

THE DECLINE OF AMERICAN LIBERALISM

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Federalist Centralization and Consolidation

THAT the years succeeding the American Revolution represented a period of conservative reaction in United States history has become a commonplace observation. But on what this means in terms of the liberal tradition there is much less agreement. Parrington's point that the Revolution was the beginning of the decline of American liberalism has attracted little attention. In general, historians have regarded the conservative reaction after the Revolution as a passing phase of postwar stabilization. Subsequently, it is argued, the trend toward liberalism was re-established in the Jeffersonian and Jacksonian eras.

It is true that the conservative postwar point of view underwent later modifications and that many of the older, liberal Revolutionary ideals were revived in the nineteenth century. But the shift in American thought in the period between the Declaration of Independence and the adoption of the Constitution represented more than a temporary reaction. It was rather, as Parrington insisted, a turning point of American history and a direct challenge to the liberal tradition.

American liberalism before the Revolution sought first of all to destroy authority. But in the course of the struggle for independence this side of liberalism had to yield to the

exigencies of revolution and to the practical necessity of consolidating and concentrating a measure of authority in the hands of a semi-centralized war government. For the vigorous prosecution of war and revolution, however, neither the government of the Second Continental Congress nor later that under the Articles of Confederation was a wholly satisfactory instrument. The American people, still under the influence of colonial patterns of eighteenth-century liberal thought, feared and distrusted any semblance of an oppressive, centralized state. Determined therefore to keep the mainsprings of power within their own hands, they preferred to abide the comparatively weak and inefficient government of the Congress and Confederation.

A government of this type appealed chiefly to those who accepted an agrarian view of society. In such a society, agriculture was the basic economic pursuit, while the majority of the people were small farmers, tilling their own land and living off the fruits of their labor. Though capitalists in the sense that they owned their land and the right to their labor, they were small capitalists whose interests were opposed to those of the aristocracy of large landholders or wealthy merchants. In a nation with an abundance of land and commensurate economic opportunities, the welfare of such a group required no positive interference or protection from the government. The economic outlines of this type of agrarian society were presented in their greatest detail in the writings of the French and English school of laissez-faire economists, who became widely known by the middle of the eighteenth century as the physiocrats. But the enthusiasm for the physiocrat doctrines, which was expressed by Benjamin Franklin, Thomas Jefferson, and many later-day followers of Jefferson, was based primarily on American conditions.

The physiocrats' agrarian ideal, already favored by the

natural environment in colonial America, seemed even closer to realization as a result of the American Revolution. The overthrow of the aristocracy of Tory landholders and the destruction of the whole network of British mercantilist restrictions removed important barriers to American enterprise. Despite the rise of state taxes upon the free flow of goods in interstate commerce, the Revolution smoothed the pathway to a more liberal national economy. Moreover, so long as there was a frontier of free lands to the west, Americans could entertain the goal of an agrarian society. But the agrarian ideal, while it was never to lose completely its influence over American thought, was nevertheless difficult to put into practice. Somehow the dreams of an agrarian society seemed always to come into conflict with the realities of American economic development.

Essential to agrarianism was the conception of limited government. This implied not only political and economic freedom from governmental interference, but also a kind of government that did not use its political powers to bestow economic favors upon a particular class of the community. Economic paternalism in behalf of certain privileged groups was regarded by Jefferson as the main source of the tyranny and political corruption that he saw in Europe. It was such a set of evils that American liberals desired, at all costs, to avoid.

Barbara H. Stein

"Government should not only be prohibited from interfering with the rights of individuals and from creating a large bureaucratic class who could live at public expense; it should also be prevented from intervening in economic matters, since the effect of any such intervention was always to transfer property and to establish some form of economic privilege. The greatest of all dangers to democratic freedom and equality was the use of political power by an aristocracy, a bureaucracy, a mercantile

oligarchy, a pressure group, or any other minority interest in order to increase their wealth or to obtain the privilege of living parasitically on other men's labor.¹

This doctrine of the diminished state, to which liberals, democrats, and agrarians had given their enthusiastic support in the Revolutionary struggle, was weakened in the postwar period. In the first place, the war itself had helped to breed a new aristocracy of talents and wealth eager to avail itself of the privileges lost by the departed loyalist upper class. Then, in the course of prosecuting the war, Americans became familiar with the business of army contracting and supply. Manufacturing increased, and corporations for private profit were founded. While private enterprise was thus being stimulated, business also began to look to the government for economic support. And finally Congress, by reason of its wartime borrowings, became heavily indebted to its own citizens. The government's securities, in turn, offered additional opportunities for speculation and provided a new type of capital for private investment. In a variety of ways therefore the war had an educational effect upon American business thinking and practice, especially teaching businessmen to identify themselves with the policies and operations of the government. After the return of peace, it was only natural that the new generation of businessmen should strive to enlist the aid of the government in preserving and increasing their wartime gains.²

Unfortunately, from the point of view of many of those persons who had prospered during the Revolution, conditions favorable to large-scale business enterprise were jeopardized by the weaknesses of the government under the Articles of Confederation. In both state and national government, a large Revolutionary war debt remained outstanding, and holders of government securities were concerned

over the fate of the principal and interest of their investment. At the same time, speculators in western lands desired a stronger national government to institute aggressive military action against the Indians and to protect the frontier. Merchants and manufacturers sought relief from the discriminatory trade measures of the separate states and favored the establishment of a government able to levy uniform tariffs. Also desired was a satisfactory commercial treaty with Britain to avert further restrictions against American overseas trade. None of these policies, it was feared, could be accomplished under the Articles of Confederation or by the separate state governments.

In the midst of their other worries, conservatives were everywhere taking fright over the possibility of a resurgence of the old Revolutionary spirit of radicalism among the lower classes. Debtor farmers, propertyless mechanics, and discontented ex-soldiers, favoring a policy of cheap land and more paper money, were beginning to unite in their opposition to strong government and higher taxes. In 1786 radical discontent reached its postwar peak when the debtor farmers of western Massachusetts, under the leadership of Captain Daniel Shays, forcibly closed the courts and threatened to capture the Federal arsenal at Springfield. The business leaders of Boston, by now thoroughly alarmed, supplied funds to finance the suppression of the revolt by calling out the state militia, and General Henry Knox in a letter of explanation to George Washington stated: "Our government must be braced, changed, or altered to secure our lives and property." ³

Badly frightened by the leveling tendencies of what seemed to be a radical majority, conservatives sought economic security through a stronger centralized government. Their chief political object, according to James Madison, was "to protect the minority of the opulent against the

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majority.”⁴ Adopting the old radical and Revolutionary technique of propaganda and organization, merchants and bondholders held meetings and petitioned state legislatures to seek revision of the Articles of Confederation. This movement culminated in the call for a convention to meet in Philadelphia in May 1787. At the convention, all fifty-five of the delegates were men of considerable and varied property holdings, ranging from the possession of slaves and lands to investments in government securities and far-flung business enterprises. Convinced of the weakness of the Articles of Confederation, they easily resolved to disregard the announced plan of submitting amendments and to prepare instead an entirely new frame of government.

Fundamental to an understanding of the Constitution adopted at Philadelphia is the realization that it represented a compromise made possible by the large areas of essential agreement among the delegates. Between the two poles of a colonial and Revolutionary radicalism — which favored democratic individualism and state rights — and a lingering British conservatism — which frankly preferred a constitutional monarchy and the rule of a propertied aristocracy — compromise was relatively easy to achieve. The delegates to the Philadelphia Convention were overwhelmingly agreed upon the necessity of a government that was national, yet republican, and there was little sentiment in behalf of either a monarchy or the kind of decentralized government illustrated by the Articles of Confederation. In accord therefore on the basic theory of the new government, the delegates fashioned a document whose meaning depended to a considerable extent upon how it was to be interpreted. The very vagueness and silences of the Constitution left much to be inferred and decided in the future.

Undergirding the superstructure of the Constitution were two major premises of government that bore directly on the

liberal tradition. First, the Constitution continued the traditional English and American belief in the natural rights philosophy. These rights were later spelled out in detail in the first ten amendments to the Constitution, forming the Bill of Rights, but the original document also set forth the idea of a government of limited powers, with protection of individual rights. The danger of tyranny was further guarded against by creating a government of separate departments. Although this system of checks and balances reflected a basic distrust of direct popular rule, it could also serve as an obstacle to any form of despotic power. Complete democracy in the sense of a nationalized town meeting was in any case impossible, and the republican substitute of representative government, though not sufficiently localized or close to the average citizen, nevertheless provided the framework of a government that was liberal, if not democratic, in form.

The second basic premise underlying the Constitution, which was in sharp contrast to its political liberalism, was the decision to give government broad and far-reaching powers over the economic life of the nation. Here the purpose was to transfer authority from the states to the national government. The many examples in the Confederation period of the way in which various states interfered with trade and commerce, and the recent pressures upon the states to make paper money legal tender for all debts, were especially alarming to conservative interests. The men at Philadelphia were convinced that the economic powers hitherto wielded by the states would be safer in the hands of a centralized national government. To this end, Congress was given exclusive authority to coin money and to regulate both foreign and interstate commerce. Thus the stage was set for the abandonment of laissez-faire liberalism and the substitution of a policy of economic nationalism or government paternalism.⁵

On its economic side the Constitution marked the triumph of the principles of what might be called a Whig capitalism, a term that also described the alliance of merchants and landowners ruling over England in the eighteenth century. This meant a defeat for the agrarian principles of the American physiocrats, a defeat that was presently reinforced by the Federalists' assumption of control over the national government. Though the achievements of the Philadelphia Convention had been substantial, the full conservative implications of its work were not realized until the new government took office and until the Federalists were able to put into effect the major features of the Hamiltonian economic program.

As interpreted by the Federalists, who controlled the government during the first decade under the Constitution, liberalism in the sense of individualism and decentralization was definitely weakened; yet during this period state rights and individual liberties were by no means dead or completely subordinated to national power. Antifederalism continued to hold the affections of a strong minority, which by 1800 was transformed into the Jeffersonian majority. Moreover, the Constitution itself, though providing a skeleton for the further development of a strong paternalistic state, also emphasized the rule of law and the protection of the economic and political rights of the private citizen. With regard to the balance of powers between the national government and the states, or between the entire government and the citizenry, much would depend on future practice. Here the basic conflict between Federalists and Jeffersonians continued well into the nineteenth century. Although neither group was able to preserve a consistent liberal approach, the Jeffersonian Antifederalists adhered more closely to traditional liberal tenets. But as Jefferson himself later bitterly lamented, it was of the utmost importance for the future that

the conservative and nationalistic Federalists enjoyed the advantage of being the first ones to govern the new nation.⁶

Of the Federalist leaders, Alexander Hamilton was easily the most significant. Despite a humble background, he early identified himself with the upper-class aristocracy, and his interest in the American Revolution was certainly not that of a doctrinaire radical. Without any of the extremist convictions that actuated Sam Adams, Hamilton nevertheless sensed the opportunity that a period of revolutionary change could bring for a young man of his talents and ambition. During the war he made himself invaluable to Washington, serving as his chief aide, and he also made his entrance into the ranks of the wealthy aristocracy by marrying the daughter of General Philip Schuyler. Unhampered by intellectual loyalty to radical or Revolutionary principles, Hamilton after the war readily adjusted to the growing conservatism of the 1780's, becoming one of the leaders in the movement for a new constitution. Invited by Washington to become secretary of the treasury, after Robert Morris had refused the position, Hamilton assumed leadership of the administration and won approval by Congress for his program of economic nationalism. In this way he was able to put into practice much of the conservative political philosophy that he had outlined at the Constitutional Convention.

Under the familiar Hamiltonian program, the Revolutionary debt, both foreign and domestic, was refunded and made payable at its face value. Moreover, the state debts were assumed as a national obligation, thus ensuring their repayment in full and winning for the Federal government the loyalty of a new group of creditors. Finally, and most important of all, Congress acceded to Hamilton's request to establish a national bank. When Jefferson objected to the idea of a bank on the grounds that it was not one of the constitutional powers delegated to Congress, Hamilton an-

swered with his famous doctrine of implied or resulting powers — that certain powers are implied, or are the result of other powers specifically enumerated in the Constitution. Hamilton accordingly contended that the right of Congress to charter private corporations or a bank was clearly implied by the Constitution and was also a natural result of the power of Congress to coin money, raise taxes, and incur debts — powers that required the existence of a bank if they were to be efficiently carried out. This reasoning, which was accepted by Washington in approving the bank bill, became a key factor in the so-called broad or loose interpretation of the Constitution. As such it provided an important base for extending the scope of the activities of the Federal government in future years.

Meanwhile, the bank itself was a significant example of government paternalism. It received a monopoly of government business, and by loans to private interests was able also to provide new capital for the business expansion that Hamilton deemed vital to United States prosperity. By refusing to enact a protective tariff or otherwise directly subsidize American manufacturing, Congress rejected further Hamiltonian projects to aid the businessman. But the uniform customs duties, new Federal taxes, and general financial stability already achieved were highly encouraging to conservative, propertied interests. Illustrative of the business revival of the period was the fact that charters were issued in the 1790's to over one hundred joint stock corporations, in contrast to the few dozen such companies that had been in existence previously. Banks, canal companies, and a variety of manufacturing enterprises followed in due course.⁷

Hamilton's nationalistic economic policies were based on his belief in the virtues of a strong rather than a weak government. Among its friends and supporters, the powers of such a government could be used in paternalistic and benefi-

cent fashion. But in the case of its enemies or opponents, strong government might mean a coercive state able to work its will by use of force and military power. This power of retribution was realized most fully during the Washington administration by the unfortunate Whisky rebels of 1794.

The ambitious plans for the funding and payment of the national debt, outlined by Hamilton, required a revenue beyond the amount that could be collected from the moderate tariff duties approved by the First Congress. The Secretary of the Treasury therefore suggested that Congress place an excise tax on whisky. Such a tax would hit the small farmers of the back country who had opposed the adoption of the Constitution and who remained dubious of the Federalist program, but it would avoid giving offense to the men of wealth and property whose support Hamilton deemed necessary to the success of the new national government. Distilling in the 1790's was a small-scale enterprise carried on chiefly by Westerners who were thereby able to change their bulky grain products into a form more easily transportable across the mountains to eastern markets. The tax, though small in monetary value — originally from nine to twenty-five cents a gallon — struck at the heart of the prosperity and manner of living of the frontier farmers, and resulted finally in the summer of 1794 in full-scale, violent resistance in the western counties of Pennsylvania. This challenge to the authority of the government was met by the Washington administration by calling out fifteen thousand militiamen. Faced with such a show of force, the Whisky rebels speedily melted away. Although the whole affair may have been politically damaging to the Federalists, it served to emphasize the power of the Federal government, and especially its ability to collect whatever taxes it needed for current expenses and repayment of the national debt.⁸

The suppression of the Whisky Rebellion was the most

dramatic instance of the use of national power by the Federalists, but the Washington administration generally overlooked no opportunity to enhance the prestige of the Federal government. General Knox, the Secretary of War, with the backing of Washington and Hamilton, sought to persuade Congress to create a large army reserve of trained and disciplined militia, with much of the control placed in Federal, rather than state, hands. Although Congress refused to approve Knox's plans, it had to provide a larger army in order to suppress Indian resistance in the Northwest. Foregoing any serious attempt at conciliation or compromise, the administration pursued a policy of unmitigated force and repression in regard to the Red Man.⁹ This martial note in the administration was reinforced in the person of Washington as president. The living symbol of Revolutionary nationalism and patriotism, Washington carefully surrounded the office of the presidency with as much formality and ceremony as possible. Such practices, reminiscent of the British monarchy, were particularly annoying to Jeffersonian lovers of republican simplicity, but the pageantry associated with Washington's term in office helped to build the concept of national loyalty.

798 A patriotic adherence to the new United States seemed all the more necessary because, from the start of his administration, Washington was faced with the grave problems occasioned by strained diplomatic relations with both England and France. This situation was almost immediately rendered more complex by the outbreak of the French Revolution and its development after 1793 into a general European war. The trials of a neutral in wartime, never easy to bear, were even more grave for a young nation that had not yet won a respected position among the powers of the world. Moreover, the internal divisions of opinion, generated by the French Revolution and war in Europe, soon split the

American people into two opposing factions. In the intense fire of conflicting views, approximating closely the old bitterness of loyalist versus patriot in 1776, liberalism nearly vanished, and a wartime intolerance and hysteria came to characterize American feeling by the late 1790's.

At first, almost all Americans welcomed the outbreak of the French Revolution, which seemed after all to be a European application of the principles fought for by the American and French armies at Yorktown. But as the Revolution became more radical, sentiment in the United States underwent a change. The assault on private property, the execution of Louis XVI and Marie Antoinette, and the institution of the Reign of Terror were all profoundly disturbing, not only to conservatives but to many sensitive liberals as well. American anxiety was further increased as the Revolution broadened into a general war. In view of its treaty with France, which had helped make possible the success of the American Revolution, the United States faced the issue of whether it should come to her aid, even at the price of war with Britain.

In this situation, Washington's proclamation of United States neutrality, though disappointing to pro-French elements, probably reflected faithfully the general American desire to stay clear of the European maelstrom. Neutrality, however, did not settle the question of whether American sympathies should lie with France or England in their struggle for power. Looking back on events, liberals of a later day may agree that as between a Revolutionary France, degenerating into the Reign of Terror and eventual dictatorship, and an England, in the grip of an hysterical and despotic conservative reaction, there was indeed little to choose. But in the 1790's few Americans were able to preserve a wholly detached view of the situation in Europe. Conservative Federalists, aghast at the violence and destruction of lives and

property in France, turned to England as an exemplification of law and order. Radical Jeffersonians, on the other hand, remembering Gallic aid to the infant United States and bearing in mind the grievances that had helped to bring about the French Revolution, minimized the Terror and thought of the events in France as stages toward a better future.

The split in American opinion in regard to Europe continued until 1815, when the conclusion of both the Napoleonic struggle and the War of 1812 finally brought to an end an era of close absorption in foreign affairs. Before these differences of opinion over a proper American foreign policy could be resolved, they became the cause of serious violations of individual liberties. Even Jefferson's administration was not immune to using coercive powers against the citizenry in an effort to enforce his unpopular embargo legislation. But the most damaging assault on the principles of liberalism came earlier in the Adams administration with the passage of the notorious Alien and Sedition Acts of 1798.

These acts were a product of American hysteria in regard to both the radical course of the French Revolution and the increasingly unfriendly conduct of the French government. The fact that the pro-English policy of the Federalists under Washington and Hamilton was partly responsible for the deterioration of French-American relations did not allay the fears of conservatives in the United States. They noted with aversion the founding of numerous Democratic-Republican societies by American sympathizers with the principles of the French Revolution, and found even more alarming the numbers of English and French refugees who were agitating their radical ideas in the United States. When the conflict with France finally reached the point of the undeclared naval war of 1798, the Federalists determined to act and, in addition to strengthening the navy, created a new large army with Washington and Hamilton in command. The whole

character of the Federalists' conduct of foreign policy provoked James Madison to the melancholy comment: "Perhaps it is a universal truth that the loss of liberty at home is to be charged to provisions against danger, real or pretended, from abroad." ¹⁰

Under the Alien and Sedition Acts, the President of the United States was given authority to deport dangerous aliens and, in time of war, to imprison or expel enemy aliens. While the Alien Acts could be condoned on grounds of the crisis with France, the Sedition Act was a law with a much different import. The only such measure in United States history until the passage of the sedition legislation of World Wars I and II, the act of 1798 made it a crime to combine against or conspire to oppose the operation of the government. Moreover, "if any person shall write, print, utter, or publish" or cause or aid anyone else to write or publish "any false scandalous and malicious writing" against the government, Congress, or President of the United States "with intent to defame" or "to stir up sedition," he should be punished by a fine not exceeding two thousand dollars and imprisonment not exceeding two years. Finally, the act provided for its own expiration by the provision that it should remain in force only until March 3, 1801, "and no longer." ¹¹

In later years, both President Adams and Alexander Hamilton, leaders of rival wings of the Federalist party, attempted to disclaim responsibility for the Sedition Act. But neither seems to have spoken out publicly against the bill at the time of its passage by Congress. Also, in contrast to the Alien Acts, which were never put to use, the Sedition Act was enforced in vindictive fashion by the Adams administration. The real intent of the measure may be gathered from the fact that it was Republican newspaper editors and politicians who were singled out for prosecution. Matthew Lyon, a radical Republican congressman from the frontier state of Vermont,

was jailed along with Thomas Cooper, the English free-thinker and exile to the United States. Cooper, in addition, was a close friend of Jefferson and other Republican party leaders.

In the view of Jefferson and his associates, the Alien and Sedition Acts had as their real purpose the stifling of any criticism of the Adams administration, thereby undercutting the Republican party and going far to destroy the development of a two-party system in the United States. No other measure of the Federalists was so destructive of the rights of free speech and a free press nor so much in violation of the elements of political liberty. Alarmed as they were, the Jeffersonian Republicans had to make their protests with utmost care lest in the hysteria of the times they be prosecuted for infringing the very act they were protesting. Accordingly, Jefferson and Madison, without revealing their authorship, began the attack on the Federalist law by drafting the famous Virginia and Kentucky resolutions of 1798.¹²

In the Kentucky resolution, Jefferson reviewed the grounds for his increasing objection to the centralizing policies of his opponents. The Constitution, he maintained, was a compact between the states, in which certain of their powers were delegated to Congress. Beyond those powers, sovereignty was retained by the states. Crimes against the United States were confined to certain categories, adequately covered by provisions in the Constitution against treason, piracy, counterfeiting, etc. On the basis of his interpretation of the limited powers granted Congress, Jefferson argued that both the Alien and the Sedition Acts were in violation of the Constitution and therefore null and void.

The Jeffersonians were anxious to enlist the aid of as many of the states as possible in urging Congress to repeal the obnoxious legislation. But the appeals that were sent out by the Kentucky and Virginia legislatures, with their au-

thorship by Jefferson and Madison kept secret, met with a cool response from the other states. So long as the danger of war with France continued, any widespread formal protest against the illiberal acts was difficult to achieve, and after the war threat subsided, the acts themselves lost much of their meaning. This was especially true of the Sedition Act, which was destined to expire automatically by the close of the Adams administration. It is not even sure that the resolutions of protest penned by Jefferson and Madison had very much direct effect in helping to make possible Jefferson's own victory in the 1800 presidential election. But whatever their practical results, it was of the highest importance that the protest had been made. Even if authorship of the resolutions was not avowed at the time, sponsorship by two state legislatures was an indication that the resolutions had a politically respectable origin. And the fact that the protests were formulated in the midst of the hysteria of 1798, when war was a definite possibility, indicated all the more the value of the resolutions as a defense of liberalism and a protest against tyranny. Adams himself underwent a change of heart in regard to the foreign crisis, and the war threat with France presently subsided, to the intense discomfort of the more reactionary elements in the Federalist ranks.

Adams's last-minute pacific retreat and Jefferson's victory in 1800 made it easier to forget the way in which the Federalists had pursued a constantly illiberal course during their twelve years of power. Although the Republican opposition deserved censure for its blindness to the illiberal features of the French Revolution, the Jeffersonians' optimism was in large part based on their idealistic hopes that the Revolution might carry further American principles of democracy and popular government. The Federalists were correct in pointing out the necessity of the rule of law, rather than of revolution, for the preservation of liberalism, but they erred in the

way in which they interpreted the laws at home. Using the checks and balances of the Constitution to thwart popular control, they went on to violate their own concept of a balanced government, adopting a broad and elastic interpretation of the Constitution and using expanded powers of government and the vague concept of the general welfare for the benefit of a particular class — the commercial, propertied aristocracy. But, though overthrown in 1800, the remnants of the defeated Federalists later had the grim satisfaction of seeing their Jeffersonian opponents embrace many of the same consolidating principles that they had earlier so bitterly denied.