ELECTION YEAR 1800

BY
JOHN SCHRAM

PRESENTED TO THE CHIT CHAT CLUB

SAN FRANCISCO, CALIFORNIA

NOVEMBER 13, 2000

Since this is the first paper to be delivered after last weeks Presidential election I thought it an appropriate time to revisit what many historians perceive as one of the three most important Presidential elections in our history: the election of 1800 which took place exactly 200 hundred years ago. In that election, Thomas Jefferson, our third President, not only barely defeated John Adams, a Federalist and the sitting president, but also, with the help of Jefferson's arch political enemy Alexander Hamilton, fought off a challenge from within his own party from Aaron Burr. The paper tonight is about what the transfer of power in that election year 1800 meant then and for the next 200 years. I would also like to suggest that the election was the first democratic transfer of power from one political group to another in modern western history and the transfer was achieved without a major revolution. However, it was the first of the three elections we have had decided in the House of representatives.

It is not my intention to get into a discussion of Jefferson's accomplishments as President, unless they had a direct affect on future elections or the development of democracy within our government. Although Jefferson served as head of the executive branch for eight years, I believe he felt most of his contribution to our democratic system actually occurred prior to his assumption of the presidency. In fact Jefferson, in designing the text of his epitaph, did not even mention his presidency, but did list as his accomplishments: author of the Declaration of American Independence and of the statute of Virginia for religious freedom, and father of the University of Virginia.

The election in 1800 was in one way like the one we faced in the past week. In fact, if you were to review the history of recent elections, the election of 1800 is not unlike the races of 1960 and 1988 or 2000. One political party had presided over the executive branch for the previous eight years. Most of the country was / is doing fairly well and there was a contented electorate. Like the election of 1800 there was the common conception that that with a change in party the election could mark a turning point of some sort but they were not quite sure where, and to be frank, the populace was not pushing for change not even an intellectual refrain. In each of those elections a sitting vice president was offering himself up: -Jefferson in 1800, Nixon in 1960, Bush senior in 1988 and Gore this year.

Up until the election of 1932, with the exception of the Lincoln war years, the power of the Presidency, first established by President Washington, and then taken up a notch by Jefferson's term in 1800, remained fairly benign. Henry Adams, the great grandson of our

second president caustically referred to the American Presidency " a glaring exception to Charles Darwin's theory of evolutionary process."

David Kennedy, a previous member of this group, in his most recent book "Freedom of Fear," refers to Hoover's 1928 election as assuming the mantle of a "scanty Jeffersonian government. " His full quote- "The tumult of crisis and reform in the ten depression years since Hoover's election massively enlarged and forever transformed the scanty Jeffersonian government over which Herbert Hoover had been elected to preside in 1928."

In order for us to cover the election of 1800, I think it is important to quickly review the first three presidential elections of 1789, 1792, and 1796.

During Washington's two administrations nothing remotely resembled organized political parties. The method of choosing members to the Electoral College varied from state to state and voters did not choose between parties but voted for the two best men. The winner became President and the runner up, Vice President. Washington, in the elections of 1789 and 1792 certainly did not regard himself as the leader of a political party. Adams, though a Federalist in leaning at the time of his own election in 1796, felt he was the leader of the nation, not just the leader of the federalists

Historically, the chief qualification or credential for the presidency in the first three-elections had to do with ones revolutionary status. Only those leaders who had been visible during the period from 1776 until 1783 and who played a major leadership role could be considered eligible as presidential candidates.. By the election of 1796, only John Adams and Thomas Jefferson retained the correct credentials to succeed our country's first President. The election would not be about who the candidates were, but about what the defining role government was going to play and the leadership of its philosophical structure. This led, for the first time to an issue-oriented campaign, which in turn led the creation of political wings within the government . Alexander Hamilton nurturing his own political agenda gathered a group of like minded political officials interested in finding a catalyst for taking control of the newly formed republic and created the Federalist Party as the vehicle to promulgate this agenda.

As early as 1790, the first year of Washington's first term, the consideration as to how to handle the national debt created a split within the new government. A quick review of the issue indicated that Hamilton and the yet unnamed Federalists wanted the Federal government to assume the states debts, raise monies to pay them off, and then remit remaining funds equally to the individual states. We know this to be the forerunner of Hamilton's Bank Bill. The opponents to this solution objected to this method, stating that it gave unfair advantage to states that had contracted debts during the war by spending freely and without control. The main issue at hand though, was the implied assumption that it was a usurpation of powers not conferred by the Constitution to the federal government. Hamilton, in support of the bank, and at the request of Washington, submitted his famous opinion "as to the Constitutionality of the bank of the United States" in which he developed the doctrine of implied powers. Jefferson needed to demonstrate to his own satisfaction that the power to establish such an institution by the

government. Hamilton, in support of the bank, and at the request of Washington, submitted his famous Opinion "as to the Constitutionality of the bank of the United States" in which he developed the doctrine of implied powers. Jefferson needed to demonstrate to his own satisfaction that the power to establish such an institution by the federal government was neither specifically granted nor implied in any article of the Constitution. When the bank bill finally passed, Jefferson was quoted - "the states not only permitted, but also were eager to see the Federal Government assume the responsibility of States debts, they sold their birthright for the not inconsiderable sum of $21,500,00."

A year later in the spring of 1791, while Jefferson was secretary of state, James Madison lent him a copy of Thomas Paine's pamphlet, The Rights of Man. Upon returning it to Madison, Jefferson inscribed a short note simply stating that he was sure that in future publications of the pamphlet, "something is at length to be publicly said against the political heresies, which have sprung up among us. I have no doubt our citizens will rally a second time round the standard of Common Sense." Jefferson's notes, thought to be private, were published along with the pamphlet, and the word heresies was assumed to apply only to the Federalists and among the Federalists, specifically John Adams. Although Jefferson wrote at once to explain to Washington that his intentions were not to be as a contraire, few people believed his explanation. The political heat raised in Philadelphia with the advent of the publication forced Jefferson, along with Madison to take leave of the capital and during their absence, Jefferson and Madison began to formulate the structure of a new political entity. In essence it was created to defend the Republican ideals and role of government and its philosophical structure - not to identify political candidates.

In answer to Jefferson's criticism, Hamilton, early in 1792 began to attack several papers and pamphlets that had been critical of the existing government and in specific, the banking bill. It was common practice in those days to use supposedly independent pamphlets to get your message across to the reading public. Hamilton used "The Gazette of the United States" a Federalist backed paper, to attack a paper edited by Philip Freneau, and a paper certainly supported by Jefferson if not entirely bankrolled by Jefferson and his supporters.
Hamilton directed his criticisms at Jefferson through the press, the first time that personalities had been brought into the open, and the unintended result, pushed discontented Republicans into rallying around Jefferson the person.

During the winter of 1792, prior to the start of Washington's second term, Jefferson made the decision not to continue as Secretary of State, and asked that all future

correspondence be directed to "The Secretary of State, not to Jefferson in name. He was absent from the Philadelphia scene during Washington's second term, but spent those years from 1792 to 1796, working with the elected leadership of the anti federalists in the house of representatives as well as others in formulating what would become the platform for the new Republican cause. ***

About the same time as the first anti federalist victory, came news from France that the French monarchy had failed to crush the republican army of France. While the French revolution was seen as a French domestic issue, it would become a major issue in the U.S. election of 1800. It is a premise of this paper that the French revolution, along with other democratic movements over the next 200 years, were direct results of our own movement towards Democracy in the late 1700's.

In 1796 after an absence of four years, Jefferson returned to the political scene this time as the flag bearer of a new political party and agenda, and in a fairly close race with Adams, lost the right to succeed President Washington. In early 1797 with the voting results from all the states finally in, the election of Adams was confirmed by a narrow margin: 71 electoral votes to 68 for Jefferson. When the final result was verified, Jefferson had to decide whether to become an active participant in the Adams administration. The dilemma was resolved, when on March 6, 1797, the two men had dinner with the outgoing President Washington, and Jefferson informed Adams that he would follow his constitutional duty and preside over the senate, but that he was unwilling to join Adams cabinet. Adams had hoped that he and Jefferson could share in a bipartisan administration. It is important to note that up until this time, the two had been personal friends, and although they had political differences, Adams thought the executive ship should have been above partisanship. Jefferson felt the successor to Washington's long shadow was, to use today's vernacular in a lose-lose situation, and Jefferson wanted no part of the administration. In some of Jefferson's correspondence to James Madison, he is quoted as saying "no man will ever bring out of that office the reputation, which carries him into it." He also relayed to Madison his feelings "Washington- is fortunate to get out just as the bubble is bursting." From the evening of the dinner with Washington, until Adams took leave of the Presidency four years later, Adams and Jefferson never consulted on the subject of the government. Immediately after the swearing in ceremonies, Jefferson headed back to Virginia, and began the process of solidifying the Republican Party and preparing it for the election of 1800.

In 1797, during the first year of Adams term, a second major rift occurred between the two groups with the passage of the Jay treaties. The treaties were agreements between Great Britain and the newly formed republic and were really acts of neutrality. England

had been raiding our ships of commerce on the high seas, shutting off any commercial assistance we were giving to the revolutionary French government. The basic tenants of the treaty, assured the British that we would not openly assist the French Republicans through trade. Commercialism was not the issue, but the agreement made by our central government to restrict the right of trade gave the Republicans the issue from which to mount dissent. Jefferson became deeply concerned over the loss of rights of the individual states and spoke for many of the participants caught up in these intensely partisan issues. Here we see Jefferson first using the term -"wall of separation"-in describing the division between the two political groups when discussing the Jay treaty and described the fissure as a fundamental loss of trust between former friends. Jefferson has been quoted as saying "The breakdown between the two groups over the enactment of the Jay treaties became so intense, that men who had been intimate all their lives-crossed the street to avoid meeting and turned their heads the other way lest they be obliged to touch hats."

The issue that finally caused the irreparable breach between federalists and anti federalists, was the enactment of the Alien and Sedition Acts. These acts were designed to disenfranchise foreign-born residents, mostly Frenchmen who had been supporting Jefferson's emerging party. With the signing of the Jay treaty , the French began to seize scores of American ships, thereby creating the undeclared war of 1798-between France and the U.S. Pro British Federalists, riding the wave of anti French hysteria endeavored to curb and gag the pro French Jeffersoniansby passing the Alien and Sedition acts..

The first of the four acts was the Naturalization Act raising the residence requirement for naturalization; the next two acts gave the president summary authority over resident aliens. The Alien acts, although passed, never were put into force, even though several hundred foreigners were forced to return to their homeland.

The fourth law, the Sedition Act, gave the government wide powers to put down treasonable activities. The Sedition Act was enacted on July 14, 1798, by unhappy coincidence, Bastille Day in France. The act imposed fines and prison terms on persons "conspiring to oppose or impede the government, for insurrections, riots or unlawful combinations" or for false, scandalous and malicious writings against the government, congress or the President, to resist oppose or defeat any law; or to aid hostile designs of any foreign nation against the United States, their people or government. This meant almost any criticism of the government could be called false, scandalous or malicious. Wonder what Jay Leno and Rush Limbaugh would do for a living had they lived in those times. The Republicans considered this a far cry from the ideals of the revolution and the guarantees of the first amendment. Under the sedition act, twenty-five men, most of them editors of the Republican newspapers were arrested, and their newspapers forced to close. The debate over the sedition acts was of such magnitude that it led to physical violence on the floor of Congress. James Madison termed the acts as "a monster that must forever disgrace its parents." The backers of the sedation acts were just as vocal and leaders of the Federalists questioned "Does liberty of the press authorize publications that call the president a Person without patriotism, without philosophy, and a mock monarch?

Jefferson and Madison responded to the Alien and sedition acts by drafting a resolution of protest for consideration by the Virginia and Kentucky State legislatures. The Jefferson -introduced resolutions affirmed states authority in determining the validity of federal legislation and declared the Alien and Sedition acts unconstitutional. The Kentucky resolutions were written anonymously but were certainly penned by Jefferson. Jefferson's principle argument was that national government was a compact between the states, and that exercised un- delegated authority on its part was invalid, and that states

had the right to decide when their powers had been infringed upon to determine the mode of redress. A quick read of the first resolution will give you a clear view of what the Republicans were thinking. "Resolved_ that the several states composing the United States of America, are not united on the principle of unlimited submission to their general government. ----- Reserving each state to itself, the residuary mass of right to their own self- government. --- And-- that the powers not delegated to the United States by the constitution nor prohibited by it to the states, are reserved to the states respectively or to the people.

So great was public opposition to this Sedition Act that it became the driving force in the election of the first Republican to the presidency in 1800, and Jefferson used it as a cornerstone for his emerging campaign. Unknowingly the states rights issue would have a major effect on the future elections of 1856 and 1860.

******Several of us in this group this evening are involved with the CHS, and our most recent exhibition- American concentration camps, was a bitter reminder of how our government can take a narrow view of alien questions within our system of government.

Election of 1800

In 1800 the census of the United States revealed a population of 5,308,483. In contrast, the French Republic had a population of more than 27 million and the British Isles upwards of 15 million. Who was this man would mount the steps of the Capital on March 4, 1801, laying claim, as an equal to Pitt and Bonaparte . He was a man who possessed the character and mind that had led major changes in Western world political action and thought for close to thirty years.

During the electioneering process in 1800- once the federalists began the prosecution of republican editors under the Sedition Acts- the voters in the electoral college- limited mostly to state officials, were drawn into the Republican fold. In reviewing the outcome of the election, considering that Adams, ousted as a leader from his own party, considering he fumbled the prosecution of the Sedition act, that Jefferson and Madison had four years to put together an 1800 type political apparatus, Adams nearly pulled off his own reelection. New York was the key to the election, and Aaron Burr was able to convince the New York delegates to vote en masse for Jefferson. If we were not to include the New York vote, Adams actually received more electoral votes in 1800 than he did in 1796.

Jefferson's greatest contribution to the campaign was in defining the issues that led to the creation of what we call today the platform. We must remember that the key differences between the Federalist and Republican Parties (the forerunner of what is now called the Democratic Party) was the fear of loss of power by the individual states and the prevention of the monarchising of the constitution. He was "for preserving to the States the powers not yielded by them to the Union" and "for not transferring all of the powers of the states to the general government and all those of that government to the executive branch. " Jefferson's platform for change in the election was issue -based, directing his criticism toward the principles and policies of the Federalist administration and not to the character of President Adams.

One of the most important developments that emerged from the election of 1800 was the change in the sense of government -from what Adams referred to as the long-term collective interests of the American Republic outweighing partisanship. Adams felt that government should be immune to politics. What died with the election of 1800 was what Adams referred to as the classical ideal of virtue in our American political culture. What lived was the emergence of issue based political parities.

However I feel the most important change and reform emanating from the election, was the ability of one leader, at odds with his successor, to transfer an existing government to

that successor in a democratic manner. The transfer of power did not occur without some challenge.

The first strategic attempt to circumvent the transfer of power occurred in the state of New York. In the election of 1800, the state legislatures chose the presidential electors who cast the votes for the presidency. Aaron Burr managed the Republican campaign in New York while Alexander Hamilton led the federalists. Burr had skillfully put together a slate of prominent republicans for the New York state assembly in early fall 1800, and that slate tipped the state legislature towards the Republicans and ultimately Jefferson. Hamilton realized the importance of New York to the final outcome of the upcoming presidential election. He approached John Jay, then governor of New York, and a prominent Federalist, asking him to reconvene a special assembly of the old legislature, predominately Federalist, hoping to have them cast their votes for Adams in before the newly elected state legislature convened. Jay, a previous Chief Justice of the United States Supreme Court, refused, thus assuring the Republican dominated legislature of choosing republican electors. Burr's success in throwing the New York delegates to Jefferson, early enough in the campaign, positioned himself to become the favorite for the Vice presidential slot..

In the September issue of American Heritage, the author of an article on the election of 1800, used a statement that could have been adapted to the past week's election, but I can't decide to which party it should be applied. Maybe both!!! . He said, "There are only a few universal laws of political life, but one of them is-never interfere when your enemies are busily engaged in flagrant acts of self destruction."

To a large extent, the victory of the Republicans was due to divisions in the Federalists camp and the man who did more than others to cause the internal disruption was Alexander Hamilton. From the beginning he had set himself against Adams, employing every effort to have Charles Coatsworth Pinckney receive the presidential nomination on the Federalist ticket.

The Federalists in Congress knew how to count as well the present day handlers of Mr. Gore and Mr. Bush. **** After the New York Republican results were reported the Federalists recommended that John Adams and Charles Coteswroth Pinckney be supported equally as federalist candidates. With Presidential electors not allowed to distinguish their votes between President and Vice President the strategy was designed to give the federalists two chances to win the Presidency. Hamilton declared that "to support Adams and Pinckney equally would be the only things to save us from the fangs of Jefferson." The strategy did not work and in fact ended up dividing the federalists.

Hamilton exacer-bated that division by coming out against Adams in October just prior to the election.

Once it was determined the newly minted Republican Party had taken the executive branch from the federalists; the question was raised as to which nominee from within the Republican Party would occupy the Presidency. For several weeks the final vote was undecided, and after 36 ballots in the Electoral College, Jefferson finally emerged the victor and Burr relegated to the Vice Presidency. The political infighting within the Federalist and Republican Parties foreshadowed the political chicanery existing even today, tonght and tomorrow. It is generally thought, but no proof exists, that Hamilton was able to convince one or more of the Federalists congressmen from Maryland or Vermont, states that were equally divided between the Republican and Federalists, to withhold their vote on the 36th ballot. With this maneuver, the republicans would carry the state and in both cases the states Republican electors were for Jefferson. Thus, Hamilton, Jefferson's old foe is generally credited with being the final "kingmaker". That political maneuver would lead to his famous, fatal duel with Burr four years later.

Adams chose not to remain in Washington for Jefferson's inauguration, and left for Massachusetts early the morning of March 4, 1801. As Henry Adams said, Adams remaining for Jefferson's inauguration would have been like King George the III appearing at the installation of President Washington. The collapse of the Adams government over the last weeks of his tenure was disastrous. John Marshall, Adams secretary of State had been appointed earlier to Chief Justice of the Supreme Court and only two members of Adams cabinet remained for the transfer of power to the Republicans. **- Jefferson's feeling towards Marshall was one of repugnancy. He was quoted as saying, "The judge's inveteracy is profound and his mind of that gloomy malignity which will never let him forego the opportunity of satiating it on a victim." Marshall in turn, was convinced that Jefferson was not an honest man, and felt that he conducted his political life in order to further his own personal gain. Marshall is quoted as saying, "By weakening the office of President, he will increase his personal power." Anecdotal to the forthcoming March 4th swearing in of Jefferson was the fact that it was to be Chief Justice John Marshall's first official act. When the doors of the Senate Chamber were thrown open and newly elected President Jefferson appeared on the threshold, with Aaron Burr sitting on his right hand and Chief Justice John Marshall on his left, the assembled Senators looked up at three men who profoundly disliked and distrusted each other.

A sad footnote to the election is that the two former friends, Adams and Jefferson, now political enemies did not speak to each other for nearly 12 years and only in their later

lives did the two-resume correspondence. An ironical coincidence occurred as both, ex presidents passed away on the 50th anniversary of American independence on July 4, 1826. In Quincy, Massachusetts, lying on his deathbed, John Adams commented "Thomas Jefferson survives." Unbeknownst to Adams, Jefferson had died earlier the same day.

Upon being elected, Jefferson, like many of his 20th century successors, tried to draw in all of the electorate to his cause.He proclaimed as his formula for serving, "We are all Republicans- we are all Federalists". Sounds familiar, except the names of the parties have changed! He had hoped that his administration would be one of no reprisals. "The rights of the minority are not to be excluded, and if they are I will call for prompt corrections. Is the candidate honest - is he faithful to the constitution?" In the first days of his administration Jefferson was not ready to proclaim the principle to the victor belongs the spoils. Rest assured he reversed his proclamation with a vengeance!

The original draft of Jefferson's message to Congress in Dec 1801 contained paragraphs stating "the three powers existing in any government must be distributed among three equal authorities even constituting a check on one or both of the others." The President then asserted that each of the three branches of the government had a right to decide on the validity of an act according to its department. In a discourse concerning those under arrest, based on the passage of the Sedition acts, he made his position clear by stating that "under solemn oath which binds me to my duty, sic, do declare that I hold that act in palpable and unqualified contradiction to the constitution, considering it nullity, I have relieved from oppression under it those of my fellow citizens who were within the reach of functions confided to me." The final form of the message was far less provocative- simply stating that "the judiciary system especially that portion of it recently enacted, will of course present itself to the contemplation of Congress." The debate between Republican and Federalist instantly was transferred to another ground, that of the judiciary One of the first episodes of the battle was the repeal of the Judiciary Act passed by the outgoing Federalists in early 1801 in order to reorganize the Supreme Court and to increase the number of federal judges.

The election of 1800 ushered in a twenty-four year presidential stewardship for the Republicans. All three presidents, who served during those twenty-four years, Jefferson, Madison, and Monroe, hailed from Virginia and each served two terms. In a recent poll of American historians garnered from all political persuasions, Jefferson's presidency was rated as above average to near - great, while Madison's presidency was ranked as near great. Jefferson, upon assuming the presidency became the first of only two presidents to hold all three positions of President, Vice President, and Secretary of state. If you know who the second man was, you may keep the $2 bill under your plate! .

In his re election campaign of 1804, Jefferson engineered the ouster of Aaron Burr as vice president and Burr was replaced by Governor Clinton - this Clinton being George from New York. The objective of this choice was to find someone to balance the ticket geographically, but too old to challenge another Virginian in 1808. Early in his second term, Jefferson let it be known that under no circumstances would he stand for a third term in 1808. This followed the precedent originally established by Washington which of course lasted until Franklin Roosevelt ran for third and fourth terms in 1940 and 1944.

With the election of 1824, John Quincy Adams, the son of our second president, the Presidency returned to the Federalists. ***A span of twenty-four years elapsed before the son succeeded his father. Some in this room might say George W. Bush, should have waited a similar amount of time. Of course Judge Sneed might not be included in that group! The return of power to the Federalists did not happen without incident!

Speak extemporaneously about following elections****1824- 1876- 1884- 1916- 1948- 1960- 1976- Last Week

<u>Let me review the consequences of transfer of power and the ability of one leader, although at odds with his successor, to transfer that power in a democratic manner.</u>

We have seen in other eras and in other parts of the world that extended multiphase revolutions tend to create conflicts and characters. The French and Russian revolutions occurring 100 years apart, certainly helped produced both a Bonaparte and a Stalin. In 1776 the U.S. endured a major revolution and our ability to put in place in just 25 years a system while avoiding an illegal grasp for power boded well for our future. (Or at least up until this last week)

De Tocqueville, during his trip to the United States in the early 1830's became intrigued by the political system in the United States-- a system he acknowledged as a Democracy. He wrote to John Stuart Mill stating that the trip to America was not about America, but about the political system democracy and what he felt was definitely in store for Europe!

Aristotle defined the term indefinite office as " A true citizen in the strictest sense, against which no exception can be made, and who has the special characteristic in that he shares in the administration of justice and in office. Some of these offices may be discontinuous and some persons may not hold them twice or can only hold them for a fixed interval. A true citizen would accept the theory of indefinite office." In that realm, it may be implied that John Adams and Thomas Jefferson were our first true citizens. Adams gave up his office in discontinuous circumstances, and Jefferson chose to walk away after a fixed interval.

I was led to tonight's topic - the election of 1800 and the passage of power through democratic means for two reasons. I knew I was scheduled to give this paper around election time and I was naturally drawn to the recent Nov 7th election. But of greater interest to me was the study of transfer of power through democratic means initiated for the first time in the election of 1800. The key to the election of 1800 wasn't whether Jefferson won or Adams would have been re-elected, but the fact that once Jefferson was declared the winner, the method of power transfer as laid out in our constitution was carried out without revolution. And that has been a key to political stability in our country ever since. It has also become a precursor to 200 years of democratic political development for much of the rest of the western world. The soft revolutions that have recently transpired in Mexico and Russia, with the passing of power from the PRI Party to the National Party of Mexico after a seventy one year regime, and the election of Vladmir Putin in Russia, certainly were direct descendents of our own election of 1800.