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# JAMES MADISON: THE UNIMPERIAL PRESIDENT

By RALPH KETCHAM

No problem of politics more troubled James Madison than limiting the powers of government, no power of government seemed harder to limit than executive power, and no time so dangerously tended to enlarge executive power, he averred, as wartime. Thus, when he saw the United States imperiled by war in 1793, and found Alexander Hamilton extending executive power to "proclaim" neutrality and to meet foreign threats of force with force, he was greatly alarmed: "in war, a physical force is to be created; and it is the executive will, which is to direct it. In war, the public treasures are to be unlocked; and it is the executive hand which is to dispense them. In war, the honours and emoluments of office are to be multiplied; and it is the executive patronage under which they are to be enjoyed. It is in war, finally, that laurels are to be gathered; and it is the executive brow they are to encircle. The strongest passions and most dangerous weaknesses of the human breast; ambition, avarice, vanity, the honourable or venial love of fame, are all in conspiracy against the desire and duty of peace." In general, Madison argued, even under a constitution of limited powers, "every power that can be deduced from [it], will be deduced, and exercised sooner or later by those who have an interest in so doing. . . . A people . . . who are so happy as to possess the inestimable blessing of a free and defined constitution cannot be too watchful against the introduction, nor too critical in tracing the consequences, of new principles and new constructions, that may remove the landmarks of power."

On the other hand, Madison had a keen sense of the

constructive uses of power in republican government. As an ardent "nationalist" during the 1780's, for example, he had again and again sought to enlarge the powers of the Continental Congress, to remove frustrating causes of inaction, and to combat the strong tendency among many Revolutionaries, mindful of British excesses before 1776, to equate freedom with the absence of governmental power. To the end of his long life, when he defended the Union against Calhoun's theory of nullification, Madison understood the good use, in the interests of the people, that could be made of power in a republican government. In more than half a century of experience of government, often under constitutions he had played a major role in drafting, Madison sought to devise and use executive power in ways that would at once enable actions in the public interest and deter the tendency toward abuse and tyranny. This was always for him the vital balance of republican government.

Madison had an early lesson in executive impotence as a member of the Virginia Council of State, 1778-79, when not only did the executive have very little power overall, but the governor was forbidden to act except with the approval of his eight-member Council. The delays and inability to act in the exigencies of war eventually convinced Madison that the construction of the executive department was "the worst part of a bad Constitution." The same executive weakness existed in the Continental Congress. Standing committees conducted much of the executive business, plagued by uncertain authority, dispersed responsibility, rotating personnel, and spotty attendance. Madison supported the creation of "executive departments" of foreign affairs, finance, war, and marine in February 1781, and he sought to fill the new offices with able men. He was, in fact, never among the suspicious people who supposed that any person given the power to do anything would invariably act badly. Such a proposition, when applied indiscriminately to officials deriving their election or appointment from the people, Madison later charged, "impeached the fundamental principle" of republican government by

holding that officers chosen by the people "will immediately and infallibly betray the trust committed to them."

As a supporter both of increased national power and of effective executive authority, Madison came biased to the Federal Convention of 1787. In deference to Edmund Randolph's fear of a unitary executive (such was "the foetus of monarchy," he asserted), Madison at first went along with a proposal for a plural executive. Since executive authority was monarchical even in most "mixed constitutions" of the day, and since the colonies had felt most tyranny from executive power, Randolph and the delegates had had little constructive experience with it, and sensed in it great potential danger. James Wilson saw sooner than others, though, that in a republic where even executive power rested, directly or indirectly, on the people, there might be less to fear in its exercise than under a monarchy. The more clearly the executive was held responsible to the people, Wilson argued, the more power he could safely be given. This view suited Madison's sober optimism that a self-governing system could be devised that would exercise power wisely and his sense of the need for vigor and responsibility in government. Thus he supported a single executive, his power to appoint officials in his department, his powers as commander-in-chief and in foreign affairs, his long term in office, and his eligibility for reelection.

Election of the executive posed a seemingly insoluble problem. Madison shared some of George Mason's fear that to allow election directly by the people was like referring "a trial of colours to a blind man," and Gouverneur Morris's counter-fear that if a legislative body chose the executive "it will be like the election of a pope by a conclave of cardinals." Madison eventually supported the electoral college scheme as a hedge against both dangers.

Madison's sensitivity to both executive needs and executive excesses emerged most acutely in his remarks on the war power. He did, as has so often been noted in our era of undeclared wars, support the change in the power of Congress from that to "make" war to that to "declare" war, in

order to leave "to the Executive the power to repel sudden attacks." A month later, though, he sought to give the Senate exclusive power to make treaties of peace because "the President . . . would necessarily derive so much power and importance from a state of war that he might be tempted, if authorized, to impede a treaty of peace." Altogether, however, the executive power as it emerged from the convention suited Madison as a reasonable compromise between the needs of authority and of limitation.

## II

Everything depended, of course, upon the early precedents established and the conduct of the first presidents. Washington's vast prestige gave crucial support to the dignity and authority of the office, most of which Madison supported. In fact, as Washington's chief adviser in the critical years 1788-89, Madison had a large role in the organization of the executive department, its etiquette, and its relations with the other departments. Especially critical was Madison's defense in the House of Representatives of the president's inherent power to remove his appointees from office. He scorned arguments that the president should be denied such power because he would infallibly abuse it by removing faithful public servants—such fears, and the consequent denials of power, would hopelessly hamstring governments. Rather, he insisted upon the more basic, self-regulating "principle of unity and responsibility in the Executive department, which was intended for the security of liberty and the public good. If the President alone should possess the power of removal from office, those employed in the execution of the law will be in their proper situation, and the chain of dependence therefore terminates in the supreme body, namely, in the people." That is, the president needed to have the power of removal for profoundly republican reasons: the people would then be able to hold him responsible for the malfeasance of his appointees, and could then be justified in refusing him reelection (or in ex-

treme cases, even impeach him) for inefficiency or corruption in his department. One can imagine, of course, the excuses that would have emanated from the Oval Office in the Watergate era had not this principle of responsibility been early enjoined on the Presidency.

The precision of Madison's understanding of a proper, republican executive authority is sharpened when set beside his rejection of what to him were unrepiblican supports. John Adams had argued for a grand title for the President before the Senate and wrote a friend that "a royal or at least a princely title will be found indispensably necessary to maintain the reputation, authority, and dignity of the President. His Highness, or, if you will, His Most Benign Highness, is the correct title," Adams insisted, "that will comport with his constitutional prerogatives and support his state in the minds of our own people or foreigners." Such titles, Madison responded later in the House of Representatives, "are not very reconcilable with the nature of our Government or the genius of the people. . . . Instead of increasing, they diminish the true dignity and importance of a Republic. . . . The more simple, the more Republican we are in our manners, the more rational dignity we shall acquire." The only title needed, he offered, was simply "the President of the United States."

In these two speeches Madison showed his keen concern that the executive office be suited inherently to the nature of a republic, that is, to a system of government whose vital principles were to maintain both a responsibility to the will of the people and a capacity to execute their expressed will. Within this conception it was positively pernicious to introduce the monarchical trappings of pompous titles, "splendid tinsel or gorgeous robe." This harked back to the reverence for the person of the monarch, rather than depending on the republican principle of "rational dignity." By 1789 Madison had achieved a maturing idea of what it meant to exercise executive power in a republican government.

This conception sharpened his apprehension of the uses to which Hamilton and other Federalists sought to put the exec-

utive department during the 1790's. Though Madison greatly admired Washington and had worked closely with Hamilton for many years, he was first amazed and then appalled at what the executive department became under Hamilton's guidance. Madison's sympathies for a vigorous executive, for an efficient civil service, and for a sound public credit led him to support many of Hamilton's proposals taken by themselves, but it was the totality the Virginian opposed. The growth of the executive branch, especially the Treasury Department, allowed its Secretary to take the initiative. To this power Hamilton quite candidly added the force and support he could derive from granting privilege to bankers and merchants. Sharing the largess and financial prospects with Congressmen and their friends, furthermore, gave him great influence in the legislature. These consolidating moves, mobilized under the doctrine of loose construction devised to legitimize the National Bank, instituted, in Madison's view, a veritable "phalanx." Far from an executive taking its lead in policy from the legislature and being the *executor* of its will, as republican theory required, Hamilton had created a machine to lead and dominate the nation. The parallel with means George III and his Ministers had used to control parliament in the 1770's, and Hamilton's own conception of himself as a pro-consul or prime minister on the order of Richelieu or Colbert or the elder Pitt, were all too apparent. The ease and speed with which Hamilton achieved this model of executive, under the Constitution, was a sobering lesson for Madison. Phrases about separation of power, and even what he thought were explicit limitations, seemed to mean little when confronted by one of Hamilton's energy, wile, and brilliance. Thus Madison resorted to two additional reliances. First, he stepped back from his ardent nationalism of the 1780's to favor both limited federal power in general vis-à-vis the states and a stricter interpretation of the powers of Congress and of the executive. Second, he saw reluctantly that a party devoted to a republican restraint or mildness in the conduct of government yet organized to gain power might be a vital part

of a scheme of self-government capable of preserving the benefits of that ideal.

Federalist response to the renewal of war between France and Great Britain in 1793—arguments that the President, not Congress, could “proclaim” neutrality (the counterpart, after all, to declaring war), calls for building up the armed forces, special diplomatic missions, higher taxes, and so on—further frightened Madison because the “needs” of war so perfectly promoted the executive tendencies Hamilton had already set in motion. It seemed further to him that American “monocrats” (as Jeffersonian-Republicans increasingly, though unfairly, termed the Federalists) used shrill accounts of the excesses of the French Revolution in 1793-94 to slander republicanism generally and to strengthen ties with England that would draw American government and society closer to her aristocratic, imperial model. When Hamilton gathered an army in the fall of 1794 to suppress the “Whiskey Rebellion,” Madison saw in the making “a formidable attempt . . . to establish the principle that a standing army was necessary for *enforcing the law*.” After Hamilton had persuaded Washington to criticize publicly the democratic societies that had mushroomed in opposition to federalist policies in 1794-95, Madison retorted that “in the nature of republican government the censorial power is in the people over the government, and not in the government over the people.” Executive arrogance heightened, in Madison’s opinion, in the debate over Jay’s Treaty in the House of Representatives in 1796. Federalist Roger Griswold insisted that having received the approval of the President and of the Senate, the Treaty “is become law, and the House of Representatives have nothing to do with it, but provide for its execution.” Washington also refused to let the House see papers related to the negotiation of the Treaty under an early version of the doctrine of executive privilege (but quite different from that asserted by Richard Nixon and Arthur St. Clair in 1974). This, to Madison, made a mockery of republican principles and showed clearly the inherently encroaching nature of executive power. More

and more, he gravitated toward political response: to be safe, executive power had to be in the hands of people who were more faithful to republican principles than Hamilton, John Adams, Timothy Pickering, and even the revered Washington.

During Adams's administration, Madison continued to fret and fume over executive excess. He saw in the president's florid addresses in the war crisis of 1798 only "violent passions and heretical politics," and he labelled the Alien Act "a monster that must forever disgrace its parents." "Perhaps it is a universal truth," he wrote Jefferson in an early parallel to the Church Committee condemnations of the domestic activities of the CIA in 1976, "that the loss of liberty at home is to be charged to provisions against danger real or pretended from abroad." In the Report on the Virginia Resolutions (1800), Madison scored an enlargement of the executive by "excessive augmentation of . . . offices, honors, and emoluments" that seemed bent on "the transformation of the republican system of the United States into a monarchy."

Jefferson's victory in 1801, then, was for Madison the end of an exceedingly dangerous era in the growth or, more accurately, the degradation of the republic. He had witnessed the Constitution he had largely helped draft and had enthusiastically recommended to his countrymen used, indeed abused, in ways he was sure would destroy the whole notion of free self-government. The chief engine for this ruin, built by Hamilton from a domestic coalition of mercantile, anti-republican forces and a consolidation spurred by foreign danger, was the executive department. As Madison noted repeatedly during the 1790's, such a tendency was no surprise to one familiar with the history of Rome and other republics. He entered Jefferson's cabinet, then, with both a keen sense of the need for legitimate executive authority arising from his experience of the 1780's, and an intense apprehension of the dangers of executive excess born of his observation of Hamilton's executive "phalanx" in the 1790's. He knew now that the Constitution made room for both the legitimacy and for

the excess. Only a proper republican management, faithful to the rights and needs of a free people, could insure the former and prevent the latter. This was the grounds for the politicization of both Madison and Jefferson.

### III

Service in Jefferson's cabinet had the not surprising effect of reviving Madison's sense of the legitimate use of executive power. So much so in fact, that more doctrinaire Republicans such as John Randolph of Roanoke saw him as a dangerous "crypto-Federalist" betraying Jeffersonian principles. Madison, however, was discriminating. He agreed thoroughly with Jefferson and Gallatin that a prime Republican responsibility was to reduce the apparatus of federal government and especially of the executive department. But, as Jefferson stated in his first Inaugural Address, among the "essential principles of our government [was] . . . the preservation of the general government in its whole constitutional vigor" that it might, among other things, encourage agriculture and "commerce as its handmaid." The new president also called for "the support of state governments in all their rights, as the most competent administrations of our domestic concerns, and the surest bulwarks against anti-republican tendencies; . . . the supremacy of the civil over the military authority; [and] economy in the public expense, that labor might be lightly burdened."

Madison undertook his own campaign for "mild" government by firing one of the eight clerks in the State Department (its entire personnel in 1801) and by abandoning virtually all ceremony in conducting his office. He approved Republican measures to reduce the diplomatic establishment, lower the number of federal employees, put the national debt "on the road to extinction," diminish the military, reduce taxes, and repeal the Federalist Judiciary Act of 1801. He agreed, though, that Federalist institutions that had proven useful, such as the National Bank, could remain undisturbed, and he participated willingly in the informal leadership Jefferson ex-

ercised through his influence over key members of Congress. Even Gallatin, who had an especially keen sense of the "why and how" of "republicanizing" the executive department, sought earnestly to sustain institutions that would make it possible for the federal government to lead, or at least guide, the nation. The republican theory of executive power, then, was not a heedless dismantling that would make governing itself virtually impossible, but rather to alter the tone and manner of executive authority to make it consistent with the very essence of republicanism; that is to be "mild" rather than imperious.

In two major events of Jefferson's Presidency, the Louisiana Purchase and the Embargo, Madison showed his willingness to use executive power to achieve important republican ends. He agreed with Gallatin that the Louisiana Purchase was constitutional because "the existence of the United States as a nation presupposes the power enjoyed by every nation of extending their territory by treaties," and that the Constitution clearly gave the executive the authority to conduct such treaties. The critically important republicanizing results of the Purchase—the doubling of agricultural lands, the removal of great power rivalry from the Mississippi Valley, and the reduction thus permitted in defense expenditures—more than compensated for a departure from the letter of Jefferson's self-imposed strict constructionism. Madison appreciated Jefferson's scruples, and he supported the plan to seek a constitutional amendment to validate the purchase, if achievable, but he saw, too, that it would be falsely republican to forfeit the benefits of the Purchase to maintain a narrow, doctrinaire consistency.

The Embargo was a similarly bold effort to achieve a momentous republican breakthrough—nothing less than a substitution of economic pressure for war in international relations—by the orderly processes of a law passed by Congress and its faithful administration by the executive department. Jefferson and Madison, however, both underestimated the sectional inequity of the measure and the consequent unwil-

lingness of the nation to accept the required sacrifices, and overestimated the dependence of international trade (especially Britain's) on American exports. Thus enforcement of the Embargo, and the apparent need for its long-range continuance, soon entailed a considerable extension of executive power. Gallatin, in charge of enforcement, reported that to make the Embargo effective measures "equally dangerous and odious" would be needed: "not a single vessel shall be permitted to move without the special permission of the executive," collectors would have to "be invested with the general power of seizing property anywhere . . . without being liable to personal suits," and "a little army" would have to patrol the Canadian border. Such measures, of course, appalled Gallatin, but even more dangerous he thought, was to "display our impotence to enforce our laws." At this point, the Republican leaders, Madison most reluctantly, made a revealing decision. They gave up a policy proven ineffective in its intended objective and, even worse, sure seriously to erode republican values if persisted in in the face of widespread public opposition. They resisted the temptations to prove determination and "credibility" by enlarging executive authority and to overpower rather than conciliate deep-felt opposition. The contrast with less scrupulously republican exercises of executive power is obvious and significant.

Madison thus began his own presidency facing immense difficulties. He was forced, furthermore, to accept dictation from Congress about the make-up of his cabinet. In many ways, these were unhappy appointments, but they also reveal more of Madison's conception of executive power. To him, recognizing, even acceding to, congressional pressures seemed somehow republican in spirit; or to put it conversely, Madison saw danger in an executive so far from, so independent of congressional opinion as to find himself defying it. As all the world watched to see what the new republic would do as it faced Armageddon, Madison felt obliged to resist Caesarism, pro-consulism, or, more precisely, Hamiltonism of any kind. He was unable to envision how, in the manner of a Lincoln or

a Churchill or a Roosevelt, the chief executive of a democratic nation might in emergencies necessarily move away from strictly republican modes and act with vigor, highhandedness, and even ruthlessness to defend the nation. Madison's hesitation is a credit to his republican earnestness, but his ineptitude is a mark of his failure to grasp a realistic corollary of republican government. Thus, rather than face the known and manifest threats to every principle of free government, Madison chose, deliberately, to accept the dangers of weak and divided, even compromised councils. Though this may seem overscrupulous, even misguided and foolish in retrospect, in the unsettled state of government after only 20 years under the new constitution, Madison's caution is understandable. Hamilton's possible courses under similar circumstances, to have seized the reins and permanently subordinated Congress and other sources of opposition, or to have given a vigorous but benign direction to events, reveal either the reality of Madison's concern or the virtue of a more imperious course. The fact that we can plausibly conjecture both alternatives illustrates the dangerous uncertainties present.

Relations between Madison and the so-called War Hawk Congress that met in November 1811 further reveal both Madison's view of executive power and his use of it. The War Hawks—Clay, Calhoun, Lowndes, Grundy, Porter, and others—were influential not in dragging the President out of a paralysis of indecision or in propelling him and the nation into an unnecessary imperialism, but in supplying leadership in Congress and in the country that could give effect to a policy the President thought vital to national survival. Through the frustrating winter of 1811–12, Madison was pleased that Congress moved haltingly to some of his recommended war preparations (not enough or not altogether proper ones, but better than nothing), and that speeches and newspaper editorials rallied public opinion for the impending trial of strength. Madison and his new Secretary of State, James Monroe, worked closely with congressional committees "to moderate the zeal and impatience of the ultra belligerent men, and to

stimulate the more moderate and forbearing" in order, Madison's private secretary remembered, to carry a declaration of war when the time came, "by a large and influential majority."

Whatever can be said of Madison's prudence and skill in achieving a congressional majority for war, however, his organization of the executive department and of the armed forces, for which he had clear and direct responsibility, left much to be desired. The War and Navy Departments had, besides, as Senator W.H. Crawford noted, secretaries "incapable of discharging the duties of their office," no assistant secretaries, and less than a dozen clerks each to organize a far-flung war effort. Furthermore, there were no staff officers in either service attached to the departments in Washington to aid in planning and liaison; orders had to go directly from the incompetent secretaries to officers in the field. Though congressional refusal to authorize and pay for such officials, Senate rejection of some nominees, and the refusal of others to serve must bear some of the blame, a resourceful, determined President might have prevailed by cleverness, brow-beating, and sheer will power—one needs only to imagine Andrew Jackson in the White House in 1812 to grasp the possibilities. But to these very real difficulties, and to Madison's personal liabilities, must be added the same republican scrupulousness that prevented him from dealing more forcefully with Congress. If Congress did not provide explicitly for a more potent war machine, and if citizens were unwilling to rush to the colors, it was not the President's task, or even within his powers, to compel a different path. Indeed, to have so acted would, from Madison's perspective, have fundamentally and perhaps fatally altered the very nature of constitutional government in the still-new nation. Thus he took the nation into war *knowing* it was divided and ill-prepared, and depending, naively, on its ability to mobilize and rise to the occasion once war had been declared. Madison failed to discern a path both forceful and republican—perhaps the most difficult of all balances to achieve, and one which has, in the tendency

toward overemphasis on force and efficiency, often been the path to both frontal assaults on freedom and the cancerous growth of what Arthur Schlesinger has called "The Imperial Presidency." No friend of free government who has observed the Johnson and Nixon presidencies can be unmindful of, or unsympathetic toward, Madison's dilemma as the clouds of war gathered.

## IV

The conduct of the war proved as difficult and perilous as moving toward it. Instead of sustaining the "mild," republican government undertaken in 1801, war reversed direction. As he had feared, Secretary of the Treasury Gallatin found himself forced to be "a mere financier, to become a contriver of taxes, a dealer in loans, a seeker of resources for the purpose of supporting useless baubles, of increasing the number of idle and dissipated members of the community, of fattening contractors, pursers, and agents, and of introducing in all its ramifications that system of patronage, corruption, and rotteness" the Republicans had so long resisted. Even a "just war" was deeply antithetical to cherished republican values.

Madison's patient endurance of a nearly treasonable opposition to the war and his careful protection of civil liberties during it, however, most precisely reveal his standing as a republican executive. When the Federalists made open, skilled, strenuous, and often shrill opposition to the Administration's every move, they encouraged, Madison thought, both at home and abroad, the belief that war would not be seriously prepared for, finally declared, or effectively fought. The result, noted Pennsylvania Congressman Jonathan Roberts, was that "all along [there was] an idea cherished by the opposition, that the [Republicans] would not have nerve enough to meet the war." This, Roberts concluded, "mainly induced Britain to persist in her aggressions. If she could have been made to believe . . . that we were a united people, and would act as such, war might have been avoided." A London

newspaper put the matter even more bluntly: "In every measure of the [American] government, the [Federalist] faction have rallied in opposition, and urged the [British] Ministry to persist in their Orders." Madison thus felt, with some justification, that had his Administration received full and loyal support from the whole country, his republican faith in measures short of war might have prevailed. He also realized, paradoxically and ruefully, that this republican *end*, of preserving national integrity and interests without war, had been frustrated at least in part by his fidelity to the republican *means* of allowing full freedom to dissidents. The tension, of course, was inherent and one which Madison had struggled with since experiencing similar frustrations in Congress during the Revolutionary War. Then, as now, genuine devotion to free, self-government has often been revealed in a willingness to accept difficulties and obstructions in order to persist more fundamentally in the methods of freedom in pursuing a goal. Events in Washington in 1973-4, and in New Delhi in 1975, for examples, attest to this need.

Once the war began Madison faced a series of largely New England-based obstructions: to recruiting officers, to militia mobilizations, to tax collectors, to credit needs, to court orders, to trade regulations, and even to movements of the federal army and navy. It was not only uncongenial personally and in principle for Madison to move harshly against these enervating resistances, but very nearly practically impossible as well. The federal system itself, which in Madison's own theory was the *only* republican way to govern a nation as large as the United States, gave state officials a multitude of ways to obstruct national conduct of the war. Furthermore, republican theory forbade stifling the opposition or summarily denying civil liberties even in wartime; to do so was tantamount to losing the essential point (a free society) at the beginning and by default.

Though the repulse of the British forces in the Champlain Valley and before Baltimore in September 1814 ended the immediate threat of conquest and ultimately persuaded Wel-

lington and other British leaders to accept a stand-off peace agreement, months passed before Madison had sure evidence of the British reaction. In the meantime an enlarged war seemed likely amid heightened domestic difficulties. Though Rufus King led Federalists in Congress to a loyal if grudging support of the war effort, extremists, still vociferous and strong, reacted differently. To King's plea for support of the Administration, Gouverneur Morris retorted, "how often, in the name of God, will you agree to be cheated? What are you to gain by giving Mr. Madison Men and Money? . . . An union of the commercial states to take care of themselves, leaving the War, its expense and its debts to those choice spirits so ready to declare and so eager to carry it on, seems to be now the only rational course."

Vice-President Gerry's death in November 1814, accompanied by Federalist schemes to elect King President pro tem of the Senate and thus put him next in line for the Presidency, and hints, even hopes that Madison might "quietly sleep with the late vice-president," did little to bolster national morale. Not surprisingly, one visitor in Washington found Madison's thoughts and conversation "full of the New England sedition." To an old friend he unburdened himself with expressions of presidential bitterness matched, one suspects, only by Lyndon Johnson's frustrated rage at opponents of the Vietnam war. Madison wrote: "You are not mistaken in viewing the conduct of the Eastern States as the source of our greatest difficulties in carrying on the war; as it is certainly the greatest, if not the sole, inducement with the enemy to persevere in it. The greater part of the people in that quarter have been brought by their leaders, aided by their priests, under a delusion scarcely exceeded by that recorded in the period of witchcraft; and the leaders are daily becoming more desperate in the use they make of it. Their object is power. If they could obtain it by menaces, their efforts would stop there. These failing, they are ready to go to every length. . . ."

In this atmosphere Madison faced more New England resistances to war measures. Massachusetts refused to send mili-

tia to meet a British invasion of Maine, Vermont smugglers drove herds of cattle into Canada to feed British troops, Connecticut Federalists talked of a New England army free from federal control, and the Massachusetts legislature called for a convention to plan regional "self-defense," and to decide whether "to lay the foundation for a radical reform in the national compact," a resolution that led to the Hartford Convention of December 1814. Secretary of War James Monroe found these moves so threatening that he sent the hero of Lundy's Lane, Col. Thomas Jesup, to Hartford, ostensibly as a recruiting officer, but actually as a federal agent to watch for possible treason and rebellion. Jesup's unreassuring reports caused Monroe to authorize New York Governor Tompkins and General Robert Swartwout to send in loyal troops in case of a New England uprising. Only the triumph of relative moderates at the Hartford Convention persuaded Monroe and Madison to relax from a posture of armed preparedness against potential domestic insurrection.

All this watchful concern by the administration, however, occurred without whipping up the public against the dissenters, without attempting to interfere with the Hartford Convention, and without any special declarations of emergency or other measures that might have led to detentions, strictures on the press, threats to public meetings, or other curtailments of civil liberties. It might be argued, of course, that to praise such restraint is to make a virtue of necessity since the degree of disaffection in New England was such that Madison could not have coerced the home territory of Daniel Shays even if he had tried. Perhaps, and at the very least some stiff fighting might have ensued, but the temptation and likely the force for a repressive policy existed. For the time being at least, British forces in Canada were discouraged and quiescent as attention focused on New Orleans, so the veterans of Plattsburg and the Niagara Frontier, now battle-tested and under vigorous, young leadership, were available for service. A few regiments marched to Hartford or Springfield or even Boston might have cowed the dissidents and emboldened national

sentiment in the region. Furthermore, politically the Republicans might have relished an opportunity to brand their foes as traitors and perhaps discredit them for a generation. Again one need only imagine what Hamilton, who had mobilized an army against the whiskey rebels, or Jackson, who would threaten and sign the Force Act (to say nothing of the examples of Cromwell, Lord Salisbury, Bismarck, and Kemal Ataturk at other times and places), might have done in New England in 1814 to see the point.

## V

In any case, Madison's course was consistent with his theory of republican government and especially of the use of executive power. Though in the last extremity he might have suspended civil liberties or even marched in the army, even to have had to do so would for him have been a stunning, profoundly sorrowful defeat—a "victory" in such an effort would have had only a bitter taste. Foreign war, with the mobilization, waste, restriction, suffering, and bloodshed it entailed was blow enough to Madison's view of republicanism, but to have acted as a tyrant within his own country would have been to default grievously and utterly. Madison's willingness to act firmly to sustain Washington's army in 1780–81, and his support of Jackson in the nullification crisis, are clear evidence of his willingness to defend the nation with force if necessary, and he probably would have approved Lincoln's understanding and defense of the union in 1861, but these were indeed extremities from which he held back as much as possible, both personally and in principle. The image of Madison as a mild-mannered, self-effacing, indecisive, even "withered little applejohn" of a man, is in part caricature and in part an accurate description of his personality and appearance, but it is also part of his conception of the republican leader. To be imperious, or domineering, or grand was to him simply inappropriate in a president who was the agent of the people, the follower of Congress in matters of policy, and the

creature of the Constitution in the definition of his powers. In this sense Madison's conduct of the War of 1812, with all its difficulties, indecisiveness, and failures, was an ultimate triumph in that republican government emerged confirmed and strengthened.

Madison failed to resolve painful dilemmas in his presidency, and he lacked a proconsular decisiveness often useful to a wartime executive, but he was well aware of the realities he confronted, and, moreover, he had profound, principled reasons for the course he took. His experience in the 1780's left him a firm though watchful friend of executive authority and responsibility—a view, by the way, that re-emerged in his remarkable seventh annual message of December 1815, recommending a national bank, a small but professional defense force, a selective protective tariff, internal improvements, and a national university. Deeply disturbing to him, though, were the actual and potential uses of executive power, even under a supposedly limiting constitution, that Hamilton demonstrated in the 1790's. This refocused Madison's sense of what a consistently *republican* executive had to be. During Jefferson's administration, the president and his two chief cabinet officers had a creative and propitious opportunity to work out the parameters of a faithfully republican leadership. Thus impressed with both the dangers and opportunities, Madison entered his own presidency with guidelines firmly in mind. Thomas Bailey's criticism of Madison for not being "a dynamic leader of men," which of course is true, in part misses the point because Madison had solid grounds for not wanting the president to be everlastingly such a "dynamic" leader. In every one of his critical relationships and decisions—in bringing the nation face-to-face with war, in dealing with Congress, in organizing his cabinet, and in enduring a near-treasonable dissent—he acted in view of *republican* principles of executive leadership. To do otherwise, he believed, would be to default in advance, to "lose" the war by waging it incongruously, whatever the clauses of its terminating treaty. Madison won the War of 1812, basically, by his republican

conduct of it. As French Minister Séurier put it in February 1815, "three years of warfare have been a trial of the capacity of [American] institutions to sustain a state of war, a question . . . now resolved to their advantage."

In the spring of 1974, when Richard Nixon was at bay in the Oval Office editing the White House tapes, Richard Harris reflected insightfully on a speech the President had made on the 165th anniversary of the birth of Abraham Lincoln. Nixon had sought in the speech, delivered at the Lincoln Memorial surrounded by the chiselled words of his predecessor, to evoke comparisons between the Great Emancipator and himself. Noting that in 1974 the United States was "the strongest nation in the world, the richest nation by far in the world, and a nation greatly respected all over the world," Nixon stated that Lincoln "would have asked, as we must ask ourselves, how will history look back on our time? What did we do with our strength? What did we do with our wealth?" Then, quoting Lincoln's phrase about the United States being "the last, best hope of the earth," Nixon supposed his predecessor would have agreed that "we had a destiny far beyond this great nation, looking out over the whole wide world." Actually, of course, in speaking of a "last, best hope" Lincoln had had in mind the domestic example of ending slavery, not a world crusade. "The fiery trial through which we pass will light us down, in honor or dishonor, to the latest generation," he had said, pointing out that to preserve the union in its republican character was the fundamental war aim.

Nixon's attempted comparison, ludicrous and self-serving, nevertheless highlights the essential nature of Madison's view of executive power. Nixon was willing to subordinate republican modes in order to pursue grand schemes of geopolitics, and to conduct his high office in almost any way necessary to retain his political power. The first intention may have had its noble aspects, but as Nixon pursued it, it entailed fatal ramifications at home, while the second goal was simply a grotesque perversion of every republican premise. Lincoln, on the other hand, had a keen sense of the inherent nature of free govern-

ment both in his insistence that slavery be "put on a course toward ultimate extinction" and in his relatively unrepresive conduct of an agonizing civil war. Though Madison did not possess the poignant humaneness and sense of humor that made Lincoln's presidency a spiritual triumph, and he also lacked Lincoln's gift for making the surgical decision, Madison's kinship with Lincoln rather than with Nixon is obvious. Both the architect and the savior of the Union knew that to be a faithfully republican chief executive is to embody republican principles in both the routine and "crisis" conduct of the office. Madison gradually evolved an understanding of what this meant as he helped fashion the presidency, moved toward it in his own public career, and then carried out his executives duties in time of war, international turmoil, and domestic disharmony.

This understanding of how executive power, long thought to be inherently monarchical, had to become implicitly republican was the most critical insight into the operational meaning of free government to emerge from the Revolutionary Era. And, in our day of Watergate tapes, "covert surveillance," and the Church Committee Report on the CIA and the FBI, which have revealed an "imperial presidency" in all its malignant arrogance dwelling within constitutional forms, this conception and use of executive power may be Madison's most significant contribution to our concern to grasp anew the basic tenets of American democratic government.