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Author(s): Todd Estes

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THE ART OF PRESIDENTIAL LEADERSHIP

George Washington and the Jay Treaty

by TODD ESTES*

NOT long after the House of Representatives approved funding for the much-maligned and once wildly unpopular Jay Treaty with Great Britain on 30 April 1796, opponents as well as supporters of the measure attributed the remarkable turnabout to the stature of its most prominent backer: President George Washington. As Benjamin Rush, a treaty opponent, recalled to John Adams years later, “no sooner did General Washington ratify it than a majority of our citizens defended it.” Likewise, Thomas Jefferson, another opponent, noted the decisiveness of “the Colossus of the President’s merits with the people.”¹

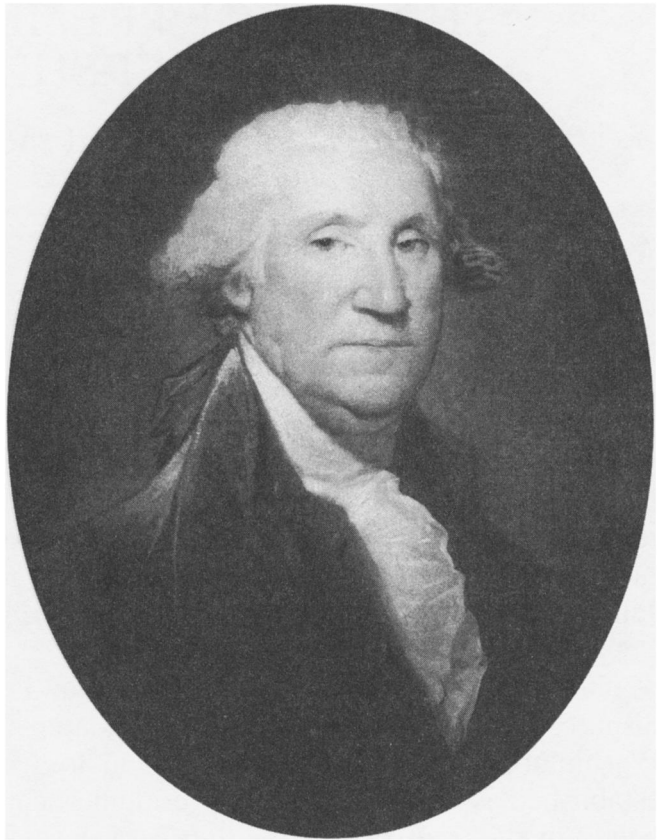
George Washington’s influence in the Jay Treaty debate has not been in dispute, either by contemporaries or by later historians. But if the fact of Washington’s influence has been taken for granted, what has not been established is exactly how the president’s leadership and persuasion on behalf of the treaty worked, either with the public or with Congress. This article explores the specific ways in which Washington responded to critics of the treaty, shaped a response that placed him in the nearly impregnable position of defender of the Constitution, and skillfully traded on the deep admiration that most Americans held for him.

Washington and the Federalist backers of the treaty deliberately constructed a campaign to conflate support for a popular president with support for an initially unpopular treaty. But beyond allowing Federalist supporters to use his prestige and status and invoke his name to win converts, Washington himself acted boldly and forthrightly at several key junctures in the public debate, each time strongly helping the pro-treaty side. The president sent letters that were widely reprinted, delayed sending

* Todd Estes is an associate professor of history at Oakland University. The author wishes to thank Lance Banning, Dan Clark, Kathy Pfeiffer, Bruce Zellers, and the anonymous readers assigned by this journal.

¹ Benjamin Rush to John Adams, 13 June 1811, in L. H. Butterfield, ed., *Letters of Benjamin Rush* (2 vols.; Princeton, 1951), 2:1084; Thomas Jefferson to James Monroe, 10 July 1796, in Paul Leicester Ford, ed., *The Writings of Thomas Jefferson* (10 vols.; New York, 1892–99), 7:89.

In this print made of the well-known painting by Gilbert Stuart—which is also known as the Vaughan portrait—George Washington (1732–1799) appears as he did in the middle of his second term as president, when the debate over the Jay Treaty reached its peak. (*Virginia Historical Society*)



the treaty to Congress so as to let public support in favor of the treaty coalesce, and then unhesitatingly refused the House call for full documents on the negotiations, an act that bolstered the treaty's fortunes and proved decisive in the end. In short, it was not only Washington's unique prominence, influence, and stature that contributed to the triumph of the Jay Treaty, but also his skillful deployment of particular political skills that turned the tide of public opinion and helped bring about the climactic 51–48 House vote to approve funding for the Jay Treaty.²

While detailing the precise nature of Washington's effective action on the treaty, this paper also makes a second point. Conventionally, scholars

² Lance Banning has suggested that a study of Washington's role in the debate on the treaty might be illuminating. "On Jay's Treaty . . . Madison was soundly whipped, in a strategic sense, by Washington's timing of critical actions and by the president's great skill in using his unparalleled prestige to influence public opinion. A closer study of proceedings on the treaty would be most instructive on the political leadership of both these men" (Lance Banning, *The Sacred Fire of Liberty: James Madison and the Founding of the Federal Republic* [Ithaca, N.Y., 1995], p. 532, n. 48). For accounts of Washington in the Jay Treaty matter, see James Thomas Flexner, *Washington: The Indispensable Man* (Boston, 1974), pp. 325–46 and John E. Ferling, *The First of Men: A Life of George Washington* (Knoxville, 1988), pp. 454–65. For the Washington-Madison relationship on this point, see Stuart Leibiger, *Founding Friendship: George Washington, James Madison, and the Creation of the American Republic* (Charlottesville, 1999), esp. pp. 197–209.

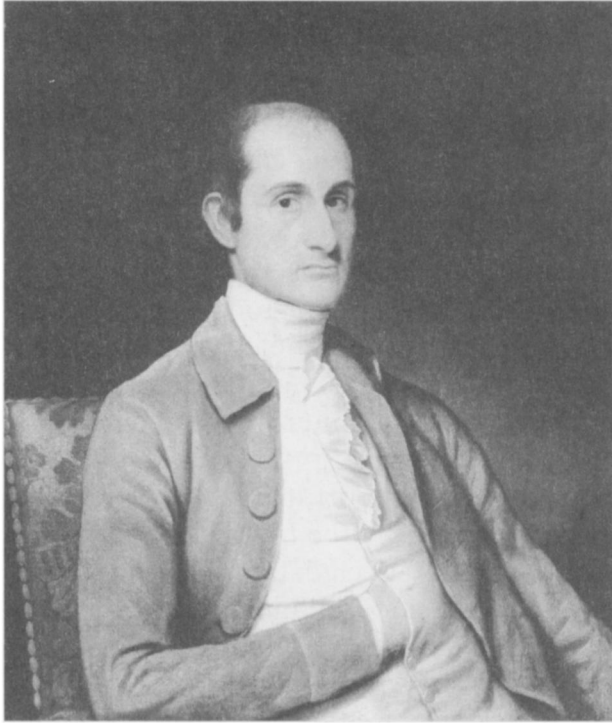
have portrayed Washington as a largely symbolic president, distant and detached, who provided the new nation with few tangible or substantive contributions beyond his incalculable prestige.³ Much recent scholarship, however, has argued that Washington was more directly involved in the actions of his administration and that he played a far more engaged role, although sometimes behind the scenes, than we have been led to believe.⁴ As Stuart Leibiger observes, “Because his governance was in many ways so subtle—he seemed reluctant to assume political office, acted behind the scenes, and often wrote unrevealing letters—Washington himself is partially responsible for many ‘historians’ decision to relegate him to the background.”⁵ The perspective on Washington’s part in the debate on the Jay Treaty represented here reinforces this newer interpretation by providing a detailed examination of the president’s role in this controversy and further strengthens the revisionist position. In short, then, this article will examine for the first time Washington’s actions in the treaty debate with an eye not only toward how they shaped and affected the outcome of the debate itself but also toward how those actions illuminate his style of presidential leadership.

The stakes in the Jay Treaty controversy were enormous. For many years the United States and Great Britain had argued over commercial and trading rights and policies and had several other issues dividing them as well. Americans were infuriated with British seizures of United States ships and the impressment of sailors. Other citizens sought compensation for slaves carried off by the British during the Revolutionary War, and many Americans resented the continuing presence of British troops in the western forts more than a decade after the war ended and in violation of the

³ Forrest McDonald’s valuable study of the Washington presidency concludes: “the harsh reality of Washington’s presidency is that the Father of his Country was not, except in a symbolic sense, particularly efficacious in establishing the permanence of his country, or even of the executive branch of his country’s government . . . George Washington was indispensable, but only for what he was, not for what he did . . . Washington had done little in his own right, had often opposed the best measures of his subordinates, and had taken credit for achievements that he had no share in bringing about” (Forrest McDonald, *The Presidency of George Washington* [Lawrence, Kans., 1974], pp. 185–86). For further discussion of the Washington literature, see three review essays: Paul Longmore, “The Enigma of George Washington: How Did the Man Become the Myth?” *Reviews in American History* 13 (1985): 184–90; Don Higginbotham, “The Washington Theme in Recent Historical Literature,” *Pennsylvania Magazine of History and Biography* 114 (1990): 423–37; and Robert J. Allison, “First in the Hearts of his Countrymen,” *Reviews in American History* 27 (1999): 349–60.

⁴ For the fullest statement of this view, see Glenn A. Phelps, *George Washington and American Constitutionalism* (Lawrence, Kans., 1993). Also highly instructive is the recent treatment in Marc Landy and Sidney M. Milkis, *Presidential Greatness* (Lawrence, Kans., 2000), esp. chap. 2, “George Washington: Greatness and the Limits of the Constitutional Presidency.” Additionally, Stuart Leibiger in *Founding Friendship* takes a similar interpretive stance in analyzing Washington’s leadership. See also Garry Wills, *Cincinnatus: George Washington and the Enlightenment* (Garden City, N.Y., 1984) and Richard Brookhiser, *Founding Father: Rediscovering George Washington* (New York, 1996). The classic statement on the concept of the hidden-hand model of presidential leadership is Fred I. Greenstein, *The Hidden-Hand Presidency: Eisenhower as Leader* (New York, 1982).

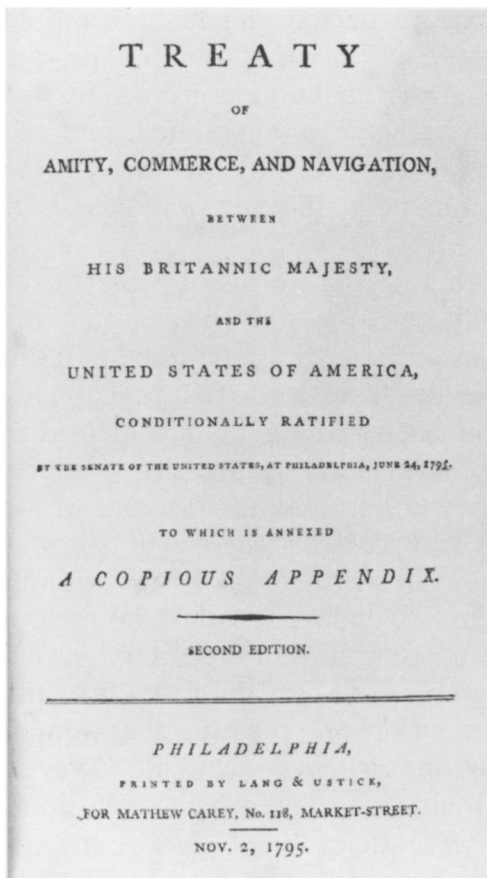
⁵ Leibiger, *Founding Friendship*, p. 224.



John Jay of New York City (1745–1829) served the United States in many capacities. He sat as president of the Continental Congress in 1778, represented the new nation as minister to Spain, acted as a negotiator at the Treaty of Paris, held the temporary position of secretary of foreign affairs from 1784 until 1789, and served as the first chief justice of the Supreme Court, from 1789 to 1795. While serving as the nation's highest-ranking jurist, Jay was dispatched as an envoy to solve the problem of outstanding American debts to British creditors. This portrait by Joseph Wright was executed in 1786. (*Collection of the New-York Historical Society, accession no. 1817.5*)

Peace of Paris of 1783. In 1794 President Washington sent John Jay, the young nation's most experienced diplomat, to London to open negotiations aimed at resolving these matters. The treaty he negotiated required the British to evacuate the western forts and to pay reparations to American merchants, and it gave the U.S. a commercial opening to the British West Indies, albeit on very restrictive terms. In return, the U.S. agreed to abide by British rules on the passage of neutral ships during war and to repay pre-Revolutionary debts owed to English merchants, even though that issue was still being adjudicated in the U.S. court system. Jay's negotiations left much unsettled and failed to gain concessions on some of the key points. Still, it was probably as good a treaty as the young and largely powerless country could have expected.

The political stakes of the contest were very high as well. The Washington administration was drawing increasingly pointed criticism from the emerging Republican party for what it considered an ever-growing centralization of power in the executive branch of government and an excessively close sympathy toward and support for Great Britain over France. Previous skirmishes took place over Citizen Genêt and the neutrality question in 1793, over the Whiskey Rebellion, and over the Democratic Societies in 1794, and each of them moved the nation closer to full party conflict. It was the debate over the Jay Treaty that brought even



The Jay Treaty inspired an enormous amount of public controversy and debate. In addition to versions of the treaty printed in newspapers, interest in the treaty prompted its publication as a pamphlet. The edition shown here was printed in Philadelphia after Washington's endorsement of ratification. (*Virginia Historical Society*)

greater pressure on the administration and turned up the level of criticism aimed at Washington and his party to heights not before seen.

In November 1794 Jay sent the completed treaty to the United States where it was soon taken up in secret session by the Senate, which ultimately voted by an exact two-thirds majority, 20–10, to approve the measure. Even before the Senate debates began, however, leaks and rumors about the contents of the measure emerged, all suggesting that Jay had been, at best, an unskillful negotiator and, at worst, had betrayed U.S. interests. Before the treaty could take effect, however, two more actions were required: first, Washington had to sign or ratify the instrument and second, because the treaty required funding for commissions to investigate claims, the House of Representatives would have to approve it as well. But before Washington could act, Senator Stevens T. Mason of Virginia, a treaty opponent, leaked his copy of the document to Philadelphia publisher Benjamin Franklin Bache, believing that once made public the outcry over what Mason and others considered a bad treaty would be deafening and would force Washington to withhold his signature. Bache published the treaty in his

newspaper *Aurora* on 29 June 1795, and, as expected, this leak prompted outrage and denunciations, as publication confirmed for some people the innuendos and speculation about how unfavorable the measure was for the U.S. and incited a furor directed at the treaty, its negotiator, and the Washington administration. The depth of outrage and the fury of the protests made this easily the critical moment in the new nation's short history.⁶

President Washington was torn even before the storms of protest over the treaty broke in the streets in early July 1795. Privately, he shared many of the concerns critics had about the treaty and was disappointed that it did not provide more to the U.S. However, he also had a sense that perhaps Jay had gotten all he might from the British in negotiations.⁷ Undecided as to whether to sign or not but troubled by the protests against the measure, Washington from the outset solicited information to rebut criticisms of the treaty more effectively: "I wish you to consider this subject as soon as possible and transmit to me your opinion in *writing*; that I may without delay take some definitive step upon the Treaty." A few days later, in a confidential letter to his most trusted adviser, former Secretary of the Treasury Alexander Hamilton, Washington noted that publication of the treaty would make it an issue of great contention, and the president wanted to know how the country stood. Washington was less concerned, however, with the opinions of those who seemed already to have reached conclusions. "It is not the opinion of *those* who were determined (before it was promulgated) to *support*, or *oppose* it, that I am sollicitous to obtain . . . My desire is to learn from dispassionate men, who have knowledge of the subject, and abilities to judge of it, the genuine opinion they entertain of *each* article of the instrument; and the *result* of it in the aggregate." He asked Hamilton to draw on his special knowledge and insight to state and carefully consider "the favorable, and unfavorable side of *each* article . . . that I may see the bearing and tendency of them: and, ultimately, on which side the balance is to be found."⁸ A short time after writing this letter, Washington left Philadelphia for Mount Vernon, where he planned to spend the remainder of the summer.

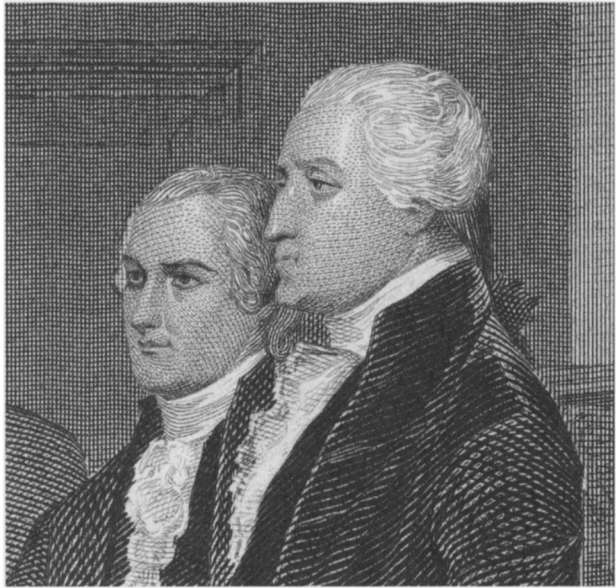
Even as he sought advice, however, Washington was already forming opinions of his own. Before leaving for his Virginia home on 15 July, he received a proclamation from the Boston selectmen opposing the treaty and

⁶ For a full account of the treaty negotiations, terms, and context, see Jerald A. Combs's excellent book, *The Jay Treaty: Political Battleground of the Founding Fathers* (Berkeley, 1970).

⁷ See Ferling, *First of Men*, p. 456 and Combs, *Jay Treaty*, p. 165 for discussions of Washington's initial attitudes toward the treaty.

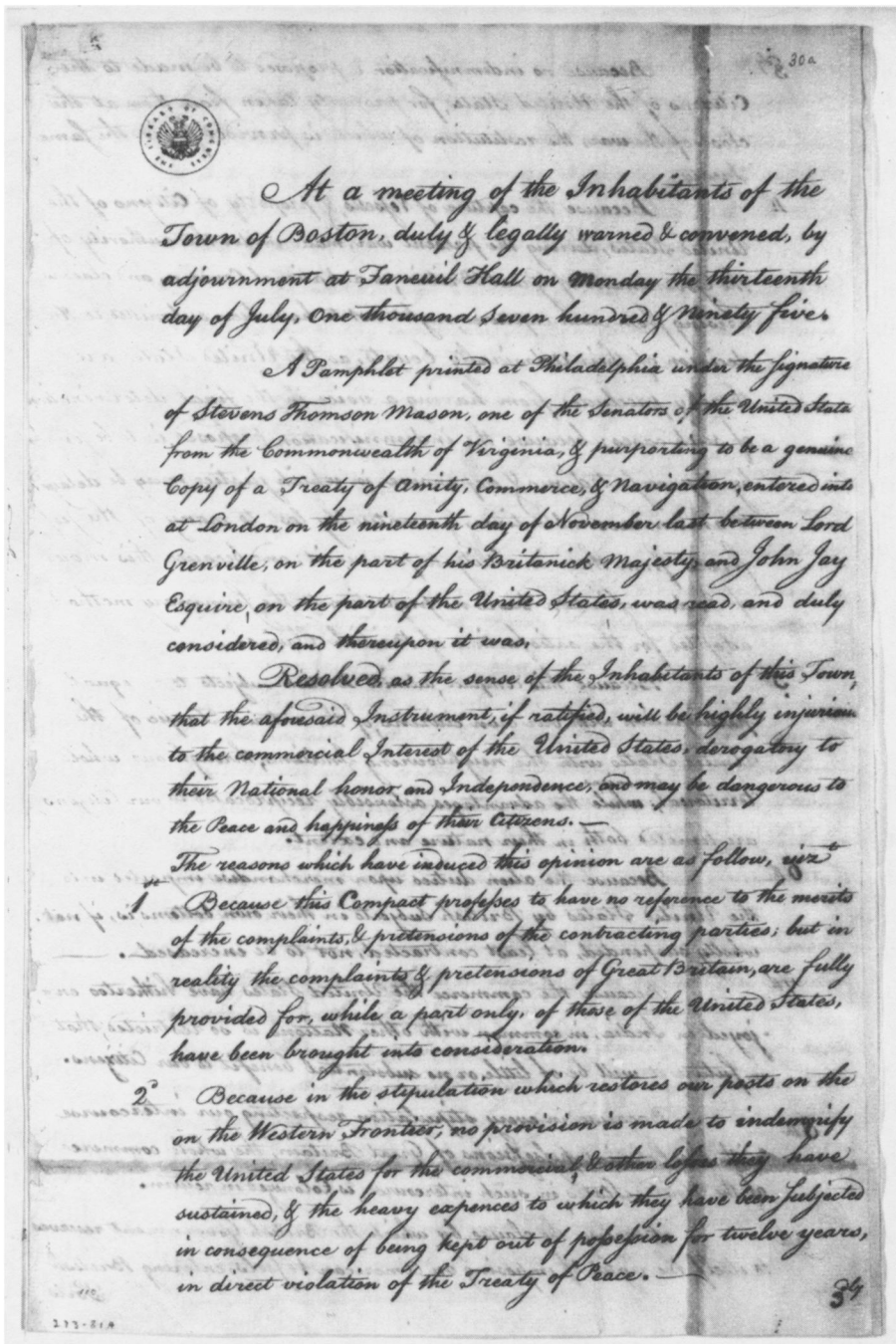
⁸ George Washington (henceforth GW) to the Secretaries of State, Treasury, and War, and the Attorney General, 29 June 1795, in John C. Fitzpatrick, ed., *The Writings of George Washington, from the Original Manuscript Sources, 1745-1799* (39 vols.; Washington, D.C., 1931-41), 34:224-25; GW to Alexander Hamilton, 3 July 1795, in *ibid.*, 34:226-28.

Throughout his terms in office Washington relied heavily on the opinions of a few trusted advisers. During the debate over the Jay Treaty, he turned to his brilliant but irascible former secretary of the treasury, Alexander Hamilton, who stands at the president's side in this print. Hamilton, through his private correspondence and authorship of a number of the anonymous "Camillus" essays published in newspapers throughout the country, played a key role in mobilizing public opinion in favor of the treaty. (*Virginia Historical Society*)



urging him not to sign it. Because Washington had neither signed the treaty nor expressed a public intention on how he might act, opponents hoped, by voicing their own position, to persuade him not to sign. Indeed, much of the public denunciation after 1 July was undertaken with the intent of dissuading the president from signing. But if Washington was not yet publicly committed, he was not entirely neutral either, especially as he surveyed the furor raised against the measure. He expressed to several correspondents his alarm over the resistance to the treaty and his anger at the tactics the opponents used. Taking note of the "violent, and extraordinary proceedings" against the treaty, Washington wrote to Secretary of State Edmund Randolph that he took the opposition seriously: "Not because there is *more* weight in *any* of the objections . . . than were foreseen at first; for there are *none* in *some* of them; and *gross* misrepresentations in *others*." Another letter to Randolph a few days later found Washington bitter at the nature and tactics of anti-treaty forces. The prejudices against the treaty were "more extensive than is generally imagined. . . . How should it be otherwise? when no stone has been left unturned that could impress on the minds of the people the most arrant misrepresentation of facts." Perhaps in the future, "when passion shall have yielded to sober reason, the current may possibly turn." But at present the situation was fraught with difficulty.⁹

⁹ GW to Edmund Randolph, 29 July 1795 and 31 July 1795, in *ibid.*, 34:254–57 and 264–67. In the 31 July letter Washington was positively acerbic in his reference to treaty opponents and apoplectic about the international tensions likely to result. "If the Treaty is ratified the partisans of the French (or rather of War and confusion) will excite them [the French government] to hostile measures, or



This anti-treaty proclamation written by the citizens of Boston, under the auspices of their representatives, the selectmen, was one of many sent to President Washington. Although such documents probably represented genuine expressions of public sentiment, Washington resented the pressure they sought to exert upon him. Apparently, his response to the Boston selectmen helped crystallize his thinking in regards to the treaty and helped persuade him to sign it. (Library of Congress, Manuscripts Division)

To be wise & temperate, as well as firm,
 the present crisis most eminently calls for; for
 there is too much reason to believe; from
 the pains which have been taken before;
 at & since the advice of the Senate respecting
 the treaty, that the prejudices against it
 are more extensive than is generally ima-
 gined. This I have lately understood to be
 the case in this quarter, from men who are
 of no party, but well disposed to the pre-
 sent administration. — How should it be
 otherwise? when no stone has been left
 unturned, that could impress on the mind of
 the people the most arrant misrepresent-
 ation of facts; — that their rights have

In this letter to Secretary of State Edmund Randolph dated 31 July 1795, Washington lashes out at opponents of the Jay Treaty and their attempts to turn public opinion against ratification. Ironically, this letter was written just days before accusations surfaced that Randolph had accepted bribes from the French government to sabotage the treaty. Despite a lack of conclusive evidence and Randolph's strident protestations of innocence, Washington seemed to believe the rumors and thereafter viewed him with suspicion. (*Library of Congress, Manuscripts Division*)

Not willing to let such “arrant misrepresentations” go unchallenged, Washington publicly dispatched a response to an anti-treaty proclamation from the Boston selectmen that both clearly articulated his position and subsequently shaped the tone and content of the Federalists' counterattack. This letter bears close reading because it nicely captures both Washington's sense of the treaty disturbances and his thoughts on the proper roles to be acted by the people and by himself as president. As such, it provides a riveting commentary on the treaty issue and, more importantly, yields critical insights into Washington's conception of the presidency and his style of leadership. He began bluntly. “In every act of my administration, I have

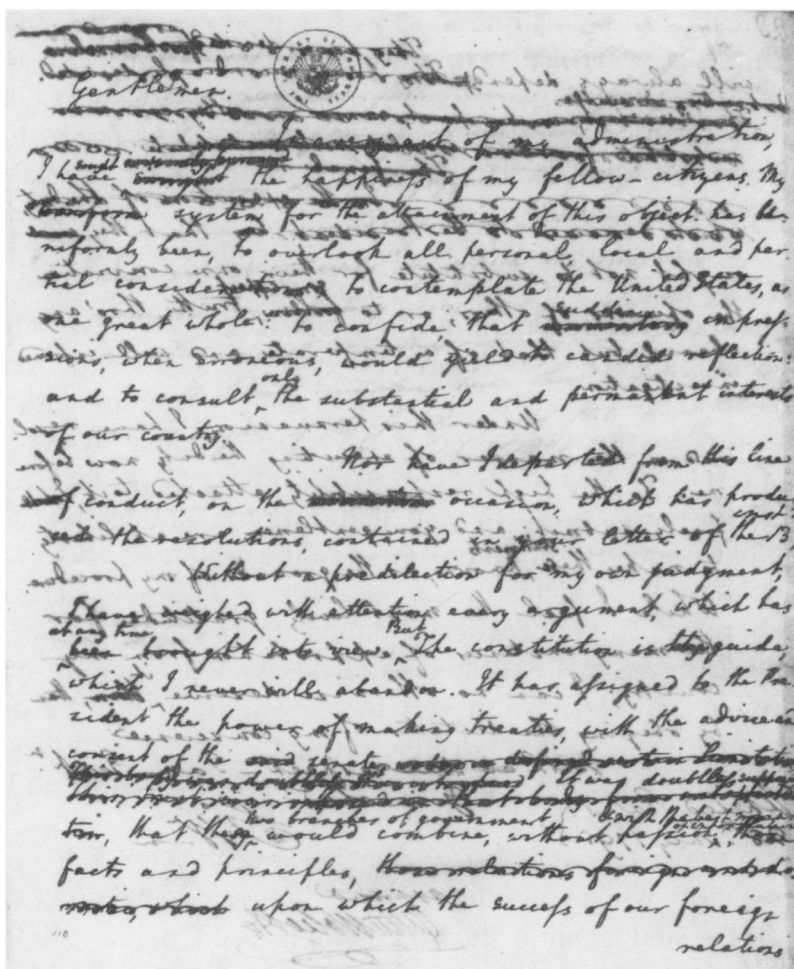
at least to unfriendly Sentiments; if it is not, there is no foreseeing *all* the consequences which may follow, as it respects G.B.”

sought the happiness of my fellow-citizens." Toward that end, his goal had been to look beyond the narrow concerns of locality or region and "contemplate the United States, as one great whole." Washington also explained that his "system" operated on the belief that "sudden impressions, when erroneous, would yield to candid reflection." Furthermore, his goal had always been to consider "only the substantial and permanent interests of our country." The present controversy was no different: "Nor have I departed from this line of conduct, on the occasion, which has produced the resolutions."

After describing his approach generally, Washington next turned to the treaty in particular. "Without a prediliction for my own judgment, I have weighed with attention every argument, which has at any time been brought into view. But the constitution is the guide, which I never will abandon. It has assigned to the President the power of making treaties, with the advice and consent of the senate." Referring to the 1787 Constitutional Convention, which he chaired, Washington noted that it was supposed that those branches of government would have the most information and could decide wisely "without passion" and prejudice. The president and Senate "ought not to substitute for their own conviction the opinions of others" or to expect to find "truth thro' any channel but that of a temperate and well-informed investigation. Under this persuasion," he concluded, "I have resolved on the manner of executing the duty now before me." Washington invited the selectmen to "make these sentiments known, as the grounds of my procedure." In closing he stated again that he felt duty-bound to obey his conscience. "While I feel the most lively gratitude for the many instances of approbation from my country; I can no otherwise deserve it, than by obeying the dictates of my conscience."¹⁰

This message sent a clear sign to anti-treaty critics in Boston and elsewhere that Washington would not be intimidated or coerced into rejecting the measure by the existence of popular sentiment against it. The statement adumbrated Washington's understanding of his role in the constitutional system. It also expressed—without announcing a decision on the treaty itself—his firm belief that he was acting in the national interest, and it gently rebuked the selectmen for presuming to influence his decision. Thus, without declaring his intention whether or not to sign, Washington signaled that opponents should not expect their wishes to determine the outcome; to allow himself to be persuaded by public opinion would be to defy the letter and spirit of the Constitution. The effect of Washington's reply was further enhanced and magnified because it was reprinted in

¹⁰ GW to the Boston selectmen, 28 July 1795, in *ibid.*, 34:252–53.



In his response to the Boston selectmen dated 28 July 1795, Washington betrays his displeasure with those seeking to influence what was, to his mind, none of their business. Here he reminds Bostonians that, according to the Constitution, the power to make treaties lies with the president and the Senate. He seemed to take as a personal affront communications that, in his mind, ignored his long record of acting in the nation's best interest. This letter's icy tone certainly reflects that mood. (*Library of Congress, Manuscripts Division*)

newspapers, and Washington sent similar versions of the message that summer to other petitioners who wrote decrying the treaty.¹¹

But the message also announced several themes that became central to the Federalist campaign to win support for the measure. It acknowledged

¹¹ To some petitioners, however, he made no reply at all. If his response to the Boston selectmen was firm but controlled, his anger clearly bristled at some of the petitions and resolutions he received that summer. About a resolution from citizens of Petersburg, Virginia, he noted coldly: "Tenor indecent No answer returned." To another from New Jersey towns: "No answer given. The Address too rude to merit one." And his cursory note on a petition from citizens of Scott County, Kentucky, noted acridly: "The Ignorance and indecency of these proceedings forbad an answr" (Editorial note in *ibid.*, 34:254).

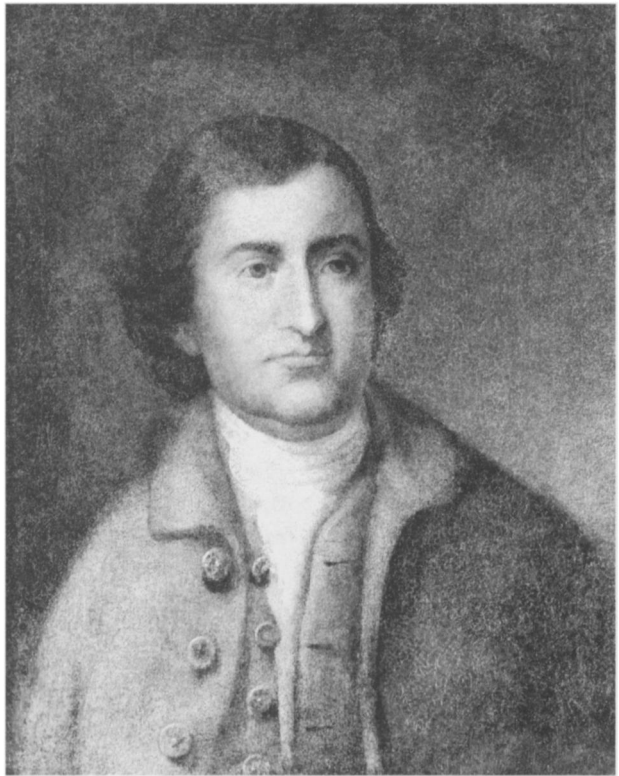
that passion and “sudden impressions” often held sway in the short run, but in the end such “erroneous” sentiments would give way to “candid reflection.” Likewise, he argued for “a temperate and well-informed investigation.” Both of these were core arguments advanced by Federalists. They believed the anti-treaty fervor was the product of hysterical agitations that would disappear once people had time to study and reflect on the document. The need for careful study was a theme advanced repeatedly by the Federalists in their campaign. So, too, was the idea that the public must delegate to and trust in the authorities constitutionally designated to deal with foreign affairs. Thus, Washington’s observation that the Constitution “has assigned to the President the power of making treaties, with the advice and consent of the senate” was not merely a superfluous civics lesson but a cornerstone of the Federalist conception of the proper workings of government in the 1790s, as they spelled out time and again in their effort to sway public opinion. Another offshoot of the argument about constituted authorities was that officials were not supposed to set aside their own special experience and knowledge of public affairs simply to enact what the public will of the moment seemed to favor. As Washington put it, public officials “ought not to substitute for their own conviction the opinions of others.” On all these points, Washington’s letter articulated messages that were central to the themes advanced by the pro-treaty effort and was itself an early, public effort that carried great weight.¹²

Reading the selectmen’s letter in such a way adds credence to the view that Washington, while still undecided on the treaty question, was already showing clear—and, again it should be emphasized, public—indications of which side he favored in the still nascent treaty debates.

Washington’s position on the treaty itself was undergoing an evolution. At first, he was disappointed that the instrument did not include more favorable terms and that it ignored several key issues, such as impressment. He was moving in the direction of accepting the treaty and seeing the measure as providing some crucial benefits but had not, at the time of the selectmen’s letter, made up his mind to sign. What is also quite clear from his letter to the selectmen is that Washington was genuinely angry at the tactics and the presumption of the anti-treaty side. Thus, while he had not yet decided to sign the treaty and throw his support behind it, the opposition ruckus—far from persuading him not to sign as treaty critics hoped—served to solidify Washington’s revulsion at their tactics and likely moved him farther along the path toward signing the instrument.

¹² GW to the Boston selectmen, 28 July 1795, in *ibid.*, 34:252–53. For an excellent discussion of the Federalist approach to governing more generally, see Thomas P. Slaughter, *The Whiskey Rebellion: Frontier Epilogue to the American Revolution* (New York, 1986).

Like John Jay, Edmund Randolph (1753–1813), here captured by an unidentified artist, filled a wide range of public offices at the state and national levels. As governor of Virginia and delegate to the Constitutional Convention in 1787, he submitted the Virginia Plan regarding population and congressional representation. He later served as first attorney general of the United States and, at the time of the debate over the Jay Treaty, secretary of state, having succeeded Thomas Jefferson. (*Virginia Historical Society*)



Before he did so there would be one more prominent incident that placed him solidly in the pro-treaty camp. Secretary of State Edmund Randolph, who favored a delay in ratification until American vessels were guaranteed freedom from British interference, was accused by Secretary of War Timothy Pickering and Secretary of the Treasury Oliver Wolcott, Jr., of disloyalty. The charges intimated that Randolph had been improperly involved with the French government, perhaps even passing secrets, and that he had received money for advancing French interests while in the United States government. The source was a letter from French minister Fauchet intercepted by the British and given to Pickering and Wolcott by George Hammond, the British minister. The letter was far from conclusive proof of wrongdoing, and some historians have argued, as Randolph himself did, that he was unfairly accused. But Washington was disappointed by Randolph's reaction on being confronted with this evidence and apparently believed that it suggested at least the appearance of impropriety. It was enough to make him deeply suspicious of his fellow Virginian and long-time friend. Although the president had been leaning toward signing the treaty for several weeks, the Randolph allegations, which came to his

attention in early August, sealed his decision, and in his anger and sense of betrayal he now steadfastly supported the measure.¹³

Although it has often been suggested that this evidence against Randolph converted an undecided Washington to the pro-treaty ranks, such an opinion disregards ample evidence that suggests that Washington had long been inclined in just such a direction. Biographer John Ferling suggests that the president's thinking was clear even before he learned of Randolph's alleged perfidy. In his letter of 29 July to Alexander Hamilton—written one day after the response to the selectmen—Washington “all but stated that he was prepared to sign Jay's treaty . . . he went on to suggest that the great virtue of the pact was that it afforded a chance for peace with London. Though his would be an unpopular act . . . he believed that once ‘the paroxysm of the fever is a little abated’ the ‘real temper of the people’ would change, endorsing his decision. Thus, by the time he departed Virginia, five days before he learned of the allegations against Randolph, Washington appears to have decided to exchange ratifications with [Great Britain]. The machinations of the Pickering-Wolcott-Hammond cabal, at best,” concludes Ferling, “only hastened and colored the inevitable.”¹⁴

Even before he announced a decision on what action to take, Washington saw pleasing signs in the public debate. He praised the “Camillus” essays to Hamilton (who published the first of thirty-eight numbers on 22 July). “I have seen with pleasure that a writer . . . has promised to answer, or rather defend the treaty . . . To judge of this work from the first number, which I have seen, I auger well of the performance.”¹⁵ In this letter to Hamilton and in others, Washington made it clear how crucial it was that able defenses of the treaty begin to appear in the public papers. Washington encouraged this practice. Speaking of “Camillus,” he noted that friends of the administration should spare no effort to promulgate this and other pieces like it; otherwise, “a few only will derive lights from the knowledge, or labour of the author; whilst the opposition pieces will spread their poison in all directions.” Ultimately the president feared that this “poison” left unchecked would give Congress an unrepresentative sense of public

¹³ For the Randolph affair, see Combs, *Jay Treaty*, pp. 165–70 and 193–96; Alexander DeConde, *Entangling Alliance: Politics & Diplomacy Under George Washington* (Durham, N.C., 1958), pp. 119–27; Stanley Elkins and Eric McKittrick, *The Age of Federalism: The Early American Republic, 1788–1800* (New York, 1993), pp. 422–31; Ferling, *First of Men*, pp. 458–62; and Flexner, *Washington*, pp. 332–37. For the most recent detailed consideration, see Mary K. Bonsteel Tachau, “George Washington and the Reputation of Edmund Randolph,” *Journal of American History* 73 (1986): 15–34.

¹⁴ See Ferling, *First of Men*, p. 460.

¹⁵ GW to Alexander Hamilton, 29 July 1795, in Fitzpatrick, ed., *Writings of George Washington*, 34:262–64. Twenty-eight of the thirty-eight “Camillus” or “Defence” essays were written mainly by Hamilton, the other ten were written by Rufus King. They appeared in newspapers from July 1795 to January 1796. The first appeared on 22 July 1795 in the *New York Argus or Greenleaf's New Daily Advertiser* and was widely reprinted.

opinion. And here, Washington drew an unmistakable division concerning the expression of public opinion on the treaty, a division that shaped his conception of the issue itself and determined the actions he took. At the close of his letter to Hamilton, the president cast in broader terms the nature of the problem before them, a problem that Washington doubtless thought applied to much of the partisan conflict that marked his administration. “The difference of conduct between the friends, and foes of order, and good government, is in noth[in]g more striking than that, the latter are always working, like bees, to distil their poison; whilst the former, depending, often times *too much*, and *too long* upon the sense, and good dispositions of the people to work conviction, neglect the means of effecting it.” In fact, Federalists had already launched—with the president’s full backing—a large, long-lasting, and hugely effective campaign to win public support for the treaty; they would not “neglect the means of effecting” public opinion.¹⁶

Washington’s decision to ratify the treaty on 14 August 1795 capped a furious six-week interval of efforts designed by both sides to sway the president’s mind. His decision had a powerful effect on both supporters and opponents. Some of the latter became even more vitriolic, heaping scorn and criticism on Washington. But others, concluding that with Washington’s ratification the matter was now decided, became inactive and largely dropped the matter, a concession, even by treaty critics, to the power and sweep of the president’s influence. As for the president himself, whatever doubts and reluctance he may have had initially about the treaty had long since vanished. Concerned by the outpouring of opposition, furious at the tactics used by treaty opponents, troubled by the Randolph implications, and gradually convinced that the treaty was the best that could be reasonably obtained, once he decided to sign the measure, Washington was energetically and actively engaged in the campaign to bring it to fruition. Having carefully deliberated, weighing pros and cons, Washington was fully and decisively committed to the treaty and played a crucial role in bringing about public and congressional acceptance.¹⁷

¹⁶ See also GW to Edmund Randolph, 3 Aug. 1795, which discusses Washington’s wish that answers to public resolutions on the treaty appearing in the papers, pro or con, be disseminated immediately so that no time would lag without a response (Fitzpatrick, ed., *Writings of George Washington*, 34:262–64 and 268–69). For a fuller discussion of the Federalists’ extensive campaign to win public support for the treaty, see Todd Estes, “Shaping the Politics of Public Opinion: Federalists and the Jay Treaty Debate,” *Journal of the Early Republic* (hereafter cited as *JER*) 20 (2000): 393–422.

¹⁷ Benjamin Franklin Bache’s paper, the *Aurora* (Philadelphia), practically declared open war on Washington and filled its pages with vitriolic diatribes. By contrast, Alexander J. Dallas, author of the anti-treaty “Features of Mr. Jay’s Treaty,” ceased his writings after learning of Washington’s decision to ratify and considered the matter closed, a testimony to the president’s influence and stature even among opponents (James Tagg, *Benjamin Franklin Bache and the Philadelphia Aurora* [Philadelphia,

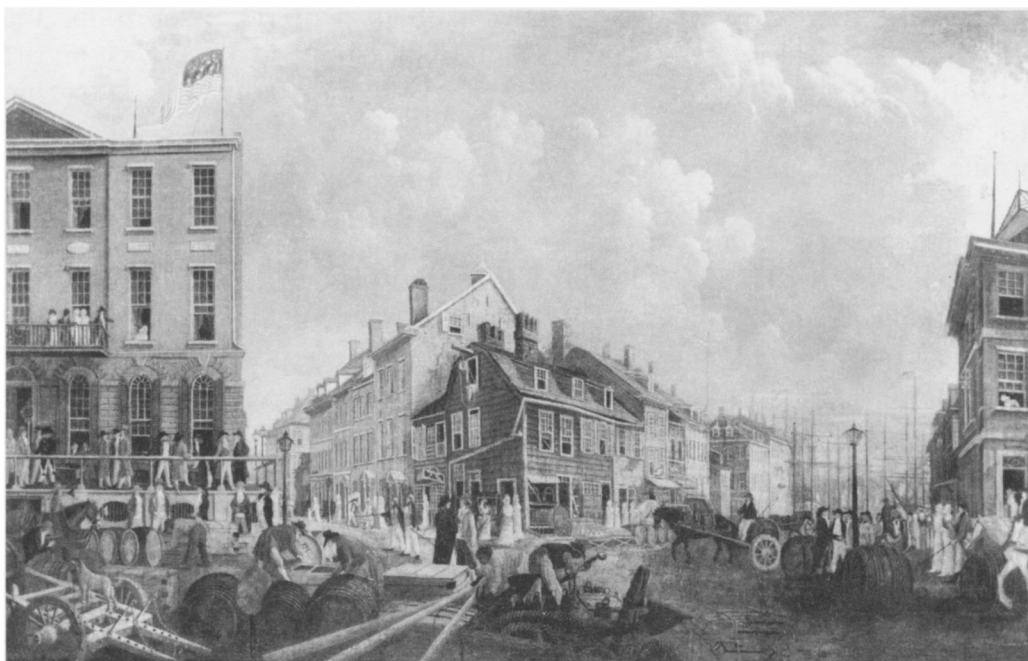
Washington continued to shape the debate that summer in his correspondence. To petitioners from Charlestown, Massachusetts, the president stated firmly in late August that he had “assent[ed]” to the treaty “and the principles which governed my determination are now publicly known. In this as in every other exercise of the powers committed to me by the Constitution I have aimed to promote the public good and to merit those sentiments of personal confidence which are expressed in your communication.” He assured another group of petitioners that his “assent . . . was not given until after the most mature deliberation: Notwithstanding the diversity of opinion which has been manifested, is much to be regretted.” Washington then lectured them gently: “I cannot but hope, that experience will shew, that the public Interest required the course which has been pursued.”¹⁸

Washington expressed his thanks and appreciation, however, to those public meetings that both praised his decision to sign the treaty and were content to leave the matter in the hands of duly elected officials. He expressly thanked the “Citizens of Philadelphia” in a 20 August reply for trusting “the constituted authorities, and the concurrence of your opinions with their determinations, on this highly important subject.” The president went on to note—reflecting in part his requests in early July to hear opinion both for and against the treaty by those who knew best—that he particularly appreciated hearing those sentiments that were “deliberately formed, and proceeding from men whose interests are more immediately concerned than those of any other classes of my fellow Citizens.” Such considered opinions “cannot fail to strengthen that just confidence in the rectitude of public measures which is essential to the general welfare.”¹⁹

1991], pp. 251–54 and Raymond Walters, Jr., *Alexander James Dallas: Lawyer—Politician—Financier, 1759–1817* [Philadelphia, 1943], pp. 66 and 72–73).

¹⁸ See GW to the selectmen of Charlestown, Massachusetts, 31 Aug. 1795 and GW to the Committee of the towns of Easthampton, Southampton, Southold, Riverhead, Brookhaven, and Smithtown, Suffolk County, New York, 7 Sept. 1795, in Fitzpatrick, ed., *Writings of George Washington*, 34:297 and 301.

¹⁹ GW to the citizens of Philadelphia, 20 Aug. 1795, in *ibid.*, 34:278–79. Washington received and responded to several other petitions and resolutions throughout the fall, often expressing similar thoughts. Sometimes, when worn down by the volume and persistence of the messages, he responded with a wearisome and rather sanctimonious tone, hinting at the affronts to his honor and dignity made by the implications of some petitioners. In mid-December he wrote to the citizens of Frederick County, Virginia, thanking them for their pro-treaty petition. “Next to the approbation of my own mind, arising from a consciousness of having uniformly, diligently and sincerely aimed, by doing my duty, to promote the true interests of my country, the approbation of my fellow citizens is dear to my heart.” “In a free country,” he wrote, “such approbation *should* be a citizen’s best reward; and so it *would* be, if Truth and Candour were always to estimate the conduct of public men. But the reverse is so often the case, that he who, wishing to serve his country, is not influenced by higher motives, runs the risk of being miserably disappointed. Under such discouragements, the good citizen will look beyond the applauses and reproaches of men, and persevering in his duty, stand firm in conscious rectitude” (GW to citizens of Frederick County, Virginia, 16 Dec. 1795, in *ibid.*, 34:395–96).



The Tontine Coffee House was an important center of the economic and political life of New York City. The building, at the corner of Wall and Water streets, appears at the left in Francis Guy's 1820 painting, *Tontine Coffee House*. Built in 1792, it housed not just a famed watering hole but also the predecessor institution to the New York Stock Exchange. With its role as gathering place for members of the city's merchant class, the Tontine was a logical location for a rally they held on 21 July 1795 in support of the Jay Treaty. Commercial interests in the large cities of the young nation proved to be among the most important supporters of ratification. Merchants in New York, Boston, and Philadelphia believed the treaty would benefit international trade. They were also less affected by its mandate that American debts to British creditors be honored than were, say, southern planters, who largely opposed the measure. (*Collection of the New-York Historical Society, accession no. 1907.32*)

In their own rallies Federalists stressed the same themes that Washington had encouraged, and they did so in their newspaper and pamphlet campaign as well. They made their most direct appeals to the public in the important pro-treaty meeting called by New York merchants at the Tontine Coffee House on 21 July. Already reeling from a disputatious town meeting at which Hamilton and others were driven from the scene, New York's Federalists regrouped. More than seventy members of the Chamber of Commerce, constituting what the recording secretary labeled "the most respectable meeting ever held," gathered, heard the treaty read, and then circulated and passed a resolution approving the measure, praising it for including "as many features of Reciprocity, as . . . could reasonably have been expected." The treaty was "wisely arranged" for preserving peace and, if the treaty should fail to be ratified, the chamber warned that war might

follow. After raising the specter of hostilities with Great Britain, the resolution expressed faith and “full confidence” in those officers whom the Constitution gave the power to make such decisions. Expressing belief that the treaty was the most favorable that might be practically expected, that it would preserve peace and prevent war, and that the constituted authorities knew best and should be trusted, this New York Chamber of Commerce resolution nicely summed up the central themes of the Federalist campaign. Federalists in Philadelphia and Boston also organized merchants and the community to rally behind the treaty and the president—just as Washington had encouraged treaty supporters to do—and sent him similar addresses.²⁰

Federalists had been diligent in doing precisely what Washington had called for: producing defenses and explanations of the treaty to counteract anti-treaty pronouncements. The success of these efforts was manifested in several ways, not the least in pro-treaty meetings that begat petitions and resolutions then sent to Washington. The pro-treaty petitions not only reflected the orchestrated efforts to mobilize support but also suggested what seemed to many to be a gradual shift in public opinion. Some Federalists believed they could already sense this change as early as the late summer of 1795. George Cabot noted that the “respectable people” in

²⁰ This account of the New York pro-treaty meeting is drawn from Alfred F. Young, *The Democratic Republicans of New York: The Origins, 1763–1797* (Chapel Hill, 1967), esp. pp. 454–55; *New-York Journal*, 29 July 1795; and *Dunlap and Claypoole’s . . .*, 28 July 1795. While this pro-treaty resolution claimed to speak for the whole of the Chamber of Commerce, one student has argued that, because only one-third of the total membership was actually present for the meeting, Federalists exaggerated their support among merchants (Arthur Irving Bernstein, “The Rise of the Democratic-Republican Party in New York City, 1789–1800” [Ph.D. diss., Columbia University, 1964], esp. pp. 138–88). Still, Bernstein argues that whatever the numbers may have been, the chamber resolution had great impact and encouraged Federalists in other cities to organize petition drives of their own. “The extensive space given in Republican papers in New York to the action of the Chamber of Commerce also is an indication that Federalists had scored their opponents. Moreover, the vicious nature of the Republican reaction showed that they had been deeply stung” (p. 160). It is precisely this point—the petition as a political device, the effectiveness of which Bernstein stresses—that is emphasized here as the most significant aspect of the public campaign for the treaty. For dealings with Philadelphia, see “Address of the Subscribers, Merchants and Traders of the City of Philadelphia,” *Gazette of the United States* (Philadelphia), 22 Aug. 1795. Washington’s reply is found in “To the citizens of Philadelphia,” 20 Aug. 1795, in Fitzpatrick, ed., *Writings of George Washington*, 34:278–79. The Philadelphia pro-treaty resolution was the product of a concerted effort on the part of the merchants of that city, 412 of whom signed the petition, and Federalist leaders who worked to organize support (Richard G. Miller, *Philadelphia—The Federalist City: A Study of Urban Politics, 1789–1801* [New York, 1976], p. 73. Also see Harry Martin Tinkcom, *The Republicans and Federalists in Pennsylvania, 1790–1801: A Study in National Stimulus and Local Reform* [Harrisburg, Pa., 1950], pp. 87–90 and 142–44). Federalists also organized counterresolutions in Boston, the scene of violent anti-treaty protests. The resolution in Boston stated that while the anti-treaty resolution there had been construed as representing “the unanimous sentiments of the merchants and other inhabitants,” the subscribers to the pro-treaty petition “unwilling to be implicated in the number of those who approve of the doings of that meeting . . . do hereby declare our disapprobation, of and dissent from, the votes of said meeting” (*Gazette of the United States* [Philadelphia], 24 Aug. 1795). For petitions from other places, see *Dunlap and Claypoole’s . . .*, 22 Aug. 1795; *Independent Chronicle* (Philadelphia), 8 Oct. 1795; and *Gazette of the United States* (Philadelphia), 24 Nov. 1795.



Looking south along the Delaware River from a neighboring village, William Birch's 1800 *City and Port of Philadelphia on the River Delaware from Kensington* suggests the vitality of the city's waterfront and mercantile economy. Like their counterparts in other U.S. cities, Philadelphia's merchants strongly endorsed the ratification of the Jay Treaty. For the support from the City of Brotherly Love, Washington sent a letter of thanks in August 1795. Of note: pictured on the right is the famous Shackamaxon Elm, under which William Penn signed a treaty with the Delaware (Lenape) Indians in 1682. (*The Historical Society of Pennsylvania, BD 61 B531.1 pl.2*)

Salem, Massachusetts, were "acquiescent, and many of them approve." The leading merchants of Newburyport were also happy with the treaty, and efforts were being made to make public their views. Cabot concluded that, while some were still reluctant to express their opinions, "the sober and discreet part of even our seaports, and still more of our country towns, feel a great anxiety lest the treaty should by any means miscarry."²¹

Another Federalist leader, Fisher Ames, made it clear in September that Washington's leadership was having a decisive influence. The accounts he received from Newport indicated that the treaty protests had been so

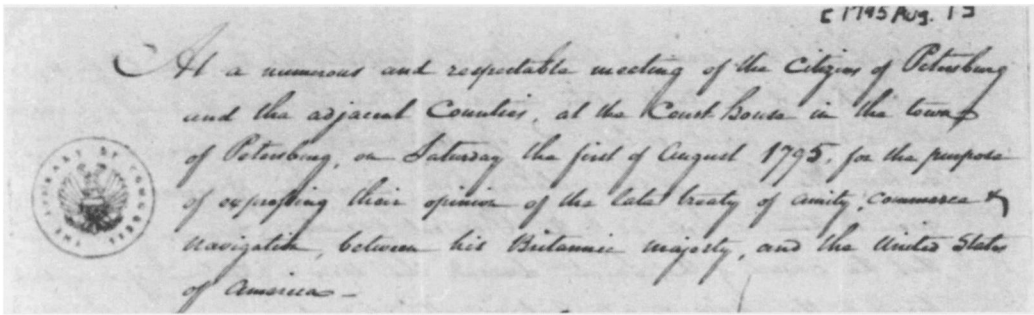
²¹ George Cabot to Oliver Wolcott, Jr., 13 Aug. 1795, in George Gibbs, ed., *Memoirs of the Administrations of Washington and Adams, Edited from the Papers of Oliver Wolcott, Secretary of the Treasury* (2 vols.; New York, 1846), 1:225.



Fisher Ames (1758–1808) was a prominent Federalist congressman and Jay Treaty proponent from Massachusetts. His correspondence makes clear the immense influence of George Washington on the public debate over the treaty. In personal letters, Ames noted the galvanizing effect the publication of the president’s correspondence in support of ratification had on ordinary Americans. (*Virginia Historical Society*)

overheated that the general public took little notice and even the “anti-treaty men were ashamed of the business.” Ames also observed that he had recently visited a number of country taverns and concluded from his conversations that “the yeomanry are yet right. They say the men in the government know best what to do, and the President will not see the country wronged, much less wrong it himself.” The public seemed to display “confidence in, and almost adoration of the President” and great faith in the national government. Ames closed by noting clearly just how influential was Washington’s response to the Boston selectmen, widely reprinted and sent in response to other resolutions as well, and how effective this demonstration of presidential leadership had been. The address to the selectmen “is greatly extolled, and I believe has done more towards calming the country, than all the good pieces published in Webster and the Sentinel.” Considering that these papers had published the essays of Hamilton, Noah Webster, and other highly effective briefs for the treaty, Ames’s comment was a powerful testament to the president’s persuasive leadership.²²

²² Fisher Ames to Oliver Wolcott, Jr., 2 Sept. 1795, in *ibid.*, 1:229–30.



Showing that opposition to the Jay Treaty transcended region, less than a month after receiving the resolution from the selectmen of Boston, Washington received this anti-treaty petition from some of the leading citizens of Petersburg, Virginia, including Joseph Jones. Revealing his vexation at the lack of support from his fellow Virginians, Washington sharply responded to the Petersburg petition. (*Library of Congress, Manuscripts Division*)

By October, the tide had clearly turned. Washington himself, responding to an anti-treaty petition from Petersburg, Virginia, noted that “It would have been pleasing to me to have found a universal concurrence of my fellow-citizens in the same opinion; and I flatter myself, that what diversity of sentiment exists, will daily diminish.” As judged by other Federalists, at least, Washington was correct. “A FARMER” noted: “I sincerely think a great majority of the people are perfectly satisfied with the act of the President and Senate, believing they have the best information, and will act for the public good.” By December Washington noted to John Jay, “My information with respect to the general disposition of the people accords with yours and I have little doubt of a perfect amelioration of sentiment after the present fermentation (which is not only subsiding but changing) has evaporated a little more. The dregs, however, will always remain and the slightest motion will stir them up.”²³

Well into 1796, in fact, Federalists continued to note with pleasure—and surely, too, with relief—the change (or at least the cooling) in public opinion. In all of this Washington’s stature grew apace. Late in February, the president and the first lady went to Ricketts amphitheatre. “[I]t was the first time he had been in public since the late noise and disturbance on

²³ GW to Samuel Hopkins, Junior, quoted in *Gazette of the United States* (Philadelphia), 13 Oct. 1795 and 20 Oct. 1795; John Jay to GW, 14 Dec. 1795, in Henry P. Johnston, ed., *The Correspondence and Public Papers of John Jay* (4 vols.; New York, 1890–93), 4:197; and GW to John Jay, 21 Dec. 1795, in Fitzpatrick, ed., *Writings of George Washington*, 34:397. For other Federalist expressions of changed public opinion, see Alexander Hamilton to GW, 24 Dec. 1795, in Harold C. Syrett, ed., *The Papers of Alexander Hamilton* (27 vols.; New York and London, 1961–87), 19:515; Fisher Ames to Theodore Sedgwick, 31 Dec. 1795, in Box B, Folder 2.15, Sedgwick Papers I, Massachusetts Historical Society, Boston; Fisher Ames to Oliver Wolcott, Jr., 31 Dec. 1795, in Gibbs, ed., *Memoirs*, 1:295–96; and Fisher Ames to Jeremiah Smith, 18 Jan. 1796, in W. B. Allen, ed., *Works of Fisher Ames as published by Seth Ames* (2 vols.; Indianapolis, 1982), 2:1130.

account of the treaty.” As soon as Washington came forward to his seat in the presidential box, “an instantaneous loud and general plaudit took place—a second—and a third, still louder: when these were over, an honest sailor, in the sincerity of a generous full heart, called out, ‘Damn me if that is enough for the Old Fellow, let’s give him three cheers.’” At that, the entire audience “gentle and simple, old and young, most heartily joined. It must have given the President pleasure; his benign countenance and graceful demeanor shewed his sensibility and the goodness of his heart. I verily believe he is more sincerely admired and beloved at this moment than he ever was.”²⁴

It was precisely that depth of public feeling and affection for Washington that gave Federalists a powerful weapon as the second stage of the public debate was about to begin. Washington’s unequaled stature, prestige, and public support were vital to Federalist efforts to win final approval for the treaty. But, again, it was not merely the enormous respect he commanded but his own abilities as a leader that served the pro-treaty campaign well. As winter drew to a close, Washington and the Federalists took advantage of these dual strengths yet again as treaty supporters used the president’s great appeal to rally public support for the measure and he displayed his masterful sense of timing a second time.

With the Republican opposition in the House of Representatives, goaded by Benjamin Bache, chomping at the bit to get hold of the treaty, Washington initially refused to yield it to them. The treaty would be forwarded on his terms, and Washington had good reasons for delaying the submission to Congress. Not only did he want to wait for the cycle of public opinion to turn even more toward the treaty, but he also had a considerable inducement up his sleeve to mollify lingering opponents—the Pinckney Treaty with Spain, which negotiated navigation rights on the Mississippi and was, all in all, an unambiguously beneficial diplomatic achievement. Washington knew that leading with this treaty would soften public and private opposition to the Jay Treaty and, as people would think them interconnected—a point Federalists made repeatedly—it would build momentum for the treaty with the British as well. Accordingly, on 26 February 1796 Washington submitted the Pinckney Treaty to the Senate, just a few days before he sent the long-awaited Jay Treaty to the House. As an issue of daily contention, then, the treaty largely receded from public view in the newspapers from December through February as House Republicans, giddy at the prospect of getting their hands on the hated treaty, could do nothing until they had it in front of them; to act without it would be premature and unseemly and so Republicans were in a difficult position.²⁵

²⁴ See *Gazette of the United States* (Philadelphia), 1 Mar. 1796.

²⁵ See DeConde, *Entangling Alliance*, p. 133; Combs, *Jay Treaty*, pp. 172–73; and Samuel Flagg

The fact that House Republicans found themselves stymied owed in large part to the extraordinary sense of timing and delay practiced by Washington. He knew, from closely following the debate, that public opinion—judged by petitions, letters, and the like—had calmed considerably on the treaty. It could even be said—as many Federalists claimed—that the public, while still not wildly enthusiastic, now supported the measure and that calm reflection had supplanted the violent anger of the previous summer. Washington knew that the longer he withheld the treaty from the House, the greater the likelihood that public opinion would continue its drift toward ratifying it. And so he waited. Washington's shrewd monitoring of the public debate and his extensive correspondence network meant that he was fully cognizant of the situation and knew precisely the benefits of delay to the pro-treaty cause.²⁶

Another barrier presented itself, however. Washington, on 29 February 1796, declared the treaty to be in effect by proclamation and the next day sent it to the House at long last. Just a day later, New York Republican Edward Livingston proposed a resolution calling on Washington to put before Congress copies of Jay's instructions on negotiations plus all of the documents and correspondence pertaining to the treaty. It was an extraordinarily bold request. Its immediacy and preemptory nature suggested condemnation of the measure. Moreover, it implied a belief that the House had a full constitutional right to debate and pass judgment on the merits of the treaty, not merely make appropriations for it. That presumption troubled House Republican leader James Madison, who, in a letter to Thomas Jefferson, noted that Livingston's resolution was "so questionable that he will probably let it sleep or withdraw it." However much Madison may have wished for this (and for a less directly confrontational stance generally), Livingston refused to give up, and his call for papers signaled the resumption of partisan battles over the treaty and the start of the final stage of the Jay Treaty debate.²⁷

House Republicans, with some Federalist support, passed Livingston's revised resolution 62–37 and sent it to the president on 25 March. Washington had told Gouverneur Morris earlier that month that he expected that the treaty would be censured "in several points." But he had confidence that the "great change . . . in the public mind with respect to this

Bemis, *Pinckney's Treaty: America's Advantage from Europe's Distress, 1783–1800* (1926; New Haven, 1960), pp. 249–79 for the influence of the Pinckney Treaty on the Jay Treaty.

²⁶ James Roger Sharp, *American Politics in the Early Republic: The New Nation in Crisis* (New Haven, 1993), p. 129 makes this point effectively.

²⁷ The preceding paragraphs draw on Combs, *Jay Treaty*, pp. 171–78; Elkins and McKittrick, *Age of Federalism*, pp. 441–45; Sharp, *American Politics*, pp. 127–29; and John C. Miller, *The Federalist Era: 1789–1801* (New York, 1960), pp. 171–74. For Madison's reaction, see James Madison to Thomas Jefferson, 6 Mar. 1796, in J. C. A. Stagg et al., eds., *The Papers of James Madison* (Charlottesville, 1989), 16:247. Washington's Proclamation was printed in the *Philadelphia Gazette*, 1 Mar. 1796.



Congress Hall, erected in 1789–90 as the Philadelphia County courthouse, served as the meeting place of the United States Congress from 1790 to 1800. The House of Representatives met on the first floor and the Senate on the second. Within the walls of Congress Hall the Jay Treaty ratification debates took place in 1796. This view executed by William Birch looks west down Chestnut Street and includes Congress Hall at left and the New Theater, a popular place of entertainment, at right. Although the theater has vanished, Congress Hall still stands, immediately to the west of Independence Hall. (*The Historical Society of Pennsylvania, BD 61 B531.1 pl. 20*)

Treaty within the last two months, is apparent to every one.” That had, of course, been the primary reason for waiting to submit the instrument to the House. The president believed, furthermore, that “If the people of this country have not abundant cause to rejoice at the happiness they enjoy, I know of no country that has. We have settled all our disputes, and are at Peace with all Nations.” To Washington the matter seemed straightforward, but the House resolution, passed by such a wide margin, gave him pause even if it ultimately served to strengthen his resolve not to cede ground he believed fervently that the House should not hold.²⁸

²⁸ GW to Gouverneur Morris, 4 Mar. 1796, in Fitzpatrick, ed., *Writings of George Washington*, 34:483. For more on Washington’s constitutional thought and actions, see Phelps, *George Washington and American Constitutionalism*, esp. chap. 6.

Washington's response on 30 March was polite but firm. He refused to hand over the papers, reiterated his earlier delineations of Constitutional authority, and once again framed the treaty debate more as a question of Constitutional authority and his stature than about the terms of the instrument itself. His response at once recognized the prerogatives of the president and Senate in conducting foreign policy and asserted his own independence (while taking pains not to appear above the law). He did this by portraying the House as usurpers of constitutional authority and identified the House request for papers for what it was: a blatantly partisan political act. First, he insisted that his conduct had never betrayed a desire to withhold any information he should provide to Congress. He also insisted that it was and had always been his ardent wish "to harmonize with the other branches" of government. Above all, it was his duty, as the presidential oath went, to "preserve, protect and defend the Constitution."

Having pledged his faith, Washington proceeded to lecture Congress for overstepping its boundaries. "The nature of foreign negotiations requires caution; and their success must often depend on secrecy: and even when brought to a conclusion, a full disclosure of all the measures, demands, or eventual concessions . . . would be extremely impolitic: for this might have a pernicious influence on future negotiations." This was why, he argued, the Constitution very clearly vested these powers in the executive and the Senate. "To admit then a right in the House of Representatives to demand, and to have as a matter of course, all the Papers respecting a negotiation with a foreign power, would be to establish a dangerous precedent." Then Washington went even further, exploring the possible motives of the House in calling for the papers. This call, he averred, could serve no purpose "except that of an impeachment, which the resolution has not expressed." Washington went on to remind Congress—and, perhaps none too subtly, Madison especially—that he had presided over the Constitutional Convention and that the journal of debates would underscore the rectitude of his position. He closed: "A just regard to the Constitution and to the duty of my Office, under all the circumstances of this case, forbids a compliance with your request."²⁹

It was a command performance, galvanizing treaty supporters and once again asserting Washington's primacy in the debate while recasting it in the

²⁹ "To the House of Representatives," 30 Mar. 1796, in Fitzpatrick, ed., *Writings of George Washington*, 35:2–5. As usual, Washington asked Hamilton's advice and the former secretary complied (see Alexander Hamilton to GW, 29 Mar. 1796, in Syrett, ed., *Papers of Alexander Hamilton*, 20:85–103). When Washington wrote to acknowledge Hamilton's letter, he noted much the same thing privately as he did publicly to the House. He told Hamilton "that to furnish *all* the Papers would be highly improper; and that a *partial* delivery of them would leave the door open for as much calumny as the entire refusal, perhaps more so, as it might, and I have no doubt would be said, that all such as were essential to the purposes of the House, were withheld" (GW to Alexander Hamilton, 31 Mar. 1796, in Fitzpatrick, ed., *Writings of George Washington*, 35:7).

most favorable terms for Federalists. Brilliantly fusing constitutionality with his own stature and reputation, Washington deployed this address to reframe the public contest almost as one of personalities between the House and the president so as to maximize his transcendent position. The president reiterated the same statements about constitutional prerogatives he spelled out the previous summer in his reply to the Boston selectmen, and in fact, Washington's rebuke of the House was of a piece with his conception of constitutional government as outlined to the Boston group. The Constitution, Washington stated, gave treaty-making power to the Senate and the president, not to the House. To share with the House those sensitive materials would not only be unwise but unconstitutional. It would abrogate Washington's understanding of the delegation of specific powers to the constituted authorities. Just as Washington had told the Boston selectmen that they needed to trust their duly chosen public leaders, he told the House to do the same with regard to the Senate and president. In short, the constitutional thinking behind Washington's refusal to hand over the papers to the House was identical and consistent with the thinking that prompted his response to the selectmen.

This address launched another outpouring of support for the president. "Firm as a majestic rock in the ocean, he braves the tempest of popular clamour and the attacks of usurpations," praised one paper, while another restated Washington's main points and concluded that "The President's answer contains all that ought or could be said." Another paper delightedly noted the effect Washington's response had on treaty opponents. His answer "greatly enrages our meek and mild democrats," and the paper predicted what would follow. Treaty opponents "will flatter us, and tell us, that there is nothing . . . they adore so much as *the People*, if we will only be pleased, in return for this humble language, to let them pull down THE PRESIDENT." The president's message confounded the Republicans: "The plain good sense of THE PRESIDENT'S message sunk the hopes of the party." In their private correspondence Federalist leaders made the same points. Peter Van Schaak told Theodore Sedgwick that "Never was there a more daring Usurpation" than that shown in the House call for papers. Van Schaak believed Washington's answer was exactly to the point and hugely effective, and could be even more so if Federalists spread his words more widely. "Pity his Message was not universally circulated. I do all in my Power . . . I have always been of Opinion that the measures of a Government like ours should be supported by its friends, because they are actively assailed by its Enemies."³⁰

³⁰ *Connecticut Gazette* (New London), 7 Apr. 1796; *Gazette of the United States* (Philadelphia), 23 Apr. 1796; *Columbian Centinel* (Boston), 20 Apr. 1796; Peter Van Schaak to Theodore Sedgwick, 25 Apr. 1796, in Box B, Folder 2.14, Sedgwick Papers I. Federalists had earlier noted strong public support on Washington's birthday, 22 February, which they believed evinced the national sentiment

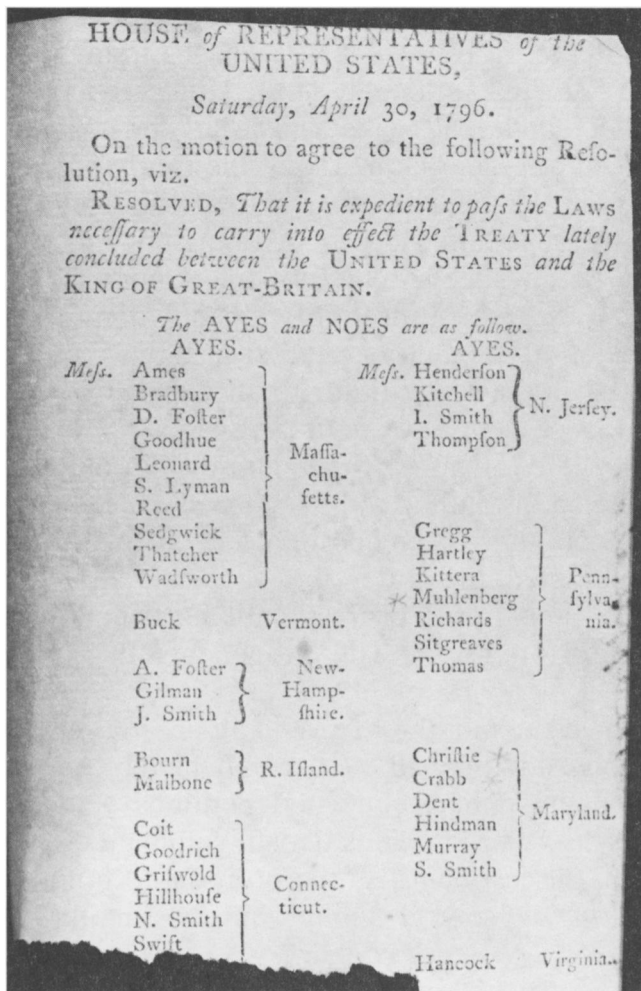
Washington's message and response brought about two results. First, it shrewdly shifted the terms of the debate from the treaty itself to the much firmer ground of the constitutionality of the House request for papers. On this Washington could and did make a powerful and convincing argument; had he been forced to argue the merits of the treaty, the result might not have been as pleasing. In the end, the pro-treaty side got an indirect boost because of the prestige attached to Washington and the indisputable linkage between that prestige and his investment in the constitutionality of his stance and his clear identification with the treaty itself. Second, by standing up to House Republicans in refusing the request, Washington placed himself back at the center of the treaty debate. As they went door to door in some towns or as they wrote to newspapers, Federalists could now plausibly present the treaty as a referendum on Washington. The Republicans had challenged his authority; he had reasserted it. For a good many citizens, the treaty may have been questionable, but Washington was not. In actively placing himself at the center of the debate—as he had done also by withholding the treaty from Congress until he believed the timing was fortuitous—Washington gave treaty proponents the full power of his reputation to use in the battle.

The House spent the month of April in an intense, furious debate over the treaty. The contest in the hall was accompanied by one in the streets as both sides rallied the public, circulated petitions, and called on every resource at their disposal. Fractious debate culminated in three climactic votes on 30 April, the last being on the proposal to fund the treaty itself, which passed 51–48 with several Republicans crossing the aisle to vote for funding.³¹

Not until the House had culminated its debate with the final vote did Washington again weigh in on the treaty issue. Apparently, Washington heard nothing in the debate to erase his anger and bitterness at the tactics of treaty critics or challenge his unshakable determination that neutrality was vital to U.S. interests. In similar letters to Charles Carroll and Edward Carrington, both dated 1 May, Washington expressed his belief that anyone following the House debate would see that “the *real* question” was not “whether the treaty . . . was a *good* or *bad* one; but whether there should be a *treaty at all* without the concurrence of that House.” Giving the treaty the worst possible interpretation and realizing “that no occasion more suitable might ever occur,” opponents tried furiously to make the treaty-making

in favor of the president. Samuel Henshaw believed that Washington “stands much higher in the estimation of the People since the ratification of the Treaty than He did before.” He wondered whether the “Universal rejoicings on the Anniversary birth Day of the Saviour of his Country” would not open the eyes of political opponents (Samuel Henshaw to Theodore Sedgwick, 12 Mar. 1796, Box C, Folder 3.2, Sedgwick Papers I).

³¹ For the House debate and vote, see Combs, *Jay Treaty*, pp. 171–88; Elkins and McKittrick, *Age of Federalism*, pp. 441–49.



power subject to House consent. As to the motives that led some to bring the country's peace, happiness, and prosperity "to the brink of a precipice . . . I shall say nothing," Washington remarked. "[C]harity tells us they ought to be good; but suspicions say they must be bad. At Present my tongue shall be silent." To Carrington he accused the House of "striking at once, and boldly too, at the fundamental principles of the Constitution." Had the House had its way, it would have rendered the "Treaty making Power not only a nullity, but such an absolute absurdity as to reflect disgrace on the framers of it."³²

³² GW to Charles Carroll, 1 May 1796 and GW to Edward Carrington, 1 May 1796, in Fitzpatrick, ed., *Writings of George Washington*, 35:29–33 (quotations on pp. 29–30 and 32). Referring to the efforts of treaty opponents to involve the U.S. in the European war, Washington stated his belief that twenty years of peace, neutrality, population growth, and all the attendant benefits would leave the nation in a position "to bid defiance to any power on earth." Why then, he asked Carroll rhetorically,

NOES.		NOES.	
<i>Messrs.</i> W. Lyman	}	Maffa-	<i>Messrs.</i> Moore *
Dearborn		chu-	New
Varnum	}	fetts.	Nicholas
* Hrael Smith		Vermont.	Page *
Hathorn	}	New-	Parker
Havens		York.	Prefton
Livingfton	}	Rutherford	} Virgi-
Baird			
Gallatin	}	Blount	} ni-
* Heifler		Pennfyl-	
* Maclay	vania.	Burgefs	} North-
Swanwick		Franklin	
* Sprigg	Maryland.	Gillefpie	} Caroli-
* Greenup	}	Holland	
* Orr		Kentucky.	Locke
Brent	}	Macon	} South-Ca-
Cabell			
Clairborne	}	Winn	} rolina.
Clopton		Virgi-	
* Coles *	nia.	Earle	} Georgi-
Giles		Hampton	
Harrifon	}	Baldwin	} Georgia.
Heath *			
Jackfon *			48
Madifon *			

Taken from a published version of the speech delivered by Fisher Ames before the House of Representatives on 28 April 1796, these pages make clear the narrow margin by which the body approved the Jay Treaty on 30 April. The 51 to 48 vote in favor of ratification clearly reflected divisions along sectional lines. The treaty found its strongest support (the list of ayes is incomplete) in New England; opposition was markedly southern. Among Virginia’s representatives, only George Hancock of Botetourt County voted for the measure. (*Virginia Historical Society*)

Republican opponents of the treaty realized clearly the powerful effect Washington had on the outcome of both the House vote and the contest for public opinion. James Madison (who had helped lead the House opposition) and his correspondents were quite cognizant of the president’s role. One of Madison’s long-time allies and former colleagues from Virginia, Joseph Jones, wrote to Madison to tell him of the effectiveness of the Federalist petition drives for the treaty. “Many yield to the applications . . . merely from an acquiescence in the act of the Executive rather than hazard the consequences of rejecting the Treaty.” They “follow implicitly the decision of the Executive majestrate from a respect for his former services and established Character,” Jones informed Madison. A few days later Madison told Thomas Jefferson that the people had been made to fear war if the treaty were rejected “and have thence listened to the summons ‘to follow where Washington leads.’” Late in May 1796 Madison again told Jefferson that petitions favoring the treaty were still coming in to Congress.

“should we prematurely embarrass [ourselves] . . . in hostilities the issue of which is *never* certain, always expensive, and beneficial to a few only . . . and ruinous to the great mass of our Citizens.”

“The name of the President & the alarm of war, have had a greater effect, than were apprehended on one side, or expected on the other.”³³

Washington continued to receive plaudits from citizens praising his firmness in refusing the House’s call for papers. He responded by thanking them and declaring that his actions were always guided by his “sacred regard for the constitution” and that it gave him “real pleasure” to find his “conduct approved by [his] fellow-citizens.” Indeed, presenting himself as the guardian of the Constitution before a rapacious House proved to be a strong argumentative position as well as excellent politics. He also acknowledged the effectiveness of the pro-treaty petitions in the final House vote. Reporting to Thomas Pinckney on the acrimonious House debate, he noted that the treaty issue was responsible for “agitating the public mind in a higher degree than it has been at any period since the Revolution.” Nothing, Washington believed, “but the torrent of Petitions, and remonstrances which were pouring in from all the Eastern and middle States, and were beginning to come pretty strongly from that of Virginia, requiring the necessary provisions for carrying the treaty into effect,” would have assured the narrow vote in favor of funding.³⁴

The fact that those petitions did come “pouring in” owed much to a vast Federalist campaign to apply popular political pressure to Congress. And the main instrument in that campaign was George Washington. Far from sitting back and letting underlings direct the effort, Washington himself issued public messages, encouraged treaty supporters to publish defenses, monitored the debate closely, used the full discretionary powers of his office by timing the release of the treaty to the House for maximum effectiveness, and then refused a request for papers as an unconstitutional affront. In short, Washington displayed nearly all the hallmarks of what scholars have termed the hidden-hand presidency: the delegation of tasks to others, the use of personality, the instrumental use of language to send signals and make a case, and the development of broad-based support that transcends normal political divisions. Washington’s political leadership shrewdly encompassed these attributes to great effect.³⁵

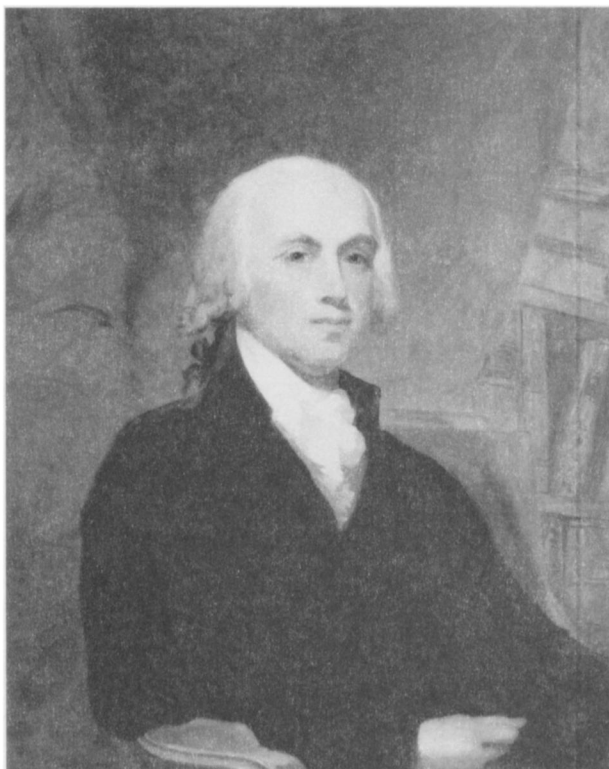
Well before he assumed the presidency, Washington had developed a clear constitutional vision that was well known by his closest collaborators. The men he worked with most closely—James Madison at first, then Alexander Hamilton—both knew the workings of Washington’s mind and

³³ Joseph Jones to James Madison, 1 May 1796; James Madison to Thomas Jefferson, 9 May 1796; and James Madison to Thomas Jefferson, 22 May 1796, in Stagg et al., eds., *Papers of James Madison*, 16:345–47, 352–53, and 363–65.

³⁴ GW to Joseph Leech, 5 May 1796; GW to Thomas Pinckney, 22 May 1796, in Fitzpatrick, ed., *Writings of George Washington*, 35:35–36 and 61–63.

³⁵ For a valuable discussion of earlier Federalist efforts to design a political culture that centered on Washington and his great prestige, see Simon P. Newman, “Principles or Men? George Washington and the Political Culture of National Leadership, 1776–1801,” *JER* 12 (1992): 477–507.

In this Thomas Sully copy of an original portrait by Gilbert Stuart, James Madison (1751–1836) presents a placid countenance that belied an extremely active mind. As an architect of the U.S. Constitution and Washington's most trusted adviser in his first term, Madison might have been expected to follow the president's lead and support ratification of the Jay Treaty. However, his affiliation with his friend Thomas Jefferson and the Republican party prompted him to lead House opposition to the measure. As seen on page 155, Madison cast one of the eighteen Virginia votes against approval of the Jay Treaty. (*Virginia Historical Society*)



were clear about his positions. Thus, Washington could and did freely delegate to his advisers, confident in the knowledge that what they wrote and said and did (and Madison and Hamilton were his most important ghostwriters) would reflect his thinking. Washington, ever concerned with appearance and precedent-setting, and afraid of giving any of his critics grounds to criticize him for being authoritarian or dictatorial, preferred to let others do his bidding. But this was a conscious style of leadership; Washington chose to lead this way but not because he lacked the abilities to do things himself. He far preferred, for a vast array of reasons, to work behind the scenes and serve as orchestrator and not as actor. The nature of such a leadership style was not to be seen devising or directing efforts; rather, a hidden-hand leader approves of what is done in his name or in the name of his administration but usually provides guidance and direction from behind the scenes, not from out in front.

Washington, confident in his vision of the nation and of constitutional development, exercised presidential leadership in precisely this manner during the Jay Treaty debate. Thus, Washington always maintained control of his administration even as he often acted through intermediaries. In describing a later president, the political scientist Fred Greenstein analyzed Dwight Eisenhower's presidency in precisely that manner and described

striking similarities with the conduct and leadership style of the first president during his two terms in office. Indeed, “Long before Eisenhower,” conclude two scholars, Washington “perfected the technique of leading by a ‘hidden hand.’” And, writes Stuart Leibiger simply, “Washington, in short, was our first ‘hidden-hand president.’” The president’s leadership in the treaty controversy provides a detailed, specific example that complements and reinforces this reinterpretation of his presidency.³⁶

The Jay Treaty won full approval for a variety of reasons, but Washington’s leadership was crucially important. By taking an early public role in the campaign, providing direction and encouragement to others, and using the powers of his office to shape public opinion and withhold the treaty from Congress until the effects of the pro-treaty campaign had run their course, Washington guided and shaped the ultimate result. At every turn, the president provided strong, forceful leadership—both in public and behind the scenes—calling on the vast reserves of goodwill most Americans had for him and deploying with great skill and impeccable timing the discretionary powers he had regarding submission of the treaty. On this matter, Washington stood tall, and the case of the treaty debate offers not only convincing evidence of his leadership in this matter but also forces a reconsideration of the larger questions of the first president and the effectiveness of his presidential leadership.

³⁶ See Phelps, *George Washington and American Constitutionalism* for the development of this view; Greenstein, *Hidden-Hand Presidency*, pp. 57–58; Landy and Milkis, *Presidential Greatness*, p. 12; and Leibiger, *Founding Friendship*, p. 10.