive enough for readers other than gentlemen. Habeas corpus was suspended and large, public meetings were prohibited. The curtailment of trade with Europe and the United States was imposing severe hardships on the population, and food riots broke out during 1795 in London. Still, William Pitt's government pursued an ever hardening policy of retribution against internal and external enemies. As Philip Wilson observed in his biography of Pitt, all the institutional and individual strengths of the moment seemed to be with Napoleon Bonaparte and the new French order:

The great advantage enjoyed by Napoleon was that, as the result of the Revolution, he could promote a competent officer and dismiss the incompetent. Pitt did neither. With France a nation, Britain was still subject to her aristocracy.<sup>43</sup>

These internal weaknesses within Britain were not widely understood or given much consideration by *Americans*. The British navy dominated the open seas and a large number of relocated *Colonial American* Loyalists assured that Canada would remain a threat to any U.S. expansionist plans. Only by rapid settlement of the Northwest Territories and the eastern portion of the Mississippi Valley could the United States protect itself from a determined invasion by Britain, Spain or any other European power. Passage of the Public Land Act of 1786 was one key policy action taken in this direction.

The French had established a firm foothold within the continent's interior by the construction of St. Louis in 1763. Built on a limestone bluff above the Mississippi River, St. Louis became the primary trading center for furs and other goods carried on the Missouri and Illinois Rivers as well and on to New Orleans. Ceded to Spain under the Treaty of Paris, the city was designated the capital of Upper Louisiana. During the *American* war for independence, St. Louis was unsuccessfully attacked by a British force and remained heavily fortified thereafter. *Americans* slowly migrated to the region to take advantage of free land and exemption from taxation offered by the Spanish. By the 1790s, however, Spanish control was being contested by large numbers of frontiersmen and settlers. Soon after the outbreak of war between Britain and Spain (now allied to France), the governor of Louisiana, the Baron de Carondelet, ordered Spanish troops to re-garrison several forts previously abandoned under the terms of the Treaty of San Lorenzo. A general uprising against Spanish authority ensued.

Thousands of settlers had already found their way from Pittsburgh down the Ohio River to the settlements of Cincinnati and Louisville. Many more now poured over the Appalachian mountain chain to escape the hardships of farming in New England or the concentrated land ownership that characterized much of the south. By the 1790s farmland in the Mohawk Valley sold for \$15 an acre and up, prompting the sons of farmers to move west in search of cheaper land. Others

headed west to escape the repressive nature of the East's doctrinaire and hierarchically-structured societal arrangements. Soils farmed for more than a hundred fifty years no longer responded to new plantings, and erosion in the more hilly areas swept away nutrients, leaving thousands of farmers little choice but to move further inland. Their migration was aided by a system of crude roads cut out of the wilderness during the 1780s and 1790s. By 1796, with George Washington preparing to leave the Presidency, Tennessee already had a population of sufficient size to qualify for Statehood, and by 1800 Kentucky had a population of well over 200,000.

Throughout the former territory of the Iroquois League, land was changing hands again and again between speculators and, finally, to actual settlers. Robert Morris, the former secretary of finance, temporarily became the largest individual landowner in America with the purchase of over 2.5 million acres in western New York from Massachusetts and another 1.5 million acres in northwestern Pennsylvania. He was then able to attract European investors in Britain, Holland and France interested not merely in immediate speculative profit but also in the profit associated with development and expected large increases in land values. A group of British investors headed by William Pulteney appointed their agent, Charles Williamson, to carry out the initial stages of this plan. "*In the ten years that Williamson pushed this building program,*" writes Ray Allen Billington, "*he spent \$1,000,000 and took in just \$146,000 from land sales, [and]...he was displaced in 1801 by an agent who emphasized returns rather than expenditures.*"<sup>44</sup> Dutch financiers who observed all this concluded, correctly, that "*[t]he American frontiersman...did not want cleared fields and trim frame houses; he was enough of a speculator to want cheap land that he could improve with his own labor.*"<sup>45</sup> Even though the huge continent offered a plentiful supply of cheap, fertile and accessible land, nearly everyone was looking to the future—when land would be neither so plentiful, or cheap, or fertile, or accessible—as the foundation of their

personal fortune. Several generations later, when these things had come to pass, Henry George would write:

We have made land private property because we are but transplanted Europeans, wedded to custom, and have followed it in this matter more readily, because in a new country the evils that at length spring from private property in land are less obvious, while a much larger portion of the people seemingly profit by it—those on the ground gaining at the expense of those who come afterward.<sup>46</sup>

The questions of how to treat the huge public domain, how to find a peaceful rapprochement with the European powers, and how to protect the republic from internal dissent now fell to the nation's new President, John Adams.

### An Imperial Presidency?

John Adams endured but could not understand the attacks by Republicans on his own principles of republicanism. We know from his writings that he feared a full and direct democracy as increasing the risk of a tyranny as great as any of the worst despots. Yet, he privately declared he was "*no friend to hereditary limited monarchy in America.*"<sup>47</sup> He took the opportunity in his inaugural address to affirm his commitment to the Constitution and to the rights of the States. Under John Adams the Executive branch of government would act to balance the aristocratic tendencies of the Senate against the democratic instincts of the House of Representatives. Thomas Jefferson, elected to the Vice Presidency and recalled from his brief escape to private life, was committed to a behind-the-scenes attack against Hamiltonian influences. Hamilton, for his part, was conspiring with members of the cabinet to use the Executive to advance their own policy agenda. Adams was, in this sense, seriously wounded from the beginning by not having

at his disposal a group of individuals who shared his principles and his objectives—or were in any real sense personally loyal to him.

The United States was virtually at war with France when Adams took office. The French government had refused to accept the credentials of Washington's representative, Charles Pinckney, and many *Federalists* urged a strong reaction upon Adams. Over the objections of McHenry, Wolcott, Pickering (and Hamilton), Adams decided in the Spring of 1797 to dispatch a new mission to France, and in May submitted to the Senate the names of Charles Cotesworth Pinckney, Elbridge Gerry (after Francis Dana declined) and John Marshall to be his emissaries. In the months that followed, French government pronouncements and attacks on merchant shipping became increasingly irksome to *American* sensitivities. Adams appeased the *Federalists* by calling for a defensive military buildup and surprised nearly everyone by his determination to reach a peaceful accord with Napoleon Bonaparte and the Directory in Paris.

Pinckney, Gerry and Marshall departed for France in October but were ignored by the French Foreign Secretary, Talleyrand-Perigord. John Quincy Adams wrote his father from Europe expressing little hope that the mission would achieve success, inasmuch as the Directory (thought the younger Adams) was made up of "*men without principle and without feeling, and the most inveterate enemies of America.*"<sup>48</sup> Agents sent to the commissioners by Talleyrand-Perigord were soon reported by the *Americans* to have solicited bribes as the price of negotiations for peace. Adams reported these events to the Congress and, when made public, *Americans* reacted with righteous indignation, toasting: '*Millions for Defence, but not One Cent for Tribute.*'

Hamilton and the radical *Federalists* privately clamored for war and a formal alliance with Britain but publicly advanced a policy of armed neutrality. On May 9, 1798, Jefferson expressed his own inner fears but also a commitment to the defense of his country:

It is our duty still to endeavor to avoid war; but if it shall actually take place, no matter by whom brought on, we must defend ourselves. If our house be on fire, without inquiring whether it was fired from within or without, we must try to extinguish it. In that, I have no doubt, we shall act as one man.<sup>49</sup>

With considerable support from the *Republicans* in Congress, a separate Department of the Navy was created and the fleet modernized and expanded. Congress also authorized the capture of armed French vessels within United States territorial waters or, when necessary to protect *American* shipping, on the open seas. Finally, an embargo against trade with France was initiated. Talk spread of a possible alliance with Britain, and many *American Jacobins* abandoned the cause of the French Revolution in reaction to what they now recognized as a new form of despotism governing the people of France. *Republicans* continued to attack Adams and the *Federalists* as war-mongers; however, these cries fell on a confused public, and the *Federalist* candidates won a considerable majority in the congressional elections of 1798-99. They then used this majority to pass the Naturalization, Alien, and Sedition Acts, measures described by Samuel Morison and Henry Commager as “a striking instance of political intolerance.”<sup>50</sup> Jefferson’s concerns over the growing power of what he called the “war party” within the Federal government led him prepare (in the form of resolutions) a document that declared the sovereignty of the States and the compact theory of *the Union*.

### Standing On Decentralist Principles

A small but powerful group of third and fourth generation *Americans* desired very much to preserve the socio-political arrangements and institutions upon which they had long flourished. They looked upon new arrivals from the Old World, particularly those not of English blood, as a danger to the established order. The actions of the

Directory and attacks on *American* shipping provided these *conservatives* with an extraordinary weapon of propaganda against foreigners. Although Adams disappointed the radical *Federalists* on this score by taking no steps to enforce the law, the Sedition Act of 1798 inflamed public opinion by making it a crime to speak or write against the President or Congress. Jefferson's reaction is recorded in a letter to Archibald Stuart:

A wonderful and rapid change is taking place in Pennsylvania, Jersey, and New York. Congress is daily plied with petitions against the alien and sedition laws and standing armies. Several parts of this State are so violent that we fear an insurrection....The materials now bearing on the public mind will infallibly restore it to its republican soundness in the course of the present summer, if the knowledge of facts can only be disseminated among the people.<sup>51</sup>

*Republican* editors condemned the acts as measures designed to thwart Irish nationalism, English radicalism and French ambitions to bring down the British government. Yet, even Washington felt the measures were needed in a time when there were so many new arrivals coming from the Old World, among whom were, he was certain, individuals "sent among us...for the express purpose of poisoning the minds of our people and to sow dissensions among them...thereby endeavoring to dissolve the Union."<sup>52</sup> Washington left the Presidency fearful of the future and the already evident divisions of party. With each passing day the situation only seemed to be worsening.

Early in his formative years, Jefferson had grasped that conflict was as much in our nature as was the instinct toward cooperation. His correspondence reflects a somber, often melancholy tone, about the immediate future. Yet, he held out a deep hope that *Americans* would somehow come through this period united and without a catastrophic sacrifice of republican virtues. In 1789 he wrote to John Taylor:



The crisis with England, the public and authentic avowal of sentiments hostile to the leading principles of our Constitution, the prospect of a war, in which we shall stand alone, land tax, stamp tax, increase of public debt, etc. Be this as it may, in every free and deliberating society, there must, from the nature of man, be opposite parties, and violent dissensions and discords; and one of these, for the most part, must prevail over the other for a longer or shorter time. Perhaps this party division is necessary to induce each to watch and debate to the people the proceedings of the other. But if on a temporary superiority of the one's party, the other is to resort to a scission of the Union, no federal government can ever exist.<sup>53</sup>

Jefferson's aversion to Hamiltonian and *Federalist* incursions into the rights of the sovereign States brought him to reaffirm the principles of republicanism under which, he argued, the sovereign States had bound together. George Nicholas introduced Jefferson's document before the Kentucky legislature in 1798. Madison then drafted similar, though less bold, resolutions for presentation to the Virginia assembly. The first of these resolutions made clear that *the Union* was a creation of the States, and that the States retained as sovereign all powers not specifically delegated to the "general government" in Philadelphia. Moreover, the nature of the powers delegated existed by voluntary consent of each State:

1. *Resolved*, That the several States composing the United States of America are not united on the principle of unlimited submission to their general government, but that by a compact under the style and title of a Constitution for the United States and of amendments thereto, they constituted a general government for special purposes, delegated to that government certain definite powers, reserving, each State to itself, the residuary mass of right to their own self-government;...that the government created by this compact was not made the exclusive or final judge of the extent of the powers delegated to itself, since that would have made its discretion, and not the Constitution, the measure of its powers.<sup>54</sup>

Jefferson and Madison had meant to lead the *Republican* attack against the alien and sedition acts on the basis that the laws conflicted with the established rights of the States. Madison saw into the future, warning his fellow citizens that “[e]xhortations to disregard domestic usurpation until foreign danger shall have passed, is an artifice which may be forever used, because the possessors of power, who are the advocates for its extension, can ever create national embarrassments, to be successfully employed to soothe the people into sleep, whilst that power is swelling, silently, secretly, and fatally.”<sup>55</sup> None of the other State legislatures followed in the wake of Kentucky and Virginia, however. This was a critical moment in the nation’s formative years. A philosophical schism existed between the centralists and decentralists, many of whom were certainly ideologues who suffered few doubts in their adherence to a set of principles—until the political winds changed—in no inconsiderable degree because their principles were attached to self-interest. As for the general citizenry, its composition and attitudes were quickly moving from the dynamics uniting them in the war for independence. A massive migration was already underway that would within two generations almost depopulate the original States of people who thought of themselves, first, as citizens of Virginia or Pennsylvania and in some subordinate sense as citizens of *the United States*. They would be replaced by people who sought refuge and/or opportunity in *the United States* rather than in any individual State.

Reality was in this way colliding with the socio-political attitudes of the radical decentralists. “*To Jefferson the union did not have any absolute value,*” writes John Pancake, “*and its preservation could not be viewed as an end in itself. Its function was to preserve liberty, and if it became ruthlessly suppressive then, as the lesser of two evils, the compact of states must come to an end.*”<sup>56</sup> Jefferson’s own words seem those of desperation, a calling from the wilderness to a people rushing toward the future without regard for the consequences:

Before the revolution there existed no such nation as the United States; they then first associated as a nation, but for special purposes only....As their association as a nation was only for special purposes, to wit, for the management of their concerns with one another and with foreign nations, and the States composing the association chose to give it powers for those purposes and no others, they could not adopt any general system [of law], because it would have embraced objects on which this association had no right to form or declare a will.<sup>57</sup>

The frontier provided the nation with a temporary safety valve against some of the worst deprivations of the Old World, but at the expense of its decentralist virtues. By taking the view that all territory beyond the defined boundaries of the existing States fell within the Federal domain, the delegation of authority was reversed. Those who settled beyond the original thirteen states found themselves governed (however loosely) by Federal authority and directed by law into a subordinate position of statehood. Had there been no frontier, no purchase of the Louisiana Territory, the relationship between the States and the Federal government would surely have been markedly different. To what extent this relationship would have advanced or thwarted the protection of individual liberty is a question of significant residual value to us today.

These were issues that deeply troubled Jefferson. Even had he fully grasped the future consequences of events, he was powerless to contain the movement of people hungry for land and freedom from the East's hierarchical socio-political structure. Nor were *Americans* able to forge a nation in isolation from Old World pressures. Britain, temporarily distracted, might one day use Canada as a staging ground for the reconquest of all of North America. If not Britain, Napoleon Bonaparte's ambitions might one day include the expansion of the French empire in the Americas.

In the spring of 1798, Napoleon Bonaparte demonstrated to all that he was not satisfied with the extent of his victories on the European

continent. Striking at Britain's own imperial interests, Bonaparte mounted an invasion of Egypt he hoped would result in the withdrawal of the British from India. In response, the British fleet under Horatio Nelson attacked and destroyed the French fleet at anchor off the coast of Alexandria. In the land war, Bonaparte's army ran up against stiff resistance from the Turks, and his campaign stalled in Syria. Napoleon abandoned his army and made his way back to France. At home, the Directory was under Jacobin attack, prompting a conservative reaction and the elevation of Napoleon to dictatorial power.

The consequences of events in Europe were still far from clear to *Americans*. Jefferson remained hard-pressed to accept that the French would not bargain in good faith with its long-time ally or that republicanism had forever disappeared under the Directory. To Elbridge Gerry he confided that he had "*not been insensible under the atrocious depredations they have committed on our commerce*" but suggested that Gerry's peace mission might have been successful had Pinckney and Marshall "*been of the same sentiment with yourself.*"<sup>58</sup> Ironically, with Napoleon Bonaparte at the center of power and France dominated by militarism, Tallyrand-Perigord became increasingly concerned that a full-scale war with the United States, as militarily weak as the *Americans* were, would be disastrous. Through diplomatic channels he informed the *American* representative in Lisbon, William Vans Murray, that France was interested in negotiating a settlement of its differences with the United States.

Acting without the advice of a cabinet he no longer trusted, Adams submitted Murray's name to the Senate as his new minister to France. Hamilton and the radical *Federalists* were outraged that peace might upset their plans of conquest and consolidation of domestic political power. They managed to see that Murray's appointment was delayed for several crucial months. Two additional commissioners—William R. Davie of North Carolina and Oliver Ellsworth of Connecticut—were appointed to join him in France. They arrived in March of 1800 and

were officially received by Napoleon Bonaparte himself. Yet another window of opportunity, however, was quickly closing. The loss of his fleet and of the island of Malta to the British confined Napoleon Bonaparte to the continent, where he still remained unchallenged. In June of 1800 the French crushed the Austrians in a series of battles that temporarily brought peace with Austria and permitted Bonaparte to concentrate his energies elsewhere. Although Bonaparte recognized that a war with the United States would in the end bring ruin to his ambitions and drive the *Americans* into an alliance with Britain, the final agreement (called the Convention of 1800) was more than favorable to France. The United States was released from all treaty obligations to France but assumed responsibility for any financial claims by United States citizens against the French government. What the *Americans* gained was a sorely needed reprieve from the climate of war (and, within a few years, the addition of the Louisiana Territory by purchase<sup>59</sup> rather than conquest and bloodshed).

Even when the threat of war seemed very close, *Americans* were hardly agreeable to the costs imposed on them for defense of the republic. Excise taxes on imports were one thing; but the imposition of a tax on real property sparked widespread opposition and resistance. In one sense, this heartened Jefferson, who declared to Thomas Lomax:

The spirit of 1776 is not dead. It has only been slumbering. The body of the American people is substantially republican....They see now that France has sincerely wished peace, and their seducers have wished war, as well for the loaves and fishes which arise out of war expenses, as for the chance of changing the Constitution, while the people should have time to contemplate nothing but the levies of men and money.

The Anglomen and monocrats had so artfully confounded the cause of France with that of Freedom, that both went down in the same scale. I sincerely join you in abjuring all political connection with every foreign power; and though I cordially wish well to the progress of liberty in all nations, and would forever give it the weight of our countenance, yet they are not to be touched without contamination from their

other bad principles. Commerce with all nations, alliance with none, should be our motto.<sup>60</sup>

Jefferson would now watch from the sidelines as Adams fought to preserve the independence of the Executive from domination by Alexander Hamilton. Adams had asked George Washington to accept command of the army, and the General had responded despite his deteriorating physical condition. Washington would not serve, however, unless Alexander Hamilton was appointed his second in command. Convinced that the French had no intentions of sending an invasion force against the United States, Adams resisted *Federalist* pressures to expand recruitment and training of a large, standing army. Impatient with Pickering's demands for more troops, Adams warned: "*The system of debts and taxes is leveling all governments in Europe.*"<sup>61</sup> Adams worried that the United States would fall victim to the same result.

Events soon proved that Hamilton and the radical *Federalists* had overstepped the limits of power the *American* people were as yet willing to relinquish to a central authority. Madison and Jefferson, on the other hand, had no desire to tear *the Union* asunder. Nevertheless, they saw that their opportunity to reform the government under republican principles was on the horizon. They waited for Hamilton's mistakes and were not disappointed. Hamilton, with the acquiescence of Secretary McHenry, was conspiring to raise an army and march against the Spanish in Louisiana and the Floridas. Moreover, Hamilton actively campaigned against the re-election of John Adams to the Presidency. Adams could hold his anger only so long, and in the Spring of 1800 confronted McHenry with the knowledge of Hamilton's intrigue. The Secretary resigned. Soon thereafter he requested that Pickering resign as well. Samuel Dexter became the new Secretary of War and John Marshall was called upon to serve as Secretary of State.

The death of George Washington in December of 1799 had created for Adams the problem of how to keep Hamilton from gaining more or

less full control over the army. Hamilton had already directed a reorganization of sweeping proportions, pushed for the establishment of a permanent military academy and designed a system of classification to be used by the militia (essentially, the basis for a draft). Earlier in the year he concocted his plan to liberate Latin America from Spanish control, only to have Washington intervene to prevent the sending of Federal troops to Natchez, on the Mississippi River, where they could easily have embarked for the southern hemisphere. With Washington gone, Hamilton now had to face Adams directly and realized that his own political survival depended upon getting Adams out of the Presidency. To that end, he conspired with the Secretary of the Treasury, Oliver Wolcott, and others in the radical *Federalist* camp. Hamilton began to campaign for Charles Cotesworth Pinckney, describing Adams as “a weak and ineffective man who could not win on the Federalist ticket.”<sup>62</sup> Hamilton then directed a missile at Adams in the form of a letter demanding that Adams explain what the President meant by certain statements that a “British faction” existed and acted against the interests of the republic. The President’s anger had not even subsided when Wolcott, McHenry and Pickering delivered to Hamilton a number of confidential government documents they were sure would embarrass Adams in the public mind and make his re-election impossible. Hamilton prepared a letter containing a range of charges based on the actions taken by Adams over the previous four years. A copy was obtained by Aaron Burr, who directed it to the *Republican* press. On the *Federalist* side, the editor Noah Webster came to the President’s defense, urging voters to ignore the ravings of Hamilton. The failure of the *Federalists* to support Adams and display unity hurt their cause considerably. When the election of 1800 was over and the votes counted, Adams was displaced by Thomas Jefferson. Aaron Burr became the new Vice President.

## A Return To Republican Principles?

Although Jefferson did not hunger for the Presidency, he accepted the call of his contemporaries and hoped that under his leadership there might be a final consolidation of republican principles to displace Old World traditions. Toward this end, he actively participated in the campaign by correspondence from Monticello. Not only the *Federalists* but leaders of *Establishment* churches viewed Jefferson's election as a serious threat to the historical links between Church and State and the privileges derived therefrom. Against these and other forces operating to secure for themselves the substance of aristocratic and inherited privilege, Jefferson felt a deep responsibility to future generations:

A just and solid republican government maintained here, will be a standing monument and example for the aim and imitation of the people of other countries; and I join with you in the hope and belief that they will see, from our example, that a free government is of all others the most energetic; that the inquiry which has been excited among the mass of mankind by our revolution and its consequences, will ameliorate the condition of man over a great portion of the globe.<sup>63</sup>

To his daughter Maria, he expressed his feelings more personally, writing: "*I feel a sincere wish to see our government brought back to its republican principles, to see that kind of government firmly fixed, to which my whole life has been devoted. I hope we shall now see it so established, as that when I retire it may be under full security that we are to continue free and happy.*"<sup>64</sup> Once in office, he soon realized the enormity of his task and the distance to be traveled. In a moment of deep reflection, he wrote: "*[W]hen we reflect how difficult it is to move or inflect the great machine of society..., we see... that no more good must be attempted than the nation can bear.*"<sup>65</sup> Fearful of chaos as well government's usurpation of power, Jefferson became an incrementalist, resigned to the expediency of compromising principles in order to obtain some good result.



The nation he served remained hostage in a struggle for survival against Old World powers whose leaders effectively forestalled the introduction of republican institutions and denounced representative democracy as a sure path to anarchy and ruin. Instead of a strong, citizen assembly in France, for example, Napoleon Bonaparte subverted the written constitution (in which Paine had placed so much faith) and created a dictatorship. His armies fought their way across continental Europe, defeating the Austrians and Prussians; he then quickly consolidated his victories on the battlefield into a vast continental empire. *Americans*, shaken by these turns of events, no longer dreamed of spreading *their Revolution* to the Old World. They talked increasingly of cleansing the Americas of Old World control and of bringing the entire western hemisphere into *the Union*. The doctrine of *manifest destiny* was born.

The *Americans*, successful in their struggle for political independence from Britain and the Old World, were, in general, now faced with implementation of a plan for creating a unified nation unique to all of history. The Constitution had been drafted by an elitist minority and adopted against considerable opposition. Thirteen sovereign States, each with its own written constitution and system of law had come together for mutual protection and advantage under a federal system that even Jefferson and Madison boldly declared was based on voluntary association. By virtue of equal representation in the Senate, the ability of any State to dominate *the Union* was effectively contained, while the interests of each State were given considerable voice. An absence of property qualifications under the Federal Constitution widened, at least potentially, the opportunity for public office and for the voting franchise. A balance of power between aristocratic and democratic tendencies was found in the popular election of individuals to represent their local and regional interests in the House of Representatives. A President and Vice President, selected by a special electoral college and given specific but theoretically limited powers, was

charged with executing the laws as passed by the Congress. And, finally, a Supreme Court sat in judgment over the constitutionality of the laws passed by the Federal Legislature. Time would reveal to the leaders of each new generation whatever flaws might require their attention. Even the Framers recognized that principles had been compromised in order to form even this government. As Benjamin Franklin (through James Wilson) had remarked at the time:

I confess that there are several parts of this constitution which I do not at present approve...But I am not sure I shall never approve them...

In these sentiments...I agree to this Constitution with all its faults, if they are such...

And I think it will astonish our enemies, who are waiting with confidence to hear that our councils are confounded...and that our states are on the point of separation, only to meet hereafter for the purpose of cutting one another's throats.<sup>66</sup>

More than a decade had now passed. The Constitution guided the actions of those in government, and the nation was expanding in population and economic prosperity. In September of 1800 the executive mansion in the new capital had been completed. From the largely empty District of Columbia, John Adams then awaited the coming election. Across the Atlantic, Napoleon worked to forge a continental alliance against Britain. At first he looked eastward to Russia as an ally in this quest, but the Russian empire was still governed by an unstable and autocratic czar in the person of Paul Petrovich, who adhered to an anti-French campaign initiated by his mother, empress Catherine II. His own subjects were prohibited from going abroad, and few foreigners were permitted access to Russia; all written materials were censored. Just as the French Revolution under Robespierre and the Jacobins experienced a *Reign of Terror*, so did the Russians under their *Tsar*.

Fearful of France's military successes, Russia had joined with Britain, Austria and Turkey in an alliance against France. In retaliation,

Napoleon seized the Island of Malta (then under Russian protection) and sent the French fleet into the Black Sea. The Russian general A.V. Suvorov-Rymnikski was sent by the Tsar to Austria, and under his direction the Austrians pushed the French out of the Italian peninsula but were not successful in liberating Switzerland. Angered at Austrian indecision and British incompetence, the Russian czar broke the alliance and in 1800 negotiated a rapprochement with Napoleon Bonaparte. All British ships in Russian harbors were boarded and their crews interned, and the czar proposed to Bonaparte an alliance against Britain. Britain responded by sending a fleet under admirals Parker and Horatio Nelson into the Baltic, where they defeated the Danes before either the French or Russian fleets could come to their assistance. The Russian nobility and military now concluded that the czar had to be removed or the Russian empire might collapse. In April of 1801, the conspirators, led by Count Pahlen, Military Governor of St. Petersburg, "*burst into the Tsar's apartments one night; an act of abdication was presented for his signature, and on his refusal he was strangled.*"<sup>67</sup> The new czar, Alexander I, was appropriately fearful of British sea power and entered into negotiations to restore peaceful relations. Napoleon Bonaparte's hopes of isolating Britain were now quickly disintegrating.

Jefferson, inaugurated as the third President of the United States on March 4, 1801, declared his intention of keeping *Americans* free from the burden of Old World struggles and, thereby, preserving their newly-gained liberty:

Let us...with courage and confidence pursue our own Federal and Republican principles, our attachment to union and representative government. Kindly separated by nature and a wide ocean from the exterminating havoc of one quarter of the globe; too high-minded to endure the degradations of the others;...—with all these blessings, what more is necessary to make us a happy and a prosperous people? Still one thing more, fellow-citizens—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.<sup>68</sup>

Jefferson was determined to prevent the turmoil and anarchy now racing through the Old World from jeopardizing his nation's republican experiment. He repeated these sentiments in a letter to Thomas Paine written in mid-March.

The first real domestic challenge to Jefferson's agenda came from one of the best legal theorists in the *Federalist* camp, John Marshall, appointed by John Adams before leaving office as Chief Justice of the Supreme Court. Marshall's decision in *Marbury v. Madison* affirmed the power of the Court to subject legislative enactments to judicial review and, where the Court so ruled, declare such laws unconstitutional and void. This case has been analyzed and discussed by constitutional scholars and legal theorists ever since. Approaching the case from a holistic perspective, Max Lerner concludes that Marshall established as precedent an interpretation of Federal powers in relation to that of individuals and the States that altered the course of U.S. history:

[T]he strongest argument for judicial review is the chaos that would flow from unresolved clashes between states and national government.... Finally it fitted with the psychic hunger of Americans for a symbol of ultimate guardianship of their rights under the law. [Oliver Wendell] Holmes said of John Marshall that his greatness lay in the place he held in "the campaign of history"—the "fact that he was *there*." The role he served was as a crucial link between nationalism, constitutionalism, and a rising commercial system.<sup>69</sup>

And, in much the same way as John Marshall played a crucial role in establishing constitutional precedent for the future, Thomas Jefferson served as a transitional figure in the broad acceptance of manifest destiny. Jefferson became an agent for the construction of a decentrally-organized Federal union of an ever-growing number of quasi-sovereign

States that, together, harbored imperialist objectives shrouded in a cloak of democratic principle and Christian missionary zeal.

In order to return the nation to a government based on republican principles, Jefferson was determined to turn out of public office those individuals who had demonstrated a taste for self-aggrandizement and aristocratic privilege. No one was surprised at his appointment of James Madison as Secretary of State or Albert Gallatin as Secretary of the Treasury. Lesser known *Republicans*—Henry Dearborn as Secretary of War, Levi Lincoln as Attorney General and Robert Smith as Secretary of the Navy—completed his cabinet level appointments. Learning from the mistakes of Washington and Adams, Jefferson took firm control of the Executive branch, even though he was to a degree forced into the dissemination of political spoils to *Republicans*.

One of Jefferson's first priorities was to resolve the government's financial problems, which he defined as the national debt<sup>70</sup> and the system of internal taxation created and left to him by Alexander Hamilton. Of Hamilton's designs, Jefferson suggested to his Secretary of the Treasury, Albert Gallatin, that "*[i]n order that he might have the entire government of his machine, he determined so to complicate it as that neither the President nor Congress should be able to understand it or to control him.*"<sup>71</sup> In his first message to the Congress, Jefferson set out his domestic policy agenda. He would remove government as a barrier to prosperity by reducing or abolishing all domestic taxes on production and commerce. In order to balance the budget and also reduce the national debt, he announced dramatic cuts in Federal spending on the military. As one would expect, Hamilton vigorously attacked all of these measures. From retirement, John Adams warned that "*[c]ommerce will decline and the revenue will fall.*"<sup>72</sup> In fact, for most of the next decade, *American* producers experienced unparalleled prosperity. Ship owners carried their goods across the oceans to ever more distant markets. And, the Presidential administration of Thomas Jefferson balanced the budget by collecting customs duties on foreign imports and the proceeds

from the sale of public lands. In this latter endeavor, Jefferson (arguably left with virtually no recourse that was politically achievable) contributed directly to the rise of *agrarian, urban and industrial landlordism*, the socio-political arrangements that would come to dominate the nation's history after his departure. Of Jefferson's political economy, Albert Jay Nock points to his "*imperfect acquaintance*" which blinded him to future consequences of his policy decisions. Jefferson had learned the lesson of history that the greater the powers of *the State* the greater the probability that tyranny and injustice would eventually be imposed on individuals. What he failed to see, observes Nock was "*the most unwholesome social consequence of the immense impetus that would be given to unlimited private land-monopoly by his cherished plan to clear off the public debt by the sale of Western lands.*"<sup>73</sup>

In fact, Jefferson viewed the vast, untamed continent as the final and most powerful of safety valves against tyranny and despotism. He was convinced that the nation and he were one in the affirmation of *Republican* principles. And, one of the greatest of these principles was universal access to land, which, he accepted as evidence "*of the falsehood of Montesquieu's doctrine, that a republic can be preserved only in a small territory.*" In the same way that the British military could occupy cities but not dominate a people spread across a vast continent, corrupting power could not subvert the republican instincts of a self-sufficient people living virtually independent of the need for government. Yet, even though the nation was small in population and blessed by an overwhelming majority possessed of landed property, Jefferson wrote to Nathaniel Niles that "[h]ad our territory been even a third only of what it is, we were gone."<sup>74</sup> With all this in mind, he looked forward to the day when English-speaking and republican *Americans* populated all of the Americas.

The process of settling the interior began in the Northwest Territory, the region west of Pennsylvania which became the States of Ohio, Indiana and Illinois. In 1803, the same year that Ohio was accepted into

*the Union*, Jefferson dispatched a team headed by Meriwether Lewis and William Clark westward across the territory of Louisiana and on to the Pacific coast. One of Jefferson's great fears—the possibility of a renewed dependence on British protection—seemed on the horizon following the ceding by Spain of New Orleans and its Louisiana Territory to France in 1800. Spanish authority had become largely unsuccessful in resisting the arrival of *American* settlers. The French, on the other hand, could be expected to populate the territory with their own settlers. Eventually, the French might even extend their American empire to the Pacific. Upon hearing the news of Louisiana coming into French possession, Jefferson wrote to Robert Livingston, his minister to France:

The cession of Louisiana and the Floridas by Spain to France, works most sorely on the United States....

There is on the globe one single spot, the possessor of which is our natural and habitual enemy. It is New Orleans, through which the produce of three-eighths of our territory must pass to market, and from its fertility it will ere long yield more than half of our whole produce, and contain more than half of our inhabitants....The day that France takes possession of New Orleans, fixes the sentence which is to restrain her forever with her low-water mark. It seals the union of two nations, who, in conjunction, can maintain exclusive possession of the ocean. From that moment, we must marry ourselves to the British fleet and nation.<sup>75</sup>

Fortunately for the apparent interests of *Americans*, Napoleon Bonaparte had already greatly overstepped the limits of French producers to sustain his expansionist adventures. In 1802, the French suffered a humiliating defeat at the hands of Toussaint L'Ouverture on the island of Santo Domingo, where thousands of additional troops fell victim to yellow fever. Bonaparte realized that he had neither the funds nor the military force to take possession of New Orleans and the Louisiana Territory. Early in 1803 Jefferson dispatched James Madison to join Robert Livingston in France, and Madison arrived just in time to receive

Bonaparte's offer to sell to the United States all of Louisiana for \$15 million. Jefferson acted without specific constitutional guidance in completing the purchase on behalf of the nation. On the other side of the Atlantic, Napoleon Bonaparte and the Directory simply ignored the stipulation of legislative approval required under the French constitution.

With each successful venture on the part of Jefferson's administration and the *Republicans*, the more radical *Federalists* became increasingly aware that the center of power was shifting away from the northeastern population centers. Timothy Pickering, former Secretary of State under John Adams and now in the Senate, led the establishment of a separatist movement whose members hoped to create an independent Northern Confederacy. Rebuffed by Alexander Hamilton, John Quincy Adams and other *Federalists*, Pickering approached the Vice President, Aaron Burr, who had become isolated from the administration because of his neutrality in many Senatorial debates. The separatists knew their scheme had little chance of success without the financial and commercial power centered in New York. Burr, they believed, could bring New York in if he were elected governor. Burr, in response, solicited their support in his own campaign but was noncommittal regarding his support of their cause. The election occurred in April, and Burr was crushed by the *Federalist* candidate, Morgan Lewis. Burr's political fortunes were dealt another serious blow as a consequence of the duel he fought against Alexander Hamilton in July of 1804, in which Hamilton was mortally wounded. "Overnight, Hamilton became once again a colossus in the minds of his countrymen," observes Milton Lomask; "and just as speedily, Aaron Burr became his cold-blooded murderer in many of those same minds."<sup>76</sup>

Hamilton, the stalwart nationalist, had opposed Pickering's scheme for secession of the northern states. His death assured the public preservation of his memory as that of a revolutionary leader rather than an ideologue or opportunistic politician who had undermined his government in favor of British interests. Perhaps even more astonishingly than



the absence of notation by Jefferson upon Paine's death in 1809, "*the death of Hamilton is merely mentioned in an enumeration of the distinguished dead of the year.*"<sup>77</sup> In a strange irony, while Hamilton's sudden departure left the radical *Federalists* without one of its most effective leaders, the separatist faction faltered as the entire nation united with a sense of loss.

*Republicans* and *Federalists* would next do battle over adoption of the Twelfth Amendment to the Constitution, passed by Congress and now before the States for ratification. With adoption, the electoral college would vote separately for President and Vice President and thereby avoid a recurrence of the chaos created when Jefferson and Burr received an equal number of votes in 1800. Even Hamilton, who actively supported this Amendment, understood this was a matter of effective government rather than partisan politics. The States acted quickly in anticipation of the upcoming election, and the Amendment became law in September.

### Majority Rule

For pragmatic as well as partisan reasons, *Republican* supporters of Jefferson abandoned Aaron Burr in favor of George Clinton of New York as the Vice Presidential candidate in 1804. The *Federalists* nominated Charles Pinckney and Rufus King. The election represented a runaway victory for Jefferson, who received 162 of 176 electoral votes; the *Federalists* also experienced heavy losses in the House and Senate. Addressing the nation on March 4, 1805 at the inauguration ceremonies for his second term as President, Jefferson accepted victory as an endorsement of the principles he espoused and—to his judgment—acted upon:

We are firmly convinced, and we act on that conviction, that with nations as with individuals our interests soundly calculated will ever be found inseparable from our moral duties, and history bears witness to the fact that a just nation is trusted on its word when recourse is had to armaments and wars to bridle others....<sup>78</sup>

The accomplishments of his administration were, to be sure, quite impressive and were hoped by Jefferson to be of a lasting nature. His faith in the inherent goodness of people blinded him, however, to the pattern of genocide being delivered upon the indigenous people of North America, many of whom engaged in warfare only as a defensive measure and suffered the same as those who, had they possessed the technology and larger populations, would have challenged the European-Americans for domination of the continent. Although Jefferson desired to assist the assimilation of the indigenous people into *American* society, he acknowledged there were “powerful obstacles to encounter,” not the least of which was the “influence of interested and crafty individuals among them who feel themselves something in the present order of things and fear to become nothing in any other.”<sup>79</sup> Whether or not Jefferson sensed that the pre-European Americans were destined for near annihilation is unclear. In a letter to Meriwether Lewis, Jefferson revealed an acceptance that the application of just principles could not (at least in his era) be extended to the relations between European-Americans and their indigenous competitors:

[A]s we know we cannot punish any murder which shall be committed by us on them. Even if the murderer can be taken, our juries have never yet convicted the murderer of an Indian.<sup>80</sup>

Neither Jefferson nor any other *American* in a position to influence policy acknowledged indigenous claims to territorial sovereignty in North America. Treaties were mere expediences to facilitate settlement of a constantly moving frontier. Younger sons of New England farming

families and others seeking to escape the Northeast's rigid social structure combined with migrants from all along the eastern coast and new arrivals from the Old World to populate the Appalachian plateau and beyond. There, in the wilderness, a rougher and more egalitarian version of *the Republic* was again and again replicated. The Ohio constitution, for example, included no property qualifications at all for the voting franchise, and the governor was given no power to veto laws passed by the legislature.

Traveling through Ohio in search of even cheaper land, ever more settlers poured into the Indiana and Illinois Territories and moved with considerable speed north into the Michigan peninsula. The opening of the Louisiana Territory to settlement added fuel to this land fever. An inevitable result of this migration was, of course, conflict with the British in possession of forts along the Great Lakes. European-Americans living under British rule in the north already claimed their distinction as *Canadians*. And, *Canadians* understood full well that this great northern expanse was coveted by the *Americans* occupying the opposite shores of the Great Lakes as a natural extension of the new continental nation they were carving out of the wilderness. British troops and the *Canadian* militia had successfully defended their territory in 1775, first defeating a *Colonial* army under Richard Montgomery (who was killed in the action) and then Benedict Arnold at Quebec. The *Colonials* were then driven from the positions they had been holding near Montreal. For reasons both political and economic, *Canadians* generally viewed their southern neighbors as invaders rather than liberators. As Benjamin Franklin noted, the *American* military presence brought abuse and what amounted to a confiscation of property:

The Canadians are afraid of paper and never would take the Congress money. To enter a country that you mean to make a friend of with an army that must have occasion every day for fresh provisions, horses, carriage labor of every kind, having no acceptable money to pay those that serve you, and to be obliged therefore from the

necessity of the case to take that service by force, is the sure way to disgust, offend, and by degrees make enemies of the whole people, after which all your operations will be more difficult, all your motions discovered and every endeavor used to have you driven back out of the country.<sup>81</sup>

Despite the acknowledged resistance from *Canadians*, the *Americans* made a determined attempt to gain control of Canada at the peace negotiations in Paris. The British, for their part, were firm in their determination to retain control over the vast resources of the northern wilderness. Nearly one hundred thousand *Americans* remaining loyal to their King had retreated (or escaped) to exile in Canada during and after the war, and many of these individuals played leading roles in the development of a solidly British Canada. These migrants comprised a majority population in Nova Scotia, Prince Edward Island and western Canada. They were to forge a united resistance to future encroachments by *Americans* in the decade leading to the War of 1812.

Jefferson's second term in office saw the United States drawn closer and closer to armed conflict with both France and Britain. The acquisition of New Orleans solved only one part of the problem of how to move agricultural goods from the North American interior to European markets. The British fleet was carrying on an extremely effective blockade of the Eurasian continent, the effect of which on *American* producers was to drive down prices domestically while reducing to a trickle the flow of coinage into the country. To *Americans* living in the territories, the key to forcing on Britain an open trade policy was to take control of Canada, then negotiate an exchange of territory for free international trade. Others favored war with Britain as the means of acquiring Spanish Florida. Jefferson's response was a call upon *Americans* to increase their self-reliance. He ordered an embargo on all external trade beginning in 1807 in an attempt to keep the nation out of the European conflict and at peace. The embargo was difficult to enforce along such a long and largely poorly-policed coast, but there were those who agreed

with Jefferson that firm neutrality and isolation provided the only sensible course of action. Jefferson's personal feelings toward the French and the British were complex. On the one hand, he believed that "[n]o two countries upon earth have so many points of common interest and friendship," as the United States and Britain, while looking in wonder across the ocean to the British people, where "their rulers must be great bunglers indeed, if, with such dispositions, they break them asunder."<sup>82</sup> Jefferson had also spent enjoyable years in France in the company of some of France's most brilliant and enlightened intellectuals. Few of his constituents, on the other hand, had ever traveled abroad. *Americans* thought of themselves as effectively disconnected from the Old World competition for hegemony and empire. With the peaceful acquisition of the Louisiana Territory (even though still occupied by indigenous tribes ready to fight to retain their historical control), *Americans* focused their energy westward on the huge and thinly-populated continent.

Although the radical *Federalist* conspiracy for secession had dissipated with Jefferson's re-election, Aaron Burr again became associated with an attempt to create a splinter confederacy, this time in the Louisiana Territory. Burr was arrested in February of 1807 and taken to Richmond for trial on charges of treason. To Jefferson's consternation, Burr was acquitted on the basis of John Marshall's interpretation of the Constitution with respect to Burr's actions. Once again, Marshall applied reasoning out of which a principle of law was established for the future. Marshall "narrowly construed the definition of treason, ruling out all evidence except that which bore on the special 'overt act' [of raising a private army]," writes John Pancake. By virtue of his decision, "[h]e thus virtually eliminated the charge of treason as a means of suppressing political opposition, a practice which had been common in England during the seventeenth and eighteenth centuries."<sup>83</sup>

Burr may have escaped imprisonment, but he was no longer a real threat to Jefferson or *the Union*. With this latest expression of secessionist spirit quieted, Jefferson turned his attentions to British attacks

on *American* shipping and the impressment of United States citizens into the British navy. Oppressive conditions and autocratic rule on board British ships resulted in frequent mutinies and the desertion of thousands of sailors to *American* merchant and naval vessels. In retaliation, British captains boarded hundreds of *American* ships and *repatriated* thousands of alleged British escapees. Many U.S. citizens were taken into the British navy in this manner. As a result, the tension between the U.S. and British governments increased daily.

Among those in the United States who wanted nothing more than peaceful relations with Britain, a degree of hope arose with the appointment by Charles James Fox (the new prime minister) of David Erskine as representative to the United States. Moderates within the British government took a page from Adam Smith and, supported by the owners of Britain's manufacturing concerns, pressed for a reduction in trade barriers. In a moment of extraordinarily clear thinking, Lord Holland boldly declared: "*Indeed, the more powerful and wealthy [the Americans] become, the better it would be for this country...and increased riches would only give them increased means of consumption.*"<sup>84</sup> Unfortunately, conservative pressure prevented Fox from pursuing any measures the *Americans* would accept as decisive. At the beginning of 1806 Jefferson responded in the only way he could without initiating a formal war, by restricting the flow of British manufactured goods into the United States and their territories. A mission headed by William Pinkney was then dispatched in May to join James Monroe in Britain and press upon the British new *American* terms for a settlement.

Although Fox became seriously ill and finally died in September, negotiations proceeded with Lords Holland and Auckland through to the end of 1806. A treaty, of sorts, was prepared that failed in many respects to meet *Republican* expectations in the United States. Jefferson did not submit the treaty to the Senate for ratification; rather, he wrote to Monroe with instructions to break off negotiations until events might yield more advantageous results. He did not have long to wait, for in June of 1807 the

British man of war *HMS Melampus* attacked and boarded the *USS Chesapeake*, removing four deserters and nearly sinking the *American* ship. War cries arose throughout the United States, but Jefferson—recognizing all too well just how ill-prepared the *United States* of America were for a major armed conflict—pressed Monroe to elicit an apology and reparations. *American* ports were closed to British warships and the coastal cities were hastened into a state of defensive readiness. Still, there was no call for troops. Radical *Federalists* remained consistent by openly taking the British side against the Jefferson administration.

The British government, now headed by George Canning, was under pressure by officers in the Royal Navy to declare war, allowing them to sweep *American* shipping from the seas. Britain's own shipping industry was certain to benefit by the disappearance of such a large competitor. Monroe met with Canning in September without result and in November returned to the United States. New Orders in Council subsequently issued by the British government denied *Americans* access to almost all foreign markets. Jefferson, again hoping to save his nation from a destructive war, responded with a full embargo against external trade. Once again the *Federalists*, led by Timothy Pickering, openly attacked Jefferson and urged the nation's merchants and ship owners to circumvent the new regulations wherever possible. Jefferson believed that on balance the embargo would stimulate domestic manufacturing of the goods that would certainly be needed in the event war did occur. Late in November, he wrote to James Maury:

The world, as you justly observe, is truly in an awful state. Two nations of overgrown power are endeavoring to establish, the one an universal dominion by sea, the other by land. We naturally fear that which comes into immediate contact with us, leaving remoter dangers to the chapter of accidents....With every wish for peace, permitted by the circumstances forced upon us, we look to war as equally probable....

The present aspect of our foreign relations has encouraged here a general spirit of encouragement to domestic manufacture....Considerable manufactures of cotton are

also commencing. Philadelphia, particularly, is becoming more manufacturing than commercial.<sup>85</sup>

The most harmful effect of the embargo was on *American* farmers, but they staunchly supported Jefferson's objective of bringing Britain to its knees. *Federalists* continued to work for nullification of the embargo and against its enforcement. In relative safety from government interference, goods were transferred in Canada from *American* to British merchant ships. "*Massachusetts in large measure was in full rebellion,*" writes Claude Bowers, adding that "*when goods were successfully smuggled to the British across the border, the Essex Junto shouted with glee—'So much for starving the British!'*"<sup>86</sup> Smuggling became so rampant all along the border between the United States and Canada that Jefferson ordered a number of gunboats to patrol the northern coast. This measure proved effective, and the number of ships making their way to Canada was greatly diminished.

Despite the leakages in the *American* embargo, Britain's manufacturing centers were experiencing serious hardship and public unrest directly associated with widespread unemployment. The government's policies were coming under repeated attack within Parliament and in the press. And, in the United States, new factories were being built to take advantage of the window of opportunity created for the expansion of domestic business. British industry experienced some relief when, with assistance from a British expeditionary force, Spanish *patriots* pushed the French out of Spain and the continent was once again opened to British commerce.

With Jefferson approaching his last months in office, he urged the Congress to continue the embargo while strengthening the nation's military defenses. As noted above, at the outset of Jefferson's Presidency John Adams had predicted dire consequences. The embargo against Britain prompted him to sarcasm:



[W]e ought not and cannot suffer this new encroachment. Nor do I know how we can take a stand against it....Impressment of seamen by the law of nations! What a daring act of despotism! What imprudence!...Sacrifice loyally your commerce and clank your chains in harmonious concert with Virginia! She tells you commerce produces money, money luxury, and all three are incompatible with republicanism! Virtuous, simple, frugal Virginia hates money and wants it only for Napoleon, who desires it only to establish freedom through the world!<sup>87</sup>

Aroused by these events from his domestic concerns, Adams used what prestige he possessed to lobby for the building of a strong navy to protect *American* liberty and commercial interests. At the same time, he demonstrated his loyalty to *the Union* by urging on the radicals the need for unity and cooperation and condemning all talk of secession. "If we can preserve our Union entire we may preserve our Republic," he lectured disenchanted New Englanders, adding: "But if the Union is broken we become two petty principalities, little better than the feudatories, one of France and the other of England."<sup>88</sup>

*Republicans* began preparation for the transfer of power to a new administration, certain to be headed by James Madison. Albert Gallatin took on the assignment of developing a republican position paper, submitted to the Congress in the form of resolutions. The first declared the nation's firm resistance to obeying the edicts of either Britain or France; the second proposed a new Non-Importation Act; and, the third answered Adams by calling for increased expenditures for defense. Jefferson, who "thought it right to take no part...in proposing measures, the execution of which would devolve on [his] successor,"<sup>89</sup> quietly and remarkably withdrew from the public dialogue. He had pursued policies he believed to be consistent with his principles; new leaders would now have to take the country through the next phase of consolidation. Jefferson's private correspondence speaks to his desire to return to the quiet solitude of Monticello, perhaps as much to convince himself that

this was what he wanted and needed as to convey his intentions to those who might call upon him for direction.

The nation clamored for an end to Jefferson's embargo, and a bill made its way through the Congress reaching Jefferson's desk only days before he was to leave office. The departing President continued to believe that the end of the embargo meant exposing *the Union* to divisive involvement in Old World conflicts and the aggressive objectives of Britain and France. Historians, political economists and others have subsequently examined the evidence and debated the theoretical and practical implications of embargoes as a weapon in the relations between nations. John Pancake, for one, concludes that "[n]ever before or since did the United States resort to such extreme economic coercion, and perhaps never did a president ask his people for greater forbearance and sacrifice in time of peace."<sup>90</sup> Other historians<sup>91</sup> have observed that the sacrifices were largely in vain and contributed to the deterioration of national consensus into party factionalism. Pancake counters, however, that "Jefferson came closer to success than perhaps even he realized."<sup>92</sup> Britain's capacity to continue on as the master of the seas while its manufacturing and commerce stagnated and its population grew impoverished was nearing a breaking point. Practical considerations dictated that a solution had to be found.

With the United Kingdom, British domination over southern Ireland had become threatened by rising nationalism, encouraged and supported by the French. Pitt's financial policies, which relied upon borrowing from the landed rather than taxing them to conduct his wars, left the government with an enormous national debt after his death in 1806. The Whig ministers who then briefly held power under the leadership of William Grenville managed to introduce some reforms in the military and outlawed British participation in the slave trade, but the government fell over attempts to grant Catholics in Ireland greater political rights.

Napoleon Bonaparte was firmly in control of the European continent, and an invasion of Britain seemed a real possibility. A nationalist party in Ireland agitated for independence from Britain and the repatriation of Ireland's land from absentee landlords in England. British uneasiness increased after the French imposed a full continental blockade against goods coming from Britain. Among the Whigs an anti-war posture was building by the middle of 1807. Petitions of peace were delivered to Parliament from several manufacturing districts. By 1809 the British were sufficiently pressed that a continuation of the embargo might have brought a favorable resolution to the problems faced by *Americans* on the open seas and secured concessions concerning access to European and Asian markets. Even Jefferson realized, however, that the embargo was imposing a tremendous cost on *Americans* both economically and politically that the nation might not long endure.

James Madison, on the eve of taking office, acknowledged the political necessity of lifting the embargo, but added "*that if the Embargo be repealed & the orders be enforced, that war is inevitable, and will perhaps be clamored for in the same quarter which now vents its disappointed love of gain agst. the Embargo.*"<sup>93</sup> Albert Jay Nock, who viewed American involvement in the War of 1812 as a "*purely imperialistic adventure,*"<sup>94</sup> thought that Jefferson seemed not "*to have had an inkling of [the embargo's] economic unsoundness.*"<sup>95</sup> This is a harsh criticism in light of Jefferson's appreciation for the hardships created by his policies. His objectives were political, and he looked at the embargo as the one tool other than actual warfare he had at his disposal. The principles espoused by Albert Jay Nock, and his criticism of Jefferson, raise but do not resolve the issue of how one nation is able to carry on free and open trade during periods when other, more militaristic nations, do not honor the rights of individuals to engage in trade and commerce and infringe on their liberty to do so. Nock's principles of political economy do not accept intervention by the State in commerce. History demonstrates, he writes, that "*every assumption of State power, whether*

by gift or seizure, leaves society with so much less power.”<sup>96</sup> And, over time, there “develops a habit of acquiescence in the people” and subsequent “generations [become conditioned] to new increments of State power, and they tend to take the process of continuous accumulation as quite in order.”<sup>97</sup> That this tendency operates does not, however, provide guidance where the threat of external domination is omnipresent. The fact that Jefferson opted for expediency does not mean that he did not appreciate the consequences. He was attempting to avoid what he viewed as the greater threat of war until the United States was sufficiently strong to defend its territorial claims. With the full-scale embargo repealed, the Congress left to Madison the task of enforcing a policy of “*commercial nonintercourse with Great Britain and France.*”<sup>98</sup>

Jefferson was certainly aware of the tendency if business owners to seek protection from competition. His widely quoted declaration that “[t]hat government is best which governs least” reserved for the living the right to define the proper degree of government for themselves, in their own time and place. Moral principles ought to guide each generation in the government they choose. Individualists have long struggled to make the case for the least government consistent with justice. Agreeing on what constitutes “justice” has been a remarkably elusive goal. Jefferson’s experiences at the pinnacle of power forced him to admit that his reliance on neutrality as the means of maintaining peace and bringing prosperity to *Americans* was dangerously naive. In 1815 he confided to Jean Batiste Say that “*continued peace depends not merely on [American] justice and prudence, but on that of others also.*”<sup>99</sup> Peace required enforceable international law; and, until such a time when those circumstances existed to protect peaceful nations from aggressors, sovereignty had to be protected by preparedness. Therefore, although Jefferson attributed great moral virtue to a society comprised of yeoman farmers, he had come to accept that “*manufactures are...as necessary to [American] independence as to our comfort.*”<sup>100</sup> On balance, then, Jefferson’s rhetoric was far more idealistic than were his decisions and policies. He would, I am

certain, be surprised by Winston Churchill's judgment that he was "*the first political idealist among American statesmen and the real founder of the American democratic tradition.*"<sup>101</sup> Comparing the lives of these two individuals, one is tempted to conclude that Churchill was hoping posterity would look as favorably upon his own decisions while in office as historians (or, at least the public) had upon those of Jefferson. Another British writer, whose judgment might be thought more objective than that of Churchill, concludes that "*Jefferson's claim to the title of democrat, as distinct from liberal, is most ambiguous.*" Here, Esmond Wright assumes his readers agree on the definition of the terms—*democrat* and *liberal*—an assumption that, in itself, clouds rather than illuminates. Fortunately, he provides us with an explanation for his assessment of Jefferson's character and contribution:

He was an aristocrat converted to democracy by the force of his own reason, but the reluctance—and even a certain condescension—never disappeared. The champion of the common man was never one himself; his humility was of the head not the heart. He was a member of a landed aristocracy that was not based on inheritance or title but on acquisition; all of its members were in greater or lesser degree self-made men....As much as any Founding Father, he could fear the potential tyranny of the people....

Despite the universality of rights, Jefferson realised that every government had to be adapted to the condition of those to be governed by it....His own leisure to think, and to discuss equality and "rights" was made possible by the labour of over one hundred slaves. And even among free white men, Jefferson recognized as promptly as did Adams or Hamilton or Burke—or Foster—that in practice and as a fact of Nature, there was an aristocracy of talent, that some were born, if not created, to rule.<sup>102</sup>

Ensnared within the protective confines of Monticello, adds Wright, Jefferson "*reverted to a more natural, and more consistent, liberalism, to his old interest in education and in local self-government.*"<sup>103</sup> What is also true is that these concerns were never abandoned by

Jefferson, and throughout his years in power his correspondence reflects his continued attention to scientific matters, education, agriculture and all that commanded the interest of an individual classically schooled and nurtured by strong family and community associations. Throughout his life, he responded (imperfectly, to be sure) to a calling higher than personal self-interest. Surrounded by individuals who repeatedly acted in reverse fashion, espousing policies only when such policies advanced self-interest, Jefferson legitimately recognized just how few were those who stood as defenders of moral principles. In the promise of the separation from British rule he and others had recognized an historical opportunity to affirm the existence of unalienable rights. In answer to Nock, he might repeat words written to James Maury:

[I]f ever I was gratified with the possession of power, and of the confidence of those who had entrusted me with it, it was on that occasion when I was enabled to use both for the prevention of war, towards which the torrent of passion here was directed almost irresistibly, and when not another person in the United States, less supported by authority and favor, could have resisted it.<sup>104</sup>

If Jefferson's moral sense of right and wrong, his powers of reason and his understanding of history failed to imbue in him a holistic sociopolitical philosophy on the order of Paine's cooperative individualism, he nonetheless espoused one overriding principle: "*An honest man can feel no pleasure in the exercise of power over his fellow citizens.*"<sup>105</sup> And yet, at Monticello he continued to exercise coercive control over those whose bloodline was all or partly African. Jefferson may have endeavored to treat these poor, enslaved people more humanely than many of his fellow slave owners, but he clearly understood that his actions denied these people their legitimate human rights. Debt, and, one can hope, a practical concern for the well-being of people liberated but without rights to acquire access to land, may have prevented him from

*granting* freedom upon his death to all but five of those who served him in bondage. The slavery question aside, Jefferson had done all that he could to consolidate the achievements of republican government and hoped his years of public service had set the stage for an era of even greater political enlightenment and economic opportunity. To Dupont de Nemours he succinctly stated the ideal:

We of the United States...are constitutionally and conscientiously democrats. We consider society as one of the natural wants with which man has been created; that he has been endowed with faculties and qualities to effect its satisfaction by concurrence of others having the same want; that when, by the exercise of these faculties, he has procured a state of society, it is one of his acquisitions which he has a right to regulate and control, jointly indeed with all those who have concurred in the procurement, whom he cannot exclude from its use or direction more than they him. We think experience has proved it safer, for the mass of individuals composing the society, to reserve to themselves personally the exercise of all rightful powers to which they are competent, and to delegate those to which they are not competent to deputies named, and removable for unfaithful conduct, by themselves immediately...<sup>106</sup>

To John Taylor he admitted a moderate sense of despair:

If...the control of the people over the organs of their government be the measure of republicanism, and I confess I know no other measure, it must be agreed that our governments have much less of republicanism than ought to have been expected; in other words, that the people have less regular control over their agents, than their rights and their interests require. And this I ascribe, not to any want of republican dispositions in those who formed these Constitutions, but to a submission of true principle to European authorities...Much I apprehend that the golden moment is past for reforming these heresies. The functionaries of public power rarely strengthen in their dispositions to abridge it, and an unorganized call for timely amendment is not likely to prevail against an organized opposition to it...<sup>107</sup>

Thomas Jefferson lived long enough to see the fiftieth anniversary of the signing of the Declaration of Independence. His faith in self-government never faltered. His understanding of what constituted the *rights of man* and the forms of law necessary to secure and protect those rights was never complete. Henry George, whose own socio-political philosophy and treatment of political economy were unknowingly built on the very principles espoused by Tom Paine, judged Jefferson as the "*widest-minded of American patriots and greatest of American statesmen.*"<sup>108</sup> In 1897, when Henry George was campaigning in New York City for the office of mayor, he called for a return to Jefferson's principles and characterized the nineteenth century as a period during which "*the Democracy of Jefferson has been strayed from, has been forgotten by the men who were, by its name, given office and power among the people.*"<sup>109</sup> George would have also concurred in Albert Jay Nock's criticism of Jefferson's policies that allowed private interests to become the lords of the land:

With America opening as the land of unprecedented monopolistic opportunity, men would of course be impelled to get out of the producing class and into the exploiting class as quickly as possible. It was not hard to foresee a time when, for instance, the greatest producing industry of the country, agriculture, would be exploited to the point of bankruptcy as an industry, leaving the rise in land-values as the only source of profit to the agriculturists. Nor, considering the tendency just mentioned, would it be hard to predict that the political will of the landowning agriculturalists themselves would be chiefly responsible for this breakdown. Mr. Jefferson never seemed aware that the prospect of getting an unearned dollar is as attractive to an agrarian as it is to a banker; to a man who owns timber or mineral deposits as it is to one who owns governmental securities or who profits by a tariff. For this reason he would not understand why Republicanism almost at once became a mere name. Nothing could be more natural, however, than for Republicans who saw any chance of participation in monopoly to retain the name and at the same time resist any tendency within the party to impair the system that held out this prospect.<sup>110</sup>



## COUNTER-REVOLUTION: BONAPARTE'S CONTINENTAL SYSTEM FAILS

Regardless of the costs, those who held power in Britain were determined to orchestrate the fall of Napoleon Bonaparte. The defense of Britain had required the maintenance of a naval fleet capable of blockading not only the Atlantic coast but the Mediterranean as well. In the spring of 1805 the comparatively weaker French fleet under Admiral Villeneuve eluded Horatio Nelson and made its way to the West Indies and then back to Europe in an effort to drive the British away from the Atlantic coast and allow the remainder of the French and Spanish fleets to break out and join him. Bonaparte needed control of the channel if an invasion of Britain was to have any chance for success, and the battle to come was to determine the fate of his empire.

The British navy gathered at the entrance to the channel and waited. The French fleet anchored at Brest was prevented from leaving by a stronger force under the command of William Cornwallis. Villeneuve soon realized what lay before him. His own fleet and men were in terrible condition from their long journey across the Atlantic and back. Rather than suffer inevitable defeat, he retreated to Cadiz. In September, Nelson at the head of a large fleet set out in pursuit, determined to finally destroy the French fleet. With the British ships approaching, Villeneuve received orders from Bonaparte to sail for Italy. The two forces met in open water on October 21 in a battle that left the French fleet decimated and Horatio Nelson dead. Frustrated and impatient, Bonaparte had actually already discarded his plans for the invasion of Britain and in August moved a large portion of his army from the coast to fight the Austrians.

Victorious over the Austrians and temporarily unchallenged on the continent, Bonaparte in 1807 initiated his next move, designed to bring him control of the Iberian peninsula and thereby deny the British army a staging area for building a force against him. Moreover, Portugal was

the final link in his Continental System designed to deny British manufacturers access to European markets.

Bonaparte first forced Charles IV of Spain to abdicate in favor of Napoleon's brother, Joseph. To Bonaparte's great surprise, the Spanish took up arms against French occupation. In July the French army commanded by General Dupont was defeated at Baylen (Andalusia) and Bonaparte was forced to pull out of Madrid. Another French army was left isolated in Portugal, unable to escape by sea or land. Bonaparte then decided to pull his seasoned troops from central Europe and march them across France and into Spain. Britain entered the land conflict with an expeditionary force of some thirty thousand, which landed in Portugal near Lisbon in July of 1808. The French army in Portugal engaged the British but were soundly defeated and agreed to evacuate Portugal on condition that means were provided to take them back to France. Bonaparte, meanwhile, gathered nearly a quarter million troops for the invasion of Spain.

The French victory was swift, if not altogether complete. Despite continued guerrilla resistance, Bonaparte was back in Madrid by December. Only the actions of the British force advancing from Portugal under John Moore prevented the French from securing a full victory. Moore was eventually killed on the battlefield at Corunna, where his army repulsed the larger French force while waiting for the British fleet to carry them back to Britain. Bonaparte was absent, forced to return to France by a new Austrian build-up and news that Tallyrand-Perigord was conspiring against him. At great loss of men the Austrians were once more defeated. French armies also finally gained control of the Iberian peninsula with the exception of the area surrounding Lisbon, where the British and Portuguese force was being strengthened.

In April of 1809 Arthur Wellesley returned to Lisbon to take command of the joint British and Portuguese army. He drove the French out of Portugal at minimal loss to his own troops, then marched into Spain,

where he combined with the Spanish to hand the French another major defeat at Talavera, only a hundred miles to the southwest of Madrid. With his own army weakened, Wellesley (now elevated by a grateful government to the peerage as Viscount Wellington) returned to Lisbon where he saw to the construction of a number of well-positioned defensive fortifications. Early in 1810 the British and Portuguese handed the French another devastating defeat at Busaco, then withdrew to their defensive positions at Lisbon. After several months of an unsuccessful siege and heavy losses, the French commander, Marshal Massena, abandoned the campaign and returned to Spain.

In the following year Wellesley attacked and defeated two French armies standing in the path toward Madrid. Thomas Jefferson, by this time out of office and retired to Monticello, received frequent news of events in the Old World. Dismayed by the anti-republican grip into which the Old World had been clasped, he could not but conclude that “[t]he last hope of human liberty in this world rests on us.”<sup>111</sup> Fortunately for Americans, the armies of the Old World and the intrigues of their political leaders were still being directed toward one another. Jefferson was optimistic that his own nation would be given time to achieve greater unity and improve its defensive strength. Europe’s major and minor powers were all committed to the struggle against Bonaparte and France. And, as the year of 1812 progressed, the contest left tens of thousands of Europe’s young men dead on battlefields stretching from the Pyrenees to Moscow.

Wellesley continued to push into Spain, defeating one French army and liberating Madrid. Bonaparte’s attentions were, however, now directed toward the east and Russia. The Russians had just ended their war with Turkey, out of which they gained control of Bessarabia, and were preparing for war with France. Tsar Alexander moved some two hundred thousand troops to positions along the Niemen River. For his part, Bonaparte had amassed a force of over a half million men for the conquest of Russia. In June, the French army crossed the Niemen hoping to catch the

Russians by surprise. Realizing he was greatly outnumbered, the Russian commander, Barclay de Tolly, withdrew to the east, using guerrilla tactics and destroying everything in the path of the advancing French that could not be removed. As a consequence, Bonaparte was left with few supplies and no means of replenishing them—even as summer was ending and winter loomed on the horizon. The Russians concentrated their forces at Smolensk, where Alexander ordered his general to stand and fight. Tolly was reluctant to take on Bonaparte yet but engaged the French for several days. Then, convinced a full commitment would be catastrophic, he withdrew toward Moscow. Tolly was relieved of his command by Kutuzov, who then met the French near the village of Borodino. Losses on both sides exceeded 50,000 killed and wounded. Kutuzov now recognized the wisdom of Tolly's strategy and pulled back. Moscow itself was abandoned and, upon Bonaparte's entrance to the city, the remaining Russians started a fire that burned almost the entire city to the ground.

Bonaparte too late realized the danger of his position. The Russians were building up their strength just as the French were seriously weakened. Bonaparte ordered withdrawal, but his army was continually harassed by fresh Russian troops, guerilla militia and Cossack cavalry all along the march westward. Starvation, the cold and disease also combined to ensure that four men in five did not return home from Russia.

Early in 1813, the Russians were joined first by Prussia and later by Austria in a series of offensive strikes against the greatly weakened French army. They handed Bonaparte a major defeat at Leipzig in October, forcing him to retreat into France, where he foolishly decided to stand and fight rather than submit to terms. He was again defeated. Paris fell in March of 1814, and Napoleon was forced into exile on the island of Elba. Hearing of these events, Jefferson offered his own judgment of Napoleon Bonaparte—and those who naively and enthusiastically accepted his form of despotism as the cure for revolutionary anarchy:

Robespierre met the fate, and his memory the execration, he so justly merited. The rich were his victims, and perished by thousands. It is by millions that Bonaparte destroys the poor, and he is eulogized and deified by the sycophants even of science. These merit more than the mere oblivion to which they will be consigned; and the day will come when a just posterity will give to their hero the only preeminence he has earned, that of having been the greatest of the destroyers of the human race...<sup>112</sup>

But Bonaparte was a lion in the field only. In civil life, a cold-blooded, calculating, unprincipled usurper, without a virtue; no statesman, knowing nothing of commerce, political economy, or civil government, and supplying ignorance by bold presumption.<sup>113</sup>

What Jefferson realized, even in the wake of Bonaparte's downfall, was that the Old World (and the civilization of France included) was lost to the republican cause. The centralized form of nation-state now dominated across the Eurasian landscape, absorbed by a militaristic creed satisfied only by war and conquest. Industrial and technological advances during the nineteenth century would provide vast quantities of wealth, produced largely by exploited labor at home and elsewhere, that brought Eurasian armies and their imperial fortresses into a great portion of the world. In this way, the struggle to defeat Napoleon Bonaparte set the stage for the *modernization* of the Eurasian nation-states, a process the militaristic rulers replicated wherever they sent their armies. Of the temporary peace that followed, Winston Churchill observed "*that the well-being of Europe was to be secured not by compliance with the assumed wishes of the peoples concerned, but only by punctual obedience to legitimate authority.*"<sup>114</sup> I assume his use of the word *legitimate* is meant to be sarcastic. To the extent any reforms would come about in the Old World, the motivation was, at best, an unenlightened expression of self-interest and, at worst, merely an acknowledgment that certain socio-political arrangements were so inherently oppressive that order and stability would be jeopardized if some degree of moderation was not practiced.

Transnationals who happened to live in the Old World became once again mere voices in the wilderness, their freedom and lives threatened should they express their views too publicly or effectively. The militarists who gained firm control over the Eurasian states no longer sought moral legitimacy in theories of divine right or natural law; rather, they understood that their ability to rule was based on the strength and loyalty of the military might they commanded and the use of a secret police to monitor and, from time to time, exterminate dissidents. For a brief period, the new leaders remained unchallenged, their subjects desperate for normalcy and order. Henry Kissinger makes the point that “[h]istorical conservatism abhors revolution as undermining the *individual expression of a nation’s tradition*” and that “*rationalist conservatism fights it as preventing the implementation of universal social maxims.*”<sup>115</sup> To their ultimate ruin, however, the militarists and their aristocratic supporters misread their good fortune as complacency and assumed the masses of urban workers and tenant farmers would not react in any serious way to a continuation of age-old oppressions. The root causes of the French Revolution were not forgotten by the majority of people, and privilege was becoming ever more egregious with the growth in manufacturing and commercialization of agriculture. The issue to be resolved in the nineteenth century was just how powerful would be the pull of nationalism against that of individualism and radical reform. These same pressures also combined to stimulate the largest migration of people in history.

## THE LAST WORD

Four decades after the final episode in the life of Napoleon Bonaparte had been played out, Alexis de Tocqueville looked at his world and sought to put the French Revolution in perspective. What, he asked himself, was the legacy of this period and what were its lessons?

Earlier in his life he had achieved fame by assessing the success of the *American* experiment in constitutional-republicanism. He thereafter remained a key figure in the advance of transnational thought. Affirming his "*devotion to freedom*" he laments the destruction of aristocracy, displaced by socio-political arrangements attached to the "[l]ove of gain, a fondness for business careers, the desire to get rich at all costs, a craving for material comfort and easy living quickly becoming ruling passions under a despotic government." The choice as many saw it was between *liberty* and *security*:

Though there can be no certainty about the future, three facts are plain to see in the light of past experience. First, that all our contemporaries are driven on by a force that we may hope to regulate or curb, but cannot overcome, and it is a force impelling them, sometimes gently, sometimes at headlong speed, to the destruction of aristocracy. Secondly, that those peoples who are so constituted as to have the utmost difficulty in getting rid of despotic government for any considerable period are the ones in which aristocracy has ceased to exist and can no longer exist. Thirdly, that nowhere is despotism calculated to produce such evil effects as in social groups of this order; since, more than any other kind of regime, it fosters the growth of all the vices to which they are congenitally prone and, indeed, incites them to go still farther on the way to which their natural bent inclines them.<sup>116</sup>

For Tocqueville, the promise of the French Revolution had not only not been fulfilled but had destroyed all that had been good in the structure under which his forefathers had lived. "*Freedom and freedom alone can extirpate these vices,*" he declared. For, "*[i]n a community of free citizens every man is daily reminded of the need of meeting his fellow men, of hearing what they have to say, of exchanging ideas, and coming to an agreement as to the conduct of their common interests.*"<sup>117</sup> If there was to be a permanent advance by societies toward the adoption of just socio-political arrangements and institutions, the next generation of activists in the drama would need to sort through the dialogue of the previous

half century. For much of the Old World only a full-scale upheaval in the relationship between the individual and the State carried any hope for justice. Could this be done peacefully and incrementally, or was there no road but that of violent rebellion? In the New World, the United States seemed to Jefferson to be the one great hope for a wholly new and inherently more just future. The one question was whether sufficient time remained before the experiment might be overwhelmed by internal disputes and external threats. A greater degree of patience would be required than had, perhaps, ever been exhibited. Comfortably retired at Monticello, Jefferson reflected on all that had occurred and what awaited:

Some men look at constitutions with sanctimonious reverence, and deem them like the ark of the covenant, too sacred to be touched. They ascribe to the men of the preceding age a wisdom more than human, and suppose what they did to be beyond amendment. I knew that age well; I belonged to it, and labored with it. It deserved well of its country. It was very like the present but without the experience of the present; and forty years of experience in government is worth a century of book-reading; and this they would say themselves, were they to rise from the dead. I am certainly not an advocate for frequent and untried changes in laws and constitutions. I think moderate imperfections had better be borne with; because, when once known, we accommodate ourselves to them, and find practical means of correcting their ill effects. But I know also, that laws and institutions must go hand in hand with the progress of the human mind. As that becomes more developed, more enlightened, as new discoveries are made, new truths disclosed, and manners and opinions change with the change of circumstances, institutions must advance also, and keep pace with the times....Each generation is as independent of the one preceding, as that was of all which had gone before. It has then, like them, a right to choose for itself the form of government it believes most promotive of its own happiness; consequently, to accommodate to the circumstances in which it finds itself, that received from its predecessors; and it is for the peace and good of mankind, that a solemn opportunity of doing this every nineteen or twenty years, should be provided by the



Constitution; so that it may be handed on, with periodical repairs, from generation to generation, to the end of time, if anything human can so long endure.<sup>118</sup>

As Jefferson approached the end of his life, he wrote to John Adams, *"I will not believe our labors are lost. I shall not die without a hope that light and liberty are on steady advance....In short, the flames kindled on the 4th of July, 1776, have spread over too much of the globe to be extinguished by the feeble engines of despotism; on the contrary, they will consume these engines and all who work them."*<sup>119</sup> The torch of cooperative individualism, raised so valiantly by Paine, had fallen to the ground, its flame barely alive. Jefferson would have been shocked by the convulsions to come.