CHAPTER III

DEMOCRATIC DOMINANCE UNDER JEFFERSON

1801-1809


The third President of the United States had a distinguished record of public service. Well-born and the heir to a good landed estate, educated at William and Mary College and a law student under George Wythe, he was elected to the Virginia House of Burgees in 1769 when twenty-six years old. His first act was to present a bill for the gradual emancipation of slaves. His bill for religious freedom, later to become law, his law abolishing primogeniture and his Statute of Descent, the principles and almost the exact provisions of both of which are now the law in practically every state in the Union, and many other measures, aside from his national record, give him unquestionable rank as one of the greatest law-makers of all history.

Jefferson drew the resolutions organizing the Committee of inter-colonial correspondence, whereby the Massachusetts system, covering New England, was extended to all the colonies. He was prominent in all Virginia’s pre-Revolutionary and Revolutionary activities, and while remaining a member of her Legislature was sent to the Continental Congress in 1775. There he drew the Declaration of Independence. In 1779 he was elected Governor of Virginia and reelected in 1780. He resigned in 1781 and was sent back to Congress, reelected in 1783. In 1784 he was sent as our Envoy to France, succeeding Benjamin Franklin; returning to America in 1789 he became Secretary of State. From this office he resigned in 1793 and declined reappointment in 1794; in 1797 he was elected Vice-President. When he took his seat as President in 1801 he had thirty-two years of public service behind him.

The inauguration of Jefferson was celebrated by his party all over the country; mass meetings, public dinners, great processions, firing of cannon, erection of triumphal arches were features of the day, and all the bands played “Jefferson’s March,” the most popular piece of music just then.

The ceremonies at Washington were simple. His inaugural address was moderate in tone and hopeful in spirit, and free from partisan feeling. He spoke of the sacred principle that the will of the majority should prevail, but recognized the rights of the minority. “We are brethren of the same principle. We are all Republicans, we are all Federalists. . . . Error of opinion may be tolerated where reason is left free to combat it. . . . Let us then with courage and confidence pursue our own Federal and Republican principles, our attachment to union and representative government.” He outlined his policy “Equal and exact justice to all men; peace, commerce and honest friendship with all nations, entangling alliances with none”; States’ Rights, but preservation of the General Government in its whole constitutional vigor, supremacy of civil over military authority, economy and the reduction of the debt, encouragement of agriculture and commerce, diffusion of information, freedom of religion, press and person. He paid due tribute to Washington’s memory.

The address astonished many Federalists who expected a violent, inflammatory, partisan speech; it made a fine impression on the people at large.

Jefferson showed his political wisdom, not by trying to make peace with the High-flying Federalists leaders, but by winning the people. It was the army not the officers of the opposition he wanted and sought—and obtained. The state of our foreign relations allowed him to devote attention to domestic affairs, it was easy enough for him to smother how foolishly exaggerated were his enemies’ denunciations of him, his principles and policies.

The first complete change of administration brought new political problems and patronage immediately came to the front. The President was urged to make a complete sweep and put in men of his own party. This he refused to do, but proceeded, as was his habit, to formulate principles and follow them. Appointments made after it was known he was elected (there were some two hundred of these) he determined should be revoked, and office holders guilty of misconduct, or notoriously unfit, he replaced with capable men of his own party. The great body of men capable of doing their duty he left undisturbed. Later he added permissive partisanship to causes for removal, and it should
be noted that when he came up for re-election be forbade office-holders being active partisans in his behalf, a strong contrast to his opponents in 1800 who had used the Judiciary as active partisan agents.

An amusing dialogue is recorded by Parson between Jefferson and a young Tамmamy man arguing for the removal of Federalists and appointment of Democrats. The politician readily agreed that it was wrong to deny a citizen his voting privilege. "Well," said Jefferson, "isn't it just as wrong to punish him for using it as he thinks best?"

The commissions signed by Adams on the last day of his administration but left undelivered on Marshall's table at midnight of March 3rd, Jefferson treated as null. His right to do so was questioned in the case of Marbury, Justice of the Peace vs. Madison, Secretary of State, but Marshall, now Chief Justice, while commenting severely on Jefferson's conduct decided the original law under which the appointments were made was unconstitutional, and moreover that the court was without jurisdiction.

As all the federal judges were Federalists, Jefferson removed many Federalist United States Attorneys and Marshals, appointing Republicans in their places to establish a political balance in the courts. He announced generally a doctrine of "due participation in office," and asserted that had the Federalists not established a monopoly in offices but had given the Republicans a due participation therein, he would have made removals only for cause. Of office-holders, he said, "few die and none resign," and it was only by removals that he could bring about a fair distribution. He thus made the federal courts bi-partisan.

The "Midnight Judges" were soon to be gotten rid of by an act of Congress, the constitutionality of which Jefferson at first doubted, but finally accepted. A great Federalist outcry was raised against all this, especially the judiciary act; the "assault upon the judiciary," as they called it, was the same of infamy, the Constitution was made a dead letter and all was over. Yet the judgment of the people approved and history has justified the law. The Whigs raised a similar storm over Jackson's refusal to accept as a final arbitration of the question the Supreme Court's decision as to the constitutionality of the United States Bank. Yet they exceeded all bounds in their denunciation of the Dred Scott decision.

The expiration of the sedition law, the composition of many controversies arising out of our treaties, the greatly lessened applications under the bankruptcy law, and the abolition of the excise, all had the effect of decreasing litigation, civil and criminal, in the federal courts. It was nearly seventy years before a material increase in our federal judiciary was needed or made. Jefferson was no spokesman. In the first fourteen months he removed only sixteen men. There was no axe-man of his administration. His appointees were good men, and he made better men than because he refused to make some unfit appointments. No President ever did so much proportionately to decrease Presidential patronage by reducing the number of offices. In the repeal of the excise law he abolished nearly half of the offices at his disposal. He discontinued diplomatic posts in Holland, Portugal and Prussia.

Washington had chosen his cabinet with intentional disregard of parties; Adams had taken over the Secretaries of his predecessors. Jefferson established the precedent, followed since by his successors except when varied from party considerations, of forming a cabinet not only of his own party followers, but of men possessing his personal liking and confidence. But he chose wisely among his friends, and he disregarded geography, only one of his Secretaries being from the South, and three from New England which had given him but one electoral vote. All were college bred men.

Madison was given the State portfolio; Gallatin the Treasury; General Dearborn, War; Robert Smith, Navy; Levi Lincoln, Attorney General; Gideon Granger soon succeeded Elbridge, appointed by Washington, as Postmaster General. Dearborn and Lincoln were from Massachusetts, and Granger from Connecticut. Madison, Gallatin, Dearborn and Granger remained in office the eight years of Jefferson's administrations. Before harmony always prevailed, so Jefferson wrote long afterwards. Matters submitted at cabinet meetings were discussed until a unanimous opinion agreed on. He allowed no interference between departments; departmental matters were settled between the President and the head of that department, generally by correspondence.

Congress soon welcomed Jefferson's innovation of communicating with it by messages instead of speeches, and also the disparding of formalities in seeing the President, which was extended to other officials, visiting notables and the public generally.

John Adams could never see that he was less democratic than Jefferson. In 1811 he wrote:
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tribute and ransom. This was carrying out a policy Jefferson had urged when Minister to France, and again as Secretary of State. The result pleased both parties; the Federalists gave the credit to the navy they had established, the Republicans (Democrats) to their President.

A liberal naturalization law was popular and so was an adjustment arrived at of mutual debts and claims under the Jay Treaty, we paying over something like $2,500,000, and our merchants and shippers eventually being awarded about $6,000,000.

It was about this time that the Federalists attempted to capture the name "Republican," calling themselves Federalist-Republicans or Republican-Federalists. Conceiving the word "Democrat" to carry a stigma and the word "Jacobin" having become flat, stale and unprofitable, they now termed their opponents Democrats. It was not until Jackson's day, however, that this became the accepted party name. In Boston in 1802 the Federalists headed their Congressional ticket "The Washington and Adams Nominations." The Democrats retorted by heading theirs "The Washington, Hancock and Jefferson" ticket, and won.

The Federalists still claimed that in the handling of foreign affairs they had greatly surpassed their opponents. Scares had the claim been made when, 1803, the Louisiana Purchase was made, the most notable diplomatic transaction in all our history.

When it became rumored that Spain had ceded Louisiana to France Jefferson became alarmed. In the hands of decadent Spain the territory presented no danger; in the hands of Napoleon the possession of the mouth of the Mississippi was like a pistol at our head. "From the moment France takes possession of New Orleans, we must marry ourselves to the British fleet and nation," Jefferson wrote Livingston, our minister to France.

The Spanish Intendant at New Orleans some months before had closed that port as a port of deposit for products of the Mississippi Valley. Jefferson sent the Intendant's proclamation to Congress and Randolph introduced resolutions expressing concern at this breach of treaty and our determination to maintain our rights in the Mississippi. The Federalists endeavored to have much more drastic action taken; Hamilton urged the seizure of New Orleans and negotiations afterward, but Jefferson refused to take any drastic action on the act of a subordinate officer which Spain might fairly disavow. The real situation was disclosed to Congress and Randolph's resolutions passed together with an appropriation of $2,500,000 to be used by the President. He was also given authority to call out eighty thousand
volunteers, to build gunboats and to send war vessels to New
Orleans.

Monroe was sent to aid Livingston in Paris, with the injunction
"On the event of this mission depend the destinies of the
Republic." The $2,000,000 was understood to be used in the pur-
chase of New Orleans and the Floridas, and nothing further was
looked for. But when Monroe reached Paris he found that
Livingston, avoiding through Bonaparte's brother the tortuous
and unfriendly diplomacy of Talleyrand, had received from
Napoleon an offer of sale of all Louisiana. One hundred million
francs were asked and eighty million finally agreed on. Monroe's
instructions being more broad than Livingston's, the two using
that authority closed the deal, $15,000,000 for the Louisiana
Territory.

There was great rejoicing here. Jefferson doubted much the
constitutioality of acquiring new territory. He decided to con-
clude the transaction and have it confirmed by an amendment
to the Constitution, but later was persuaded that an amend-
ment was not needed. The Senate promptly passed the bill enabling
the President to take possession of the territory by a vote of
26 to 6, those voting in the negative being Adams and Pickering
of Massachusetts, O'Conor and Puhler of New Hampshire, and
Hillhouse and Tracey of Connecticut, all Federalists. But John
Quincy Adams not only voted for but spoke in behalf of a second
bill providing for the carrying out of the treaty. The House
passed the bill by a vote of 90 to 25, the negatives nearly all
coming from Federalist New England.

The first Democratic administration gained favor with the
people from the start, which was soon shown in state elections.
George Clinton in New York defeated Van Rensselaer; the
Federalists majority in Massachusetts was cut down, the Repub-
licans carrying Boston and gaining two Congressmen; Rhode
Island came over to the party in power, and New Jersey, Mary-
land, Georgia and the Carolinas became solidly Republican.
Even Hamilton spoke handsomely of the administration in a
public speech.

The Vice-Presidency was looked on as the stepping-stone to
the Presidency. Jefferson had never fancied Burr and his con-
duct in the tie contest between them had alienated him and all
his friends. So strong in New York were they now that the
Clintons and Livingsons were not afraid to oust Burr from political
control of their party in the state. They had the aid of the
administration and Burr's friends were ignored in both federal

and state patronage. This is the earliest instance of the Presi-
dent, as head of the party, influencing state party action, though
Jefferson personally had unsuccessfully sought to bring about
harmony between the Republican Governor and Legislature of
Pennsylvania. Some Federalist leaders aided Burr, but Hamil-
ton was not one of them.

In Washington Burr corded with Federalists and a toast he gave at a Washington birthday dinner
"To the union of all honest men," was regarded as highly
significant.

The Seventh Congress, 1801-03, was safely Republican, the
Senate 18 to 45, the House nearly two to one. Jefferson worked
excellently with his party's members there, due largely to
Madison and Gallatin, whose long service in the legislative
branches and great influence gave them experience and strength.
The administration measures passed without the aid of trickery,
patronage or corruption. Jefferson had the gift of leadership, in
council, in concert with independent bodies and with the people
at large. No President has had better control of his government
than Jefferson during his first administration.

A judiciary act, a copyright act, the establishment of the
Library of Congress, a naturalization act and some post-road
legislation was the main work of the first session. The bill to
authorize the formation of the State of Ohio was opposed by the
Federalists in both houses. A more drastic fugitive slave law
was rejected.

The second session was short. The House presented articles
of impeachment against Judge Pickering, and ordered the sale
of the government owned stock in the Bank of the United
States.

In the Congressional elections of 1802 much was heard about
Virginia domination and bitter were the complaints against the
slave-power. Many of the old Federalist leaders were dead and
others retired from politics. John Adams was a man without a
party. Hamilton politically discouraged, devoted himself to the
law; no man was less fitted for America than he, he said. He
proposed the formation of a Christian Constitutional Society
with branches in every state as an aid to the Federalist Party,
but the idea did not take with his associates. He felt the need
of Federalist newspapers and in conjunction with John Jay
founded the New York Evening Post. Other party papers were
established throughout the North and East.

In the Senate, Adams and Pickering represented Massachusetts,
the Legislature reversing the decision of the voters of their.
Congressional districts who had elected Democrats to the House. The Senate was Democratic about 25 to 9; the House 100 to 39, and some of the Federalists often supported the administration. The increased representation from the West under the new apportionment of representation added to the Republican strength.

The slavery question came up at this session. The House voted a ten dollar tax on each imported slave. The act organizing the new territory forbade the importation of slaves from abroad. Congress refused to abolish slavery in the District of Columbia but on the other hand also refused the petitions of the inhabitants of Indiana Territory to remove the barriers against slavery there. Petitions against slavery were treated with respect and discussions of the question were moderate. The administration was not pro-slavery, though the Federalists bitterly complained of its being dominated by the South. Jefferson opened up negotiations to secure a place to colonize freed slaves in Sierra Leone or elsewhere. He was for emancipation, but not amalgamation.

The Senate removed Judge Pickering, 20 to 6, the negative vote here being the same six voting against the bill enabling the President to take possession of Louisiana. The House exhibited impeachment articles against Justice Chase. He was acquitted and thus ended the long-drawn-out wrangle on the sedition act, though the effects of that unpopular law lingered for years. Jefferson's first act as President had been to pardon all convicted under it and discontinue all prosecutions. The Twelfth Amendment was incorporated into the Constitution, thus making impossible a repetition of the Jefferson-Burr tie in the Electoral College. Jefferson in 1783 had suggested to George Rogers Clark that he explore the country from the Mississippi to the Pacific. Now, twenty years later, he secured an appropriation for the purpose and sent his private secretary Meriwether Lewis and William Clark and a small body of men to explore the great West. Before the expedition started Louisiana became ours. Most of the other territory covered belonged to Spain, but by the discoveries of the Lewis and Clark expedition we established our claim to the Oregon territory; a claim originating in the discovery of the Columbia River by Captain Gray in 1792. The explorations of Zebulon Pike to the southwest in 1806-07 were also to have important influence on our acquisition of territory under Democratic administration.

The first mention of caucuses in America is found in an item of John Adams' diary of date February, 1773:

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"This day I learned that the caucus club meets at certain times in the garret of Tom Dawes... They choose a moderator who puts questions to the vote regularly, and selects, assessors, collectors, forewards, and representatives are regularly chosen before they are chosen by the town."

Caucuses or conferences by members of Congress and of state legislatures to make nominations were an early development in parties. These bodies were the only political centers, and sparsely settled as the country was and devoid of means of rapid communication or travel this was the only feasible method of obtaining any unity of choice. Volunteer meetings or conventions occasionally met and passed resolutions of endorsement of men or measures. Congressional caucuses were never popular with the rank and file but it was long before the people actually participated in the selection of candidates. The whole operation of party machinery, outside of cities, seems to have been mostly left to national and state officeholders.

Burr had been nominated for Vice-President in 1800 by a caucus held not at Washington but at Philadelphia and many leaders besides Senators and Congressmen participated. Adams and Pinckney had been selected by a secret Congressional caucus, where it was agreed that the two should be voted for equally. The general public had been left to think Adams was named for first place, but the way left open for the Electoral College to transpose the order.

The Republican (Democratic) caucus of February 25, 1804, consisted of 110 Senators and Representatives and sat in Washington. Jefferson was nominated by acclamation; George Clinton was named for Vice-President. A distinct step forward was made by this caucus in forming a national committee of one man from each state who was charged with the conduct of the campaign in his state. There had been much criticism of the Congressional caucus practice as unwarranted assumption of party control and bossism. The Federalists denounced it as a Republican trick, though they pursued the same method, only more secretly.

It is unfortunate that the names of the committee men from each state named by the Democratic Congressional caucus were not given so that it might be seen how many were not members of Congress and how much party management was divorced from that Washington delegation. Local action was indicated this year in Prince George County, Maryland, and elsewhere, by calling county conventions to nominate a legislative ticket and name
delegates to a district convention to nominate Jefferson President

dential electors upon whom the Republican (Democratic) voters
could vote. The election demonstrated the fact that the Demo-
cratic program of local organization was effectually working.
The Federalist Senators and Representatives held their caucus
on Washington's birthday a few days after the Democratic can-
cus. This was a rather informal and secretive body. The
nominees were Charles C. Pinckney and Rufus King, but it was
for sometime in doubt as to who was to be chosen. King
was for sometime in doubt as to who was to be chosen. King
had led undisturbed as Minister to England, but resigned
and on his return home had
made a tour of New England and been honored by a great
Federalist banquet in Boston where the administration had been
cautiously condemned, and from which the Adamses were notably
absent. Pinckney, too, had recently toured New England and
been well received.
The only issue of the campaign was Jefferson's administration.
In ten states the electors were chosen by the people and there
the battle was mostly waged. The Federalists found them-
sew themselves condemning the very exercise of federal powers they four
years before had insisted on as right and necessary, and the
Republicans (Democrats) defending positions they had formerly
bitterly assailed; the latter had found broad powers in the gen-
eral government most commendable when in proper hands, while
the former discovered them most objectionable and dangerous
when exercised by the Republicans.
The Republicans showed a prosperous government and country,
and every pledge kept, the federal government maintained in its
constitutional vigor, economy in government without impairments
efficiency. The Federalists had increased the public debt
$8,000,000 in five years while the Democrats had reduced it
$8,000,000 in three. Peace and honor had been maintained
without an army, and the domain of the nation had been doubled.
The Federalists could only impugn Jefferson's motives, pro-
phesy disaster and rail at Democratic violations of the con-
stitution. What good had been accomplished, they asserted, had
been achieved by the Republicans Federalizing their party and
the government. Men deserted the Federalist Party by thousands,
and the High-flying Federalists became desperate. Pickering
and Griswold and other New England leaders held secret dis-
cussions in Washington looking toward secession and the forma-
tion of a new nation, New England the center with adjoining
states and part of Canada comprising it. To the abomination

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of Virginia domination, and control by the slave-holding power
of the South they added the terror of a great trans-Mississippi
bloct which would forever exclude them and their section from
control. They preferred disunion. Burr's election was sounded by some
of these projects. He hated the Virginia dynasty as much as
they, besides having a personal hate of Jefferson, Clinton, Madi-
son and Monroe, and was in a receptive mood.

Early in 1804 Burr had called on the President, reminded him
of a letter written after the electoral vote was known in which
Jefferson had intimated that Burr's election would prevent
him from using Burr in some high office in his administration.
Burr now hinted for some present appointment, or politi-
cal endorsement at least. Jefferson gave him no encouragement,
and Burr thereupon made his arrangements to run for Governor
of New York. The Federalists put up no candidate as the con-
test was between Chief Justice Lewis, nominee of the regular
Republicans, and Burr. The fight was acrimonious, Hamilton
active and bitter in opposing Federalist support of Burr. Burr
carried the City of New York, but the whole vote was Lewis
35,000, Burr 28,000.

To have made such a race against such odds by no means
meant political ruin to a man like Burr. He might reasonably
hope, after such a brilliant battle, for a reversal of public opinion
in his favor two years later. But an event now took place that
eliminated Burr from party politics.

Next to the assassinations of Presidents Lincoln, Garfield and
McKinley, the greatest political tragedy in our history was the
killing of Hamilton in a duel by Burr. It removed Burr from
the political field almost as completely as it closed Hamilton's
career. Intense public feeling was aroused and Burr, indicted in
New York and New Jersey, became a fugitive for years,
and figured no more in political history except as a conspirator
against his country.

The result of the 1804 Presidential campaign was a complete
soup of the Federalists, the first political landslide in our history.
Four years before the Federalists had the whole electoral vote
of New England, New Jersey and Delaware, and half of Penn-
sylvania, Maryland and North Carolina. Now Pinckney and
King carried Connecticut and Delaware received two of
Maryland's eleven votes, 14 in all, to 162 for Jefferson and
Clinton. Congress reflected the same state of feeling, only a
handful of Federalists finding seats. The Democrats were in
full control.
The Democrats could point with pride to the reduction of the public debt, and the acquisition of Louisiana. But of more immediate value than anything else accomplished by the first Democratic administration was the stabilization of the government. During Washington's administrations the people had unlimited confidence in the President, but their confidence in the American government was not yet fixed. It was still on trial as an experiment, and judgment was in suspension, so much so in 1792 that by both Federalists and Republicans it was regarded as absolutely necessary to the government's existence that Washington continue President. In 1796 the gloomiest forebodings filled the minds of patriots, some anticipating the absolute failure of the government if Adams were elected, others if Jefferson won the Presidency.

Adams' administration disrupted the Federalist Party and left the condition of things more uncertain, the government more unfixed in men's estimation than before. In 1800 Fisher Ames and other Federalist leaders were wringing their hands, exclaiming "A Democratic government cannot last," and seeing dire visions of wholesale bloodshed, while Jefferson and others of his party were dreading the establishment of a tyranny to which neither the states nor the people would long submit, followed by a revolution destroying the government.

To say the government was stabilized, as Federalist historians claim as their party's achievement, is incorrect. One third of the people expected a mob government such as Paris had lately seen and another third expected a monarchy as a braggart partisan claim, not a statement of historical fact. Rural New Englanders hid their Bibles and more material treasures when news came of Jefferson's election, many of them anticipating a catastrophe resembling something between Judgment Day and the Paris Commune.

As for Alexander Hamilton, to whom some of his biographers attribute a preponderant influence in bringing about stability—Hamilton spent the last ten years of his life and went to his untimely grave imagining a great crisis was impending, half dreading and half hoping for a national debacle from which his sword and statesmanship would rescue the nation and establish a different, a strong and lasting government, a government like England's. His final message to his countrymen, written the night preceding the duel in which he met his death, refers to "those crises in our public affairs which seem likely to happen."

No one can read the letters of Hamilton and those of his most confidential friend, Gouverneur Morris, without this appearing as clear as day. In 1803 he referred to our government as a "fragile and worthless fabric." If Hamilton established and fixed this government of ours, he died in entire and happy ignorance of an accomplishment he did not endeavor or desire. He wanted to change, and strengthen it as he thought, not establish our government, as it was in his day.

Marshall had not yet rendered that series of great decisions which form part of our system of government. In Marbury v. Madison, decided after Jefferson's inauguration, he had censured but not reversed the action of the President, though setting aside a law of Congress as unconstitutional. That decision asserted no right of the general government against the states or the people, but did establish the power of the court to set aside an unconstitutional law passed by Congress, and define the distribution of the powers of the federal government among the three branches.

Nor can the party of Pickering, Griswold, Hillhouse, Tracey, and other Federalists, nor their successors, claim credit for stabilizing a government which at that moment, 1804, they were actually plotting to circumvent and overturn, or secede from.

In the Presidential campaign of 1804 so firmly was the government grounded in the affections and the minds of the people that every voter knew he was voting not for what sort of government they were to have, but only for who was to administer it. So firmly did Jefferson cement the government of this Democratic republic of ours that not for sixty-one years, and then only after a great civil war, was the Constitution amended. Between Jefferson's election and the war between the states we went through wars and rumors of wars, through panic and prosperity, doubled the number of states and swelled our population; administrations were criticized and bitterly complained of as perverting our form of government, yet without one serious danger or fear of its being changed or overthrown. Secession was threatened time and time again, but secession is withdrawing from something too firmly based to be overturned—an admission of its strength and stability. Only once was the government defiled—in 1833 by the Nullifiers of South Carolina—and that defiance melted away before one proclamation by President Andrew Jackson. In 1800 and years following, while throngs and governments were tumbling in Europe, in America under Jefferson the world's greatest republic was becoming as firm as the eternal hills.