**Chapter Six**

**Jeffersonian Democracy**

0nce the furor over war and subversion subsided, public attention focused on the presidential contest between Adams and Jefferson. Because of his stand for peace, Adams personally escaped the brunt of popular indignation against the Federalist party. His solid qualities had a strong appeal to conservatives, and fear that the Republicans would introduce radical "French" social reforms did not disappear. Many nationalist-minded voters worried lest the strong government established by the Federalists be weakened by the Republicans in the name of states' rights. The economic progress stimulated by Hamilton's financial reforms also seemed threatened. But when the electors' votes were counted in February 1801, the Republicans were discovered to have won narrowly, 73 to 65.

**The Election of 1800**

But which Republican? The Constitution did not distinguish between presidential and vice presidential candidates; it provided only that each elector should vote for two candidates, the one with the most votes becoming president and the runner-up vice president. The development of national political parties made this system impractical. The vice presidential candidate of the Republicans was Aaron Burr of New York, a former senator and a rival of Hamilton in law and politics. But Republican party solidarity had been perfect: Jefferson and Burr received 73 votes each. Because of the tie, the Constitution required that the House of Representatives (voting by states) had to choose between them.

In the House, the Republicans could control only 8 of the 16 state delegations. On the first ballot, Jefferson got these 8 votes, one short of election; 6 states voted for Burr. Two state delegations, being evenly split, lost their votes. Through 35 ballots the deadlock persisted; the Federalist congressmen, fearful of Jefferson's supposed radicalism, voted solidly for Burr. Finally Hamilton, who detested Burr, threw his weight to Jefferson. The Federalists yielded, and Jefferson was elected. Burr became vice president.

To make sure that this deadlock would never be repeated, the Twelfth Amendment was drafted, providing for separate balloting in the electoral college for president and vice president. This change was ratified in 1804, shortly before the next election.

**The Federalist Contribution**

On March 4, 1801, in the raw new national capital on the Potomac River named in honor of the father of his country, Thomas Jefferson took the presidential oath and delivered his inaugural address. His goal was to recapture the simplicity and austerity-the "pure republicanism"-that had characterized "the spirit of '76." The new president believed that a revolution as important as that heralded by his immortal Declaration of Independence had occurred, and for once most of his political enemies agreed with him.

Certainly an era had ended. In the years between the Peace of Paris and Jay's Treaty, the Federalists had practically monopolized the political good sense of the nation. In the perspective of history, they were "right" in strengthening the federal government, in establishing a sound fiscal system, in trying to diversify the economy, in seeking an accommodation with Great Britain, and in refusing to be carried away with enthusiasm for France despite the bright dreams inspired by the French Revolution. The Constitution is their monument, with its wise compromises, its balance of forces, its restraint, and its practical concessions to local prejudices.

But the Federalists were unable to face up to defeat. When they saw the Republicans gathering strength by developing clever new techniques of party organization and propaganda, they panicked. Abandoning the sober wisdom of their great period, they fought to save themselves at any cost. The effort turned defeat into rout. The Republican victory, fairly close in the electoral college, approached landslide proportions in the congressional elections, where popular feeling expressed itself directly.

Jefferson erred, however, in calling this triumph a revolution. The real upheaval had been attempted in 1798; it was Federalist inspired, and it had failed. In 1800 the voters expressed a preference for the old over the new, that is, for individual freedom and limited national power. And Jefferson, despite Federalist fears that he would destroy the Constitution and establish a radical social order, presided instead over a regime that confirmed the great achievements of the Federalist era.

What was most significant about the election of 1800 was that it was not a revolution. After a bitter contest, the Jeffersonians took power and proceeded to change the policy of the government. They did so peacefully. Thus American republican government passed a crucial test: Control of its machinery had changed hands in a democratic and orderly way. And only slightly less significant, the informal party system had demonstrated its usefulness. The Jeffersonians had organized popular dissatisfaction with Federalist policies, formulated a platform of reform, chosen leaders to put their plans into effect, and elected those leaders to office.

**Thomas Jefferson: Political Theorist**

Jefferson hardly seemed cut out for politics. Although in some ways a typical, pleasure-loving southern planter, he had in him something of the Spartan. He grew tobacco but did not smoke. Unlike most planters he never hunted or gambled, though he was a fine horseman and enjoyed dancing, music, and other social diversions. His practical interests ranged enormously-from architecture and geology to natural history and scientific farming-yet he displayed little interest in managing men. Controversy dismayed him, and he tended to avoid it by assigning to some thicker-skinned associate the task of attacking his enemies.

Like Hamilton, Jefferson thought human beings basically selfish. "Lions and tigers are mere lambs compared with men," he once said. Although he claimed to have some doubts about the subject, he suspected that blacks were "inferior to whites in the endowments both of body and mind." Jefferson's pronouncements on race are yet more troubling in light of recent research, including DNA studies, that point to the likelihood that he fathered one or more children by Sally Hemings, one of his slaves.

Yet like a good child of the Enlightenment, Jefferson believed that "no definite limits can be assigned to the improvability of the human race" and that unless people were free to follow the dictates of reason, the march of civilization would grind quickly to a halt. Democracy seemed to him not so much an ideal as a practical necessity. If people could not govern themselves, how could they be expected to govern their fellows? He had no patience with Hamilton's fondness for magnifying the virtues of the mob and the well-born. He believed that "genius" was a rare quality but one "which nature ~ has shown as liberally among poor as rich. " When a very old man, he wrote: "The mass of mankind has not been born with saddles on their backs, nor a a favored few booted and spurred, ready to ride them legitimately, by the grace of God."

Jefferson believed all government a necessary evil at best, for by its nature it restricted the freedom of the individual. For this reason, he wanted the United States

to remain a society of small independent farmers. Such a nation did not need much

political organization.

Jefferson's main objection to Hamilton was that Hamilton wanted to commercialize and, centralize the country. This Jefferson feared, for it would mean the growth of cities, which would complicate society and hence require more regulation. Like Hamilton, he believed that city workers were easy prey for demagogues. "I consider the class of artificers as the panders of vice, and the instruments by which the liberties of a country are usually overturned," he said. "Those who labor in the earth," he also said, "are the chosen people of God, if ever He had a chosen people."

Jefferson objected to what he considered Hamilton's pro-British orientation. Despite his support of the Revolution, Hamilton admired English society and the orderliness of the British government, and he modeled much of his financial program on the British example. To the author of the Declaration of Independence, these attitudes passed all understanding. Jefferson thought English society immoral and decadent, and the British system of government fundamentally corrupt.

**Jefferson as President**

The novelty of the new administration lay in its style and its moderation. Both were apparent in Jefferson's inaugural address. The new president's opening remarks showed that he was neither a demagogue nor a firebrand. "The task is above my talents," he said modestly, "and . . . I approach it with . . . anxious and awful presentiments." The people had spoken, and their voice must be heeded, but the rights of dissenters must be respected. "All . . . will bear in mind this sacred principle," he said, "that though the will of the majority is in all cases to prevail, that will to be rightful must be reasonable; that the minority possess their equal rights, which equal law must protect, and to violate would be oppression."

Jefferson spoke at some length about specific policies. He declared himself against "entangling alliances" and for economy in government, and he promised to pay off the national debt, preserve the government's credit, and stimulate both agriculture and its "handmaid," commerce. His main stress was on the cooling of partisan passions. "Every difference of opinion is not a difference of principle. We have called by different names brethren of the same principle. We are all Republicans-we are all Federalists." And he promised the country "a wise and frugal Government, which shall restrain men from injuring one another ... [and] leave them otherwise free to regulate their own pursuits."

Jefferson quickly demonstrated the sincerity of his remarks. He saw to it that the Whiskey Tax and other Federalist excises were repealed, and he made sharp cuts in military and naval expenditures to keep the budget in balance. The national debt was reduced from $83 million to $57 million during his eight years in office. The Naturalization Act of 1798 was repealed and the old five-years' requirement for citizenship restored. The Sedition Act and the Alien Act expired of their own accord in 1801 and 1802.

The changes were not drastic. Jefferson made no effort to tear down the fiscal structure that Hamilton had erected. "We can pay off his debt," the new president confessed, "but we cannot get rid of his financial system." Nor did the author of the Kentucky Resolves try to alter the balance of federal-state power.

Yet there was a different tone to the new regime. In the White House, Jefferson often wore a frayed coat and carpet slippers, even to receive the representatives of foreign powers when they arrived, resplendent with silk ribbons and a sense of their own importance, to present their credentials. During business hours, congressmen, friends, foreign officials, and plain citizens coming to call took their turn in the order of their arrival. "The principle of society with us," Jefferson explained, "is the equal rights of all.... Nobody shall be above you, nor you above anybody, pell-mell is our law."

"Pell-mell" was also good politics, and Jefferson turned out to be a superb politician. He gave dozens of small stag dinner parties for congressmen, serving the food personally from a dumbwaiter connected with the White House kitchen. These were ostensibly social occasions-shoptalk was avoided-yet they paid large political dividends. "You see, we are alone and our walls have no ears," he would say, and while the wine flowed and the guests sampled delicacies prepared by Jefferson's French chef, the president manufactured political capital. "You drink as you please and converse at your ease," one senator-guest reported.

Jefferson made effective use of his close supporters in Congress, and of Cabinet members as well, in persuading Congress to go along with his proposals. His state papers were models of sweet reason, minimizing conflicts, stressing areas where all honest citizens must agree. After all, as he indicated in his inaugural address, nearly all Americans did believe in having both a federal government and a republican system. No great principle divided them into irreconcilable camps. Jefferson set out to bring them all into his camp and succeeded so well in four years that when he ran for reelection against Charles Pinckney, he got 162 of the 176 electoral votes cast.

**Jefferson's Attack on the Judiciary**

Although notably open-minded and tolerant, Jefferson had a few stubborn prejudices. One was against kings, another against the British system of government. A third was against judges, or rather, against entrenched judicial power. Although recognizing that judges must have a degree of independence, he feared what he called their "habit of going out of the question before them, to throw an anchor ahead, and grapple further hold for future advances of power." The biased behavior of Federalist judges during the trials under the Sedition Act had enormously increased this distrust. It burst all bounds when the Federalist majority of the dying Congress rammed through the Judiciary Act of 1801.

The Judiciary Act created 6 new circuit courts, presided over by 16 new federal judges, and a small army of attorneys, marshals, and clerks. The expanding country needed the judges, but with the enthusiastic cooperation of President Adams the Federalists made shameless use of the opportunity to fill all the new positions with conservative members of their own party. The appointees were dubbed "midnight justices" because Adams had stayed up till midnight on March 3, his last day as president, feverishly signing their commissions.

The Republicans retaliated as soon as the new Congress met by repealing the Judiciary Act of 1801, but on taking office Jefferson had discovered that in the confusion of Adams's last hours the commissions of a number of justices of the peace for the new District of Columbia had not been distributed. Although these were small fry indeed, Jefferson was so angry that he ordered the commissions held up even though they had been signed by Adams. One of Adams's appointees, William Marbury, then petitioned the Supreme Court for a writ of mandamus (Latin for "we order") directing the new secretary of state, James Madison, to give him his commission.

The case of Marbury v. Madison (1803) placed one of Adams's "midnight" appointments, Chief Justice Marshall, in an embarrassing position. Marbury had a strong claim. If Marshall refused to issue a mandamus, everyone would say he dared not stand up to Jefferson, and the prestige of the Court would suffer. If he issued the writ, however, he would place the Court in direct conflict with the executive. Madison would probably ignore the order, and in the prevailing state of public opinion nothing would be done to make him act. This would be a still more staggering blow to the judiciary. What should the chief justice do?

Marshall had studied law only briefly and had no previous judicial experience, but in this crisis he first displayed the genius that was to mark him as a great judge. By right Marbury should have his commission, he announced. However, the Court could not require Madison to give it to him. Marbury's request for a mandamus had been based on an ambiguous clause in the Judiciary Act of 1789. That clause was unconstitutional, Marshall declared, and therefore void. Congress could not legally give the Supreme Court the right to issue writs of mandamus in such circumstances.

With the skill and foresight of a chess grand master, Marshall turned what had looked like a trap into a triumph. By sacrificing the pawn, Marbury, he established the power of the Supreme Court to invalidate federal laws that conflicted with the Constitution. Jefferson could not check him because instead of throwing an anchor ahead, as Jefferson had feared, Marshall had refused power. Yet he had certainly grappled a "further hold for future advances of power," and the president could do nothing to stop him.

The Marbury case made Jefferson more determined to strike at the Federalist dominated courts. He decided to press for the impeachment of some of the more partisan judges. First he had the House of Representatives bring charges against District Judge John Pickering. Pickering was clearly insane-he had frequently delivered profane and drunken harangues from the bench-and the Senate quickly voted to remove him. Then Jefferson went after a much larger fish, Samuel Chase, associate justice of the Supreme Court, whose handling of cases under the Sedition Act had been outrageously high-handed. But the trial demonstrated that Chase's actions had not constituted the "high crimes and misdemeanors" required by the Constitution to remove a judge. Even Jefferson became disenchanted with the efforts of some of his more extreme followers and accepted Chase's acquittal with equanimity.

**The Barbary Pirates**

Aside from these perhaps salutary setbacks, Jefferson's first term was a parade of triumphs. Although he cut back the army and navy sharply in order to save money, he temporarily escaped the consequences of leaving the country undefended because of the lull in the European war signalized by the Treaty of Amiens between Great Britain and France in March 1802. Despite the fact that he had only seven frigates in commission, he even managed to fight a small naval war with the Barbary pirates without damage to American interests or prestige.

The North African Arab states of Morocco, Algiers, Tunis, and Tripoli had for decades made a business of piracy, seizing vessels and their cargoes and holding passengers and crews for ransom. The European powers found it simpler to pay them annual protection money than to crush them. Under Washington and Adams, the United States joined in the payment of this tribute. Such pusillanimity ran against Jefferson's grain, and, when the Pasha of Tripoli tried to raise the charges, he balked. Tripoli then declared war in May 1801, and Jefferson dispatched a squadron to the Mediterranean.

The pirates were not overwhelmed, but America, though far removed from the pirate bases, was the only maritime nation that tried to resist their shameful blackmail. In 1815 the tribute was ended and the Pasha agreed to a new treaty more favorable to the United States.

**The Louisiana Purchase**

The major achievements of Jefferson's first term had to do with the American West, and of them the greatest by far was the acquisition of the huge area between the Mississippi River and the Rocky Mountains, called Louisiana.

Along with every other American who had even a superficial interest in the West, Jefferson understood that the United States must have access to the mouth of the Mississippi and the city of New Orleans or eventually lose everything beyond the Appalachians. Thus, when he learned shortly after his inauguration that Spain had given Louisiana back to France, he was immediately on his guard. Control of Louisiana by Spain, a "feeble" country with "pacific dispositions," could be tolerated; control by a resurgent France dominated by Napoleon, the greatest military genius of the age, was entirely different. Did Napoleon have designs on Canada? Did he perhaps mean to resume the old Spanish and British game of encouraging the Indians to harry the American frontier? And what would now be the status of Pinckney's precious treaty? Deeply worried, the president instructed his newly appointed minister to France, Robert R. Livingston, to seek assurances that American rights in New Orleans would be respected and to negotiate the purchase of West Florida in case that region had also been turned over to France.

Jefferson's concern was well founded; France was indeed planning new imperial ventures in North America. The secret Treaty of San Ildefonso with Spain (1800) returned Louisiana to France. Napoleon hoped to use this region as a breadbasket for the French West Indian sugar plantations, just as colonies like Pennsylvania and Massachusetts had fed the British sugar islands before the Revolution.

However, the most important French island, Saint Domingue, or Haiti, had slipped from French control. At the time of the French Revolution the slaves of the island had revolted. In 1793 they were granted personal freedom, but they fought on under the leadership of the "Black Napoleon," a self-taught genius named Toussaint Louverture, and by 1801 the island was entirely in their hands. The original Napoleon, taking advantage of the slackening of war in Europe, dispatched an army of 20,000 men under General Charles Leclerc to reconquer it.

When Jefferson learned of the Leclerc expedition, he had no trouble divining its relationship to Louisiana. His uneasiness became outright alarm. In April 1802 he again urged Minister Livingston to attempt the purchase of New Orleans and Florida. If the right of deposit could not be preserved through negotiation, it must be purchased with gunpowder, even if that meant acting in conjunction with the despised British. "The day that France takes possession of New Orleans," he warned, "we must marry ourselves to the British fleet and nation."

In October 1802 the Spanish, who had not yet actually turned Louisiana over to France, heightened the tension by suddenly revoking the right of deposit at New Orleans. With the West clamoring for relief, Jefferson appointed his friend and disciple James Monroe minister plenipotentiary and sent him to Paris with instructions to offer up to $10 million for New Orleans and Florida. If France refused, he and Livingston should open negotiations for a "closer connection" with the British.

Before Monroe reached France, the tension was broken. General Leclerc's expedition to Saint Domingue ended in disaster. Although Toussaint surrendered, Haitian resistance continued. Yellow fever raged through the French army; Leclerc himself fell before the fever, which wiped out practically his entire force.

Napoleon then began to have second thoughts about reviving French imperialism in the New World. Without Saint Domingue, the wilderness of Louisiana seemed of little value. On April 10 he ordered Foreign Minister Talleyrand to offer not merely New Orleans but all of Louisiana to the Americans. Talleyrand summoned Livingston to his office on the rue du Bac and dropped this bombshell. Livingston was almost struck speechless but quickly recovered his composure. When Talleyrand asked what the United States would give for the province, he suggested the French equivalent of about $5 million. Talleyrand pronounced the sum "too low" and urged Livingston to think about the subject for a day or two.

Livingston faced a situation that could never confront a modern diplomat. His instructions said nothing about buying an area almost as large as the entire United States, and there was no time to write home for new instructions. The offer staggered the imagination. Luckily, Monroe arrived the next day to share the responsibility. The two Americans agreed-they could scarcely have done otherwise-to accept the proposal. Early in May they signed a treaty. For 60 million francs-about $15 million-the United States was to have all Louisiana. Never, as the historian Henry Adams wrote, "did the United States government get so much for so little."

Napoleon's unexpected concession caused consternation in America. Jefferson did not believe that the government had the power under the Constitution to add new territory or to grant American citizenship to the 50,000 residents of Louisiana by executive act, as the treaty required. But his advisers convinced him that it would be dangerous to delay approval of the treaty until an amendment could be acted on by three-fourths of the states. Because what he called "the good sense of our country" clearly wanted Louisiana, he decided to "acquiesce with satisfaction" while Congress overlooked the "metaphysical subtleties" of the problem and ratified the treaty.

Some Federalists who had been eager to fight Spain for New Orleans now attacked Jefferson for undermining the Constitution. One critic described Louisiana contemptuously as a "Gallo-Hispano-Indian" collection of "savages and adventurers." But there was never real doubt that the treaty would be ratified, and it was.

**Federalism Discredited**

The West and the South were solid for Jefferson, and the North was rapidly succumbing to his charm. The addition of new western states would soon further reduce New England's power in national affairs. So complete did the Republican triumph seem that certain die-hard Federalists in New England began to think of secession. Led by former Secretary of State Timothy Pickering, a sour, implacable conservative, a group known as the Essex Junto organized a scheme in 1804 to break away from the Union and establish a "Northern Confederacy."

Even within the dwindling Federalist ranks, the Junto had little support. Nevertheless, Pickering and his friends pushed ahead, drafting a plan whereby, having captured political control of New York, they would take the entire Northeast out of the Union. Because they could not begin to win New York for anyone in their own ranks, they supported Vice President Aaron Burr, who was running against the "regular" Republican candidate for governor of New York. Although Burr did not promise to bring New York into their confederacy if elected, he encouraged them enough to win their backing. The foolishness of the plot was revealed in the April elections: Burr was overwhelmed by the regular Republican. The Junto's scheme collapsed.

The incident, however, had a tragic aftermath. Hamilton had campaigned against Burr, whom he considered "an embryo Caesar," in his most vitriolic style. When he continued after the election to cast aspersions on Burr's character (not a very difficult assignment, as Burr frequently violated both the political. and sexual mores of the day), Burr challenged him to a duel. The two met with pistols on July 11, 1804, at Weehawken, New Jersey, across the Hudson from New York City. Hamilton made no effort to hit the challenger, but Burr took careful aim. Hamilton fell, mortally wounded. Thus a great, if enigmatic, man was cut off in his prime. His work, in a sense, had been completed, and his philosophy of government was being everywhere rejected, yet the nation's loss was large.

**Lewis and Clark**

While the disgruntled Federalists dreamed of secession, Jefferson was planning the exploration of Louisiana and the region beyond. He especially hoped to find a water route to connect the upper Mississippi or its tributaries with the Pacific Ocean. Early in 1803 he got $2,500 from Congress and obtained the permission of the French to send his exploring party across Louisiana. To command the expedition he appointed his private secretary, Meriwether Lewis, a young Virginian who had served with the army in the West and had accumulated what Jefferson described as a "mass of accurate information on all the subjects of nature." Lewis chose as his companion officer William Clark, a veteran of the Battle of Fallen Timbers, who had much experience in negotiating with Indians.

Lewis and Clark gathered a group of 48 men near St. Louis during the winter of 1803-1804. In the spring they made their way slowly up the Missouri River in a 55 foot keelboat and two dugout canoes called pirogues. By late fall they had reached what is now North Dakota, where they built a small station, Fort Mandan, and spent the winter. In April 1805, having shipped back to the president more than 30 boxes of plants, minerals, animal skins and skeletons, and Indian artifacts, they struck out again toward the mountains, accompanied by a Shoshone squaw, Sacagawea, and her French-Canadian husband, who acted as interpreters and guides. They passed the Great Falls of the Missouri and then clambered over the Continental Divide at Lemhi Pass in southwestern Montana. That the Rockies would pose an insuperable barrier to an all-water route to the Pacific was obvious. Soon thereafter the going became easier, and they descended to the Pacific by way of the Cleanwater and Columbia rivers, reaching their destination in November. They had hoped to return by ship, but during the long, damp winter not a single vessel appeared. In the spring of 1806 they headed back by land, reaching St. Louis on September 23.

The country greeted the news of their return with delight. Besides locating several passes across the Rockies, Lewis and Clark had established friendly relations with a great many Indian tribes and brought back a wealth of data about the country and its resources. The journals kept by members of the group were published and, along with their accurate maps, became major sources for scientists, students, and future explorers. To Jefferson's personal satisfaction, Lewis provided him with many specimens of the local wildlife, including two grizzly bear cubs, which he kept for a time in a stone pit in the White House lawn.

**Jeffersonian Democracy**

With the purchase of Louisiana, Jefferson completed the construction of the political institution known as the Republican Party and the philosophy of government known as Jeffersonian Democracy. From what sort of materials had he built his juggernaut? In part his success was a matter of personality; in the march of American democracy he stood halfway, temperamentally, between George Washington and Andrew Jackson, perfectly in tune with the thinking of his times. The colonial American had practiced democracy without really believing in it; hence, for example, property qualifications for voting were maintained in regions where nearly everyone owned property. Stimulated by the libertarian ideas of the Revolution, Americans were rapidly adjusting their beliefs to conform with their practices. However, it took a Jefferson, a man of large estates, possessed of the general prejudice in favor of the old-fashioned citizen rooted in the soil, yet deeply committed to majority rule, to oversee the transition.

Jefferson prepared the country for democracy by proving that a democrat could establish and maintain a stable regime. The Federalist tyranny of 1798 was compounded of selfishness and stupidity, but it was also based in part on honest fears that an egalitarian regime would not protect the fabric of society from hotheads and crackpots. The impact of the French Revolution on conservative thinking in the middle 1790s can scarcely be overestimated. America had fought a seven-year revolution without executing a single Tory, yet during the months that the Reign of Terror ravaged France, nearly 17,000 persons there were officially put to death for political "crimes," and many thousands more were killed in civil disturbances. Worse, in the opinion of many, the French extremists had attempted to destroy Christianity, substituting for it a "cult of reason." They confiscated property, imposed price controls, and abolished slavery in the French colonies. Little wonder that many Americans feared that the Jeffersonians, lovers of France and of liberte, egalite, fraternite, would try to remodel American society in a similar way.

Jefferson calmed these fears. "Pell-mell" might scandalize the British and Spanish ministers and a few other mossbacks, but it was scarcely revolutionary. The most partisan Federalist was hard put to see a Robespierre in the amiable president scratching out state papers at his desk or chatting with a Kentucky congressman at a "republican" dinner party. Furthermore, Jefferson accepted Federalist ideas on public finance, even learning to live with Hamilton's bank. As a good democrat, he drew a nice distinction between his own opinions and the wishes of the majority, which he felt must always take priority.

During his term the country grew and prospered, the commercial classes sharing in the bounty along with the farmers so close to Jefferson's heart. Blithely he set out to win the support of all who could vote. "It is material to the safety of Republicanism," he wrote in 1803, "to detach the mercantile interests from its enemies and incorporate them into the body of its friends."

Thus Jefferson undermined the Federalists all along the line. They had said that the country must pay a stiff price for prosperity and orderly government, and they demanded prompt payment in full, both in cash (taxes) and in the form of limitations on human liberty. Under Jefferson these much-desired goals had been achieved cheaply and without sacrificing freedom. Order without discipline, security without a large military establishment, prosperity without regulatory legislation, freedom without license-truly the Sage of Monticello appeared to have led his fellow Americans into a golden age.

**Domestic Concerns Vex Jefferson**

Republican virtue seemed to have triumphed, both at home and abroad. "With nations as with individuals," Jefferson proclaimed as he took the oath of office at the start of his second term, "our interests soundly calculated, will ever be found inseparable from our moral duties." And he added more complacently still: "Fellow citizens, you best know whether we have done well or ill." Such smugness and complacency are luxuries that politicians can seldom afford. Jefferson soon found himself in trouble both at home and abroad.

His domestic troubles were not of critical importance, but they were vexing. To a considerable extent they resulted from the same characteristics that explain his success: his facility in adjusting his principles to practical conditions and his readiness to take over the best of Federalism. Some of his disciples were less ready than he to surrender principle to expediency.

The most prominent of the Republican critics was John Randolph, congressman from Roanoke, Virginia. Randolph was unique. Although he had wit, charm, and imagination, he was a vitriolic and unyielding obstructionist when he thought some principle was at stake. Randolph made a fetish of preserving states' rights against invasion by the central government. "Asking one of the States to surrender part of her sovereignty is like asking a lady to surrender part of her chastity," he remarked in one of his typical epigrams.

Randolph first clashed with Jefferson in 1804 over an attempted settlement of the so-called Yazoo land frauds. In 1795 the Georgia legislature had sold a huge area to four land companies for less than two cents an acre. When it was revealed that many of the legislators had been corrupted, the next legislature canceled the grants, but not before the original grantees had unloaded large tracts on various third parties. These innocents turned to the federal government for relief when the grants were canceled. Jefferson favored a bill giving five million acres to these interests, but Randolph would have none of this. Rising in righteous wrath, he denounced in his shrill soprano all those who would countenance fraud. The compromise bill was defeated. The controversy then entered the courts, and in 1810 Chief Justice Marshall held in Fletcher v. Peck that in rescinding the grant Georgia had committed an unconstitutional breach of contract. Before Marshall's ruling, however, the federal grant was finally approved by Congress. Had it not been, Fletcher v. Peck would have provided the "victims" of the Yazoo frauds with an area considerably larger than the state of Mississippi.

**The Burr Conspiracy**

Another Republican who caused trouble for Jefferson was Aaron Burr, and again the president was partially to blame for the difficulty. After their contest for the presidency in 1801, Jefferson pursued Burr vindictively and replaced him as the 1804 Republican vice presidential candidate with Governor George Clinton, Burr's chief rival in the state.

While still vice president, Burr began to flirt with treason. He approached Anthony Merry, the British minister in Washington, and offered to "effect a separation of the Western part of the United States." His price was L110,000 and the support of a British fleet off the mouth of the Mississippi. The British did not fall in with his scheme, but he went ahead nonetheless. He joined forces with General James Wilkinson, whom Jefferson had appointed governor of Louisiana Territory, and who had been involved in secessionist movements in the West and who was secretly in the pay of Spain.

In 1806 Burr and Wilkinson raised a small force at a place called Blennerhassett Island, on the Ohio River. Some six dozen men began to move downriver toward New Orleans under Burr's command. Whether the objective was New Orleans or some part of Mexico, the scheme was clearly illegal. For some reason, however-possibly because he was incapable of loyalty to anyone-Wilkinson betrayed Burr to Jefferson at the last moment. Burr tried to escape to Spanish Florida but was captured in February 1807, taken to Richmond, Virginia, under guard, and charged with high treason.

Any president will deal summarily with traitors, but Jefferson's attitude during Burr's trial reveals the depth of his hatred. He "made himself a party to the prosecution," personally sending evidence to the United States attorney who was handling the case and offering blanket pardons to associates of Burr who would agree to turn state's evidence. On the other hand Chief Justice Marshall, presiding at the trial, repeatedly showed favoritism to the prisoner.

In this contest between two great men at their worst, Jefferson as a vindictive executive and Marshall as a prejudiced judge, the victory went to the judge. In his charge to the jury, Marshall made a verdict of not guilty almost mandatory. To "advise or procure treason" was not in itself treason, he said. In light of this charge, the jury, deliberating only 25 minutes, found Burr not guilty. The Burr affair was a blow to Jefferson's prestige; it left him more embittered than ever against Marshall and the federal judiciary, and it added nothing to his reputation as a statesman.

**Napoleon and the British**

Jefferson's difficulties with Burr may be traced at least in part to the purchase of Louisiana; empty and unknown, it excited the cupidity of men like Burr and Wilkinson. But problems infinitely more serious were also related to that territory.

Napoleon had jettisoned Louisiana to clear the decks before resuming the battle for control of Europe. This war had the effect of stimulating the American economy, for the warring powers needed American goods and American vessels. Shipbuilding boomed; foreign trade, which had quintupled since 1793, nearly doubled again between 1803 and 1805. By the summer of 1807, however, the situation had changed: A most unusual stalemate had developed in the war. In October 1805 Britain's Horatio Nelson demolished the combined Spanish and French fleets in the Battle of Trafalgar off the coast of Spain. On land, however, Napoleon quickly redressed the balance, smashing army after army thrown against him by Great Britain's continental allies. By 1807 he was master of Europe, while the British controlled the seas around the Continent. Neither nation could strike directly at the other.

They therefore resorted to commercial warfare, striving to disrupt each other's economy. Napoleon set up a paper blockade of the British Isles, which made "all commerce and correspondence" with Great Britain illegal. The British retaliated by blockading most continental ports and barring all foreign vessels from them unless they first stopped at a British port and paid customs duties. Napoleon then issued his Milan Decree (December .1807), declaring any vessel that submitted to the British rules "to have become English property" and thus subject to seizure.

The blockades seemed designed to stop commerce completely, yet this was not the case. Napoleon's "Continental System" was supposed to make Europe self-sufficient and isolate Great Britain. But he was willing to sell European products to the British (if the price were right); his chief objective was to deprive them of their continental markets. The British were ready to sell anything on the Continent and to allow others to do so too, provided they first paid a toll.

When war first broke out between Britain and France in 1792, the colonial trade of both sides had fallen largely into American hands because the danger of capture drove many belligerent merchant vessels from the seas. This commerce had engaged Americans in some devious practices. Under the Rule of War of 1756, it will be recalled, the British denied to neutrals the right to engage in trade during time of war from which they were barred by mercantilistic regulations in time of peace. If an American ship carried sugar from the French colony of Martinique to France, for example, the British claimed the right to capture it because such traffic was normally confined to French bottoms by French law. To avoid this risk, American merchants brought the sugar first to the United States, a legal peacetime voyage under French mercantilism. Then they reshipped it to France as American sugar.

This underhanded commerce irritated the British. In 1806 a British judge, Sir William Grant, decreed that American ships could no longer rely on "mere voluntary ceremonies" to circumvent the Rule of 1756. Thus, just when Britain and France were cracking down on direct trade by neutrals, Britain determined to halt the American reexport trade, thereby gravely threatening American prosperity.

**The Impressment Controversy**

More dismaying were the cruel indignities being visited upon American seamen by the British practice of impressment. Under British law, any able-bodied subject could be drafted for service in the Royal Navy in an emergency. Normally, when the commander of a warship found himself shorthanded, he put into a British port and sent a "press gang" ashore to round up the necessary men in harbor side pubs. When far from home waters, he might hail any passing British merchant ship and commandeer the necessary men, though this practice was understandably unpopular in British maritime circles. He might also stop a neutral merchantman on the high seas and remove any British subject. Because the United States owned by far the largest merchant fleet among the neutrals, its vessels bore the brunt of this practice.

Impressment had been a cause of Anglo-American conflict for many years. American pride suffered every time a vessel carrying the flag was forced to back topsails and heave to at the command of a British man-of-war,. and British officers made little effort to be sure they were impressing British subjects; any likely looking lad might be taken when the need was great. Furthermore, there were legal questions in dispute. When did an English immigrant become an American? When he was naturalized, the United States claimed. Never, the British retorted; "Once an Englishman, always an Englishman."

Because working conditions in the American merchant marine were superior to those of the British, at least 10,000 British-born tars were serving on American ships. Some became American citizens legally; others obtained false papers; some admitted to being British subjects; some were deserters from the Royal Navy. From the British point of view, all were liable to impressment.

The Jefferson administration conceded the right of the British to impress their own subjects from American merchant ships. When naturalized Americans were impressed, however, the administration was irritated, and when native-born Americans were taken, it became incensed. Between 1803 and 1812 at least 5,000 sailors were snatched from the decks of United States vessels and forced to serve in the Royal Navy. Most of them-estimates run as high as three out of every four-were Americans.

The combination of impressment, British interference with the reexport trade, and the general harassment of neutral commerce instituted by both Great Britain and France would have perplexed the most informed and hardheaded of leaders, and in dealing with these problems Jefferson was neither informed nor hardheaded. Fundamentally, he was an isolationist, ready "to let every treaty we have drop off without renewal." He believed it much wiser to stand up for one's rights than to compromise, yet he hated the very thought of war. Perhaps, being from the South, he was less sensitive than he might have been to the interests of New England commercial interests. He kept only a skeleton navy on active service, despite the fact that the great powers were fighting a worldwide, no-holds-barred war. Instead of building a navy that other nations would have to respect, he relied on a tiny fleet of frigates and a swarm of gunboats that were useless against the Royal Navy-"a macabre monument," in the words of one historian, "to his hasty, ill-digested ideas" about defense.\*

**The Embargo Act**

The frailty of Jefferson's policy became obvious once the warring powers began to attack neutral shipping in earnest. Between 1803 and 1807 the British seized over 500 American ships, Napoleon over 200 more. The United States could do nothing.

The ultimate in frustration came on June 22, 1807, off Norfolk, Virginia. The 46-gun American frigate Chesapeake had just left port. Among its crew were a British sailor who had deserted from HMS Halifax and three Americans who had been illegally impressed by the captain of HMS Melampus and had later escaped. The USS Chesapeake was barely out of sight of land when HMS Leopard (56 guns) signaled it to heave to. Thinking that Leopard wanted to make some routine communication, Captain James Barron did so. A British officer came aboard and demanded that the four "deserters" be handed over. Barron refused, whereupon as soon as the officer was back on board, Leopard opened fire on the unsuspecting American ship, killing three sailors. Barron had to surrender. The "deserters" were seized and then the crippled Chesapeake was allowed to limp back to port.

The American press clamored for war, but the country had nothing to fight with. Jefferson contented himself with ordering British warships out of American territorial waters. However, he was determined to put a stop to the indignities being heaped on the flag by Great Britain and France. The result was the Embargo Act of 1807.

The Embargo Act prohibited all exports. American vessels could not clear for any foreign port, and foreign vessels could do so only if empty. Importing was not forbidden, but few foreign ships would come to the United States if they had to return without a cargo. Although the law was sure to injure the American economy, Jefferson hoped that it would work in two ways to benefit the nation. By keeping United States merchant ships off the seas it would end all chance of injury to them and to the national honor. By denying American goods and markets to Britain and France, great economic pressure would be put on them to moderate their policies toward American shipping. The fact that boycotts had repeatedly wrested concessions from the British during the crises preceding the Revolution was certainly in Jefferson's mind when he devised the embargo.

But the embargo demanded of the maritime interests far greater sacrifices than they could reasonably be expected to make. Massachusetts-owned ships alone were earning over $15 million a year in freight charges by 1807, and Bay State merchants were making far larger gains from the buying and selling of goods. Losses through seizure were exasperating, but they could be insured against. Impressment excited universal indignation, but it hit chiefly at the defenseless, the disreputable, and the obscure and never caused a labor shortage in the merchant marine. The profits of commerce were still tremendous. A Massachusetts senator estimated that if only one vessel in three escaped the blockade, the owner came out ahead. As John Randolph remarked in another typical sally, the administration was trying "to cure the corns by cutting off the toes."

The Embargo Act had catastrophic effects. Exports fell from $108 million in 1807 to $22 million in 1808, imports from $138 million to less than $57 million. Prices of farm products and manufactured goods reacted violently; seamen were thrown out of work; merchants found their businesses disrupted.

How many Americans violated the law is difficult to determine, but they were ingenious at discovering ways to do so. The most obvious way was to smuggle goods back and forth across the Canadian border. As for ocean commerce, American ships made hastily for blue water before the machinery of enforcement could be put into operation, not to return until the law was repealed. Lawbreakers were difficult to punish. In the seaport towns, juries were no more willing to convict men of violating the Embargo Act than their fathers had been to convict those charged with violating the Townshend Acts. A mob at Gloucester, Massachusetts, destroyed a revenue cutter in the same spirit that Rhode Islanders exhibited in 1772 when they burned the Gaspee.

Surely the embargo was a mistake. The United States ought either to have suffered the indignities heaped on its vessels for the sake of profits or, by constructing a powerful navy, made it dangerous for the belligerents to treat its merchantmen so roughly. Jefferson was too proud to choose the former alternative, too parsimonious to choose the latter. Instead he applied harsher and harsher regulations in a futile effort to accomplish his purpose. Militiamen patrolled the Canadian border; revenuers searched out smuggled goods without proper warrants. The illegal trade continued, and in his last months as president Jefferson simply gave up. Even then he would not admit that the embargo was a fiasco 'and urge its repeal. Only in Jefferson's last week in office did a leaderless Congress finally abolish it, substituting the Non-Intercourse Act, which forbade trade only with Great Britain and France and authorized the president to end the boycott against either power by proclamation when and if it stopped violating the rights of Americans.

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