The Election of 1800: A Study in the Logic of Political Change

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To an extraordinary degree, early national politics operated in a climate of crisis. The spirit of political experimentation that fueled the nascent American republic was as disquieting as it was invigorating; keenly aware that they were creating the first polity of its kind in the modern world, politicians believed that anything could happen. This crisis mentality is essential to understanding the logic of political change in the early republic, yet the detachment of hindsight makes it difficult to recapture. Aware of the eventual emergence of an institutionalized two-party system, we search for its roots in this period, projecting our sense of political order onto a politics with its own distinct logic and integrity.

In *We the People: Transformations*, Bruce Ackerman discusses the broader implications of this present-mindedness, suggesting that it has blinded us to the true nature of American constitutional governance. As he explains at the opening of his argument, “the professional narrative” propounded by judges and lawyers—a story of declining constitutional creativity—has cut Americans off from “the truth about the revolutionary character of their higher lawmaking effort.”¹ By using the present as a standard of measurement, Ackerman suggests, this storyline depicts constitutional change as a downslide from the creative to the familiar, the entrenched, the now, obscuring the spirit of “unconventional adaptation” at its core.²

The same insight holds true for the early republic. By using our present two-party system as a standard of measurement, we have obscured the distinctive and often unexpected features of early national politics, thereby blinding ourselves to the logic of political change. For rather than building a party system, politicians were struggling to prevent one from forming—particularly national politicians, who assumed that a nationwide conflict between Federalists (largely New Englanders) and Republicans (largely

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1. 2 BRUCE ACKERMAN, *WE THE PEOPLE: TRANSFORMATIONS* 10-11 (1998).

2. 2 *id.* at 9.

Southerners) would inevitably destroy the Union. An institutionalized two-party system seemed to strike at the heart of the Constitution, renouncing the process of accommodation and compromise that fueled republican governance.³ Yet, increasingly in the 1790s, political developments seemed to generate such polarized combat. In the absence of a legitimate system of opposition, Federalists and Republicans alike assumed that there was only one answer: They must unite temporarily to eliminate opponents who seemed bent on destroying constitutional order. Their political ideals at odds with the demands of the moment, public figures engaged in the same "unconventional adaptation" that Ackerman places at the root of constitutional politics. What we see as the inevitable construction of our contemporary political system was, in truth, a series of pressured, hasty compromises forged in an atmosphere of crisis and intended solely for the task at hand. It is in the precise nature of these individual compromises that we can discover the logic of political change.

Yet, a full understanding of early national politics requires more than this core understanding, and it is here that Ackerman's argument does the period an injustice. Ackerman views American history as a cyclical alternation between "normal politics," when the political process goes largely unnoticed, and transforming moments of constitutional change, the three most significant being the Founding, Reconstruction, and the New Deal.⁴ Yet, in the Founding period—however broadly defined—there was neither a single defining "constitutional moment" nor a prolonged period of "normal politics." Rather, there was an ongoing series of political crises, any one of which seemed capable of transforming—or worse, destroying—the constitutional order. With the Constitution yet untried and untested, "normal" was a relative term, and any political controversy had potential constitutional significance. This pervading, persisting sense of crisis profoundly shaped the logic of early national political change.

We must take an additional factor into account if we are to understand early national politics, or for that matter, the politics of any time past: culture. In evaluating political acts and decisions, it is vital to consider the impact of a period's prevailing cultural imperatives. Ackerman hints at this idea by praising Gordon Wood for his attention to early American culture, the "distinctive symbolic universe of late-eighteenth-century America."⁵ But I am speaking of more than political culture. Early national Americans viewed their world through a distinctive cultural lens; they had particular

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3. On the illegitimacy of an organized party system in the early republic, see RICHARD BUEL JR., *SECURING THE REVOLUTION: IDEOLOGY IN AMERICAN POLITICS, 1789-1815*, at 1-7 (1972); RICHARD HOFSTADTER, *THE IDEA OF A PARTY SYSTEM: THE RISE OF LEGITIMATE OPPOSITION IN THE UNITED STATES, 1780-1840* (1969); and JAMES ROGER SHARP, *AMERICAN POLITICS IN THE EARLY REPUBLIC: THE NEW NATION IN CRISIS* 8-13 (1993).

4. 1 BRUCE ACKERMAN, *WE THE PEOPLE: FOUNDATIONS* 31, 58 (1991).

5. 1 *id.* at 213.

codes of conduct and distinct assumptions, expectations, values, and fears quite different from our own. When they made decisions, political or otherwise, they did so within this cultural framework. In essence, cultural imperatives have a profound shaping influence on politics and public life. As we shall see, an understanding of the early republic's prevailing culture offers important insights into the process of political change, revealing an ongoing series of personal compromises, rather than a single, transforming "moment" of constitutional change.⁶

This essay applies these three insights—the importance of a crisis mentality, "unconventional adaptations," and distinctive cultural imperatives—to the early national political narrative. Using the crisis-ridden presidential election of 1800 as a case study, it explores the logic of political change. Part I describes the crisis mentality of early national politics. Part II discusses the political context of the election of 1800 and examines three political adaptations born of the pervasive sense of crisis. Part III focuses more closely on the period's distinct culture, revealing the importance of honor to the process of political change. Part IV discusses the link between political and constitutional change by analyzing the election's ultimate crisis, the electoral tie between Thomas Jefferson and Aaron Burr. Part V follows the spirit of constitutional adaptation into the decades after the 1800 election, explaining its importance to our understanding of early national politics and its evolution.

I. THE TURBULENT 1790S: A LONG CONSTITUTIONAL MOMENT

To participants in the presidential election of 1800, its significance was clear. Long after the election, in his retirement years, John Adams had little trouble recalling its broader implications. Adams opened the topic for debate in the spring of 1813, in the midst of a conciliatory correspondence with his former political opponent, Thomas Jefferson. Adams had been reading the *Memoirs of the Late Reverend Theophilus Lindsey*, including an "Analysis of his Works; together with Anecdotes and Letters of eminent Persons, his Friends and Correspondents."⁷ Featured among Lindsey's "Letters of eminent Persons" was a March 21, 1801, letter from Jefferson to renowned Unitarian thinker Joseph Priestley.⁸ "I wish to know, if you have seen this Book," Adams wrote to Jefferson, "I have much to say on

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6. For an in-depth study of the interplay of culture and politics and its impact on our understanding of the early national political narrative, see Joanne B. Freeman, *Affairs of Honor: Political Combat and Character in the Early Republic* (1998) (unpublished Ph.D. dissertation, University of Virginia) (UMI facsimile ed.).

7. Letter from John Adams to Thomas Jefferson (May 29, 1813), in *THE ADAMS-JEFFERSON LETTERS: THE COMPLETE CORRESPONDENCE BETWEEN THOMAS JEFFERSON AND ABIGAIL AND JOHN ADAMS* 325, 325 (Lester J. Cappon ed., 1987) [hereinafter *ADAMS-JEFFERSON LETTERS*].

8. *Id.* at 326.

the Subject.”⁹ Adams remained true to his word, two of his next three letters (written within five days of each other) opening with the phrase: “In your Letter to Dr. Priestley.”¹⁰ Particularly irritating to Adams were Jefferson’s claims about the presidential election of 1800. “The mighty wave of public opinion” that had “rolled over” the republic and raised him to office was new, Jefferson had claimed.¹¹ A “new chapter in the history of man” was opening on American shores.¹² To Adams, this was egocentric nonsense. “[T]here is nothing new Under the Sun,” he countered; great shifts in the tide of public opinion had been washing over peoples and civilizations throughout recorded time.¹³ Such was the nature of historical change.

Jefferson’s election to the presidency was not revolutionary. Nor had he been swept into office on a wave of popularity. Speaking of the election’s moment of crisis—the tie vote between Jefferson and Aaron Burr for the presidency—Jefferson had written that if the tie could not be broken, as seemed likely at the time,

the federal government would have been in the situation of a clock or watch run down. There was no idea of force, nor of any occasion for it. A convention, invited by the Republican members of Congress . . . would have been on the ground in 8. weeks, would have repaired the Constitution where it was defective, & wound it up again. This peaceable & legitimate resource, to which we are in the habit of implicit obedience, superseding all appeal to force, and being always within our reach, shows a precious principle of self-preservation in our composition, till a change of circumstances shall take place, which is not within prospect at any definite period.¹⁴

To Jefferson, a constitutional convention and the spirit behind it—“a precious principle of self-preservation”—would have bridged this moment of crisis. Adams, however, was less optimistic. “I am not so sanguine, as you,” he responded. “Had the voters for Burr, addressed the Nation, I am

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9. *Id.*

10. Letter from John Adams to Thomas Jefferson (June 10, 1813), in ADAMS-JEFFERSON LETTERS, *supra* note 7, at 326, 326; Letter from John Adams to Thomas Jefferson (June 14, 1813), in ADAMS-JEFFERSON LETTERS, *supra* note 7, at 329, 329.

11. Letter from Thomas Jefferson to Dr. Joseph Priestley (Mar. 21, 1801), in THOMAS JEFFERSON: WRITINGS 1085, 1086 (1984).

12. *Id.*

13. Letter from Adams to Jefferson (June 14, 1813), *supra* note 10, at 330.

14. Letter from Jefferson to Priestley, *supra* note 11, at 1086. On Jefferson’s optimistic view of constitutional and human development, see JOYCE APPLEBY, *What Is Still American in Jefferson’s Political Philosophy?*, in LIBERALISM AND REPUBLICANISM IN THE HISTORICAL IMAGINATION 291 (1992).

not sure that your Convention would have decided in your Favour.”¹⁵ In other words, Jefferson had no popular mandate. Burr easily could have won, his defeat resulting from one congressman’s willingness to alter his vote and break the tie. Jefferson, infinitely more self-restrained than the impulsively confessional Adams, chose not to respond to this assertion, instead writing a long disquisition on political parties and their role in American politics, responding to Adams’s queries only enough to insist that the two men were too old to “become the Athletae of party, and exhibit ourselves, as gladiators, in the Arena of the newspapers.”¹⁶ Adams revisited the subject in his next few letters. Jefferson’s next letter, written over a month later, spoke only of religion. For the present, at least, the two would agree to disagree.

They agreed, however, on one fundamental point: In 1801 the constitutional clock had almost run down. As suggested by Jefferson’s letter to Priestley, the contest tested the republic’s durability, revealed a constitutional defect, and raised important questions about legitimate modes of constitutional change. Contrary to Jefferson’s rather rosy depiction of its resolution, there was talk of disunion and civil war, and indeed, two states began to organize their militia to seize the government for Jefferson if Burr prevailed.¹⁷ Throughout the election, politicians agonized and improvised their way through a maze of conflicting motives and complications; in the end, they learned much about the status of the Constitution and its impact on practical politics. Why, then, has this crucial election received short shrift in the scholarly literature? In part, for the same reasons that Bruce Ackerman cites concerning modern-day misreading of the Constitution. By looking at the past to justify the present, we blind ourselves to “the genuinely distinctive features of earlier interpretive practices.”¹⁸

To recapture the contingency of this historical moment, we must look through the eyes of our historical subjects: “[W]e must learn to see the Founders as they saw themselves.”¹⁹ Context is vital in this endeavor. So Ackerman reminds us throughout his volumes: Not only the political context—the chain of causes and effects that define the politics of the moment—but also the intellectual context—the inherited ideas and customs that shape political life. In the case of the Constitution, such considerations

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15. Letter from Adams to Jefferson (June 14, 1813), *supra* note 10, at 330.

16. Letter from Thomas Jefferson to John Adams (June 27, 1813), in ADAMS-JEFFERSON LETTERS, *supra* note 7, at 335, 337.

17. See HARRY AMMON, JAMES MONROE: THE QUEST FOR NATIONAL IDENTITY 192-93 (1990); DUMAS MALONE, JEFFERSON AND THE ORDEAL OF LIBERTY 503-04 (1962) [hereinafter MALONE, ORDEAL OF LIBERTY]; DUMAS MALONE, JEFFERSON THE PRESIDENT: FIRST TERM, 1801-1805, at 7-11 (1970) [hereinafter MALONE, JEFFERSON THE PRESIDENT]; SHARP, *supra* note 3, at 266-71; see also *infra* notes 115, 119 and accompanying text (discussing the possibility of disunion, civil war, or armed conflict).

18. 1 ACKERMAN, *supra* note 4, at 61.

19. 1 *id.* at 165.

take us deep into the very heart of its creation, revealing assumptions about the new government that might otherwise escape us. Rather than propounding a cut-and-dried amendment process that follows a series of inexorable rules, the Founders built their process of "unconventional adaptation" into the Constitution, Ackerman tells us. For example, the use of the word "convention" in Article Five is telling, when put in the proper context. The idea of a convention was tied up with illegality, its inclusion in America's founding document raising interesting questions about the role of "formal illegality" in the Founders' conception of constitutional politics.²⁰ Likewise, Ackerman reminds us that for a generation of revolutionaries, "law-breaking does not necessarily imply lawlessness. It is sometimes seen as a civic gesture indicating high seriousness"²¹—raising similar questions about the role of "mass energy" and "public-spiritedness" in the constitutional political process.²²

When we apply this contextualized mindset to the early national political narrative, what do we see? In part, we see fear. National politicians were constructing a machine of governance that was already in motion—a machine for which there was no model of comparison in the modern world. A national republic was supposedly superior to its Old World predecessors, but the reality of this assumption had yet to be determined. The stability and long-term practicability of such a polity was likewise a question, every political crisis raising fears of disunion and civil war. The Founders had no great faith that the Union would survive, a prevailing anxiety that could not help but have an enormous impact on their politics. Alexander Hamilton and James Madison, the two driving forces behind the Constitution, went to their deaths with the Union's vulnerability on their mind. Both men wrote final pleas for its preservation on the eve of their demise, Madison composing a memorandum entitled *Advice to My Country*,²³ and Hamilton writing one last letter on the night before his duel with Aaron Burr, urging a friend to fight against the "Dismembrement of our Empire."²⁴ Indeed, Hamilton dueled Burr, in part, to preserve his reputation for that future time when the republic would collapse and his leadership would be in demand.²⁵

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20. 1 *id.* at 174-75.

21. 2 ACKERMAN, *supra* note 1, at 14.

22. 1 ACKERMAN, *supra* note 4, at 177.

23. James Madison, *Advice to My Country* (1834), in 6 IRVING BRANT, JAMES MADISON: COMMANDER IN CHIEF, 1812-1836, at 530-31 (1961).

24. Letter from Alexander Hamilton to Theodore Sedgwick (July 10, 1804), in 26 THE PAPERS OF ALEXANDER HAMILTON 309, 309 (Harold C. Syrett ed., 1979).

25. See Letter from Alexander Hamilton, Statement on Impending Duel with Aaron Burr (June 28-July 10, 1804), in 26 THE PAPERS OF ALEXANDER HAMILTON, *supra* note 24, at 278, 280. On leadership and dueling in general, and the Burr-Hamilton duel in particular, see Joanne B. Freeman, *Dueling as Politics: Reinterpreting the Burr-Hamilton Duel*, 53 WM. & MARY Q. 289 (1996). Hamilton's 1804 duel with Burr, the culmination of a 15-year rivalry, resulted from Hamilton's criticism of Burr during New York's gubernatorial campaign that same year. Both men fought for essentially the same reason: to protect their claims to power and leadership in a

Virginian Henry Lee's offhand comment in a 1790 letter to James Madison is a blunt reminder of the tenuous nature of the national Union. "If the government should continue to exist," he wrote in passing, evidence of a mindset that is difficult to recapture.²⁶

Their reputations bound up with this experiment in government to an extraordinary degree, the first national office-holders were keenly aware that their every act and decision had precedent-setting importance. George Washington wrote eloquently of his anxieties in a 1790 letter to British historian Catherine Macauley Graham: "In our progress towards political happiness my station is new; and, if I may use the expression, I walk on untrodden ground. There is scarcely any part of my conduct wch. may not hereafter be drawn into precedent."²⁷ Madison shared Washington's fears. "We are in a wilderness without a single footstep to guide us," he wrote to Thomas Jefferson in Paris.²⁸ More obscure politicians who were not in the political limelight were no less anxious. As Pennsylvania Senator William Maclay put it, "[t]he Whole World is a shell and we tread on hollow ground every step."²⁹ The strikingly similar physical metaphors used by these men suggest much about the almost palpable nature of their fears. They were standing on unfamiliar ground, unsure where to place their next step.

In his 1813 exchange of letters with Jefferson, Adams recalled similar fears in response (not surprisingly) to yet another of Jefferson's partisan generalizations. Speaking of the "terrorism" of the 1790s, Jefferson wrote that "[n]one can concieve who did not witness them, and they were felt by one party only."³⁰ Adams did not agree. "You never felt the Terrorism of Chaises [Shay's] Rebellion in Massachusetts," he began.

I believe You never felt the Terrorism of Gallatins Insurrection in Pensilvania: You certainly never realized the Terrorism of Fries's, most outrageous Riot and Rescue, as I call it, Treason, Rebellion as the World and great Judges and two Juries pronounced it. You

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political culture centered around reputation and the ethic of honor. Despite the pathos of Hamilton's deathbed plea, it was ineffective, failing to stem the secessionist impulse that resulted in the 1814 Hartford Convention. Written to a New Englander, his letter was probably aimed at the convention's first stirrings.

26. Letter from Henry Lee to James Madison (Apr. 3, 1790), in 13 *THE PAPERS OF JAMES MADISON* 136, 136 (Charles F. Hobson et al. eds., 1981).

27. Letter from George Washington to Catherine Macaulay Graham (Jan. 9, 1790), in 30 *THE WRITINGS OF GEORGE WASHINGTON* 495, 496 (John C. Fitzpatrick ed., 1939).

28. Letter from James Madison to Thomas Jefferson (June 30, 1789), in 12 *THE PAPERS OF JAMES MADISON* 267, 268 (Charles F. Hobson et al. eds., 1979); see also Letter from James Madison to James Madison, Sr. (July 5, 1789), in 12 *THE PAPERS OF JAMES MADISON*, *supra*, at 278, 278 (making a similar comment).

29. William Maclay, Diary Entry (Jan. 7, 1790), in *THE DIARY OF WILLIAM MACLAY AND OTHER NOTES ON SENATE DEBATES* 179 (Kenneth R. Bowling & Helen E. Veit eds., 1988).

30. Letter from Thomas Jefferson to John Adams (June 15, 1813), in *ADAMS-JEFFERSON LETTERS*, *supra* note 7, at 331, 331.

certainly never felt the Terrorism, excited by Genet, in 1793, when ten thousand People in the Streets of Philadelphia, day after day, threatened to drag Washington out of his House, and effect a Revolution in the Government, or compell it to declare War in favour of the French Revolution, and against England. The coolest and the firmest Minds, even among the Quakers in Philadelphia, have given their Opinions to me, that nothing but the Yellow Fever, which removed Dr. Hutchinson and Jonathan Dickenson Sargent from this World, could have saved the United States from a total Revolution of Government. I have no doubt You was fast asleep in philosophical Tranquility, when ten thousand People, and perhaps many more, were parading the Streets of Philadelphia, on the Evening of my Fast Day; When even Governor Mifflin himself, thought it his Duty to order a Patrol of Horse And Foot to preserve the peace; when Markett Street was as full as Men could stand by one another, and even before my Door; when some of my Domesticks in Phrenzy, determined to sacrifice their Lives in my defence. . . . when I myself judged it prudent and necessary to order Chests of Arms from the War Office to be brought through bye Lanes and back Doors: determined to defend my House at the Expence of my Life, and the Lives of the few, very few Domesticks and Friends within it.³¹

“What think you of Terrorism, Mr. Jefferson?” he concluded. He himself thought that Federalists and Republicans were equally guilty: “[S]ummoned as a Witness to say upon Oath, which Party had excited, Machiavillially, the most terror, and which had really felt the most, I could not give a more sincere Answer, than in the vulgar Style ‘Put Them in a bagg and shake them, and then see which comes out first.’”³²

Adams’s litany of horrors raises an important point about the political climate of the 1790s. Ackerman emphasizes the dualistic nature of constitutional governance, describing a cycle alternating between “normal” politics, “during which most citizens keep a relatively disengaged eye on the to-and-fro in Washington while they attend to more personal concerns,” and “constitutional” politics, when “political movements generated mobilized popular consent to new constitutional solutions.”³³ In this early period, however, “normal” is a relative term. National crises occurred almost annually, and though not all of them percolated down to the realm of

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31. Letter from Adams to Jefferson (June 30, 1813), in ADAMS-JEFFERSON LETTERS, *supra* note 7, at 346, 347-48 (“Gallatins Insurrection in Pensilvania” refers to the 1794 Whiskey Rebellion).

32. *Id.*

33. 2 ACKERMAN, *supra* note 4, at 31.

local politics with equal intensity, it took only the slightest spark to ignite an uproar of outraged entitlement and revolutionary fervor among populace and politicians alike.

Witness the period's political chronology. In 1790, the controversy over the location of the national capital and Alexander Hamilton's financial plan convinced many that the Union was not long for this world.³⁴ In 1792, partisan conflict exploded into the public papers, threatening, as George Washington put it, to "tare the [federal] Machine asunder."³⁵ In 1793, the inflammatory activities of "Citizen" Edmond Genet threatened to spread French revolutionary fervor to American shores, prompting even Francophile Republicans to abandon his cause. In 1794, when western Pennsylvania farmers refused to pay a national whiskey tax, President George Washington called an armed force of 15,000 soldiers to the field—almost the size of the army that captured Cornwallis.³⁶ In 1795, the lackluster Jay Treaty with Britain provoked angry public protests around the nation; thousands of people gathered in New York City alone, a handful of them reputedly throwing rocks at Alexander Hamilton's head. In 1796, with George Washington's retirement, the nation had its first real presidential election, Washington's departure alone prompting many to fear the nation's imminent collapse. The 1797-98 XYZ Affair (prompted by a French attempt to bribe American diplomats), the Quasi-War with France (stemming from French seizure of American ships and the XYZ Affair), the 1798 Alien and Sedition Acts (wartime measures to deport threatening aliens and silence attacks on the government), the Kentucky and Virginia Resolutions (recommending that state governments interpose their authority over the Alien and Sedition Acts), Fries's Rebellion (a revolt against wartime taxes), and finally the presidential election of 1800—these are only the most prominent of the period's many crises, each one raising serious questions about the survival and character of the national government and its relationship with the body politic.³⁷

The framers of the Constitution may have been looking forward to the detached indifference of "normal politics" with a sense of foreboding, as Ackerman suggests, but the ongoing constitutional moment of the 1790s—when the rules of the game were yet to be fleshed out—was no picnic. Uncertainty ruled the day—uncertainty about the structure of the Constitution and the durability of the Union, the impact and implications of popular politics, the new republic's place on the international stage, and the

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34. See STANLEY ELKINS & ERIC MCKITRICK, *THE AGE OF FEDERALISM* 152-53 (1993).

35. Letter from George Washington to Alexander Hamilton (Aug. 26, 1792), in 12 *THE PAPERS OF ALEXANDER HAMILTON* 276, 276 (Harold C. Syrett ed., 1967); see also Letter from George Washington to Thomas Jefferson (Aug. 23, 1792), in 24 *THE PAPERS OF THOMAS JEFFERSON* 315, 317 (John Catanzariti ed., 1990) (expressing a similar fear).

36. See ELKINS & MCKITRICK, *supra* note 34, at 481.

37. For a detailed discussion of the many crises of the 1790s, see generally *id.*

larger significance of a national two-party war. All of these controversies had constitutional implications, provoking ongoing anxieties about the need for constitutional change. In essence, during the 1790s, there was no "normal politics"—no long-term disengagement from the national political process among populace and politicians alike.

The conventional political narrative has little room for such fears, depicting the period as a steady progression toward a modern party system. Even recent works that challenge the party-system narrative remain wedded to the idea of parties, depicting national political organization as unstable and unstructured, yet still envisioning warfare between well-defined armies of Federalists and Republicans.³⁸ In truth, however, national politics in the 1790s was like a war without uniforms; it was difficult to distinguish friends from foes, and often impossible to predict what strange combinations of circumstances might alter a man's political loyalties or forge an alliance between former enemies. Beneath the conflicting ideologies of Federalism and Republicanism, the cast of characters was ever-shifting. Only by dismissing the inevitability of parties and viewing the period's politics through the eyes of its participants—anxious, self-

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38. Whether they embrace the idea of a party system or discuss the absence of such a system, most scholars of early national politics remain centered around the touchstone of party. Even as they acknowledge the transitory, unstable nature of the period's political ties, recent studies still divide the national political world into two cohered "proto-parties"—to use Sharp's epithet. See SHARP, *supra* note 3, at 8. Sharp's introduction offers a fine account of the anxieties of early national politics, reminding readers to consider the impact of the period's distinctive political culture. Yet his use of the term "proto-parties" suggests that he is analyzing early national politics as a precursor to what came next, rather than searching for its own distinctive dynamic. Similarly, Elkins and McKittrick challenge the idea of structured parties in a first-party system, yet they persist in assuming that, in the presidential election of 1796, John Adams and Thomas Jefferson were the candidates of two cohered political organizations—an assumption that many election participants did not share. See ELKINS & MCKITTRICK, *supra* note 34, at 513-28. Although there were two bodies of political thought denoted as Federalism and Republicanism, the political personnel clustered under each of these nebulous ideologies remained unpredictable, with even the most tried-and-true partisans switching sides depending on personal, political, or regional complications.

A few scholars have taken important steps towards understanding the period's political dynamic. See RON FORMISSANO, *THE TRANSFORMATION OF POLITICAL CULTURE: MASSACHUSETTS PARTIES, 1790S-1840S* (1983); SIMON P. NEWMAN, *PARADES AND THE POLITICS OF THE STREET: FESTIVE CULTURE IN THE EARLY AMERICAN REPUBLIC* (1997); ALAN TAYLOR, *WILLIAM COOPER'S TOWN: POWER AND PERSUASION ON THE FRONTIER OF THE EARLY AMERICAN REPUBLIC* 141-291 (1995); DAVID WALDSTREICHER, *IN THE MIDST OF PERPETUAL FETES: THE MAKING OF AMERICAN NATIONALISM, 1776-1820* (1997); Alan Taylor, "The Art of Hook & Snivey": *Political Culture in Upstate New York During the 1790s*, 79 J. AM. HIST. 1371 (1993); Jeffrey L. Pasley, "Artful and designing men": Political Professionalism in the Early American Republic, 1775-1820 (1993) (unpublished Ph.D. dissertation, Harvard University) (on file with author). Ron Formissano's evocative discussion of early national politics in the context of patron-client relationships is suggestive, though it, too, remains rooted in the party concept. See Ron Formissano, *Federalists and Republicans: Parties, Yes—System, No*, in *THE EVOLUTION OF AMERICAN ELECTORAL SYSTEMS* 33 (Paul Kleppner et al. eds., 1981). The foremost proponents of the first-party system approach are WILLIAM NISBET CHAMBERS, *POLITICAL PARTIES IN A NEW NATION: THE AMERICAN EXPERIENCE, 1776-1809* (1963); and JOSEPH CHARLES, *THE ORIGINS OF THE AMERICAN PARTY SYSTEM* (Harper Torchbooks 1961) (1956).

conscious, and caught in the contingency of the moment—can we rediscover the unconventional adaptation at the heart of our political system.

II. THE CRISIS MENTALITY OF 1800

The election of 1800 is a superb case study of this process of political innovation.³⁹ As suggested by the conventional narrative, a number of seemingly modern political practices made their appearance on the national stage during this contest. Both Federalists and Republicans held congressional caucuses to nominate candidates; there was the semblance of a nationally organized propaganda campaign; elite politicians electioneered among the common folk to an unprecedented degree; and party discipline was strong enough to produce an electoral tie and almost dissolve the Union. Yet, as demonstrated by the anxious apologies, excuses, and justifications that filled politicians' correspondence, these same practices also violated the ethics of national politics, grounding the national political process in combat rather than compromise, dividing the nation along a two-party axis, and seemingly promoting the ambitions of factions over the general public good.⁴⁰ Given this prevailing dread of national political parties, how did individual politicians justify their party politicking, temporary as it might be? Scholars who discuss this profound conflict rarely do more than acknowledge it, noting that early national politicians formed parties despite their professed hesitance to do so.⁴¹ The precise way in which individual politicians reasoned their way into party practices remains unknown. Did the prevailing sense of political virtue slip a few

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39. On the election of 1800, see NOBLE E. CUNNINGHAM, JR., *THE JEFFERSONIAN REPUBLICANS: THE FORMATION OF PARTY ORGANIZATION, 1789-1801*, at 144-248 (1957); ELKINS & MCKITRICK, *supra* note 34, at 691-754; 1 MILTON LOMASK, *AARON BURR: THE YEARS FROM PRINCETON TO VICEPRESIDENT, 1756-1805*, at 231-95 (1979); MALONE, *ORDEAL OF LIBERTY*, *supra* note 17, at 484-506; DANIEL SISSON, *THE AMERICAN REVOLUTION OF 1800 passim* (1974); and 2 PAGE SMITH, *JOHN ADAMS 1052-62* (1962). For a more sectional reading of the election—though it remains focused on warring “proto-parties”—see SHARP, *supra* note 3, at 226-75.

40. It is important to note that the Founding generation felt differently about party politics on a state level. Localized parties did not present the same threat as those on a national scale. Unlike the Union, individual states were unlikely to dissolve in the face of partisan warfare. National party politics took hold when national politicians hooked up with state-level political organizations that were already in operation.

41. See, e.g., ELKINS & MCKITRICK, *supra* note 34, at 24 (noting the “emergence of parties” among politicians whose “inherited value system[s]” were hostile to factions); GORDON WOOD, *THE RADICALISM OF THE AMERICAN REVOLUTION* 296-98 (1992) (discussing the rise of a national party system). Sharp offers a brief statement of each “proto-party’s” mindset toward its own existence and each other’s. See SHARP, *supra* note 3, at 8-13. Noble Cunningham’s impressive study of party organization in the 1790s focuses on its mechanics, rather than its logic, pointing “out in chronological sequence those political developments which suggest the germination of parties” and showing “the gradual progression of party growth.” CUNNINGHAM, *supra* note 39, at vii-viii.

notches? So states a recent magisterial work on the age of Federalism, thereby dragging modern assumptions about political corruption into the narrative as well.⁴²

Such questions suggest that by imposing a modern structure on the distinctive political dynamic of an earlier time, we have obscured a crucial part of the political process: the logic of change. As Ackerman notes concerning the Constitution, the Founders were reformers at heart, interested in challenging "normal procedures" without smashing "all of the legitimating structures within which they are imbedded."⁴³ The same holds true regarding the crisis of 1800. To achieve their goals—the salvation of the republic (and an electoral victory)—politicians were willing to stretch political proprieties to an extraordinary degree. But they did not abandon them entirely—though they came close. Rather than discarding past habits, ideals, and assumptions on their way towards a more glorious democratic future, politicians engaged in a series of personal compromises, adapting their politics to the task at hand. Viewed in their proper context, these decisions do not reflect a sudden embrace of a "modern" politics.⁴⁴ They reveal a political elite adapting—not abandoning—aristocratic attitudes and practices of the past to the demands of an increasingly empowered populace. Viewed in this light, the election of 1800 becomes one of a series of steps in a gradual process of political evolution—a pivotal moment, without a doubt, but part of a process that offers greater insight into our political system than the conventional story that divides the political narrative into "party systems" with distinct beginnings, middles, and ends.

The contest certainly had critical constitutional implications to those involved. As New York Republican Matthew Davis wrote in the spring of 1800, this election would "clearly evince, whether a Republican form of Government is worth contending for," deciding, "in some measure, our future destiny."⁴⁵ Federalists were likewise uneasy as the contest approached, many convinced that this would be the last election.⁴⁶ Even President John Adams assumed that some of his colleagues desired the

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42. See ELKINS & MCKITRICK, *supra* note 34, at 739-40.

43. 2 ACKERMAN, *supra* note 1, at 176.

44. See SHARP, *supra* note 3, at 276-88. Sharp explains, "[t]o the victorious men of 1800 and their immediate successors . . . the Republicans had saved the nation from the excesses of party." *Id.* at 286-87.

45. Letter from Matthew Davis to Albert Gallatin (May 5, 1800), *microformed on Papers of Albert Gallatin*, New York University, Historical Society of Pennsylvania (Microinsurance, Inc.).

46. For other examples of pre-election jitters, see AURORA GEN. ADVERTISER (Philadelphia), May 7, 1800, in 24 THE PAPERS OF ALEXANDER HAMILTON 466-67 n.2 (Harold C. Syrett ed., 1976); Letter from Abigail Adams to Thomas Adams (Oct. 12, 1800), in Adams Family Papers (on file with the Massachusetts Historical Society); Letter from William Tudor to John Adams (Nov. 5, 1800), in Adams Family Papers, *supra*; Letter from Gideon Granger to Thomas Jefferson (Oct. 18, 1800), in Thomas Jefferson Papers (on file with the Library of Congress).

destruction of the republic and, ultimately, a new Constitution.⁴⁷ As early as May of 1800, months before a vote was cast, there was anxious talk of civil war.⁴⁸ The fuel for these fears was the seemingly implacable opposition of Federalists and Republicans, largely a battle between Northerners and Southerners. With partisan animosity at an all-time high and no end in sight, many assumed that they were engaged in a fight to the death that would destroy the Union. Of course, each side assumed that they alone represented “We the People,” their opponents a mere faction promoting self-interested desires. If the Union fell, it would be the fault of their foes, desperate men who had forsaken the public good in the hope of winning power, fortune, and influence. Each side was thus firmly convinced that their enemies had abandoned the rules of the game and that they themselves must act accordingly.

It is this crisis mentality that fueled the process of political change. Driven by fears of civil war, disunion, and the collapse of their causes and careers, and convinced of the utter corruption of their foes, politicians felt compelled to risk all, their faith in their commitment to the public good leading them to violate many of their most deeply held ideals and standards.⁴⁹ The cause of liberty certainly had justified extreme measures before; with each side convinced that they were defending the promise of the Revolution, it was no great leap to conclude that their present combat demanded more of the same. As Hamilton wrote in the midst of the 1800 election, “in times like these in which we live, it will not do to be overscrupulous. It is easy to sacrifice the substantial interests of society by a strict adherence to ordinary rules.”⁵⁰ Connecticut Republican Gideon Granger felt the personal impact of this mentality during a congressional debate in 1800. As he explained to Thomas Jefferson, a Federalist Representative had been “insolent enough to dictate to me that tho’ he esteemed me as a Man, yet we must all be crushed and that my life was of little Importance when compared to the peace of the State.”⁵¹ Extraordinary times demanded extraordinary actions. Such supposed moral lapses, in turn, fostered anxiety about the fate of the republic. National politicians were caught in a vicious circle, torn between the demands and proprieties of national politics. By virtually demanding “unconventional adaptation,” this crisis mentality greased the wheels of political change.

Adaptation—not abandonment—of the political process would be the salvation of the republic. To preserve the Constitution, political proprieties

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47. See Letter from John Adams to Abigail Adams (Nov. 15, 1800), in Adams Family Papers, *supra* note 46.

48. See AURORA GEN. ADVERTISER (May 7, 1800), *supra* note 46.

49. See WOOD, *supra* note 41, at 296-98.

50. Letter from Alexander Hamilton to John Jay (May 7, 1800), in 24 THE PAPERS OF ALEXANDER HAMILTON, *supra* note 46, at 464, 465-67.

51. Letter from Granger to Jefferson (Oct. 18, 1800), *supra* note 46.

would have to be stretched to the breaking point. Confronted with this dangerous logic, national politicians walked a thin line, struggling to balance their political ideals and assumptions with the demands of the moment. As the word "adaptation" suggests, they did not rush blindly into a party system. Rather, they forged an intricate series of compromises between their political and cultural imperatives as a ruling elite, and their desperate need to gain the loyalties of the body politic. Examined closely, such innovations reveal the complex dynamic of this process of political change.

A. *Unconventional Adaptation #1—The Electoral College*

Let us examine some of these individual compromises. The ever-impulsive Alexander Hamilton provides us with one such example. Many accounts of the election of 1800 mention disapprovingly his attempt to tamper with the functioning of the electoral college.⁵² Alarmed that the incoming New York state legislature was largely Republican and would thus select Republican presidential electors, Hamilton wrote to New York Governor John Jay in May of 1800, pleading for drastic measures: The old legislature needed to be called immediately and the mode of choosing electors changed to popular voting by districts. Hamilton confessed he was "aware that there are weighty objections to the measure," but added that, "scruples of delicacy and propriety . . . ought to yield to the extraordinary nature of the crisis. They ought not to hinder the taking of a *legal* and *constitutional* step, to prevent an *Atheist* in Religion and a *Fanatic* in politics from getting possession of the helm of the State."⁵³ Jay did not

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52. The electoral college was designed as a nonpartisan system that would discourage regional prejudice in the selection of a President. Each state selected electors (equal in number to the total of its representatives and senators) by whatever method their state legislatures chose to adopt. Electors then met in a group, in their home states, each man voting for two candidates, one of whom could not be an inhabitant of the elector's state. The votes were counted during a joint session of the House and Senate, the candidate receiving a majority of votes becoming President, the one receiving the second largest number of votes Vice President, regardless of their partisan affiliations. For example, in 1796, the electoral college selected a Federalist President (John Adams) and a Republican Vice President (Thomas Jefferson). On the electoral college, see RICHARD B. BERNSTEIN & JEROME AGEL, *AMENDING AMERICA: IF WE LOVE THE CONSTITUTION SO MUCH, WHY DO WE KEEP TRYING TO CHANGE IT?* 59-65, 150-54 (1993); TADAHISA KURODA, *THE ORIGINS OF THE TWELFTH AMENDMENT: THE ELECTORAL COLLEGE IN THE EARLY REPUBLIC, 1787-1804* (1994); RICHARD P. MCCORMICK, *THE PRESIDENTIAL GAME: THE ORIGINS OF AMERICAN PRESIDENTIAL POLITICS* (1982); Peter H. Argersinger, *Electoral Processes*, in 2 *ENCYCLOPEDIA OF AMERICAN POLITICAL HISTORY* 489 (Jack P. Greene ed., 1984); and Shlomo Slonim, *The Electoral College at Philadelphia: The Evolution of an Ad Hoc Congress for the Selection of a President*, 73 J. AM. HIST. 35 (1986).

53. Letter from Alexander Hamilton to John Jay (May 7, 1800), in 24 *THE PAPERS OF ALEXANDER HAMILTON*, *supra* note 46, at 464, 465. All emphases are Hamilton's. His closing—"Respectfully & Affect[ionately]"—reveals him appealing to Jay as both the governor and a friend. Jay was not persuaded, writing at the bottom of the letter: "Proposing a measure for party purposes wh. I think it wd. not become me to adopt." *Id.* at 467.

know the Republicans as well as Hamilton did, Hamilton assured the Governor: They were intent on either overthrowing the government “by stripping it of its due energies” or effecting a revolution. Given the threat to the republic, the “*public safety*,” and the “great cause of social order,” it was their “solemn obligation to employ” any means in their power to defeat these wrongdoers.⁵⁴ Hamilton even told Jay how to inform the state legislature of this electoral maneuver. “If done the motive ought to be frankly avowed,” he advised.

In your communication to the Legislature they ought to be told that Temporary circumstances had rendered it probable that without their interposition the executive authority of the General Government would be transfered to hands hostile to the system heretofore pursued with so much success and dangerous to the peace happiness and order of the Country—that under this impression from facts convincing to your own mind you had thought it your duty to give the existing Legislature an opportunity of deliberating whether it would not be proper to interpose and endeavour to prevent so great an evil . . . .

There could be no hope for any popular government “if one party will call to its aid all the resources which *Vice* can give and if the other, however pressing the emergency, confines itself within all the ordinary forms of delicacy and decorum.”⁵⁵

Here is the same spirit of adaptation that Ackerman places at the core of the constitutional process. Hamilton was not urging illegal action but, rather, the creative manipulation of the standing rules. “Call the legislature and change the electoral system,” he suggested: do not “[i]gnore the system and select electors of our own.” Rather than an anomalous moment of corruption, Hamilton’s ploy was in the constitutional tradition; indeed, it was an attempt to maintain constitutional order in the face of a looming Republican threat. And, though Hamilton alone usually shoulders the blame for electoral sinning, in truth, many others resorted to the same logic, manipulating the rules of the game at the last minute to ensure the public safety and the general good. Given the lessons of the presidential election of 1796—the first without George Washington, and thus the first true presidential contest—such attempts seemed logical. The 1796 electors had proven entirely unpredictable, their loyalties ever-shifting, dissolving the national election into a cluster of local debates and controversies.⁵⁶ In the

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54. *Id.* at 465-66.

55. *Id.*

56. On the lack of coordination in the presidential election of 1796, see Joanne B. Freeman, *The Presidential Election of 1796*, in JOHN ADAMS AND THE FOUNDING OF THE REPUBLIC

crisis atmosphere of 1800, politicians therefore did their best to secure reliable electors. Pleading for immediate electoral reform in Virginia, North Carolina, Kentucky, and Tennessee, Republican Charles Pinckney explained, "I tell you I know nothing else will do and this is no time for qualms."⁵⁷ Maryland Federalist Charles Carroll likewise encouraged such reform, though he disapproved of "laws & changes suited to the spirit of the occasion."⁵⁸ The entire Massachusetts congressional delegation urged similar reform for their state. Fearful that their allies back home might not realize the importance of their electoral votes from a national perspective, they made their request in a circular letter—an unusual act for a New Englander—apologizing for their demand even as they made it; "[e]xcuse us for suggesting these ideas," they explained, "our anxiety for the event of the election must be our apology."⁵⁹ Other politicians waited until their states elected new legislatures; if their party had a clear majority, they lobbied to convene it immediately for the selection of electors, before their opponents could organize resistance.⁶⁰ These men justified their actions by declaring them public-minded during a time of crisis: Rather than abandoning their ideals and morals, they were doing just the opposite, clinging to them as justification for their political sins. The republic and the Constitution demanded such sacrifice.

(Richard A. Ryerson ed., forthcoming 2000); and Freeman, *supra* note 6, at 244-330. On the election of 1796 in general, see CUNNINGHAM, *supra* note 39, at 89-115; MANNING DAUER, *THE ADAMS FEDERALISTS* 92-119 (1953); ELKINS & MCKITRICK, *supra* note 34, at 518-28; KURODA, *supra* note 52, at 63-72; STEPHEN G. KURTZ, *THE PRESIDENCY OF JOHN ADAMS* 78-238 (1957); MALONE, *ORDEAL OF LIBERTY*, *supra* note 17, at 273-94; 2 SMITH, *supra* note 39, at 879-917; Arthur Scherr, *The "Republican Experiment" and the Election of 1796 in Virginia*, 37 W. VA. HIST. 89 (1976); and Page Smith, *Election of 1796*, in 1 HISTORY OF AMERICAN PRESIDENTIAL ELECTIONS, 1789-1968, at 59 (Arthur M. Schlesinger, Jr. ed., 1971).

57. Letter from Charles Pinckney to James Madison (Sept. 30, 1799), in 17 THE PAPERS OF JAMES MADISON 272, 273 (David B. Mattern et al. eds., 1991). For letters expressing similar sentiments, see Letter from Charles Pinckney to James Madison (May 16, 1799), in 17 THE PAPERS OF JAMES MADISON, *supra*, at 250, 250-51; Letter from John Dawson to James Madison (Nov. 28, 1799), in 17 THE PAPERS OF JAMES MADISON, *supra*, at 281, 281-82; Letter from Stevens Thomson Mason to James Madison (Jan. 16, 1800), in 17 THE PAPERS OF JAMES MADISON, *supra*, at 356, 356; and Letter from Charles Peale Polk to James Madison (June 20, 1800), in 17 THE PAPERS OF JAMES MADISON, *supra*, at 394, 394-95. For a detailed discussion of electoral college reform in 1800, see CUNNINGHAM, *supra* note 39, at 144-47.

58. Letter from Charles Carroll to Alexander Hamilton (Aug. 27, 1800), in 25 THE PAPERS OF ALEXANDER HAMILTON 93, 94 (Harold C. Syrett ed., 1977).

59. Circular letter from Massachusetts Delegates in Congress (Jan. 31, 1800), in CUNNINGHAM, *supra* note 39, at 146. These personal letters in printed form were mailed to constituents and were largely a Southern form of political communication, well-adapted to a widely-dispersed population. In densely populated, print-saturated New England townships, such personal appeals were unnecessary, and thus seemingly self-promoting. See CIRCULAR LETTERS OF CONGRESSMEN TO THEIR CONSTITUENTS, 1789-1829 (Noble Cunningham, Jr. ed., 1978).

60. See, e.g., Letter from Gabriel Duval to James Madison (June 6, 1800), in 17 THE PAPERS OF JAMES MADISON, *supra* note 57, at 392, 392; Letter from Polk to Madison (June 20, 1800), *supra* note 57; Letter from John Dawson to James Madison (July 28, 1800), in 17 THE PAPERS OF JAMES MADISON, *supra* note 57, at 399, 399.

B. *Unconventional Adaptation #2—Electioneering*

This sense of crisis likewise inspired some electioneering innovations, compelling elite politicians to court the body politic to an unprecedented degree. The people needed to be aroused and enlightened to the danger at hand and induced to reveal their true sentiments—prompting many politicians to forge new and uncomfortable compromises. For example, the notoriously standoffish Thomas Jefferson, opposed in principle and personality to public ceremony and display, changed his tune in the spring of 1800. Writing to Virginia Governor James Monroe, he expressed his willingness to arrange a “spontaneous” public demonstration of support for him on his way home from Washington.⁶¹ He hated ceremony, he acknowledged, and thought it better to avoid occasions “which might drag me into the newspapers.”⁶² Yet “the federal party had made [powerful] use” of such demonstrations, and there was “a great deal of federalism and Marshalism” in Richmond. He wondered, was a reliance on “the slow but sure progress of good sense & attachment to republicanism . . . best for the public as well as (myself)?”⁶³ In this contest between political proprieties and the demands of the moment, the latter nearly prevailed. In the end, however, Monroe advised against such a display. Not only would it inspire “like attention by the tories,” involving Jefferson “in a kind of competition,” but the public might not readily rally to his cause.⁶⁴ After inquiring “in a way wh[ich] compromitted no one,” Monroe explained, “it was feared . . . that the zeal of some of our friends . . . had abated by yr. absence”—an interesting comment on the supposed wave of sentiment that swept Jefferson into office.⁶⁵

Perhaps the most renowned electioneering innovations took place in New York City under the guidance of Aaron Burr.⁶⁶ The sense of crisis was certainly at an extreme in the spring of 1800, for New York City was the

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61. Letter from Thomas Jefferson to James Monroe (Mar. 26, 1800), in Thomas Jefferson Papers, *supra* note 46, at 18,230-31; Letter from Thomas Jefferson to James Monroe (Apr. 16, 1800), in Thomas Jefferson Papers, *supra* note 46, at 18,269-70.

62. Letter from Jefferson to Monroe (Apr. 16, 1800), *supra* note 61, at 18,269-70.

63. Letter from Jefferson to Monroe (Mar. 26, 1800), *supra* note 61, at 18,230-31.

64. Letter from James Monroe to Thomas Jefferson (May 1800), in Thomas Jefferson Papers, *supra* note 46.

65. *Id.*

66. The contest was for New York State legislators—the men who would select presidential electors, and thereby determine the state’s presidential preference. It is worth noting that Pennsylvania also saw dramatic electioneering innovations in 1796 and 1800, but their driving force—John Beckley—was not among the ruling elite; a man of more equivocal status, his activities were less shocking to contemporaries. On Beckley, see EDMUND BERKELEY & DOROTHY SMITH BERKELEY, JOHN BECKLEY: ZEALOUS PARTISAN IN A NATION DIVIDED (1973); Noble E. Cunningham, Jr., *John Beckley: An Early American Party Manager*, 13 WM. & MARY Q. 40 (1956); and Jeffrey L. Pasley, “A Journeyman, Either in Law or Politics”: John Beckley and the Social Origins of Political Campaigning, 16 J. EARLY REPUBLIC 531 (1996).

most crucial contest of the campaign. As Republican Matthew Davis explained, "it was universally conceded that on the state of New-York the presidential election would depend, and that the result of the city would decide the fate of the state."⁶⁷ Given Burr's perverse pleasure in violating prevailing standards and norms, it is difficult to ascribe his actions to a process of tortured compromise. But the challenge of the moment did spur him to institute a number of political innovations that proved highly effective. For example, he personalized his campaign to an extraordinary degree, purportedly compiling a roster with the name of every New York City voter, accompanied by a detailed description of his political leanings, temperament, and financial standing.⁶⁸ His plan was to portion the list out to his cadre of young supporters, who would literally electioneer door-to-door; in the process, he was politically organizing the citizenry—not his goal, but the logical outcome. Similarly, rather than selecting potential electors based on their rank and reputation, he selected the men "most likely to run well," canvassing voters to test the waters.⁶⁹

Perhaps his most striking innovations concerned his preparations for the city's three polling days. Creating a literal campaign headquarters, he "kept open house for nearly two months, and Committees were in session day and night during that whole time at his house. Refreshments were always on the table and mattresses for temporary repose in the rooms. Reports were hourly received from sub-committees, and in short, no means left unemployed."⁷⁰ As the polls opened, he dispatched German-speaking Republicans to the predominantly German seventh ward to "explain" the election in the voters' native tongue. When the polls had closed, guards were posted discreetly at each one to prevent inspectors from "inadvertently" making errors in their returns; guards likewise "narrowly and cautiously watched" the city's "leading federal gentlemen."⁷¹

Though Burr was unequaled in his strategy and efforts, Hamilton matched Burr's pace during the city's three days of balloting. Unequipped and unwilling to manage a large-scale democratic campaign, he could at least meet Burr's individual efforts during the ultimate moment of crisis.

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67. 2 MATTHEW L. DAVIS, *MEMOIRS OF AARON BURR* 54 (New York, Harper & Brothers 1837). As evidence, Davis cited a letter of March 4, 1800, from Thomas Jefferson to James Madison.

68. See 1 LOMASK, *supra* note 39, at 239-40. Unfortunately, Lomask cites no source for this piece of information, though it seems typical of Burr's political method, as documented and described by his peers. He may be referring to Davis's account of Burr's checklist of the political elite. See 1 DAVIS, *supra* note 67, at 434-35. Overall, however, Lomask offers a vivid description of Burr's politicking. For many of the details in this paragraph, see 1 LOMASK, *supra* note 39, at 239-47.

69. Letter from Matthew L. Davis to Albert Gallatin (Mar. 29, 1800), in *Papers of Albert Gallatin*, *supra* note 45.

70. 1 LOMASK, *supra* note 39, at 244 (quoting the diary of Benjamin Betterton Howell, a New York City merchant).

71. 2 DAVIS, *supra* note 67, at 61.

Both men rushed from ward to ward for twelve to fifteen hours a day, often neglecting to eat, their political aides hard put to keep up with them.⁷² Both likewise took the unprecedented measure of speaking directly to the people. As Burr's political lieutenant, Matthew Davis reported to Albert Gallatin, one of Jefferson's political intimates, Burr had "pledged himself to come forward, and address the people in firm & manly language on the importance of the election, and the momentous crisis at which we have arrived—This he has never done at any former election, and I anticipate Great advantages from the effect it will produce."⁷³ Significantly, Burr made this decision in response to the supposedly backward-looking high-Federalist Hamilton, who had previously announced his intentions to electioneer in the same manner.⁷⁴ Of course, their bold democratic gesture is unremarkable by our standards, the two men arguing "the debatable questions" before large assemblages at polling places, each politely stepping aside when it was the other's turn to speak.⁷⁵ But the partisan presses recognized the novelty of such gestures. How could a "would be Vice President . . . stoop so low as to visit every corner in search of voters?" asked the Federalist *Daily Advertiser*.⁷⁶ The *Commercial Advertiser* likewise commented on the "astonished" electorate that greeted Hamilton's efforts.

[E]very day he is seen in the street hurrying this way, and darting that; here he buttons a heavy hearted fed, and preaches up courage, there he meets a group, and he simpers in unanimity, again to the heavy headed and hearted, he talks of perseverance, and (God bless the mark) of virtue!⁷⁷

Though as energetic as Burr, Hamilton electioneered with a decidedly Federalist flair. On at least one occasion, he offended the crowd at a polling place by appearing on horseback, prompting one disgruntled observer to literally force Hamilton off his high horse.⁷⁸

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72. See Letter from Matthew L. Davis to Albert Gallatin (May 1, 1800), in Papers of Albert Gallatin, *supra* note 45; Letter from Robert Troup to Peter Van Schaack (May 2, 1800), in CUNNINGHAM, *supra* note 39, at 183.

73. Letter from Davis to Gallatin (Mar. 29, 1800), *supra* note 69.

74. See 1 DAVIS, *supra* note 67, at 434-35.

75. 2 *id.* at 60.

76. 1 LOMASK, *supra* note 39, at 244 (quoting the DAILY ADVERTISER (New York) (Apr. 2, 1800)).

77. *Id.* (quoting the GENERAL ADVERTISER (New York), Apr. 3, 1800).

78. See 7 JOHN C. HAMILTON, HISTORY OF THE REPUBLIC OF THE UNITED STATES OF AMERICA 375-76 (Philadelphia, J.B. Lippincott & Co. 1864). The story may be apocryphal. John Church Hamilton reports that his father was on horseback because he was on his way to his country home, and then offers a questionable anecdote about how his father swayed the "rabble." Hamilton's "history of the republic"—which is really a biography of his father—is a prime example of the partisan, personal histories of the early and mid-nineteenth century.

Burr is often cited as one of the nation's first "modern" politicians, his efforts in 1800 a far cry from the genteel restraint displayed by most of his peers. But even Burr did not simply abandon past precedent in favor of a "more logical" mode of politicking. His genius was in his strategic deployment of his presence and reputation, enabling him to politick without dirtying his hands.⁷⁹ With the exception of his polling-place orations, he himself did not mingle with the populace. Rather, he politicked through the agency of a league of energetic young political lieutenants. As noted by Davis (himself one of Burr's lieutenants), this was his chief's most distinctive political skill: his ability to charm and persuade his supporters and the unconverted alike. "It was one of the most remarkable exhibitions of the force of his character," Davis explained, "this bending every one who approached him to his use, and compelling their unremitted, though often unwilling, labours in his behalf."⁸⁰

The power of such popular politicking was apparent—even to recalcitrant Federalists who disliked the disorder of an aroused democratic multitude.⁸¹ The tone of politics was slowly shifting, as leaders and populace negotiated the best means of maintaining the constitutional order, as they envisioned it. Of course, Federalists and Republicans had very different visions of this sense of order. Yet, their politicking in 1800 shared one fundamental assumption: Popular political innovations were attempts to *preserve* their sense of the political system, not to destroy it. Forged in a time of crisis, such compromises looked back to the past as well as forward to the future.

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79. On the difference between the "hands-off" politicking of the political elite and the popular politicking of second-rank politicians, see Pasley, *supra* note 38, at 63-81.

80. 2 DAVIS, *supra* note 67, at 15. I cannot resist including Davis's fascinating account of Burr's personnel management. Eager to gain as much financial and personal support as possible in 1800, Burr asked his assistants to draw up a list of the city's Republican elite. Proceeding down the list of names, he then calculated how much money or time to request of each man:

An individual, an active partisan of wealth, but proverbially parsimonious, was assessed one hundred dollars. Burr directed that his name should be struck from the list; for, said he, you will not get the money, and from the moment the demand is made upon him, his exertions will cease, and you will not see him at the polls during the election. . . . [T]he name of another wealthy individual was presented; he was liberal, but indolent; he also was assessed one hundred dollars. Burr requested that this sum should be *doubled*, and that he should be informed that no labour would be expected from him except an occasional attendance at the committee-rooms to assist in folding tickets. He will pay you the two hundred dollars, and thank you for letting him off so easy.

Id. at 16-17. The moral of this political lesson, Burr noted, was "*that the knowledge and use of men consisted in placing each in his appropriate position.*" *Id.* at 17.

81. On Federalist attempts at democratic innovation, see generally DAVID HACKETT FISCHER, *THE REVOLUTION OF AMERICAN CONSERVATISM: THE FEDERALIST PARTY IN THE ERA OF JEFFERSONIAN DEMOCRACY* (1965).

C. *Unconventional Adaptation #3—Caucuses*

Even the adventurer Burr did not repudiate the political system in the service of his goals. Rather, he adapted it to suit his purposes, stretching the bounds of propriety in the name of the Republicans, the people, and Aaron Burr—for his extreme measures won him the vice presidential nomination. Contemporaries deemed Burr's practices wrong but admirable, their conflicted emotions revealing the clash between political proprieties and demands. As New Yorker Robert R. Livingston noted, some men seemed to see in Burr "all the vices of a Cataline & yet assign those very vices as a reason for placing him at the head of the government."⁸² They were equally conflicted about electoral caucuses—another feature of the 1800 election. To ensure an electoral victory, both Federalists and Republicans attempted to strengthen national partisan bonds by holding national congressional caucuses in May of 1800, just before the adjournment of Congress. Close analysis of their logic and impact reveals the warping influence of modern assumptions. Led astray by the word "caucus," most scholarly accounts pinpoint these meetings as a "modern" innovation. But in truth, they are something quite different—something not at all apparent unless you listen to the participants' precise words, reconstruct their precise logic, and look at these meetings through their eyes.

Context—political, intellectual, and cultural—is vital to understanding these caucuses. Politically, they were a logical outgrowth of the confusion and unpredictability of the presidential election of four years before. This time, politicians thought, they would do better. They would have a plan. Intellectually, however, caucuses were problematic. Even as they acknowledged the need for organization, politicians were uncomfortable with these exclusive, factional, seemingly secret, and extra-constitutional bodies. Federalist John Trumbull of Connecticut avoided them on principle: "I never attended a *Caucus*, & never intend to do it."⁸³ As the [Philadelphia] *Aurora* declared in a burst of self-righteous outrage, the Federalist congressional caucus was a "*self appointed, self elected, self delegated club or caucus, or conspiracy, of about 24 persons, . . . unknown to the constitution or the law . . .*"⁸⁴ As Massachusetts Republican

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82. Letter from Robert R. Livingston to Gouverneur Morris (Feb. 2, 1801), Robert R. Livingston Papers (on file with the New York Historical Society). Livingston was speaking of Federalist congressmen, as they debated Jefferson's and Burr's qualifications for the Presidency.

83. Letter from John Trumbull to John Adams (July 21, 1801), in Adams Family Papers, *supra* note 46.

84. AURORA GEN. ADVERTISER (Philadelphia), Sept. 22, 1800, in CUNNINGHAM, *supra* note 39, at 165.

Benjamin Austin, Jr. put it, "Constitutional Republicanism" was warring against "Fallacious Federalism."⁸⁵

There were several ways to grapple with this conflict between political proprieties and demands. You could "capture" a town meeting and commandeer it to serve partisan purposes; this was no secret caucus, but an open public discussion.⁸⁶ You could stage a separate public meeting, supposedly open to all, but likewise partisan. The risk with such a ploy was that you could not exclude your political opponents without appearing partisan and exclusive—as in New Jersey, where Federalists insisted on attending a Republican meeting in the name of "free discussion."⁸⁷ You could openly declare that you were holding a caucus, your honesty intended to mitigate your sin—thereby opening yourself to attack by your opponents—as did congressional Federalists in May of 1800.⁸⁸ You could stage a secret caucus, like congressional Republicans, risking the penalties of exposure.⁸⁹ Or you could obscure the organizational nature of your meeting, viewing it as "[a] private meeting of our friends," as did New York Republican Matthew Davis in 1800.⁹⁰ All such strategies were attempts at unconventional adaptation, aimed at bending the rules without breaking them. Caucuses—like conventions, as Ackerman points out—were extralegal organizations, but unlike conventions, they had little apparent link to "We the People," seeming to dictate their votes rather than represent them.⁹¹ Not surprisingly, within the next twenty years, electoral politics would see a new adaptation—political conventions, seemingly popular organizations that, at least in their earliest incarnation, were often well-orchestrated public endorsements of privately selected candidates.⁹²

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85. Benjamin Austin, Jr., *Constitutional Republicanism in Opposition to Fallacious Federalism; as published occasionally in the Independent Chronicle under the Signature of Old South* (Boston, 1803), in CUNNINGHAM, *supra* note 39, at 166 n.84; see also CARL E. PRINCE, *NEW JERSEY'S JEFFERSONIAN REPUBLICANS: THE GENESIS OF AN EARLY PARTY MACHINE, 1789-1817*, at 117-18, 155, 168 (1967) (noting similar objections); Letter from William Blount to John Sevier (Sept. 26, 1796), in 1 *POLITICAL CORRESPONDENCE AND PUBLIC PAPERS OF AARON BURR* 268 (Mary-Jo Kline ed., 1983) (same).

86. See CUNNINGHAM, *supra* note 39, at 156-57.

87. See Address to the inhabitants of the county of Gloucester (signed by Dr. Thomas Hendry, Chairman, 1800) in CUNNINGHAM, *supra* note 39, at 157 n.47.

88. See *id.* at 164-66.

89. See *id.* at 165.

90. Letter from Matthew L. Davis to Albert Gallatin (Apr. 15, 1800), in Papers of Albert Gallatin, *supra* note 45. Cunningham describes this meeting as "presumably . . . the general committee" of the Republican party, thereby dismissing entirely the mindset and intentions of those involved. See CUNNINGHAM, *supra* note 39, at 180; see also FISCHER, *supra* note 81, at 110-12 (describing similar practices); RUDOLPH J. PASLER & MARGARET C. PASLER, *THE NEW JERSEY FEDERALISTS* 96-97, 107 n.34 (1975) (same).

91. For Ackerman's discussion of conventions in the early national sense of the word, see 2 ACKERMAN, *supra* note 1, at 81-85.

92. See FISCHER, *supra* note 81, at 73-75, 78; PRINCE, *supra* note 85, at 64, 66-67, 72, 85. For an example of one of these well choreographed "democratic" conventions, see Letter from Matthew L. Davis to Albert Gallatin (Apr. 15, 1800), *supra* note 90, where Davis explains how

Again, rather than wholesale surrender to a properly democratic mode of politicking, we are seeing a gradual process of change.

Thinking back to the disorganization of 1796, when a total of thirteen candidates received presidential nominations, national politicians in 1800 saw congressional caucuses as both logical and necessary, justified by the crisis at hand. This time, with the fate of the republic at stake, they would try to get national support for two "safe" candidates. It is here that close attention to cultural conventions—language, rituals, customs—offers insight into the distinctive nature of the early national political process. The first hint at the purpose of these two congressional meetings of May 1800 can be found in the words that politicians used to describe them. Though they sometimes referred to them as caucuses, they also called them "the agreement," "the promise," "the compromise," and "the pledge," to which they would be "faithful" and "true."⁹³ Clearly, these caucuses involved negotiation and compromise between men of differing views, rather than the simple confirmation of a presidential ticket. The result of these compromises—electoral tickets featuring a Northerner and a Southerner—was not a foregone conclusion, regardless of how obvious such a strategy seems to us. For national politicians, a cross-regional ticket was risky, for it required a high degree of national partisan loyalty and mutual trust between North and South. Many politicians later regretted their faith in such a "scheme." For example, John Adams's son Thomas attributed his father's loss to the treachery of Southern Federalist Pinckney supporters. As he explained,

It ought never to have been the plan of the federal party to support a Gentleman from the South, merely for the sake of securing the interest of any Southern State in favor of the federal ticket. There

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New York Republicans selected candidates in a private meeting, and then held a public convention, during which a committee was "appointed," withdrew from the room, and returned with the pre-selected ballot in hand as though just created.

93. See, e.g., Letter from Fisher Ames to Rufus King (Aug. 26, 1800), in 3 *THE LIFE AND CORRESPONDENCE OF RUFUS KING* 295, 295-97 (Charles R. King ed., New York, G.P. Putnam's Sons 1896); Letter from George Cabot to Alexander Hamilton (Aug. 21, 1800), in 25 *THE PAPERS OF ALEXANDER HAMILTON*, *supra* note 58, at 74, 74-75; Letter from David Gelston to James Madison (Oct. 8, 1800), in 17 *THE PAPERS OF JAMES MADISON*, *supra* note 57, at 418, 418-19; Letter from David Gelston to James Madison (Nov. 21, 1800), in 17 *THE PAPERS OF JAMES MADISON*, *supra* note 57, at 438, 438; Letter from George Jackson to James Madison (Feb. 5, 1801), in 17 *THE PAPERS OF JAMES MADISON*, *supra* note 57, at 460, 460-61; Letter from James Madison to James Monroe (ca. Oct. 21, 1800), in 17 *THE PAPERS OF JAMES MADISON*, *supra* note 57, at 426, 426; Letter from Charles Cotesworth Pinckney to James McHenry (June 10, 1800), in *THE LIFE AND CORRESPONDENCE OF JAMES MCHENRY* 459, 459-60 (Bernard C. Steiner ed., 1907); Letter from John Rutledge, Jr. to Alexander Hamilton (July 17, 1800), in 25 *THE PAPERS OF ALEXANDER HAMILTON*, *supra* note 58, at 30, 30-36; Letter from Robert Troup to Rufus King (Dec. 4, 1800), in 3 *THE LIFE AND CORRESPONDENCE OF RUFUS KING*, *supra*, at 340, 340-41.

was evidence enough on the former trial, what result might be calculated upon, in making another.⁹⁴

He now had no "confidence in the Southern people."⁹⁵ Although Southern Republicans remained true to their promise, supporting both candidates equally, they regretted their actions once the tie was announced. To Maryland Republican John Francis Mercer, the lesson was obvious. As he wrote to Madison, "It all amounts to this, that we are *too honest*."⁹⁶ They should have thought first of themselves.

The national caucuses of May 1800 were attempts to create national party unity, not expressions of it. Indeed, as suggested by words such as "pledge" and "promise," national party loyalty was so weak that it had to be supplemented by personal vows. To compel politicians to stay the course, they had to personally commit themselves to it, pledging their word of honor and their reputations; the only way to unite Northerners and Southerners was to appeal to them as gentlemen, rather than as political allies. The national caucuses were thus not simple "modern" political innovations. Premised on bonds of honor and friendship rather than pure partisanship, they were a political hybrid that enabled participants to envision themselves as one of a band of brothers, rather than as members of a cold and calculating faction. Justified by the election's crisis mentality, national caucuses were unconventional adaptations of the prevailing political system, premised on the cultural importance of honor.

III. HONOR—THE BOND OF PARTY

Personal honor was the ultimate bond of party when all else failed, the only way to overcome the many conflicting regional and personal claims that tore at a man's commitments of principle. In the absence of the firm party bonds that scholars often take for granted, honor was a fundamental underpinning of national partisan combat—a cultural influence that is crucial to understanding the nature of early national political change. Particularly during peak moments of crisis, such bonds of honor bolstered the national political system, using the power of a gentleman's personal reputation to overcome lapses in national coordination and vision.

Thus, in the crisis-ridden election of 1800, public figures clung to their caucus pledges as the only hope for national political unity—the only way to save the republic from what they perceived as the dire threat of their

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94. Letter from Thomas Adams to John Adams (Jan. 22, 1801), in Adams Family Papers, *supra* note 46.

95. *Id.*

96. Letter from John Francis Mercer to James Madison (Jan. 5, 1801), in 17 THE PAPERS OF JAMES MADISON, *supra* note 57, at 452, 452.

opposition. Panicky politicians who suggested last minute changes were reminded that they could not do so without going back on their word. For example, when Hamilton began to urge Federalists to abandon Adams in favor of Pinckney, his friends brought him to account. “[W]e are pledged” to give Adams “*the full chance of the united vote concerted at Philadelphia*,” urged Massachusetts Federalist George Cabot.⁹⁷ Cabot again reminded Hamilton of their pledge when the latter was contemplating his pamphlet attack on John Adams. “Good faith wou’d & ought to be observed as the only means of success,” he insisted, for if Adams was dropped, his friends would drop Pinckney in return.⁹⁸ Three months earlier, it had been Hamilton himself who had been propounding such “good faith.” Fearful that the Federalists would fail to unite on a national level, he had pleaded with his friends at Washington to make a “distinct & solemn [con]cert” to support both candidates.⁹⁹ Such a personal vow seemed the only way to inspire mutual trust between North and South.

All over the nation, Federalists were well aware that if they reneged on their half of the agreement—if they refused to support the candidate who was not from their region—the supporters of that man would do the same in return, and the Federalist cause would collapse. Everything depended on the personal honor of individual politicians; thus, throughout the election, they pledged their faith to men from other regions, in hopes of getting similar reassurances in return. South Carolinian John Rutledge, Jr. describes one such exchange in a letter to Hamilton. Shortly after arriving in Rhode Island, he received a “pressing invitation” for an immediate discussion of the election. When he explained that he could not journey into town, “the old Gentleman” who had requested the meeting traveled out to visit Rutledge for “an hour[’]s conversation.”¹⁰⁰ The man asked Rutledge

to declare [for] the information of his friends . . . whether I really thought Mr[.] A[dams] would have the Votes of So[uth] Carolina. I told him I had on my return there fulfilled the promise I made at the Caucus held at Philada., & used every exertion within my power to induce the federalists to suport Mr[.] A[dams] equally with Gen[.] P[inckney]. . . . He seemed pleased with this information—said we might rely upon P’s getting all the votes in this State . . . .¹⁰¹

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97. Letter from Cabot to Hamilton (Aug. 21, 1800), *supra* note 93, at 74, 75.

98. *Id.* at 74-75.

99. Letter from Alexander Hamilton to Theodore Sedgwick (May 4, 1800), in 24 THE PAPERS OF ALEXANDER HAMILTON, *supra* note 46, at 444, 453.

100. Letter from Rutledge, Jr. to Hamilton (July 17, 1800), *supra* note 93, at 30, 31.

101. *Id.* For other letters urging loyalty to the Federalist pledge, see Letter from Alexander Hamilton to Theodore Sedgwick (May 8, 1800), in 24 THE PAPERS OF ALEXANDER HAMILTON, *supra* note 46, at 470, 470; Letter from Alexander Hamilton to Theodore Sedgwick (May 10,

This "old Gentleman" of Rhode Island was desperate for personal reassurance of South Carolina's fidelity. Only then could he claim confidence in the national cause. Such personal pledges of honor were virtually the only thing holding North and South together.

Federalist worries centered around Massachusetts and South Carolina, the home states of their two candidates, for it was these states that were most likely to succumb to regional prejudice and abandon one candidate in favor of their regional favorite. As South Carolinian Robert Goodloe Harper wrote to Harrison Gray Otis of Massachusetts, "I fear you and your friends in Boston are ruining every thing. . . . The federalists . . . in South Carolina, are making the fairest & the most zealous exertions in favour of Mr. Adams. . . . But can it be expected that they will continue the same efforts," if they know that Massachusetts has abandoned Pinckney?¹⁰² Virginian Bushrod Washington—George Washington's nephew—likewise wrote a frantic letter to Oliver Wolcott in Connecticut, assuring him that South Carolina would support both Adams and Pinckney, for "[t]hey consider themselves imperiously urged to pursue this conduct by the soundest principles of good faith & of good policy."¹⁰³ Even Pinckney was behaving "like a man of honor" by supporting Adams, Washington insisted. Should "distrust take place between the friends of the two federal candidates," he warned, "all must end in the election of Mr. J[efferson]—which God forbid."¹⁰⁴ So important was such personal reassurance that Wolcott commenced a letter campaign, quoting Washington's letter to friends throughout the North.¹⁰⁵ Pinckney himself wrote a similar letter to James McHenry in Maryland, assuring him that South Carolina would only abandon Adams if New England did so first—an interesting insight into Pinckney's ambitions.¹⁰⁶ All of these men recognized what Maryland Federalist James Bayard put into words: The Federalist party's "efforts can

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1800), in 24 THE PAPERS OF ALEXANDER HAMILTON, *supra* note 46, at 474, 475; 25 THE PAPERS OF ALEXANDER HAMILTON, *supra* note 58, at 59 n. 9 (quoting letter from Robert Goodloe Harper to Harrison Gray Otis (Aug. 28, 1800)); Letter from Ames to King (Aug. 26, 1800), *supra* note 93, at 295; Letter from Pinckney to McHenry (June 10, 1800), *supra* note 93, at 459; Letter from Charles Cotesworth Pinckney to James McHenry (June 19, 1800), in THE LIFE AND CORRESPONDENCE OF JAMES MCHENRY, *supra* note 93, at 460, 460-61; and Letter from Theodore Sedgwick to Peter Van Schaack (May 9, 1800) (on file with the Massachusetts Historical Society, Theodore Sedgwick, III, folder 3.3, 1800, May-Dec.).

102. Letter from Harper to Otis (Aug. 28, 1800), *supra* note 101, quoted in 25 THE PAPERS OF ALEXANDER HAMILTON, *supra* note 58, at 59 n. 9.

103. 25 THE PAPERS OF ALEXANDER HAMILTON, *supra* note 58, at 250 n.7 (quoting Letter from Bushrod Washington to Oliver Wolcott, Jr. (Nov. 1, 1800)).

104. *Id.*

105. See Letter from George Cabot to Alexander Hamilton (Nov. 29, 1800), in 25 THE PAPERS OF ALEXANDER HAMILTON, *supra* note 58, at 247, 248.

106. See Letter from Pinckney to McHenry (June 10, 1800), *supra* note 93, at 459, 459-60.

not be united, but thro' mutual confidence," and the best way to ensure such regional trust was through pledges of personal honor.¹⁰⁷

Republicans, too, clung to their caucus pledge as their only hope of surmounting regional differences. Like the Federalists, their concerns focused on their candidates' home states, New York and Virginia, where regional biases would be strongest. Thus, throughout the election, a slew of anxious correspondence passed between New Yorkers and Virginians, each seeking constant reassurance from the other that their honor was pledged. Burr's friend David Gelston of New York, well aware of Virginia's disloyalty four years before, was particularly nervous about that state's intentions, writing several anxious letters to Madison during the course of the election. "*Can we, may we* rely on the integrity of the southern States?" he wrote in October of 1800. "[W]e depend on the integrity of Virginia & the southern States as we shall be faithfull & honest in New York . . . ." ¹⁰⁸ Six weeks later, agitated by reports that Virginia was going to drop a few votes for Burr to ensure Jefferson's victory, he wrote again, reminding Madison that honor was at stake. "I am not willing to believe it possible that such measures can be contemplated," he wrote, suggesting just the opposite. "We know that the honour of the Gentlemen of Virgina. [sic] and N.Y. was pledged at the adjournment of Congress," and to violate such an agreement would be "sacrilege."¹⁰⁹ A letter from Madison to Jefferson reveals that Gelston's fears were well founded. Gelston "expresses much anxiety & betrays some jealousy with respect to the *integrity* of the Southern States," Madison wrote. "I hope the event will skreen all the parties, particularly Virginia from any imputation on this subject; tho' I am not without fears, that the requisite concert may not sufficiently pervade the several States."¹¹⁰ Such fears eventually compelled Jefferson himself, as he later explained, to take "some measures" to ensure Burr of Virginia's unanimous vote.¹¹¹

In 1800, honor bound national politicians more than party loyalty. Locally, politicians could agree upon political priorities and principles far more readily than they could across regions. And indeed, local political parties were more organized in 1800 than they had ever been before, creating state-wide committees of correspondence and networks of influence. Because they posed little danger to the Union, local party organizations were far less threatening than their national equivalents, and

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107. Letter from James A. Bayard to Alexander Hamilton (Aug. 18, 1800), in 25 THE PAPERS OF ALEXANDER HAMILTON, *supra* note 58, at 68, 71.

108. Letter from Gelston to Madison (Oct. 8, 1800), *supra* note 93, at 418-19.

109. Letter from Gelston to Madison (Nov. 21, 1800), *supra* note 93, at 438.

110. Letter from James Madison to Thomas Jefferson (Oct. 21, 1800), in 17 THE PAPERS OF JAMES MADISON, *supra* note 57, at 425, 425.

111. Letter from Thomas Jefferson, Memorandum (Jan. 26, 1804), in THE COMPLETE ANAS OF THOMAS JEFFERSON 224, 225 (Franklin B. Sawvel ed., 1903).

far easier to institute among men who shared local interests. On a national level, such organization proved more problematic; it seemed to threaten the existence of the Union itself. The national political arena had been designed to forge compromises among local interests in service of the public good; an organized national party system seemed to declare such compromises impossible. In the face of such conflicts and fears, national politicians turned to what they knew best: They guided their actions according to the mandates of honor. It was their reliance on their aristocratic past that enabled politicians to adapt to the demands of a democratic politics. Only by acknowledging such cultural influences can we fully understand the nature of early national political change.

IV. THE ULTIMATE CRISIS—THE ELECTORAL TIE

The ultimate test of adaptive powers arose during the February 1801 electoral tie between Thomas Jefferson and Aaron Burr. Under the Constitution, the House of Representatives was responsible for resolving such an electoral deadlock, each state's delegation possessing one vote. However, to the horror of all involved, the House seemed unable to break the tie. For six days and thirty-five ballots, the contest dragged on, Federalists undecided on a course of action, and Republicans insistent on Jefferson, in their minds the people's choice. With the constitutional process at a seeming standstill, many predicted its demise, and, indeed, representatives began to murmur about "usurpation" of the government, or worse, civil war.¹¹² At this ultimate moment of crisis, national politicians revealed their commitment to the Constitution, but not without a price. For the nightmare of 1801 raised serious questions about the national political process.

The tie between Jefferson and Burr has long been attributed to intense party discipline: So loyal were Republicans to their party ticket that they unexpectedly caused a tie between the two candidates.¹¹³ Yet there is another way of interpreting such unanimous support, as suggested by Massachusetts Federalist Uriah Tracy. Writing from the capital to Maryland Federalist James McHenry, Tracy reported that the Republicans were in "a rage for having acted with good faith . . . [e]ach declaring, if they had not had full confidence in the treachery of the others, they would have been treacherous themselves; and not acted, as they promised, to act—at Philada.

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112. See *infra* note 115.

113. See, e.g., CUNNINGHAM, *supra* note 39, at 239; ELKINS & MCKITRICK, *supra* note 34, at 744; SHARP, *supra* note 3, at 249. Sharp discusses regional dissension between the largely Northern Federalist party and the largely Southern Republican party, but does not acknowledge such sectionalism within the parties themselves, still assuming that the nation was divided into two coherent parties—or "proto-parties." See, e.g., SHARP, *supra*, at 11-12.

last winter.”¹¹⁴ In other words, no Republican dared drop a vote because each assumed that others would prove disloyal. To drop a vote would be to invite retributive vote-dropping elsewhere, thereby destroying whatever national party unity existed and probably throwing the election to the Federalists. It is true that given this scenario, Republicans might have been quite surprised at the unanimous support of their caucus pledge; it is not true, however, that such behavior represents a great stride in national party spirit and commitment. Indeed, regional distrust and personal differences only worsened during the course of the election, as did party enmity, eventually flaring into anxious talk about civil war.¹¹⁵ At this peak moment of crisis, it is highly significant that many politicians opted to support their region at the expense of their national party.

The detachment of hindsight makes it difficult for us to recapture the desperate anxiety that prevailed in the national capital during the duration of the tie. Given a choice between electing Burr or Jefferson for the Presidency, many Federalists were willing to do anything rather than select the “fanatic” Virginian. Perhaps Burr would cooperate with them if they were responsible for his election. The idea received serious consideration for a number of weeks.¹¹⁶ They also discussed simply refusing to break the tie, declaring the election inconclusive and naming a President Pro Tem until they could hold a second election.¹¹⁷ Either one of these strategies

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114. Letter from Uriah Tracy to James McHenry (Dec. 30, 1800), in *THE LIFE AND CORRESPONDENCE OF JAMES MCHENRY*, *supra* note 93, at 483, 483-84; *see also* Letter from Mercer to Madison (Jan. 5, 1801), *supra* note 96, at 452, 452-53 (making a similar observation).

115. Republicans spoke seriously about taking arms against the Federalists if they withheld the presidency from Jefferson. *See* Letter from Thomas Jefferson to James Madison (Feb. 18, 1801), in *17 THE PAPERS OF JAMES MADISON*, *supra* note 57, at 467, 467-68; Letter from Thomas Jefferson to James Monroe (Feb. 15, 1801), in *Thomas Jefferson Papers*, *supra* note 46; Letter from Edward Livingston to Robert R. Livingston (Jan. 29, 1801), in *Robert R. Livingston Papers*, *supra* note 82; Letter from Thomas McKean to Thomas Jefferson (Mar. 21, 1801), in *Thomas Jefferson Papers*, *supra* note 46. Others wondered, generally, about the prospect of civil war. *See* Letter from Albert Gallatin to Hannah Gallatin (Jan. 22, 1801), in *Papers of Albert Gallatin*, *supra* note 45; Letter from Gideon Granger to Thomas Jefferson (Oct. 18, 1800), in *Thomas Jefferson Papers*, *supra* note 46; Letter from Hugh Henry Brackenridge to Thomas Jefferson (Jan. 19, 1801), in *Thomas Jefferson Papers*, *supra* note 46; Letter from James Bayard to Colonel Allen McLane (Feb. 17, 1801), in *Thomas Jefferson Papers*, *supra* note 46; Letter from John Beckley to Albert Gallatin (Feb. 15, 1801), in *Papers of Albert Gallatin*, *supra* note 45. On the prospect of protecting Jefferson's victory with armed resistance—and fears of civil war in general—*see* AMMON, *supra* note 17, at 192-93; MALONE, *JEFFERSON THE PRESIDENT*, *supra* note 17, at 7-11; MALONE, *ORDEAL OF LIBERTY*, *supra* note 17, at 503-04; SHARP, *supra* note 3, at 266-71; and AURORA GEN. ADVERTISER, *supra* note 46, at 466 n.2.

116. For further discussion of the election of 1800, *see* sources cited *supra* note 39.

117. *See, e.g.*, Letter from Albert Gallatin to Hannah Nicholson Gallatin (Jan. 15, 1801), in *Papers of Albert Gallatin*, *supra* note 45; Letter from Gallatin to Gallatin (Jan. 22, 1801), *supra* note 115; Letter from Albert Gallatin to Hannah Nicholson Gallatin (Jan. 29, 1801), in *Papers of Albert Gallatin*, *supra* note 45; Letter from Aaron Burr to Albert Gallatin (Jan. 16, 1801), in *Papers of Albert Gallatin*, *supra* note 45; Letter from William Eustis to Albert Gallatin (Mar. 6, 1801), in *Papers of Albert Gallatin*, *supra* note 45; Letter from John Beckley to Albert Gallatin (Feb. 15, 1801), *supra* note 115; Letter from Thomas Jefferson to Andrew Ellicot (Dec. 18, 1800), in *Thomas Jefferson Papers*, *supra* note 46; Letter from Caesar Rodney to Thomas Jefferson (Dec.

blocked the Republicans out of the political process. As Ackerman suggests, the penalty for such an act could be severe:

The heart of dualism is the belief that a mobilized citizenry may, on appropriate occasions, take the law into its own hands and give governors new marching orders. If established institutions successfully block the movement at the threshold, they betray the Constitution's foundational commitment to popular sovereignty. Worse yet, they will alienate the movement's many partisans from the ongoing process of government. These people will not passively accept the fact that the door to higher lawmaking has been slammed in their face. If existing institutions refuse to hear the voice of the People, they will be tempted to take more radical steps to gain the center of the political stage—abandoning entirely the higher lawmaking structures intended to organize the debate and seeking more violent and elitist forms of fundamental change.¹¹⁸

This is precisely what happened in 1800. Gesturing towards a “more violent” form of “fundamental change,” the Republican governors of Pennsylvania and Virginia put their state militias on the alert in case Jefferson should not be chosen.¹¹⁹ As one New York Republican observed admiringly, Virginians had “pledged themselves to resist the authority” of any attempt to usurp the government, “formally and efficiently.”¹²⁰ To Jefferson, it was this threat of armed resistance that ultimately forced the Federalists to fold. He later added that a “convention . . . would have been on the ground in 8. weeks” and “repaired the Constitution.”¹²¹

28, 1800), in *Thomas Jefferson Papers*, *supra* note 46; Letter from Thomas Jefferson to Tench Coxe (Dec. 31, 1800), in *Thomas Jefferson Papers*, *supra* note 46; Letter from James Monroe to Thomas Jefferson (Jan. 6, 1801), in *Thomas Jefferson Papers*, *supra* note 46; Letter from Thomas McKean to Thomas Jefferson (Jan. 10, 1801), in *Thomas Jefferson Papers*, *supra* note 46; Letter from Horatio Gates to Thomas Jefferson (Feb. 9, 1801), in *Thomas Jefferson Papers*, *supra* note 46; Letter from Thomas Jefferson to James Madison (Dec. 19, 1800), in 17 *THE PAPERS OF JAMES MADISON*, *supra* note 57, at 444, 444-45; Letter from Thomas Jefferson to James Madison (Dec. 26, 1800), in 17 *THE PAPERS OF JAMES MADISON*, *supra* note 57, at 448, 448; Letter from James Bayard to Alexander Hamilton (Mar. 8, 1801), in 25 *THE PAPERS OF ALEXANDER HAMILTON*, *supra* note 58, at 344, 344-45; Letter from Gouverneur Morris to Alexander Hamilton (Dec. 19, 1800), in 25 *THE PAPERS OF ALEXANDER HAMILTON*, *supra* note 58, at 266, 266-67. Hamilton declared usurpation of the government a “most dangerous and unbecoming policy.” Letter from Alexander Hamilton to Gouverneur Morris (Jan. 9, 1801), in 25 *THE PAPERS OF ALEXANDER HAMILTON*, *supra* note 58, at 304, 304.

118. 1 ACKERMAN, *supra* note 4, at 280.

119. See, e.g., Letter from Jefferson to Monroe (Feb. 15, 1801), *supra* note 115.

120. Letter from Livingston to Livingston (Jan. 29, 1801), *supra* note 115.

121. See Letter from Jefferson to Priestly (Mar. 21, 1801), *supra* note 11, at 1086. For letters making a similar statement, see Letter from Jefferson to Madison (Feb. 18, 1801), *supra* note 115, at 467-68; and CUNNINGHAM, *supra* note 39, at 246 (quoting letter from Thomas Jefferson to James Monroe (Feb. 15, 1801)).

Jefferson's mention of a "convention" reveals his underlying faith in the adaptive power of the Constitution. Others shared his conviction, holding on to the slim hope that the Federalists would ultimately bow to the public will and elect Jefferson. James Monroe felt sure that after an initial outburst of spleen, Federalists would assume "more correct views."¹²² The alternative was unthinkable: Surely they would not usurp the election, for such a move "woud. require a degree of . . . wickedness in that party wh. I do not think it possessed of."¹²³ Madison agreed: "[C]ertainly" the Federalists would put things right.¹²⁴ Many Federalists used this same logic when contemplating the possibility of having Jefferson or Burr as President: Surely these men were not as bad as Federalists had been led to believe. Forced to define their terms by a national emergency, politicians revealed that underneath all of their partisan name-calling and threats, they believed that their opponents would act for the public good; by threatening to destroy the Union, the crisis of 1800 forced politicians to acknowledge their mutual commitment to it. In the same way that calls for national party unity revealed dangerous divisions, the threat of disunion revealed bonds of nationalism, tenuous as they were.¹²⁵

The crisis of 1801 reveals the shortcomings of Ackerman's "constitutional moments." According to Ackerman's cyclical theory of constitutional politics, the period between the Founding and Reconstruction was essentially defined by "normal politics," yet the election of 1800 was far from normal. The Twelfth Amendment, passed in September 1804, addressed the immediate problem of an electoral tie by discriminating between votes for the President and Vice President; thereafter, electors would cast separate votes for each of the two offices. But anxiety about the Constitution and the national political process continued well into the nineteenth century.

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122. Letter from James Monroe to Thomas Jefferson (Dec. 30, 1800), in Thomas Jefferson Papers, *supra* note 46.

123. Letter from Monroe to Jefferson (Jan. 6, 1801), *supra* note 117.

124. Letter from James Madison to James Monroe (ca. Nov. 10, 1800), in 17 THE PAPERS OF JAMES MADISON, *supra* note 26, at 435, 435. For letters making similar assurances, see Letter from Thomas Jefferson to Thomas Mann Randolph (Jan. 9, 1801), in Thomas Jefferson Papers, *supra* note 46; Letter from McKean to Jefferson (Jan. 10, 1801), *supra* note 117; Letter from Gates to Jefferson (Feb. 9, 1801), *supra* note 117; Letter from Rodney to Jefferson (Dec. 28, 1800), *supra* note 117; Letter from James Madison to Thomas Jefferson (Dec. 20, 1800), in 17 THE PAPERS OF JAMES MADISON, *supra* note 26, at 446, 446-47.

125. See PETER S. ONUF, STATEHOOD AND UNION: A HISTORY OF THE NORTHWEST ORDINANCE 1-20, 133-52 (1987); Peter S. Onuf, *Federalism, Republicanism, and the Origins of American Sectionalism*, in ALL OVER THE MAP: RETHINKING AMERICAN REGIONS 11-37 (Edward L. Ayers et al. eds., 1996).

V. CONCLUSION: THE LINK BETWEEN CONSTITUTIONAL AND POLITICAL CHANGE

As Adams suggested in 1813, the constitutional clock had almost run down in 1801, an event that, paradoxically, proved its durability. Politicians had edged dangerously close to civil war, but they held themselves back in the end. Federalist Representatives may have refused to contribute to Jefferson's election, allowing him to win by withholding votes (rather than voting for him), but they allowed the process to proceed nonetheless. Republicans may have been ready to take arms against the government, but having emerged victorious, they did not exclude Federalists from the political process, restricting their warfare to leading Federalists. As Jefferson explained, only the leading Federalists had issued "a declaration of war" by withholding their support at the moment of crisis; the main "body of Federalists" were now Republicans, "brought over" by the illicit actions of their former leaders.¹²⁶ By raising to the Presidency a man who proclaimed his commitment to the people and proving to politicians that their national system could withstand such a crisis, the election of 1800 brought the nation to near normalcy—at least temporarily. Committed Federalists certainly continued to decry the Republican reign as a momentary "triumph of lunacy," hopeful that if they exposed government corruption to the public, all would be put right.¹²⁷ But they also began to pull out of the political process on a national level, disheartened by their undeniable popular rejection. Normalcy, to post-1800 Americans, was the *absence* of organized national parties, *not* a well-functioning national party system.

Nor did Jefferson's victory signal the complete acceptance of even sporadic national party combat. Political innovation is a messy process, leaving disgruntled, discredited, and discomfited victims in its wake. In the case of the Constitution, suspicions about its aristocratic exclusivity persisted for decades after it took effect, springing to life with each political crisis. In the case of the 1800 election, many concluded that the entire presidential electoral process was flawed. Federalist Chancellor James Kent of New York thought that "the popular election of the President (which, by the way, was not intended by the framers of the Constitution) is that part of the machine of our government that I am afraid, is doomed to destroy us."¹²⁸ Virginia Republicans Wilson Cary Nicholas and St. George Tucker agreed. National party conflict would "either make us a prey to some other

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126. Letter from Jefferson to Madison (Feb. 18, 1801), *supra* note 115, at 467.

127. Letter from Thomas Adams to John Quincy Adams (Oct. 20, 1802), in Adams Family Papers, *supra* note 46.

128. 3 CHARLES W. UPHAM, THE LIFE OF TIMOTHY PICKERING 109 (Boston, Little, Brown, & Co. 1873 (quoting Chancellor James Kent)).

country, engender a despotism in our own, or cause a separation of the States," predicted Nicholas.¹²⁹ The only solution was to alter the nature of the Presidency. As Tucker explained to fellow Virginian John Page, "Believe me my friend, our only safety will be found in the Abolition of the dangerous Office of President."¹³⁰

For decades thereafter, Republicans and Federalists alike considered possible alternatives to the Presidency. Tucker recommended "the establishment of a federal Council of the States, in whom the Executive authority may be safely vested, so long as Union is the wish & Interest of all parties."¹³¹ To aged Massachusetts Federalist Timothy Pickering, the problem was in the electoral college—"a mere farce."¹³² The idea that well-informed citizen electors would exercise their own judgment in selecting candidates was "a pleasing theory, but the experience of forty years has proved it to be visionary."¹³³ He recommended selecting the President by a concurrent vote of both houses of Congress. Connecticut Federalist James Hillhouse proposed an alternate plan in the Senate in 1808. As he explained it,

State or local parties will have but a local influence on the general government. Regular organized parties only, extending from the northern to the southern extremity of the United States, and from the Atlantic to the utmost western limits, threaten to shake this Union to its centre. . . . The danger is great, and demands an early and decisive remedy. There is but one which presents itself to my mind; this is, to cut off the head of the demon. For, without a head, without a rallying point no dangerous party can be formed, no such party can exist. There is but a single point in the Constitution which can be made to bear upon all the States at one and the same time, and produce a unity of interest and action, and thus serve as the rallying point of party; and that is the Presidential election.¹³⁴

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129. Letter from Wilson Cary Nicholas to James Madison (n.d. 1801), in Samuel Smith Papers (on file with the Alderman Library (MSS #1729), Univ. of Virginia).

130. Letter from St. George Tucker to John Page (Feb. 27, 1801) (on file with the Alderman Library (MSS #3640), University of Virginia).

131. *Id.*

132. See 3 UPHAM, *supra* note 128, at 103.

133. *Id.*

134. *Id.* at 106-07 (quoting James Hillhouse). Hillhouse published his suggested amendments in a pamphlet titled "Propositions for Amending the Constitution of the United States" (New Haven, 1810). John Adams responded with "Review of the Propositions for Amending the Constitution submitted by Mr. Hillhouse to the Senate of the United States, in 1808," but the manuscript was not published until the 1851 publication of the sixth volume of THE WORKS OF JOHN ADAMS.

Hillhouse's solution was to reduce the Presidency to a one-year term and elect him from among the acting senators. Proceeding in alphabetical order, each senator who was qualified for the office would "draw a ball out of a box . . . one of which balls shall be colored, the others white. The Senator who shall draw the colored ball shall be President."¹³⁵

A seemingly ludicrous plan, but it made some sense to John Marshall, one of Hillhouse's correspondents. Marshall confessed that his own "views of this subject had changed a good deal since 1808."

My own private mind has been slowly and reluctantly advancing to the belief that the present mode of choosing the Chief Magistrate threatens the most serious danger to the public happiness. The passions of men are inflamed to so fearful an extent, large masses are so embittered against each other, that I dread the consequences. The election agitates every section of the United States, and the ferment is never to subside. Scarcely is a President elected, before the machinations, respecting a successor, commence. Every political question is affected by it. All those who are in office, all those who want office, are put in motion. The angriest, I might say the worst, passions are roused, and put into full activity. Vast masses united closely, move in opposite directions, animated with the most hostile feelings towards each other. What is to be the effect of all this? Age is, perhaps, unreasonably timid. Certain it is, that I now dread consequences which I once thought imaginary. I feel disposed to take refuge under some less turbulent and less dangerous mode of choosing the Chief Magistrate; and my mind suggests none less objectionable than that you have proposed. We shall no longer be enlisted under the banners of particular men. Strife will no longer be excited, when it can no longer effect its object. Neither the people at large, nor the councils of the nation, will be agitated by the all-disturbing question, Who shall be President? Yet he will, in truth, be chosen substantially by the people. The Senators must always be among the most able men of the States. Though not appointed for the particular purpose, they must always be appointed for important purposes, and must possess a large share of the public confidence. If the people of the United States were to elect as many persons as compose one Senatorial class, and the President was to be chosen among them by lot, in the manner you propose, he would be substantially elected by the people; and yet, such a mode of election would be recommended by

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135. 3 UPHAM, *supra* note 128, at 106.

no advantages which your plan does not possess. In many respects, it would be less eligible.¹³⁶

“Reasoning a priori,” Marshall concluded, “I should undoubtedly pronounce the system adopted by the Convention the best that could be devised. Judging from experience, I am driven to a different conclusion.”¹³⁷

Such comments reveal the downside of constitutional adaptation. The same flexibility that enables the system to weather a crisis is also an eternal vulnerability to constitutional change. It is this tension between the Founding generation’s appreciation of political innovation and their desire for stability that underlies George Washington’s Farewell Address, not a contradictory about-face intended to put the Founding generation on a pedestal. Ackerman states that Washington’s address, which entreats people to alter constitutional powers only as designated in the Constitution, “does not do justice to the revolutionary thrust of early American thought and practice.”¹³⁸ On the contrary, it is a testament to the power, availability, and consequences of this “revolutionary thrust.” The political innovation at the heart of the American political system seemed to hold the seeds of its own destruction, a realization that fueled the seeming paranoia and crisis mentality that so characterized the period’s politics. Not until the Constitution had proven its durability, weathering not only a contested presidential election, but also a trade crisis, the possible secession of New England, and a second war with Britain, could politicians assume that every shift in their constitutional foundation did not signal the onset of disunion and civil war.

Political adaptation bred a sense of constitutional crisis; the ongoing constitutional crisis compelled politicians to forge political adaptations. In this formative period of national politics, the difference between normal and constitutional politics was often difficult to see. Indeed, it was the inextricable link between the two that contributed to the period’s oft-noted political violence and volatility—producing a sense of crisis profound enough to rile the aged Jefferson and Adams decades later, though they successfully avoided a confrontation. Buoyed by his popular mandate of 1800 and his characteristic optimism, Jefferson was the more hopeful of the two, convinced that the Constitution was “competent” to the task at hand.¹³⁹ In his mind, the passage of time had proven that the American people would choose correctly, given time; there was little to fear from constitutional innovation. Adams, on the other hand, remained fearful.

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136. Letter from John Marshall to James Hillhouse, in 3 UPHAM, *supra* note 128, at 108-09.

137. *Id.*

138. 2 ACKERMAN, *supra* note 1, at 80.

139. Letter from Thomas Jefferson to John Adams (Oct. 28, 1813), in ADAMS-JEFFERSON LETTERS, *supra* note 7, at 387, 391.

James Hillhouse's constitutional amendments were "crazy," but they were a sign of worse to come.¹⁴⁰ And indeed, as the secessionist impulse of the 1814 Hartford Convention (championed by Hillhouse) and future crises would prove, Adams was right.

Yet so was Jefferson. As suggested by Ackerman, unconventional adaptation has been an invaluable constitutional tool, allowing our founding document to bend and shift with the changing times. Jefferson's hopes notwithstanding, the founding generation could have no such confidence. The cyclical nature of constitutional change would not become apparent until the Union had survived several cycles. Then, and only then, could national party combat be accepted as a functional system, rather than a tool of the moment, an unconventional adaptation of the constitutional system geared towards the task at hand. To understand fully the evolution of our Constitution, we must remember the crucial importance of such historical context. Our modern political system grew out of a host of compromises between past and present, aristocratic and democratic, Old World and New. Only by acknowledging the importance of such political and cultural factors can we determine the logic of political change.

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140. Letter from John Adams to Thomas Jefferson (May 3, 1812), in ADAMS-JEFFERSON LETTERS, *supra* note 7, at 302, 302.