

Completing the Revolution, 1789–1815

? Ant-fed = today's who?

Almost by acclamation, George Washington became the first president under the Constitution. Washington and his closest advisers (they would soon call themselves Federalists) believed that the balance between power and liberty had tipped toward anarchy after the Revolution. “Local mischiefs,” they said, had nearly destroyed the union of the states that had made independence possible. **Federalists wanted the Constitution to counter democratic excesses. They were determined to make the national government powerful enough to command respect abroad and to impose order at home. For the most part, they succeeded,** but in the process they aroused a determined opposition that feared the Federalists’ consolidation of central power at the expense of the states and the citizenry. These self-styled **Democratic Republicans (led almost from the beginning by Thomas Jefferson)** were as firmly tied to revolutionary ideals of limited government and a **citizenry of independent farmers** as the Federalists were tied to visions of an orderly commercial republic with a powerful national state. The fight between Federalists and Democratic Republicans echoed the revolutionary contest between liberty and power—conducted this time against an ominous backdrop of international intrigue and war between France (which entered a republican revolution of its own in 1789) and Britain. Only when this Age of Democratic Revolution ended with the defeat of Napoleon in 1815 could the Americans survey the kind of society and government that their Revolution had made.

Establishing the National Government

Focus Question

What was the Federalist plan for organizing the national government and its finances?
What were the Jeffersonian Republicans’ principal objections to those plans?

George Washington left Mount Vernon for the temporary capital in New York City in April 1789. The way was lined with the grateful citizens of the new republic. Militia companies and local dignitaries escorted him from town to town, crowds cheered, church bells marked his progress, and lines of girls in white dresses waved demurely as he passed. At Newark Bay, he boarded a flower-bedecked barge and, surrounded by scores of boats, crossed to New York City. There he was welcomed by jubilant citizens as he made his way to the president’s house. He arrived on April 23 and was inaugurated seven days later.

C H R O N O L O G Y

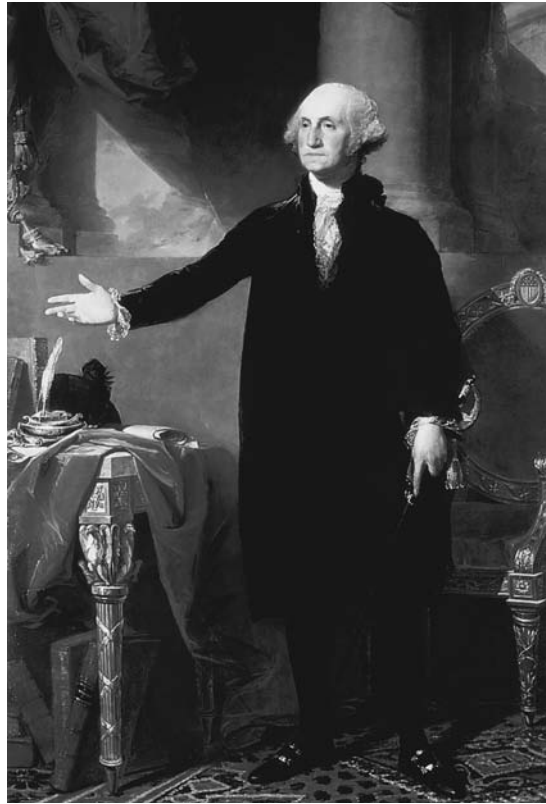
1789	George Washington inaugurated as first president of the United States • Judiciary Act establishes the Supreme Court and federal circuit courts
1790	Hamilton delivers his Report on Public Credit to Congress • Congress drafts the Bill of Rights
1794	Federalists' excise tax triggers Whiskey Rebellion
1796	Jay's Treaty and Pinckney's Treaty ratified
1798	XYZ affair results in undeclared war with France • Alien and Sedition Acts passed by Congress
1803	United States purchases Louisiana Territory from France • <i>Marbury v. Madison</i> establishes the doctrine of judicial review
1804–06	Lewis and Clark explore the Louisiana Purchase and the Columbia River Basin
1807	<i>Chesapeake-Leopard</i> affair ignites anti-British sentiment • Congress passes Embargo Act
1810	Henry Clay elected Speaker of the House
1812	War with England begins
1814	Federalists convene the Hartford Convention. Treaty of Ghent ends the War of 1812
1815	American victory at the Battle of New Orleans

The "Republican Court"

Reporting for work, President Washington found the new government embroiled in its first controversy—an argument over the dignity that would attach to his own office. Vice President John Adams had asked the Senate to create a title of honor for the president. Adams, along with many of the senators, wanted a resounding title that would reflect the power of the new executive. They rejected “His Excellency” because that was the term used for ambassadors, colonial governors, and other minor officials. Among the other titles they considered were “His Highness,” “His Mightiness,” “His Elective Highness,” “His Most Benign Highness,” “His Majesty,” and “His Highness, the President of the United States, and Protector of Their Liberties.” The Senate debated the question for a full month, and then gave up when it became clear that the more democratic House of Representatives disliked titles. They settled on the austere dignity of “Mr. President.” A senator from Pennsylvania expressed relief that the “silly business” was over. Thomas Jefferson, who was not yet a member of the government, pronounced the whole affair “the most superlatively ridiculous thing I ever heard of.”

Jefferson would learn, however, that much was at stake in the argument over titles. Although the Constitution provided a blueprint for the republic, George Washington's administration would translate the blueprint into a working state. Members of the government knew their decisions would set precedents. It mattered very much what citizens called their president, for that was part of the huge constellation of laws, customs, and forms of etiquette that

would give the new government either a republican or (as many anti-Federalists feared) a courtly tone. Many of those close to Washington wanted to protect presidential power from the localism and democracy that, they believed, had nearly killed the republic in the 1780s. Washington's stately inaugural tour, the high salaries paid to executive appointees, the endless round of formal balls and presidential dinners, the observance of the English custom of celebrating the executive's birthday, the appearance of Washington's profile on some of the nation's coins—all were meant to bolster the power and grandeur of the new government, particularly of its executive. When Jefferson became secretary of state and attended official social functions, he often found himself the only democrat at the dinner table. Aristocratic sentiments prevailed, said Jefferson, "unless there chanced to be some [democrat] from the legislative Houses." Thus the battle over presidential titles was not "silly business." It was a revealing episode in the argument over how questions of power and liberty that Americans had debated since the 1760s would finally be answered.



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George Washington in 1796, Near the End of His Presidency

The artist captured the formal dignity of the first president and surrounded him with gold, red velvet, a presidential throne, and other emblems of kingly power. Only Washington's deeds and reputation suggested an attachment to liberty and equality.

The First Congress

Leadership of the First Congress fell to James Madison, the Virginia congressman who had helped write the Constitution. Under his guidance, Congress strengthened the new national government at every turn. First it passed a tariff on imports, which would be the government's chief source of income. Next, it turned to amendments to the Constitution demanded by the state ratifying conventions.

Madison proposed 19 constitutional amendments to the House. The 10 that survived congressional scrutiny and ratification by the states became the Bill of Rights. They reflected fears

raised by a generation of struggle with centralized power. The First Amendment guaranteed the freedoms of speech, press, and religion against federal interference. The Second and Third Amendments, prompted by old fears of a standing army, guaranteed the continuation of a militia of armed citizens and stated the specific conditions under which soldiers could be quartered in citizens' households. The Fourth through Eighth Amendments protected and defined a citizen's rights in court and when under arrest—rights whose violation had been central to the Revolution's list of grievances. The Ninth Amendment stated that the enumeration of specific rights in the first eight amendments did not imply a denial of other rights. **Finally, the 10th Amendment stated that powers not assigned to the national government by the Constitution remained with the states and the citizenry, though the intentional omission of the word "expressly" left room for argument.**

Madison, a committed nationalist, had performed skillfully. Many doubters at the ratifying conventions had called for amendments that would change the government detailed in the Constitution. By channeling their fears into the area of civil liberties, Madison soothed their mistrust while preserving the government of the Constitution. The Bill of Rights was an important guarantee of individual liberties. In the context in which it was written and ratified, however, it was an even more important guarantee of the power of the national government.

To fill out the framework of government outlined in the Constitution, Congress created the **executive departments of war, state, and treasury** and guaranteed that the heads of those departments and their assistants **would be appointed by the president, thus removing them from congressional control**. Congress next created the federal courts which were demanded but not specified in the Constitution. **The Judiciary Act of 1789 established a Supreme Court with six members**, along with 13 district courts and 3 **circuit courts** of appeal. The act allowed certain cases to be appealed from state courts to federal circuit courts presided over by traveling Supreme Court justices, thus dramatizing federal power. As James Madison and other members of the intensely nationalist First Congress surveyed their handiwork, they could congratulate themselves on having strengthened national authority at every opportunity.

Hamiltonian Economics: The National Debt

Washington filled posts in what would become the cabinet with familiar faces. As secretary of war, he chose Henry Knox, an old comrade from the Revolution. The State Department went to his fellow Virginian, Thomas Jefferson. He chose **Alexander Hamilton** of New York, his trusted aide-de-camp during the Revolution, to head the Department of the Treasury.

The most single-minded nationalist in the new government, Hamilton was a brilliant economic thinker, an admirer of the British system of centralized government and finance, and a supremely arrogant and ambitious man. More than other cabinet member, and perhaps even more than Washington (he later referred to Washington's presidency as "my administration"), Hamilton directed the making of a national government.

In 1789, Congress asked Secretary of the Treasury Hamilton to report on the public debt. The debt fell into three categories, Hamilton reported. The first was the \$11 million owed to foreigners—primarily debts to France incurred during the Revolution. The second and third—roughly \$24 million each—were debts owed by the national and state governments to American citizens who had supplied food, arms, and other resources to the revolutionary cause. Congress agreed that both justice and the credibility of the new government dictated that the foreign debts be paid in full, but the domestic debts raised troublesome questions. Those debts consisted of notes issued during the Revolution to soldiers, and to merchants, farmers, and others who had helped the war effort. Over the years, speculators had purchased many of these notes at a fraction of their face value; when word spread that the Constitution would create a government likely to pay its debts, speculators and their agents fanned out across the countryside, buying all the notes they could find. By 1790, the government debt was concentrated in the hands of businessmen and speculators—most of them northeasterners—who had bought notes at **prices only 10 percent to 30 percent of their original value.** Full payment would bring them enormous windfall profits.

The Revolutionary War debts of the individual states were another source of contention. **Nationalists, with Hamilton at their head, wanted to assume the debts of the states as part of a national debt—a move that would concentrate the interests of public creditors, the need for taxation, and an expanded civil service in the national government.** The state debts also had been bought up by speculators, and they posed another problem as well: Many states, including all of the southern states with the exception of South Carolina, had paid off most of their notes in the 1780s; the other states still had significant outstanding debts. If the federal government assumed the state debts and paid them off at the face value of the notes, money would flow out of the southern, middle, and western states into the Northeast, whose citizens would hold fully four-fifths of the combined national debt.

That is precisely what Hamilton proposed in his Report on Public Credit, issued in January 1790. He urged Congress to assume the state debts and to combine them with the federal government's foreign and domestic debts into a consolidated national debt. He agreed that the foreign debt should be paid promptly and in full, but he insisted that the domestic debt be a permanent, tax-supported fixture of government. Under his plan, the government would issue securities to its creditors and would pay an annual rate of interest of 4 percent. Hamilton's funding and assumption plans announced to the international community and to actual and potential government creditors that the United States would pay its bills, but Hamilton had domestic plans for the debt as well. A permanent debt would attract the wealthiest financiers in the country as creditors and would render them loyal and dependent on the federal government. It would bring their economic power to the government and at the same time would require a significant enlargement of the federal civil service, national financial institutions, and increased taxes. **The national debt, in short, was at the center of Alexander Hamilton's plan for a powerful national state.**

Hamiltonian Economics: The Bank and the Excise

As part of that plan, Hamilton asked Congress to charter a **Bank of the United States**. The government would store its funds in the bank and would supervise its operations, but the bank would be controlled by directors representing private stockholders. The Bank of the United States would print and back the national currency and would regulate other banks. Hamilton's proposal also made stock in the bank payable in government securities, thus (1) adding to the value of the securities, (2) giving the bank a powerful interest in the fiscal stability of the government, and (3) binding the holders of the securities even closer to the national government. Those who looked closely saw that Hamilton's Bank of the United States was a carbon copy of the Bank of England.

To fund the national debt, Hamilton called for a federal **excise tax** on wines, coffee, tea, and spirits. The tax on spirits would fall most heavily on the whiskey produced in abundance on the frontier. Its purpose, stated openly by Hamilton, was not only to produce revenue but also to establish the government's power to create an internal tax and to collect it in the most remote regions in the republic. The result, as we shall see later in this chapter, was a **Whiskey Rebellion** in the west and an overwhelming display of federal force.

Passed in April 1791, the national bank and the federal excise measures completed Hamilton's organization of government finances. Taken separately, the consolidated government debt, the national bank, and the federal excise tax ably solved discrete problems of government finance. Taken together, however, they constituted a full-scale replica of the treasury-driven government of Great Britain.

The Rise of Opposition

In 1789, nearly everyone in government supported the Constitution. The most radical anti-Federalists took positions in state governments or left politics altogether. Nearly everyone in the national government was committed to making the new government work. In particular, Alexander Hamilton at Treasury and James Madison in the House of Representatives expected to continue the political and personal friendship they had made while writing the Constitution and working to get it ratified. Yet in the debate over the national debt, Madison led congressional opposition to Hamilton's proposals. In 1792, Thomas Jefferson joined the opposition, insisting that Hamilton's schemes would dismantle the Revolution. **Within a few short years, the consensus of 1789** had degenerated into an angry argument over what sort of government would finally result from the American Revolution. More than 25 years later, Jefferson still insisted that the battles of the 1790s had been "contests of principle between the advocates of republican and those of kingly government."

Hamilton presented his national debt proposal to Congress as a solution to specific problems of government finance, not as part of a blueprint for an English-style state. Madison and other southerners opposed it because they did not want northern speculators—many of whom had received information from government insiders—to reap fortunes from notes

bought at rock-bottom prices from soldiers, widows, and orphans. He branded Hamilton's plan "public plunder."

At the urging of Jefferson and others, Madison and members of the congressional opposition compromised with Hamilton. In exchange for accepting his proposals on the debt, they won his promise to locate the permanent capital of the United States at a site on the Potomac River. The compromise went to the heart of American revolutionary republicanism. Hamilton intended to tie northeastern commercial interests to the federal government. If New York or Philadelphia became the permanent capital, political and economic power might be concentrated there as it was in Paris and London—court cities in which power, wealth, and every kind of excellence were in league against a plundered and degraded countryside. Benjamin Rush, a Philadelphian, condemned the "government which has begun so soon to ape the corruption of the British Court, conveyed to it through the impure channel of the City of New York." Madison and other agrarians considered Philadelphia just as bad and supported Hamilton's debt only on condition that the capital be **moved south**. The compromise would distance the commercial power of the cities from the federal government and would put an end to the "republican court" that had formed around **Washington**. This radically republican move ensured that the capital of the United States would be, except for purposes of government, a **place of no importance**.

Jefferson versus Hamilton

When Hamilton proposed the Bank of the United States, republicans in Congress immediately noted its similarity to the Bank of England and voiced deep suspicion of Hamilton's economic and governmental plans. Thomas Jefferson joined the opposition, arguing that Congress had no constitutional right to charter a bank, and that allowing Congress to do so would revive the popular fears of centralized despotism that had nearly defeated ratification of the Constitution. **Hamilton responded with the first argument for expanded federal power under the clause in the Constitution empowering Congress "to make all laws which shall be necessary and proper" to the performance of its duties**. President Washington and a majority in Congress ultimately sided with Hamilton.

Jefferson's strict constructionism (his insistence that the government had no powers beyond those specified in the Constitution) revealed his fears of the de facto constitution that Hamilton's system was making. Jefferson argued that the federal bank was unconstitutional, that a federal excise tax was certain to arouse public opposition, and that funding the debt would reward speculators and penalize ordinary citizens. More important, Jefferson argued, Hamilton used government securities and stock in the Bank of the United States to buy the loyalty not only of merchants and speculators but also of members of Congress. Thirty congressmen owned stock in the Bank of the United States. Many others held government securities or had close ties to men who did. Jefferson charged that this "corrupt squadron" of "papermen" in Congress was, in the classic fashion of evil ministers, enabling

Hamilton to control Congress from his nonelective seat in the executive branch. “The ultimate object of all this,” insisted Jefferson, “is to prepare the way for a change, from the present republican form of government, to that of a monarchy, of which the English constitution is to be the model.”

For their part, Hamilton and his supporters (who by now were calling themselves Federalists) insisted that centralization of power and a strong executive were necessary to the survival of the republic. The alternative was a return to the localism and public disorder of the 1780s and ultimately to the failure of the Revolution. The argument drew its urgency from the understanding of both Hamilton and his detractors that the United States was a small revolutionary republic in a world governed by kings and aristocrats, and that republics had a long history of failure. They all knew that Americans might yet lose their Revolution. Until late 1792, however, the argument over Hamilton’s centralizing schemes were limited to government officials. Hamilton and his supporters tried to mobilize the commercial elite on the side of government, while Madison and Jefferson struggled to hold off the perceived monarchical plot until the citizens could be aroused to defend their liberties. As both sides began to mobilize popular support, events in Europe came to dominate the politics of the American republican experiment, to place that experiment in even greater jeopardy, and to increase the violence of American politics to the point at which the republic almost failed.

The Republic in a World at War, 1793–1797

Late in 1792, French revolutionaries rejected monarchy and proclaimed the French Republic. They beheaded Louis XVI in January 1793. Eleven days later, the French, who were already at war with Austria and Prussia, declared war on conservative Britain, thus launching a war between French republicanism and British-led reaction that, with periodic outbreaks of peace, would embroil the Atlantic world until the defeat of France in 1815.

Americans and the French Revolution

Americans could not have escaped involvement even if they had wanted to. Treaties signed in 1778 allied the United States with France, although Federalists and Jeffersonians would argue whether those treaties applied to the new French Republic or became void with the execution of the monarch who had signed them. Americans had overwhelmingly supported the French Revolution of 1789 and had applauded the progress of French republicanism during its first three years. Both their gratitude for French help during the American Revolution and American hopes for international republicanism faced severe tests in 1793, when the French Republic began to execute thousands of aristocrats, priests, and other “counterrevolutionaries,” and when the French threatened the sovereignty of nations by declaring a war of all peoples against all monarchies. The argument between Jeffersonian republicanism and Hamiltonian centralization was no longer a squabble within the U.S.

government. National politics was now caught up and subsumed within the struggle over international republicanism.

As Britain and France went to war in 1793, President Washington declared American neutrality, thereby abrogating obligations made in the 1778 treaties with the French. Washington and most of his advisers realized that the United States was in no condition to fight a war. They also wanted to stay on good terms with Great Britain. **Ninety percent** of American imports came from Britain, and **90 percent of the federal revenue** came from customs duties on those imports. Thus both the nation's commerce and the financial health of the government depended on good relations with Great Britain. Moreover, Federalists genuinely sympathized with the British in the war with France. They regarded the United States as a "perfected" England and viewed Britain as the defender of hierarchical society and ordered liberty against the homicidal anarchy of the French.

Jefferson and his friends saw things differently. They applauded the French for carrying on the republican revolution Americans had begun in 1776, and they had no affection for the monarchical politics of the Federalists or for Americans' continued neocolonial dependence on British trade. The faction led by Jefferson and Madison wanted to abandon the English mercantile system and trade freely with all nations. They did not care if that course of action hurt commercial interests (most of which supported the Federalists) or impaired the government's ability to centralize power in itself. Although they agreed that the United States should stay out of the war, the **Jeffersonians sympathized as openly with the French as the Federalists did with the British**.

Citizen Genêt

Throughout the war years from 1793 to 1815, both Great Britain and France, by intervening freely in the internal affairs of the United States, made American isolationism impossible.

In April 1793, the French sent Citizen Edmond Genêt as minister to the United States. Genêt's ruling Girondists were the revolutionary faction that had declared the war on all monarchies; they ordered Genêt to enlist American aid with or without the Washington administration's consent. After the president's proclamation of neutrality, Genêt openly commissioned American privateers to harass British shipping and enlisted Americans in intrigues against the Spanish outpost of New Orleans. Genêt then opened France's Caribbean colonies to American shipping, providing American shippers a choice between French free trade and British mercantilism. Genêt's mission ended abruptly in summer 1793, when Robespierre and the infamous Terror drove the Girondists from power. Learning that he would be guillotined if he returned to France, Genêt accepted the hospitality of Americans, married a daughter of George Clinton, the old anti-Federalist governor of New York, and lived out the rest of his life as an American country gentleman.

The British responded to Genêt's free-trade declaration with a promise to seize any ship trading with French colonies in the Caribbean. Word of these Orders in Council—almost certainly by design—reached the Royal Navy before American merchant seamen had learned of them, with the result that 250 American ships fell into British hands. The Royal

Navy also began searching American ships for English sailors who had deserted or who had switched to safer, better-paying work in the American merchant marine. Inevitably, some American sailors were kidnapped into the British navy in a contemptuous and infuriating assault on American sovereignty. Meanwhile, the British, operating from Canada and from their still-garrisoned forts in the Northwest, began promising military aid to the Indians north of the Ohio River. Thus, while the French ignored the neutrality of the United States, the English engaged in both overt and covert acts of war.

Western Troubles: The Whiskey Rebellion

The problems with France and on the high seas were accompanied by an intensified threat from British and Indian forces in the west, as well as from settlers in that region. The situation came to a head in summer and fall 1794. The Shawnee and allied tribes plotted with the British and talked of driving all settlers out of their territory. At the same time, frontier whites, sometimes with the encouragement of English and Spanish officials, grew increasingly contemptuous of a national government that could neither pacify the Indians nor guarantee their free use of the Mississippi River. President Washington heard that 2,000 Kentuckians were armed and ready to attack New Orleans—a move that would have started a war between the United States and Spain. Settlers in Georgia were making unauthorized forays against the Creeks, and settlers up and down the frontier refused to pay the Federalists' excise tax on whiskey—a direct challenge to federal authority. In western Pennsylvania, mobs tarred and feathered excise officers and burned the property of distillers who paid the tax. In July 1794, near Pittsburgh, 500 militiamen marched on the house of General John Neville, one of the most hated of the federal excise collectors. Neville, his family, and a few federal soldiers fought the militiamen, killing two and wounding six before they abandoned the house to be looted and burned. Two weeks later, 6,000 "Whiskey Rebels" met at Braddock's Field near Pittsburgh, threatening to attack the town.

Faced with serious international and domestic threats to his new government, Washington determined to defeat the Indians and the Whiskey Rebels by force, thus securing American control of the Northwest. He sent General "Mad Anthony" Wayne against the northwestern tribes. Wayne's decisive victory at Fallen Timbers in August 1794—fought almost in the shadow of a British fort—ended the Indian-British challenge in the Northwest for many years. In September, Washington ordered 12,000 federalized militiamen from eastern Pennsylvania, Maryland, Virginia, and New Jersey to quell the Whiskey Rebellion. The president promised amnesty to rebels who pledged to support the government and prison terms to those who did not. As the army marched west from Carlisle, they found defiant liberty poles but no armed resistance. Arriving at Pittsburgh, the army arrested 20 suspected rebels—none of them leaders—and marched them back to Philadelphia for trial. In the end, only two "rebels," both of them feeble-minded, were convicted. President Washington pardoned them, and the Whiskey Rebellion was over.

Western Troubles: Indians

Focus Question

What were the principal reasons why Indian peoples between the Appalachian Mountains and the Mississippi River gave way to white settlement?

Although many of the woodland tribes were still intact and still living on their ancestral lands in 1790, they were in serious trouble. The Iroquois had been restricted to reservations in New York and Pennsylvania, and many had fled to Canada. In the Old Northwest, the Shawnee, Miami, and other tribes—with the help of the British, who still occupied seven forts within what was formally the United States—continued to trade furs and to impede white settlement. Skirmishes with settlers, however, brought reprisals, and the Indians faced not only hostile pioneers but the U.S. Army as well. In the Ohio country, punitive expeditions led by General Josiah Harmer and General Arthur St. Clair failed in 1790 and 1791—the second ending in an Indian victory in which 630 soldiers died.

In 1794, President Washington sent a third army, under General “Mad Anthony” Wayne, which defeated the Indians at Fallen Timbers, near present-day Toledo. The Treaty of Greenville forced the Native Americans to cede two-thirds of what are now Ohio and southeastern Indiana. At this point, the British decided to abandon their forts in the Old Northwest. Following their victory at Fallen Timbers, whites filtered into what remained of Indian lands. In 1796, President Washington threw up his hands and announced that “I believe scarcely any thing, short of a Chinese Wall, or a line of troops, will restrain Land Jobbers and the encroachment of settlers upon the Indian Territory.” Five years later, Governor William Henry Harrison of Indiana Territory admitted that frontier whites “consider the murdering of the Indians in the highest degree meritorious.”

The Jay Treaty

While he sent armies against Indians and frontiersmen, President Washington capitulated to the British on the high seas. In 1794, he sent John Jay, chief justice of the Supreme Court, to negotiate the conflicts between the United States and Britain. Armed with news of Wayne’s victory, Jay extracted a promise from the British to remove their troops from American territory in the Northwest. On every other point of dispute, however, he agreed to British terms. The Jay Treaty made no mention of **impressment** or other violations of American maritime rights, nor did it refer to the old issue of British payment for slaves carried off during the Revolution. The treaty did allow small American ships back into the West Indies, but only on terms that the Senate would reject. In short, Jay’s Treaty granted British trade a most-favored-nation basis in exchange for the agreement of the British to abandon their northwestern forts. Given the power of Great Britain, it was the best that Americans could expect. Washington, obliged to choose between an unpopular treaty and an unwinnable war, passed Jay’s Treaty on to the Senate, which, in June 1795, ratified it by a bare two-thirds majority.



Map 7.1 The West, 1790–1796 In 1790, the United States “owned” nearly all of its present territory east of the Mississippi River, but white Americans remained concentrated east of the Appalachians (see Map 8.1 Population Density, 1790–1820, in the color insert following page 384), and independent Indian peoples controlled most of the map of the United States. The Battle of Fallen Timbers and the resultant Treaty of Greenville pushed white settlement across Ohio and into Indiana, but the Indians of the Northwest remained intact, determined, and in touch with the British in Canada. Native Americans also controlled nearly all of the Southwest, and Florida and the Gulf Coast—including all outlets from the interior to the Caribbean—remained in Spanish hands. The American west was very far from secure in the 1790s.

During the fight over Jay’s Treaty, dissension within the government was first aired in public. The seaport cities and much of the Northeast reacted favorably to the treaty. It ruled out war with England and cemented an Anglo-American trade relationship that strengthened both Hamilton’s national state and the established commercial interests that supported it. Moreover, northeasterners held little enthusiasm for the French Revolution,

particularly in New England, with its long history of colonial wars with France. The South, on the other hand, saw Jay's Treaty as a blatant sign of the designs of Britain and the Federalists to subvert republicanism in both France and the United States. The Virginia legislature branded the treaty as unconstitutional, and Republican congressmen demanded to see all documents relating to Jay's negotiations. Washington responded by telling them that their request could be legitimate only if the House was planning to initiate **impeachment** proceedings, thus tying approval of the treaty to his enormous personal prestige.

Meanwhile, on March 3, 1796, Washington released the details of a treaty that Thomas Pinckney had negotiated with Spain. In this treaty, Spain recognized American neutrality and set the border between the United States and Spanish Florida on American terms. Most important, the Pinckney Treaty ended Spanish claims to territory in the Southwest and gave Americans the unrestricted right to navigate the Mississippi River and to trans-ship produce at the Spanish port of New Orleans. **Coupled with the victory at Fallen Timbers, the British promise to abandon their posts in the Northwest, and Washington's personal popularity, Pinckney's Treaty helped turn the tide in favor of the unpopular Jay's Treaty. With a diminishing number of hotheads willing to oppose Washington, western representatives joined the Northeast and increasing numbers of southerners to ratify Jay's Treaty.**

Washington's Farewell

George Washington refused to run for reelection in 1796, thus setting a two-term limit observed by every president until Franklin Roosevelt (see chapter 25). Washington could be proud of his accomplishment. He had presided over the creation of a national government. He had secured American control over the western settlements by ending British, Spanish, and Indian military threats and by securing free use of the Mississippi River for western produce. Those policies, together with the federal invasion of western Pennsylvania, had made it evident that the government could control its most distant regions. Washington had also avoided war with Great Britain, although not without overlooking assaults on American sovereignty. As he was about to leave government, he wrote, with substantial help from Hamilton, his Farewell Address. In it he warned against long-term **"entangling alliances" with other countries**. America, he said, should act independently in international affairs—an ideal that many felt had been betrayed in Jay's Treaty. Washington also **warned against internal political divisions**. Of course, he did not regard his own Federalists as a party. They were simply friends of the government. But he saw Jefferson's Democratic Republicans as a self-interested faction, thus branding them, in the language of classical republicanism, as public enemies. Washington's call for national unity and an end to partisanship was in fact a parting shot at the Democratic Republican opposition.

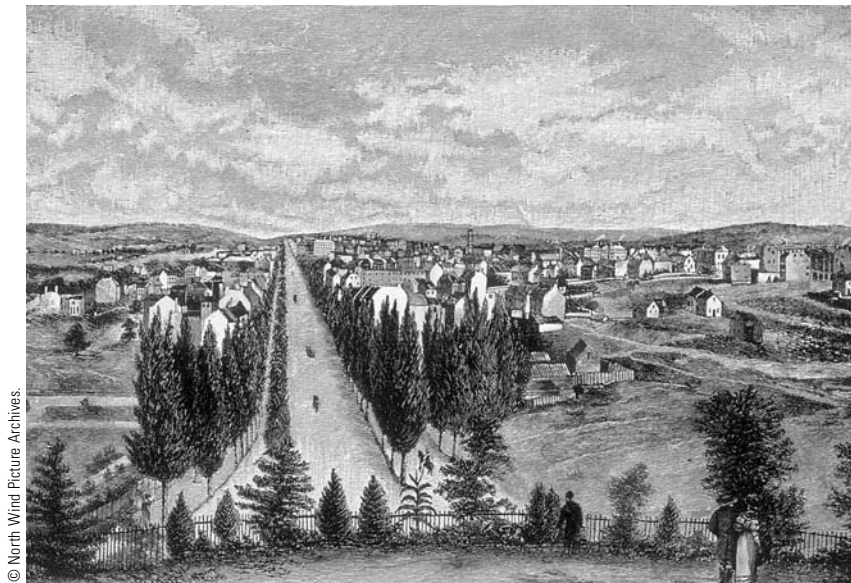
The Election of 1796

Washington's retirement opened the way to the competition for public office that he had feared: in 1796, Americans experienced their first contested presidential election. The Federalists chose as their candidate John Adams of Massachusetts, who had served as vice president. The Democratic Republicans nominated Thomas Jefferson. According to the

gentlemanly custom of the day, neither candidate campaigned in person, but friends of the candidates, the newspaper editors who enjoyed their patronage, and even European governments ensured that the election would be hotly contested.

Adams would certainly carry New England and Jefferson would carry the South. The election would be decided in Pennsylvania and New York. Some states, most of them in the South, chose presidential electors by direct vote, but in the crucial mid-Atlantic states, state legislatures selected the presidential electors. The election of 1796 would be decided in elections to the legislatures of those states and in subsequent intriguing within those bodies. John Beckley, clerk of the House of Representatives, devised the Republican strategy in Pennsylvania. He secretly circulated a list of well-known and respected Jeffersonian candidates for the state legislature. Discovering the Republican slate only when it was too late to construct a similar list, the Federalists lost Pennsylvania. New York, however, had no John Beckley. Adams took the state's electoral votes and won the national election. The distribution of electoral votes revealed the bases of Federalist and Republican support: Adams received only 2 electoral votes south of the Potomac, and Jefferson received only 18 (all but 5 of them in Pennsylvania) north of the Potomac.

The voting was over, but the intriguing was not. Alexander Hamilton, who had retired from the Treasury in 1795, knew that he could not manipulate the independent and



Washington, D.C. The Americans built a capital city that had no function other than republican government. It had no mercantile or financial establishments, no theaters, and no military fortress. Broad, straight streets stretched beyond the built-up areas of the town; visually as well as politically, Washington, D.C. was dependent upon and vulnerable to the countryside—the opposite of European court cities. It was the kind of capital that American republicans wanted.

almost perversely upright John Adams. So he secretly instructed South Carolina's Federalist electors to withhold their votes from Adams. That would have given the presidency to Adams's running mate, Thomas Pinckney, relegating Adams to the vice presidency. (Before the ratification of the 12th Amendment in 1804, the candidate with a majority of the electoral votes became president, and the second-place candidate became vice president.) Like some of Hamilton's other schemes, this one backfired. New England electors heard of the plan and angrily withheld their votes from Pinckney. **As a result, Adams was elected president and his opponent Thomas Jefferson became vice president. Adams narrowly won the election, but he took office with a justifiable mistrust of many members of his own party and with the head of the opposition party as his second in command. It was not an auspicious beginning.**

Troubles with France, 1796–1800

As Adams entered office, an international crisis was already in full swing. France regarded Jay's Treaty as an Anglo-American alliance, and had broken off relations with the United States. The French hinted that they intended to overthrow the reactionary government of the United States but would postpone taking action in the hope that a friendlier Thomas Jefferson would replace "old man Washington" in 1797. Then, during the crucial elections in Pennsylvania, they stepped up their seizures of American ships trading with Britain, giving the Americans a taste of what would happen if they did not elect a government that was friendlier to France. When the election went to John Adams, the French gave up on the United States and set about denying Britain its new de facto ally. In 1797, the French ordered that American ships carrying "so much as a handkerchief" made in England be confiscated without compensation, and announced that American seamen serving in the British navy would be summarily hanged if captured.

President Adams wanted to protect American commerce from French depredations, but he knew that the United States might not survive a war with France. He also knew that French grievances (including Jay's Treaty and the abrogation of the French-American treaties of 1778) were legitimate. He decided to send a mission to France, made up of three respected statesmen: Charles Cotesworth Pinckney of South Carolina, John Marshall of Virginia, and Elbridge Gerry of Massachusetts. When the delegates reached Paris, however, they were left cooling their heels in the outer offices of the Directory—the revolutionary committee of five that had replaced France's beheaded king. At last, three French officials (the correspondence identified them only as "X, Y, and Z," and the incident later became known as the **XYZ affair**) discreetly hinted that France would receive them if they paid a bribe of \$250,000, arranged for the United States to loan \$12 million to the French government, and apologized for unpleasant remarks that John Adams had made about France. The delegates refused, saying "No, not a sixpence," and returned home. There a journalist transformed their remark into "Millions for defense, but not one cent for tribute."

President Adams asked Congress to prepare for war, and the French responded by seizing more American ships. **Thus began, in April 1798, an undeclared war between France**

and the United States in the Caribbean. While the French navy dealt with the British in the North Atlantic, French privateers inflicted costly blows on American shipping. But after nearly a year of fighting, with the British providing powder and shot for American guns, the U.S. Navy chased the French privateers out of the Caribbean.

The Crisis at Home, 1798–1800

Focus Question

What was the nature of the governmental crisis of 1798–1800, and how was it resolved?

The troubles with France precipitated a crisis at home. Disclosure of the XYZ correspondence, together with the quasi-war in the Caribbean, produced a surge of public hostility toward the French and, to some extent, toward their Republican friends in the United States. Many Federalists, led by Alexander Hamilton, wanted to use the crisis to destroy their political opponents. Without consulting President Adams, the Federalist-dominated Congress passed several wartime measures. The first was a federal property tax—graduated, spread equally between sections of the country, and justified by military necessity, but a direct federal tax nonetheless. Congress then passed four laws known as the **Alien and Sedition Acts**. **The first three were directed at immigrants: They extended the naturalization period from 5 to 14 years and empowered the president to detain enemy aliens during wartime and to deport those he deemed dangerous to the United States.** The fourth law—the Sedition Act—set jail terms and fines for persons who advocated disobedience to federal law or who wrote, printed, or spoke “false, scandalous, and malicious” statements against “the government of the United States, or the President of the United States [note that Vice President Jefferson was not included], with intent to defame . . . or to bring them or either of them, into contempt or disrepute.”

President Adams never used the powers granted under the Alien Acts, but the Sedition Act resulted in the prosecution of 14 Republicans, most of them journalists. William Duane, editor of the *Philadelphia Aurora*, was indicted when he and two Irish friends circulated a petition against the Alien Act on the grounds of a Catholic church. James Callendar, editor of a Jeffersonian newspaper in Richmond, was arrested, while another prominent Republican went to jail for statements made in a private letter. Matthew Lyon, a scurrilous Republican congressman from Vermont, had brawled with a Federalist representative in the House chamber; he went to jail for his criticisms of President Adams, Federalist militarism, and what he called the “ridiculous pomp” of the national administration.

Republicans charged that the Alien and Sedition Acts violated the First Amendment, and they turned to the states for help. Southern states, which had provided only 4 of the 44 congressional votes for the Sedition Act, took the lead. **Jefferson provided the Kentucky legislature with draft resolutions, and Madison did the same for the Virginia legislature. These so-called Virginia and Kentucky Resolves restated the constitutional fundamentalism** that had

guided Republican opposition from the beginning. Jefferson's Kentucky Resolves reminded Congress that the Alien and Sedition Acts gave the national government powers not mentioned in the Constitution and that the 10th Amendment reserved such powers to the states. He also argued that the Constitution was a "compact" between sovereign states and that state legislatures could "nullify" federal laws they deemed unconstitutional, thus anticipating constitutional theories that states'-rights southerners would use after 1830.

The Virginia and Kentucky Resolves demonstrated the extremes to which Jefferson and Madison might go. Beyond that, however, they had few effects. Opposition to the Sedition Act ranged from popular attempts to obstruct the law to fistfights in Congress, and Virginia began calling up its militia. No other states followed the lead of Virginia and Kentucky, however, and talk of armed opposition to Federalist policies was limited to a few areas in the South.

The Politicians and the Army

Federalists took another ominous step by implementing President Adams's request that Congress create a military prepared for war. Adams wanted a stronger navy, both because the undeclared war with France was being fought on the ocean and because he agreed with other Federalists that America's future as a commercial nation required a respectable navy. Hamilton and others (who were becoming known as "**High Federalists**") preferred a standing army. At the urging of Washington and against his own judgment, Adams appointed Hamilton inspector general. As such, Hamilton would be the de facto commander of the U.S. Army. Congress authorized a 20,000-man army, and Hamilton proceeded to raise it. Congress also provided for a much larger army to be called up in the event of a declaration of war. When Hamilton expanded the officer corps in anticipation of such an army, he excluded Republicans and commissioned only his political friends. High Federalists wanted a standing army to enforce the Alien and Sedition Acts and to put down an impending rebellion in the South. Beyond that, there was little need for such a force. The war was being fought at sea, and most Americans believed that the citizen militia could hold off any land invasion until an army was raised. The Republicans, President Adams, and many other Federalists now became convinced that Hamilton and his High Federalists were determined to destroy their political opponents, enter into an alliance with Great Britain, and impose Hamilton's statist designs on the nation by force. By 1799, Adams and many of his Federalist friends had come to see Hamilton and his supporters as dangerous, antirepublican militarists.

Adams was angry. First the Hamiltonians had tried to rob him of the presidency. Then they had passed the Alien and Sedition Acts, the direct tax, and plans for a standing army without consulting him. None of this would have been possible if not for the crisis with France.

Adams, who had resisted calls for a declaration of war, began looking for ways to declare peace. In a move that he knew would split his party and probably cost him reelection in 1800, he opened negotiations with France and stalled the creation of Hamilton's army while the talks took place. At first, the Senate refused to send an envoy to France. They relented when Adams threatened to resign and leave the presidency to Vice President Jefferson. In the agreement that followed, the French canceled the obligations that the United States had

assumed under the treaties of 1778. But they refused to pay reparations for attacks on American shipping since 1793—the very point over which many Federalists had wanted war. Peace with France cut the ground from under the more militaristic and repressive Federalists and intensified discord among the Federalists in general. (Hamilton would campaign against Adams in 1800.) It also damaged Adams's chances for reelection.

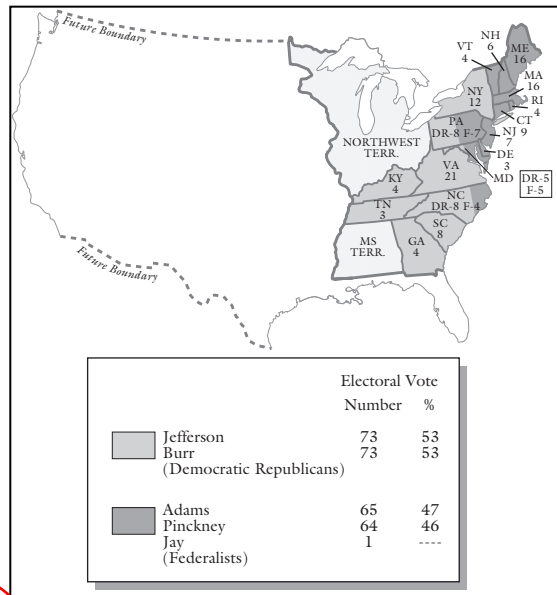
The Election of 1800

Thomas Jefferson and his Democratic-Republicans approached the election of 1800 better organized and more determined than they had been four years earlier. Moreover, events in the months preceding the election worked in their favor. The **Alien and Sedition Acts, the direct tax of 1798, and the Federalist military buildup were never popular**. Even when peace with France was certain, the Federalists continued. The army suppressed a minor tax rebellion led by Jacob Fries in Pennsylvania; prosecutions under the Sedition Act revealed its partisan origins, and the Federalists showed no sign of repealing the tax or abandoning the Alien and Sedition Acts and the new military. Taken together, these events gave credence to the Republicans' allegation that the Federalists were using the crisis with France to consolidate their power, destroy liberty and the opposition, and overthrow the American republic. The Federalists countered by warning that the election of Jefferson and his radical allies would release the worst horrors of the French Revolution onto the streets of American towns. A Connecticut Federalist moaned that "There is scarcely a possibility that we shall escape *Civil War*" following a Republican victory, and predicted other bad results: "murder, robbery, rape, adultery, and incest will all be openly taught and practiced, the air will be rent with the cries of distress, the soil will be soaked with blood, and the nation black with crimes." Alexander Hamilton put it succinctly: the election of Jefferson would lead to the "overthrow . . . [of] the Government" by a "Revolution after the manner of Bonaparte." Each side believed that its defeat in 1800 would mean the end of the republic.

The Democratic-Republicans were strong in the South and weak in the Northeast. Jefferson knew that he had to win New York, the state that had cost him the 1796 election. Jefferson's running mate, **Aaron Burr**, arranged a truce in New York between Republican factions led by the Clinton and Livingston families and chose candidates for the state legislature who were both locally respected and committed to Jefferson. In New York City, Burr played skillfully on the interests and resentments of craftsmen and granted favors to merchants who worked outside the British trade that was dominated by Federalist insiders. The strategy succeeded. The Republicans carried New York City and won a slight majority in the legislature. New York's electoral votes belonged to Jefferson. (When it became clear that Jefferson had won the state, Hamilton suggested changing the law so that New York's electors would be chosen by popular vote; John Jay, the Federalist Governor of New York, rejected the suggestion.) The election was decided in South Carolina, which after a brisk campaign cast its votes for Jefferson.

Jefferson and Burr had won with 73 votes each. Adams had 65 votes, and his running mate Charles Cotesworth Pinckney had 64. (In order to distinguish between their presidential and vice-presidential candidates—and thus thwart yet another of Hamilton's attempts to rig the election—the Federalists of Rhode Island had withheld one vote from Pinckney.) Jefferson and Burr had tied, though everyone knew that Jefferson was the presidential candidate. But under the Constitution, a **lame-duck** Federalist Congress decided whether Jefferson or Burr was to be President. Federalists talked of choosing Burr. Jefferson wrote that Democratic Republicans had decided "to declare openly and firmly, one and all, that the day such an act passed, the Middle States would arm, and that no such usurpation, even for a single day, should be submitted to." One of his supporters put it more bluntly: anyone other than Jefferson "who should thus be appointed President by law and accept the office would instantaneously be put to death."

The Republican governors of Pennsylvania and Virginia made plans to call up the militia to prevent the expected usurpation. After six quarrelsome days and 35 ballots on which most Federalist Congressmen voted for Burr (whose part in these proceedings has never been fully uncovered), a compromise was reached: Many Federalists abandoned Burr but turned in blank ballots and thus avoided voting for the hated (but victorious) Jefferson. With that, the "Revolution of 1800" had won its first round.



Map 7.2 Presidential Election, 1800 The electoral votes in 1800 split along starkly sectional lines. The South voted for Jefferson, New England voted for Adams, and the election was decided by close contests in Pennsylvania and New York.

The Jeffersonians in Power

Focus Question

What were the principal reforms of the national government during Thomas Jefferson's administration? What were the implications of those reforms for the nature of republican government?

On the first Tuesday of March 1801, Thomas Jefferson left his rooms at Conrad and McMunn's boardinghouse in Washington and **walked up Pennsylvania Avenue**. Jefferson received military salutes along the way, but he forbade the pomp and ceremony that had ushered Washington into office. Accompanied by a few friends and a company of artillery from the Maryland militia (and **not by Hamilton's professional military**), Jefferson walked (no carriages) up the street and into the unfinished capitol building. The central tower and the wing that would house Congress were only half completed. Jefferson joined Vice President Burr, other members of the government, and a few foreign diplomats in the newly finished Senate chamber.

The Republican Program

Jefferson took the oath of office from Chief Justice John Marshall, a distant relative and political opponent from Virginia. Then, in a small voice that was almost inaudible to those at a distance, he delivered his inaugural address. Referring to the political discord that had brought him into office, he began with a plea for unity, insisting that "every difference of opinion is not a difference of principle. We have called by different names brethren of the same principle. **We are all Republicans, we are all Federalists.**" Jefferson did not mean that he and his opponents should forget their ideological differences. He meant only to invite moderate Federalists into a broad Republican coalition in which there was no room for the statist designs of Alexander Hamilton and his High Federalist friends.

Jefferson went on to outline the kind of government a republic ~~should have~~. Grateful that the Atlantic Ocean separated the United States from "the exterminating havoc" of Europe and that America possessed "a chosen country, with room for our descendants to the thousandth and thousandth generation," **he declared that Americans were a free people with no need for a national state built on European models.** A people blessed with isolation, bountiful resources, and liberty needed only "a wise and frugal Government, which shall restrain men from injuring one another, shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread it has earned. This is the sum of good government, and thus is necessary to close the circle of our felicities."

In particular, Jefferson's "wise and frugal" government would respect the powers of the states. It would also defend the liberties ensured by the Bill of Rights. It would be smaller, and it would pay its debts without incurring new ones, thus ending the need for taxation and cutting the ground from beneath the burgeoning Federalist state. It would rely for defense on "a disciplined militia" that would fight invaders while regulars were being trained, thus eliminating Hamilton's standing army. It would protect republican liberties from enemies at home and from the nations of Europe. And, Jefferson promised, it would ensure "the encouragement of agriculture, and of commerce as its handmaiden." Beyond the fostering of an agrarian republic and the maintenance of limited government, Jefferson promised little. Blessed with peace abroad and the defeat of the High Federalists at home,

he believed that the United States could at last enter into its experiment with truly republican government.

The simplicity of Jefferson's inauguration set the social tone of his administration. The new president reduced the number and grandeur of formal balls, levees, and dinners. He sent his annual messages to Congress to be read by a clerk, rather than delivering them in person in the manner of English kings and Federalist presidents. He refused to ride about Washington in a carriage, preferring to carry out his errands on horseback. Abandoning grand banquets, Jefferson entertained senators and congressmen at small dinners, which were served at a round table without formal seating, thus ending the fine-tuned hierarchy of the Federalists' old arrangements. Jefferson presided over the meals without wearing a wig and dressed in old homespun clothes and a pair of worn bedroom slippers. The casualness (slovenliness, said some of his critics) did not extend to what was served at dinner, however. The food was prepared by expert chefs and accompanied by fine wines, and it was followed by brilliant conversation perfected by Jefferson while he was a diplomat and a visitor to the salons of Paris. The president's dinners set examples of the unpretentious excellence through which this cultivated country squire hoped to govern.

Cleansing the Government

Jefferson's first order of business was to reduce the size and expense of government. The Federalists, despite their elitism and their statist dispositions, had left a surprisingly small federal establishment. Jefferson found only 316 employees who were subject to presidential appointment and removal. Those employees, together with 700 clerks and assistants and 3,000 post office workers, made up the entire federal civil service. Jefferson reduced the diplomatic corps and replaced officeholders who were incompetent, corrupt, or avowedly antirepublican. Even so, the rate of turnover was only about 50 percent during his first term. The replacements were not the violent revolutionaries that Federalists had warned against but Republican gentlemen who matched or exceeded the social status of the departed Federalists. **Jefferson altered the politics of the civil service, but he left its size and shape intact.**

Legislation passed in March 1802 reduced the army to two regiments of infantry and one of artillery—a total of 3,350 officers and men, most of whom were assigned to western posts far from the centers of white population. Similar cutbacks reduced the navy. The goal, Jefferson explained, was to rely mainly on the militia for national defense but to maintain a small, well-trained professional army as well. (The same legislation that reduced the army created the military academy at West Point.) At Jefferson's urging, Congress also abolished the direct tax of 1798 and repealed the parts of the Alien and Sedition Acts that had not already expired. Jefferson personally pardoned the 10 victims of those acts who were still in jail and repaid their fines with interest.

Thus with a few strokes, Jefferson dismantled the repressive apparatus of the Federalist state. By reducing government expenditures, he reduced the government's debt and the

taxes & 10 men



© The Granger Collection, New York

A Federalist Attack upon Jefferson From the beginning, Federalists branded Jefferson as a friend to a French Revolution that had promised liberty and equality, then degenerated into violence and dictatorship. Here Jefferson worships at the altar of Gallic Despotism while the American eagle fights to protect the Constitution and the accomplishments of Federalist administrations.

army of civil servants and papermen gathered around it. During Jefferson's administration, the national debt fell from \$80 million to \$57 million, and the government built up a treasury surplus, even after paying \$15 million in cash for the **Louisiana Purchase** (discussed later in this chapter). Although some doubted the wisdom of such stringent economy, no one doubted Jefferson's frugality.

The Jeffersonians and the Courts

Jefferson's demands for a "wise and frugal" government applied to the federal judiciary as well as to other branches. The Constitution had created the Supreme Court but had left the creation of lesser federal courts to Congress. The First Congress had created a system of circuit courts presided over by the justices of the Supreme Court. Only Federalists served on the Supreme Court under Washington and Adams, and Federalists on the circuit courts had extended federal authority into the hinterland—a fact that prosecutions under the Alien and Sedition Acts had made abundantly clear. Jeffersonians distrusted the federal courts. Their distrust was intensified by the Judiciary Act of 1801, passed just before Jefferson's inauguration by the lame-duck Federalist Congress. Coupled with President Adams's appointment of Federalist John Marshall as chief justice in January, the Judiciary Act ensured long-term Federalist domination of the federal courts. First, it reduced the number of associate justices of the Supreme Court from six to five when the next vacancy occurred, thus reducing Jefferson's chances of appointing a new member to the Court. The Judiciary Act also took Supreme Court justices off circuit and created a new system of circuit courts. This allowed Adams to appoint 16 new judges, along with marshals, federal attorneys, clerks, and justices of the peace. Adams worked until nine o'clock on his last night in office signing commissions for these new officers. All of them were staunch Federalists.

Republicans disagreed on what to do about the Federalists' packing of the courts. A minority distrusted the whole idea of an independent judiciary and wanted judges elected by popular vote. Jefferson and most in his party wanted the courts shielded from democratic control; at the same time, they deeply resented the Federalist "midnight judges" created by the Judiciary Act of 1801. Jefferson did replace the new federal marshals and attorneys with Republicans and dismissed some of the federal justices of the peace, but judges were appointed for life and could be removed only through impeachment. The Jeffersonians hit on a simple solution: They would get rid of the new judges by abolishing their jobs. Early in 1802, with some of Jefferson's supporters questioning the constitutionality of what they were doing, Congress repealed the Judiciary Act of 1801 and thus did away with the midnight appointees.

The Impeachments of Pickering and Chase

With the federal courts scaled back to their original size, Republicans in Congress, led by the Virginia agrarian John Randolph, went after High Federalists who were still acting as judges. As a first test of impeachment, they chose John Pickering, a federal attorney with the circuit court of New Hampshire. Pickering was a highly partisan Federalist. He was also a notorious alcoholic and clearly insane. The Federalists who had appointed him had long considered him an embarrassment. The House drew up articles of impeachment, and the senate removed Pickering by a strict party vote.

On the same day, Congress went after bigger game: They voted to impeach Supreme Court Justice Samuel Chase. Chase was a much more prominent public figure than Pickering, and

his “crimes” were not alcoholism or insanity but mere partisanship. He hated the Jeffersonians, and he had prosecuted sedition cases with real enthusiasm. He had also delivered anti-Jeffersonian diatribes from the bench, and he had used his position and his formidable legal skills to bully young lawyers with whom he disagreed. In short, Chase was an unpleasant, overbearing, and unashamedly partisan member of the Supreme Court. Even so, his faults did not add up to the “high crimes and misdemeanors” that are the constitutional grounds for impeachment.

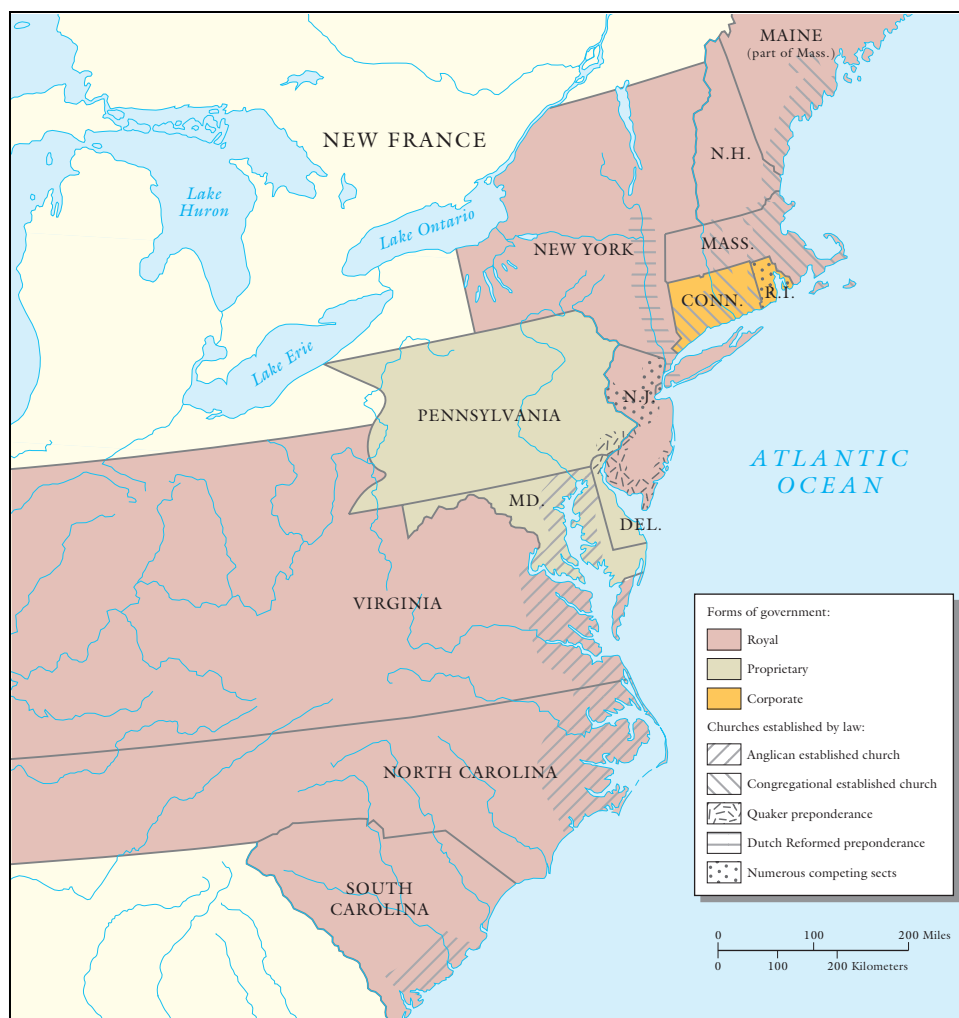
Moderate Republicans doubted the wisdom of the Chase impeachment, and their uneasiness grew when Congressman John Randolph took over the prosecution. Randolph led a radical states’-rights faction that violently disapproved of, among other things, the way Jefferson had settled a southern land controversy. A corrupt Georgia legislature had sold huge parcels in Mississippi and Alabama to the Yazoo Land Company, which in turn had sold them to private investors, many of them New England speculators. When a new Georgia legislature rescinded the sale and turned the land over to the federal government in 1802, Jefferson agreed to pay off the investors’ claims with federal money.

As Randolph led the prosecution of Samuel Chase, he lectured in his high-pitched voice that Jefferson was double-crossing southern Republicans in an effort to win support in the Northeast. Most of the Republican senators disagreed, and some of them withdrew their support from the impeachment proceedings in order to isolate and humiliate Randolph and his friends. With Jefferson’s approval, many Republicans in the Senate joined the Federalists in voting to acquit Samuel Chase.

Justice Marshall’s Court

Chief Justice John Marshall probably cheered the acquittal of Justice Chase, because it was clear that Marshall was next on the list. Secretary of state under John Adams, Marshall was committed to Federalist ideas of national power, as he demonstrated with his decision in the case of *Marbury v. Madison*. William Marbury was one of the justices of the peace whom Jefferson had eliminated in his first few days in office. He sued Jefferson’s secretary of state, James Madison, for his commission. Although Marbury never got his job, Marshall used the case to hand down several important rulings. The first ruling questioned the constitutionality of Jefferson’s refusal to deliver Marbury’s commission. It helped convince Republican moderates to repeal the Judiciary Act of 1801. The last ruling, delivered in February 1803, laid the basis for the practice of judicial review—that is, the Supreme Court’s power to rule on the constitutionality of acts of Congress. In arguing that Congress could not alter the jurisdiction of the Supreme Court, Marshall stated that the Constitution is “fundamental and paramount law” and that it is “emphatically the province and duty of the judicial department to say what law is.”

Some Republicans saw Marshall’s ruling as an attempt to arrogate power to the Court, but John Marshall was not a sinister man. As secretary of state under John Adams, he had



Map 3.4 Government and Religion in the British Colonies, 1720 This map shows which colonies were royal, proprietary, or corporate in structure and whether Anglican or Congregational churches were established by law or whether, instead, the Quakers or the Dutch Reformed church predominated or numerous sects competed for the loyalties of the settlers.

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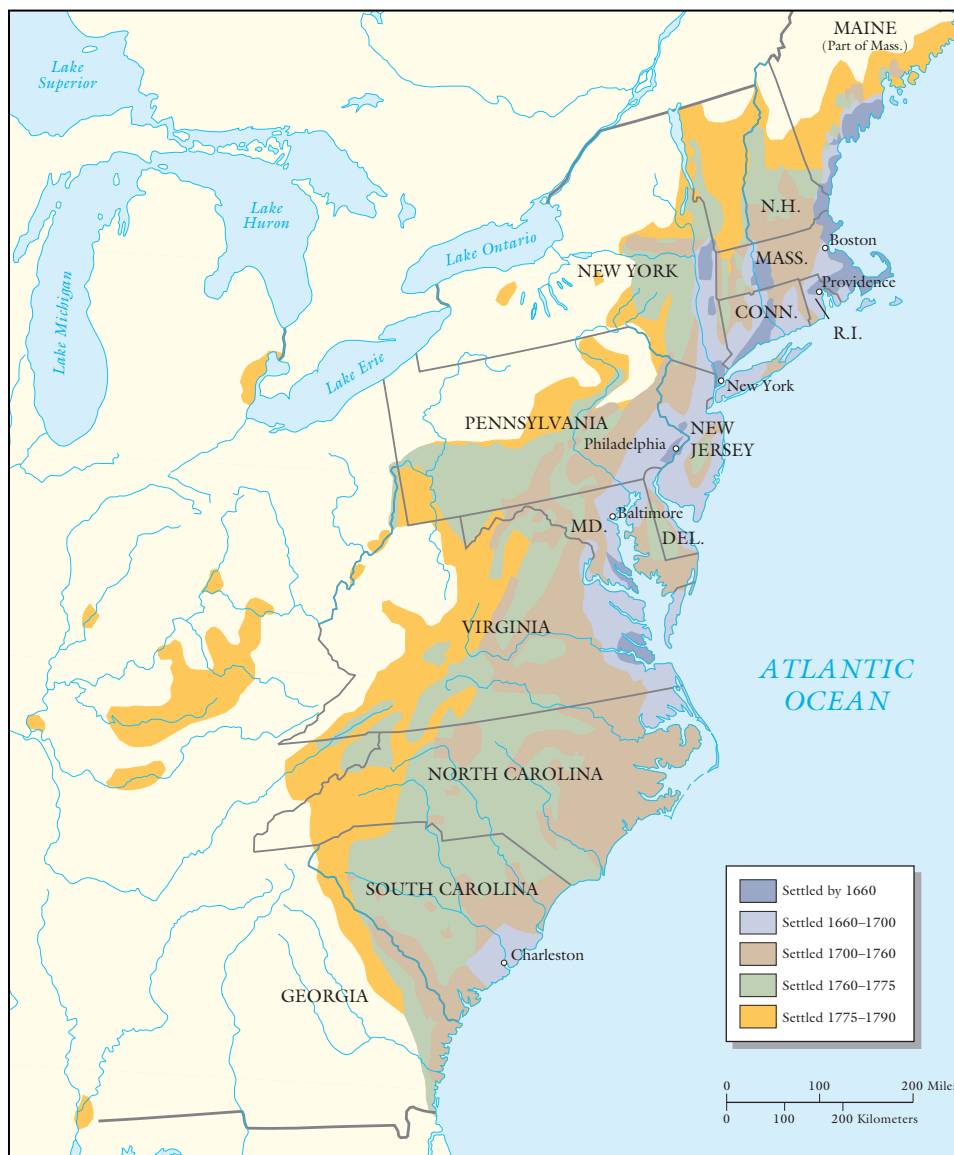


Map 5.1 Pontiac's War and the Proclamation Line of 1763 Britain claimed possession of North America east of the Mississippi only to face an extraordinary challenge from the Indians of the interior, who wiped out eight garrisons but could not take Detroit, Niagara, or Fort Pitt.

View an animated version of this map or related maps at <http://www.thomsonedu.com/history/murrin>.



Map 5.3 Lexington, Concord, and Boston, 1775 The British march to Lexington and Concord on April 19, 1775, touched off the Revolutionary War. The colonists drove the redcoats back to Boston and then besieged the city for 11 months until the British withdrew.



Map 6.6 Advance of Settlement to 1790 Between 1760 and 1790, America's population grew from nearly 1.6 million to almost 4 million. The area of settlement was spreading west of Pittsburgh and into much of Kentucky and parts of Tennessee. View an animated version of this map or related maps at <http://www.thomsonedu.com/history/murrin>.

helped end the undeclared war with France, and he had expressed doubts about the wisdom and necessity, if not the constitutionality, of the Alien and Sedition Acts. Although he disliked Congress's repeal of the 1801 legislation, he believed in Congress's right to make and unmake laws, and he accepted the situation. Jefferson and the moderate Republicans noted that Marshall was less interested in the power of the judiciary than in its independence. Ultimately, they decided they trusted Marshall more than they trusted the radicals in their own party. With the acquittal of Justice Chase, Jeffersonian attacks on the federal courts ceased.

Justice Marshall demonstrated his strict constructionism (as well as his partisanship) in the treason trial of former Vice President Aaron Burr in 1807. Following his failed attempt at the presidency in 1801, Burr's further intrigues with northern Federalists broke down—a breakdown that helped lead to a duel in which Burr killed Alexander Hamilton. The disgraced Aaron Burr headed west and organized a cloudy conspiracy that may have involved (according to varying testimonies) an invasion of Mexico or Florida or the secession of Louisiana. President Jefferson ordered his arrest. He was tried for treason at Richmond, with the Chief Justice, who was riding circuit, on the bench. Kings had frequently used the charge of treason to silence dissent. Marshall stopped what he and other Federalists considered Jefferson's attempt to do the same thing by limiting the definition of treason to overt acts of war against the United States or to adhering to the republic's foreign enemies—and by requiring two witnesses to an overt act of treason. Under these guidelines, Burr went free. At the same time, the United States had formally separated internal dissent from treason.

Louisiana

It was Jefferson's good fortune that Europe remained at peace and stayed out of American affairs during his first term. The one development that posed an international threat to the United States turned into a grand triumph: the purchase of the Louisiana Territory from France.

By 1801, a half-million Americans lived west of the Appalachians, and Republicans saw westward expansion as the best hope for the survival of the republic. Social inequality and the erosion of yeoman independence would almost inevitably take root in the East, but in the vast lands west of the mountains, the republic could renew itself for many generations to come. To serve that purpose, however, the West needed ready access to markets through the river system that emptied into the Gulf of Mexico at New Orleans. "There is on the globe," wrote President Jefferson, "one single spot, the possessor of which is our natural and habitual enemy. It is New Orleans."

In 1801, Spain owned New Orleans and under Pinckney's Treaty allowed Americans to trans-ship produce from the interior. The year before, however, Spain had secretly ceded the Louisiana Territory (roughly, all the land west of the Mississippi drained by the Missouri and Arkansas rivers) to France. Napoleon Bonaparte had plans for a new French empire in

A View of New Orleans Taken from the Plantation of Marigny, November, 1803 by Boquete de Woisserie, Chicago Historical Society



The Louisiana Purchase This panorama of New Orleans celebrates the Louisiana Purchase of 1803. The patriotic caption promises prosperity for the city and (by inference) for the American settlements upriver. Here the power of the central government (in the form of money and the purchase of land) is shown to serve the spread of liberty.

America with the sugar island of Hispaniola (present-day Haiti and Dominican Republic) at its center, and with mainland colonies feeding the islands and thus making the empire self-sufficient. Late in 1802, the Spanish, who had retained control of New Orleans, closed the port to American commerce, creating rumors that they would soon transfer the city to France. That would threaten the existence of American settlements west of the Appalachians. **President Jefferson sent a delegation to Paris early in 1803 with authorization to buy New Orleans for the United States.**

By the time the delegates reached Paris, events had dissolved French plans for a new American empire. The slaves of Saint-Domingue (the French colony on Hispaniola) had revolted and had defeated French attempts to regain control of the island. At the same time, another war between Britain and France seemed imminent. **Napoleon**—reputedly chanting “Damn sugar, damn coffee, damn colonies”—decided to bail out of America and concentrate his resources in Europe. **He astonished Jefferson’s delegation by offering to sell not only New Orleans but the whole Louisiana Territory—which would double the size of the United States—for the bargain price of \$15 million.** (See Map 7.3, Louisiana Purchase, in the color insert following page 384.)

Jefferson, who had criticized Federalists when they violated the letter of the Constitution, faced a dilemma: The president lacked the constitutional power to buy territory, but the chance to buy Louisiana was too good to refuse. It would ensure Americans access to

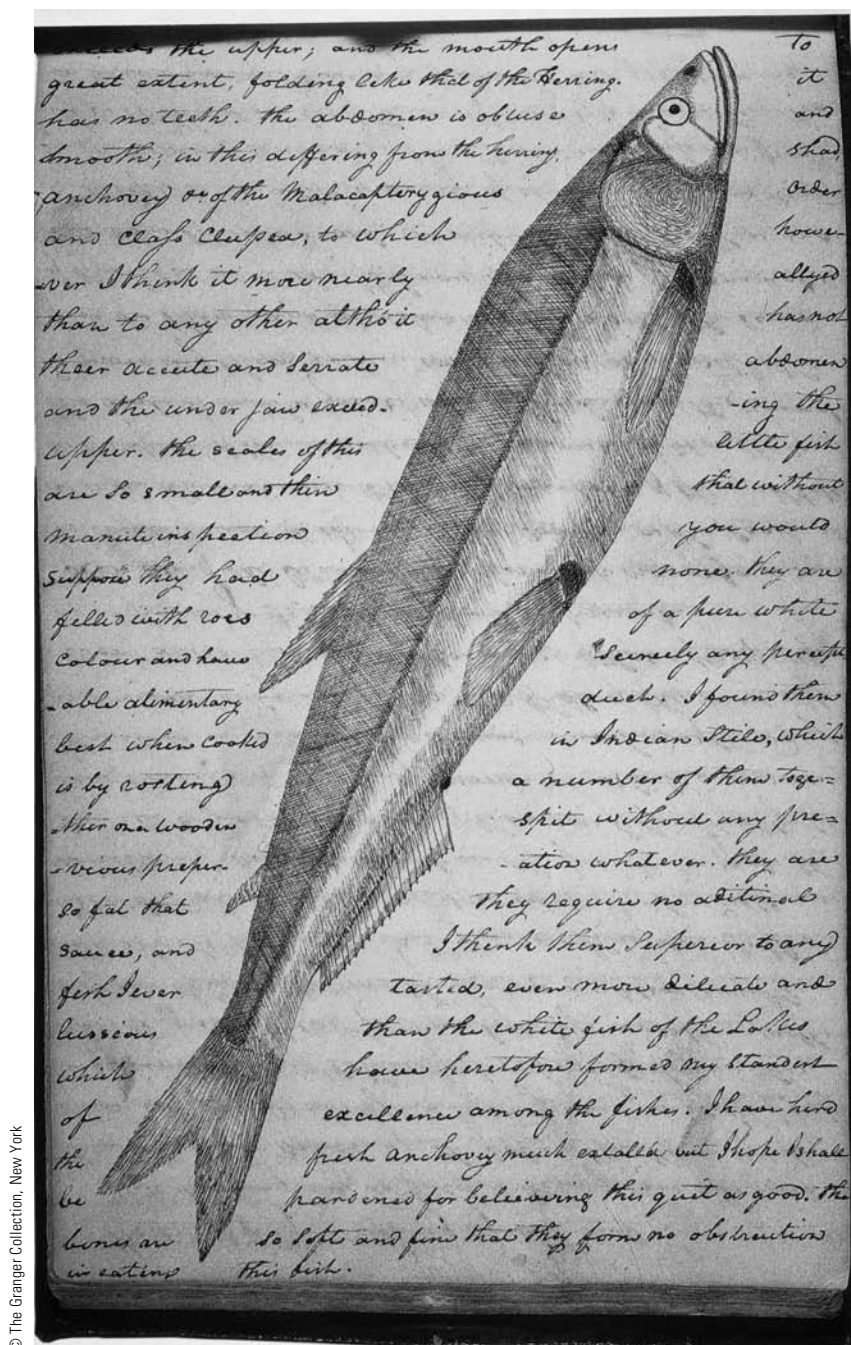
the rivers of the interior; it would eliminate a serious foreign threat on America's western border; and it would give American farmers enough land to sustain the agrarian republic for a long time to come. **Swallowing his constitutional scruples** (and at the same time half-heartedly asking for a constitutional amendment to legalize the purchase), Jefferson told the American delegates to buy Louisiana. Republican senators quickly ratified the Louisiana treaty over Federalist objections that the purchase would encourage rapid settlement and add to backcountry barbarism and Republican strength. Most Americans agreed that the accidents of French and Haitian history had given the United States a grand opportunity, and Congress's ratification of the Louisiana Purchase met with overwhelming public approval. For his part, Jefferson was certain that the republic had gained the means of renewing itself through time. As he claimed in his second inaugural address, he had bought a great "empire of liberty."

Lewis and Clark

The Americans knew almost nothing about the land they had bought. Only a few French trappers and traders had traveled the plains between the Mississippi and the Rocky Mountains, and no white person had seen the territory drained by the Columbia River. In 1804, Jefferson sent an expedition under Meriwether Lewis, his private secretary, and William Clark, brother of the Indian fighter George Rogers Clark, to explore the new land. To prepare for the expedition, Lewis studied astronomy, zoology, and botany; Clark was already an accomplished mapmaker. The two kept meticulous journals of one of the epic adventures in American history.

In May 1804, Lewis and Clark and 41 companions boarded a keelboat and two large canoes at the village of St. Louis. They poled and paddled 1,600 miles up the Missouri River, passing through rolling plains dotted by the farm villages of the Pawnee, Oto, Missouri, Crow, Omaha, Hidatsa, and Mandan peoples. The villages of the lower Missouri had been cut off from the western buffalo herds and reduced to dependence by mounted Sioux warriors, who had begun to establish their hegemony over the northern plains.

Lewis and Clark traveled through Sioux territory and stopped for the winter at the heavily fortified Mandan villages at the big bend of the Missouri River in Dakota country. In the spring they hired Toussaint Charbonneau, a French fur trader, to guide them to the Pacific. Charbonneau was useless, but his wife, a teenaged Shoshone girl named Sacajawea, was an indispensable guide, interpreter, and diplomat. With her help, Lewis and Clark navigated the upper Missouri, crossed the Rockies to the Snake River, and followed that stream to the Columbia River. They reached the Pacific in November 1805 and spent the winter at what is now Astoria, Oregon. Retracing their steps the following spring and summer, they returned to St. Louis in September 1806. They brought with them many volumes of drawings and notes, along with assurances that the Louisiana Purchase had been worth many, many times its price.



© The Granger Collection, New York

A page from the journals of Lewis and Clark Lewis and Clark traveled among peoples, flora, and wildlife that no American white person had ever seen. Their journals reveal both meticulous observation and a sense of wonder.

As Jefferson stood for reelection in 1804, he could look back on an **astonishingly successful first term**. He had dismantled the government's power to coerce its citizens, and he had begun to wipe out the national debt. The Louisiana Purchase had doubled the size of the republic at remarkably little cost. Moreover, by eliminating France from North America, it had strengthened the argument for reducing the military and the debts and taxes that went with it. Jefferson was more certain than ever that the republic could preserve itself through peaceful expansion. The "wise and frugal" government he had promised in 1801 was becoming a reality.

The combination of international peace, territorial expansion, and inexpensive, unobtrusive government left the Federalists without an issue in the 1804 election. They went through the motions of nominating Charles Pinckney of South Carolina as their presidential candidate and then watched Jefferson capture the electoral votes of every state but Delaware and Connecticut. As he began his second term in 1805, Jefferson could assume that he had ended the Federalist threat to the republic.

The Republic and the Napoleonic Wars, 1804–1815

Focus Question

What was the situation of the United States within the international politics created by the Napoleonic Wars, and how did that situation degenerate into a second war with Great Britain?

In spring 1803, a few weeks after closing the deal for Louisiana, Napoleon declared war on Great Britain. This 11-year war, like the wars of the 1790s, dominated the national politics of the United States. Most Americans wanted to remain neutral. Few Republicans supported Bonaparte as they had supported the French revolutionaries of 1789, and none but the most rabid Federalists wanted to intervene on the side of Great Britain. Neither France nor Britain, however, would permit American neutrality.

The Dilemmas of Neutrality

At the beginning, both Britain and France, whose rural economies were disrupted by war, **encouraged the Americans to resume their role as neutral carriers and suppliers of food. For a time, Americans made huge profits.** Between 1803 and 1807, U.S. exports—mostly foodstuffs and plantation staples—rose from \$66.5 million to \$102.2 million. Re-exports—goods produced in the British, Spanish, and French islands of the Caribbean, picked up by American vessels, and then reloaded in American ports onto American ships bound for Europe—rose even faster, from \$13.5 million to \$58.4 million.

In 1805, the Royal Navy under Lord Nelson destroyed the French and Spanish fleets at the Battle of Trafalgar. Later that year, Napoleon's armies won a decisive victory over Austria and Russia at the Battle of Austerlitz and won effective control of Europe. The war

reached a stalemate: Napoleon's army occupied Europe, and the British navy controlled the seas.

Britain decided to use its naval supremacy to blockade Europe and starve the French into submission. The Essex Decision of 1805 empowered the Royal Navy to seize American ships engaged in the re-export trade with France. In spring 1806, Congress, angered by British seizures of American ships, passed the Non-Importation Act forbidding the importation of British goods that could be bought elsewhere or that could be manufactured in the United States. A month after that, Britain blockaded long stretches of the European coast. Napoleon responded with the Berlin Decree, which outlawed all trade with the British Isles. The British answered with an Order in Council that demanded that neutral ships trading with Europe stop first for inspection and licensing in a British port. Napoleon responded with the Milan Decree, which stated that any vessel that obeyed the British decrees or allowed itself to be searched by the Royal Navy was subject to seizure by France. Beginning in 1805 and ending with the Milan Decree in December 1807, the barrage of European decrees and counter-decrees meant that virtually all American commerce with Europe was outlawed by one or the other of the warring powers.

Trouble on the High Seas

Given British naval supremacy, French decrees were effective only against American ships that entered ports controlled by France. The Royal Navy, on the other hand, maintained a loose blockade of the North American coast and stopped and searched American ships as they left the major seaports. Hundreds of ships were seized, along with their cargoes and crews. Under British law, the Royal Navy could impress any British subject into service during wartime. Many British subjects, including legions of deserters from the Royal Navy, were hiding in the American merchant marine, where they avoided the danger, low pay, bad food, and draconian discipline of the British navy. British ships commandeered those men. They also took Englishmen who had taken out U.S. citizenship (an act the British did not recognize) and, inevitably, native-born Americans. An estimated 6,000 American citizens were impressed into the Royal Navy between 1803 and 1812.

The kidnapping of American sailors enraged the citizens of the United States and brought the country close to war in summer 1807. In June, the American naval frigate *Chesapeake* signed on four English deserters from the British navy, along with some Americans who had joined the British navy and then deserted. Some of the deserters spotted their old officers from *H.M.S. Leopard* in Norfolk, Virginia, and taunted them on the streets. The *Leopard* left port and resumed its patrol of the American coast. On June 21, the *Leopard* caught the *Chesapeake* off Hampton Roads and demanded the return of the British deserters. When the American captain refused, the British fired on the *Chesapeake*, killing 3 Americans and wounding 18. The British then boarded the *Chesapeake*, seized the four deserters, and later hanged one of them.

The *Chesapeake* affair set off huge anti-British demonstrations in the seaport towns and angry cries for war throughout the country. President Jefferson responded by barring British ships from American ports and American territorial waters and by ordering state governors to prepare to call up as many as 100,000 militiamen. **The United States in 1807 stood at the brink of full-scale war with the most powerful nation in the world.**

Embargo

Jefferson wanted to avoid war, which would inevitably bring high taxes, government debt, a bloated military and civil service, and the repression of dissent—precisely the evils that Jefferson had vowed to eliminate. Worse, war carried the danger of defeat and thus the possible failure of America’s republican experiment.

Jefferson had one more card to play: He could suspend trade with Europe altogether and thus keep American ships out of harm’s way. For many years, Jefferson had assumed that U.S. farm products and the U.S. market for imported goods had become crucial to the European economies. He could use trade as a means of “peaceable coercion” that would both ensure respect for American neutral rights and keep the country out of war. “Our commerce,” he wrote just before taking office, “is so valuable to them, that they will be glad to purchase it, when the only price we ask is to do us justice.” Convinced that America’s yeoman republic could survive without European luxuries more easily than Europe could survive without American food, Jefferson decided to give “peaceable coercion” a serious test. Late in 1807, he asked Congress to suspend all U.S. trade with foreign countries.

Congress passed the Embargo Act on December 22. Within a few months, it was clear that peaceable coercion would not work. The British found other markets and other sources of food. They encouraged the smuggling of American goods into Canada, and American merchantmen who had been at sea when the **embargo** went into effect stayed away from their home ports and functioned as part of the British merchant marine. A loophole in the Embargo Act allowed U.S. ships to leave port in order to pick up American property stranded in other countries. An estimated 6,000 ships set sail under that excuse. Hundreds of others, plying the coastal trade, were “blown off course” and found themselves thrust into international commerce. For his part, Napoleon seized American ships in European ports, explaining that, because the embargo kept all American ships in port, those trading under American flags must be British ships in disguise.

The embargo hurt American commerce badly. Its 1807 exports of \$108 million dropped to \$22 million in 1808. The economy slowed in every section of the country, but it ground to a halt in the cities of the Northeast. While the oceangoing merchant fleet rotted at anchor, unemployed sailors, dockworkers, and other maritime workers and their families sank to levels of economic despair seldom seen in British North America. Northeastern Federalists branded Jefferson’s embargo a “Chinese” (i.e., isolationist) solution to the problems of commerce and diplomacy. Commerce, they argued, was the

great civilizer: “Her victories are over ferocious passions, savage manners, deep rooted prejudices, blind superstition and delusive theory.” Federalists accused Jefferson of plotting an end to commerce and a reversion to rural barbarism, and they often took the lead in trying to subvert the embargo through smuggling and other means. In Connecticut, the Federalist governor flatly refused Jefferson’s request to mobilize the militia to enforce the embargo.

The Federalists gained ground in the elections of 1808. James Madison, Jefferson’s old ally and chosen successor, was elected president with 122 electoral votes to 47 for his Federalist opponent, C. C. Pinckney. Although Republicans retained control of both houses of Congress, Federalists made significant gains in Congress and won control of several state legislatures. Federalist opposition to the embargo, and to the supposed southern, agrarian strangle-hold on national power, was gaining ground.

The Road to War

When President Madison took office in spring 1809, it was clear that the embargo had failed. On the contrary, the embargo had created misery in the seaport cities, choked off the imports that provided 90 percent of federal revenue, and revived Federalist opposition to Republican dominance. Early in 1809, Congress passed the Non-Intercourse Act, which retained the ban on trade with Britain and France but reopened trade with other nations. It also gave President Madison the power to reopen trade with either Britain or France once they had agreed to respect American rights. Neither complied, and the Non-Intercourse Act proved nearly as ineffective as the embargo.

In 1810, Congress passed **Macon’s Bill No. 2**, a strange piece of legislation that rescinded the ban on trade with France and Britain but also authorized the president to reimpose the Non-Intercourse Act on either belligerent if the other agreed to end its restrictions on U.S. trade. Napoleon decided to test the Americans. In September 1810, the French promised, with vague conditions, that France would repeal the Berlin and Milan Decrees. Although the proposal was a clear attempt to lead the United States into conflict with Great Britain, Madison saw no choice but to go along with it. He accepted the French promise and proclaimed in November 1810 that the British had three months to follow suit. “It promises us,” he said of his proclamation, “at least an extrication from the dilemma, of a mortifying peace, or a war with both the great belligerents.”

In the end, Madison’s proclamation led to war. The French repealed only those sections of the Berlin and Milan Decrees that applied to the neutral rights of the United States. The British refused to revoke their Orders in Council and told the Americans to withdraw their restrictions on British trade until the French had repealed theirs. The United States would either have to obey British orders (thus making American exports and the American merchant marine a part of the British war effort—a neo-colonial situation that was utterly repugnant to most Americans) or go to war. When Congress reconvened in November 1811, it voted military measures in preparation for war with Great Britain.

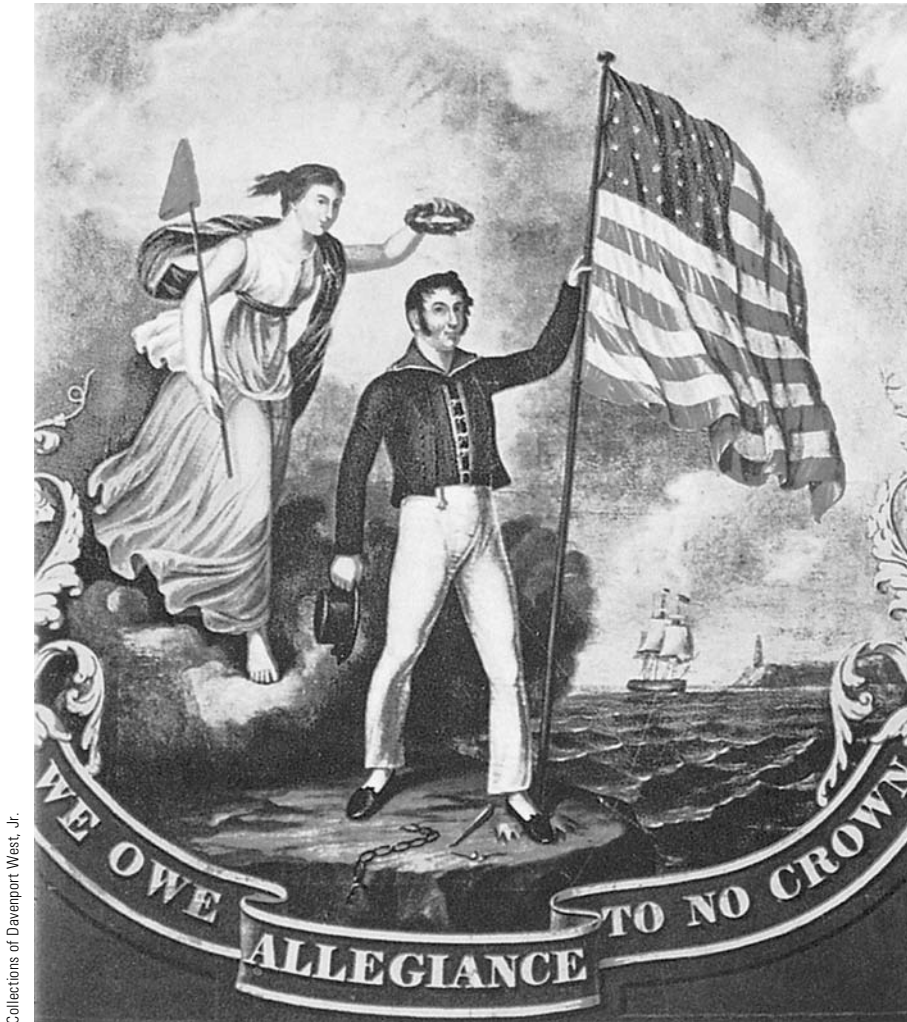
The War Hawk Congress, 1811–1812

Republicans controlled both houses of congress in 1811–12 by 75 percent of the House and 82 percent of the Senate, but they were a divided majority. The Federalist minority was united in opposition to Madison. They were often joined by northeastern Republicans who followed the pro-British, Federalist line on international trade, and by Republicans who wanted a more powerful military than other Republicans would allow. Also opposed to Madison were the self-styled Old Republicans of the South, led by John Randolph. Thus it was a deeply divided Congress that met the war crisis.

In this confused situation, a group of talented young congressmen took control. Nearly all of them were Republicans from the South or the West: Richard M. Johnson and Henry Clay of Kentucky, John C. Calhoun and William Lowndes of South Carolina, George M. Troup of Georgia, Peter B. Porter from the Niagara district of New York, and others. Called the **War Hawks**, these ardent nationalists wanted to declare war on England to protect U.S. rights. Through their organizational, oratorical, and intellectual power, they won control of Congress. Henry Clay, only 34 years old and serving his first term in Congress, was elected **Speaker of the House**. More vigorous than his predecessors, Clay controlled debate, packed key committees, worked tirelessly behind the scenes, and imposed order on his fellow congressmen. When John Randolph, one of the most feared members of the House, brought his dog into the House chamber, Speaker Clay pointedly ordered the dog removed. Earlier speakers had not dared give such an order.

In the winter and spring of 1811–12, the War Hawks led Congress into a declaration of war. In November they voted military preparations, and in April they enacted a 90-day embargo—not to coerce the British but to return American ships safely to port before war began. (As in 1807, the embargo prompted seaport merchants to rush their ships to sea.) On June 1, Madison sent a war message to Congress. This was to be the first war declared under the Constitution, and the president stayed out of congressional territory by not asking explicitly for a declaration of war. He did, however, present a list of British crimes that could be interpreted in no other way: (1) the enforcement of the Orders in Council, even within the territorial waters of the United States; (2) the impressment of American seamen; (3) the use of spies and provocateurs within the United States; and (4) the wielding of “a malicious influence over the Indians of the Northwest Territory.” Madison concluded that war had in fact begun: “We behold . . . on the side of Great Britain a state of war against the United States; and on the side of the United States, a state of peace toward Great Britain.”

Congress declared war on June 18. The vote was far from unanimous: 79 to 49 in the House of Representatives, 19 to 13 in the Senate. All 30 Federalists voted against the declaration, as did one in five Republicans, nearly all of them from the Northeast. Thus the war was declared by the Democratic Republican Party, more particularly by the Republicans of the South and the West. The Northeast, whose commercial rights were supposedly the issue at stake, opposed the declaration.



Collections of Davenport West, Jr.

We Owe Allegiance To No Crown, a Patriotic Painting from the War of 1812 Liberty—portrayed, as always, by a pure and determined woman—holds a Liberty Cap on a staff (the old symbol of international republicanism) and crowns an embattled American seaman with a classical wreath. Here the war is portrayed not only as a conflict between Britain and America but also as a contest between monarchy and republicanism—between despotism and liberty.

American Strategy in 1812

1 2 3

The War Hawks declared a war to defend the sovereignty, the western territory, and the maritime rights of the United States. The war they planned and fought, however, bore the stamp of southern and western Republicanism. Federalists and many northeastern Republicans expected a naval war. After all, the British had committed their atrocities on the ocean,

and some, remembering U.S. naval successes against France in the quasi-war of 1798–1800, predicted similar successes against Great Britain. Yet when Madison asked Congress to prepare for war, the War Hawks led a majority that strengthened the U.S. Army and left the navy weak. Reasoning that no U.S. naval force could challenge British control of the seas, they prepared instead for a land invasion of British Canada.

The decision to invade Canada led the Federalists, along with many of Randolph's Old Republicans, to accuse Madison and the congressional majority of planning a war of territorial aggression. Some members of Congress did want to annex Canada to the United States, but most saw the decision to invade Canada as a matter of strategy. Lightly garrisoned and with a population of only one-half million (many of them French, and most of the others American émigrés of doubtful loyalties), Canada seemed the easiest and most logical place in which to damage the British. It was also from bases in Canada that the British armed the Indians of the Northwest, and western Republicans were determined to end that threat decisively. Finally, Canada was a valuable colony of Great Britain. The American embargoes, coupled with Napoleon's control of Europe, had impaired Britain's ability to supply her plantation colonies in the West Indies, and Canadian farmers had begun to fill the gap. Thus **Canada was both valuable and vulnerable, and American policy makers reasoned that they could take it and hold it hostage while demanding that the British back down on other issues.** Although U.S. military strategy focused on Canada, maritime rights and national honor, along with the British-fed Indian threat west of the Appalachians, were the central issues in 1812. As John C. Calhoun, who was instrumental in taking the nation to war, concluded: "The mad ambition, the lust of power, and commercial avarice of Great Britain have left to neutral nations an alternative only between the base surrender of their rights, and a manly vindication of them."

The Rise of Tecumseh

Native peoples east of the Mississippi River recognized alliances with Britain as a final chance to hold back American settlers. Northwestern Indians had lost much of their land at the Battle of Fallen Timbers and the Treaty of Greenville. Relegated to smaller territory but still dependent on the European fur trade, they fell into competition with settlers and other Indians for the diminishing supply of game. The Creeks, Choctaws, and other tribes of the Old Southwest faced the same problem: Even when they chased settlers out of their territory, the settlers managed to kill or scare off the deer and other wildlife, thus ruining the old hunting grounds. When the Shawnee sent hunting parties farther west, they met irate western Indians. The Choctaws also sent hunters across the Mississippi, where they found both new sources of furs and angry warriors of the Osage and other peoples of Louisiana and Arkansas. The Indians of the interior now realized that the days of the fur trade, on which they depended for survival, were numbered. (See Map 7.4, *Native America, 1783–1812*, in the color insert following page 384.)

Faced with shrinking territories, the disappearance of wildlife, and diminished opportunities to be traditional hunters and warriors, many Indian societies sank into despair. Epidemics of European diseases (smallpox, influenza, measles) attacked peoples who were increasingly sedentary and vulnerable. Old internal frictions grew nastier. In the Old Southwest, full-blooded Indians came into conflict with mixed-blood Indians, who often no longer spoke the native language and who wanted their people to adopt white ways. Murder and clan revenge plagued the tribes, and depression and suicide became more common. The use of alcohol, which had been a scourge on Indian societies for two centuries, increased. Indian males spent more time in their villages and less on the hunt, and by most accounts they drank more and grew more violent when they drank.

Out of this cultural wreckage emerged visionary leaders who spoke of a regenerated native society and the expulsion of all whites from the old tribal lands. The prophet who came closest to military success was Tenskwatawa, a fat, one-eyed, alcoholic Shawnee who had failed as a warrior and medicine man. He went into a deep trance in 1805, and the people thought he was dead. During preparations for his funeral, he awoke and told them he had visited heaven and hell and had received a prophetic vision. First, all Indians must stop drinking and fighting among themselves. They must also return to their traditional food, clothing, tools, and hairstyles, and must extinguish all of their fires and start new ones without using European tools. All who opposed the new order (including local chiefs, medicine men, shamans, and witches) must be put down by force. When all of that had been done, God (a monotheistic, punishing God borrowed from the Christians) would restore the world that Indians had known before the whites came over the mountains.

Tenskwatawa's message soon found its way to the Delawares (who attacked the Christians among their people as witches) and other native peoples of the Northwest. When converts flooded into the prophet's home village, he moved to Prophetstown (Tippecanoe) in what is now Indiana. There, with the help of his brother Tecumseh, he created an army estimated by the whites at anywhere between 650 and 3,000 warriors and pledged to end further encroachment by whites. Tecumseh, who took control of the movement, announced to the whites that he was the sole chief of all the Indians north of the Ohio River. Land cessions by anyone else would be invalid. **Tenskwatawa's prophecy and Tecumseh's leadership had united the Indians of the Old Northwest in an unprecedented stand against white encroachment.**

Tecumseh's confederacy posed a threat to the United States. A second war with England was looming, and Tecumseh was receiving supplies and encouragement from the British in Canada. He was also planning to visit the southern tribes in an attempt to bring them into his confederacy. The prospect of unified resistance by the western tribes in league with the British jeopardized every settler west of the Appalachians. In 1811, William Henry Harrison led an army toward Prophetstown. With Tecumseh away, Tenskwatawa ordered an unwise attack on Harrison's army and was beaten at the **Battle of Tippecanoe**. But Tecumseh's confederacy remained a formidable opponent of the United States.

The War with Canada, 1812–1813

The United States attacked Canada in 1812, with disastrous results. The plan was to invade Upper Canada (Ontario) from the Northwest, thus cutting off the Shawnee, Potawatomi, and other pro-British Indian tribes from their British support. When General William Hull, governor of Michigan Territory, took a poorly supplied, badly led army of militiamen and volunteers into Canada from a base in Detroit, he found that the British had outguessed him. The area was crawling with British troops and their Indian allies. With detachments of his army overrun and his supply lines cut, he retreated to the garrison at Detroit. Under siege, he heard that an Indian force had captured the garrison at Fort Dearborn. British General Isaac Brock, who knew that Hull was afraid of Indians, sent a note into the fort telling him that “the numerous body of Indians who have attached themselves to my troops, will be beyond my controul the moment the contest commences.” Without consulting his officers, Hull surrendered his army of 2,000 to the smaller British force. Although Hull was later court-martialed for cowardice, the damage had been done: The British and Indians occupied many of the remaining American garrisons in the Northwest and transformed the U.S. invasion of Upper Canada into a British occupation of much of the Northwest.

The invasion of Canada from the east went no better. In October a U.S. force of 6,000 faced 2,000 British and Indians across the Niagara River separating Ontario from western New York. The U.S. regular army crossed the river, surprised the British, and established a toehold at Queenston Heights. While the British prepared a counterattack, New York militiamen refused to cross the river to reinforce the regulars. Ohio militiamen had behaved the same way when Hull invaded Canada, and similar problems had arisen with the New York militia near Lake Champlain. Throughout the war, citizen-soldiers proved that Jefferson’s confidence in the militia could not be extended to the invasion of other countries. The British regrouped and slaughtered the outnumbered, exhausted U.S. regulars at Queenston Heights.

As winter set in, it was clear that Canada would not fall as easily as the Americans had assumed. The invasion, which U.S. commanders had thought would knife through an apathetic Canadian population, had the opposite effect: The attacks by the United States turned the ragtag assortment of American loyalist émigrés, discharged British soldiers, and American-born settlers into a self-consciously British Canadian people. Years later, an English-woman touring Niagara Falls asked a Canadian ferryman if it was true that Canadians had thrown Americans off Queenston Heights to their death on the rocky banks of the Niagara River. “Why yes,” he replied, “there was a good many of them; but it was right to show them that there was water between us, and you know it might help to keep the rest of them from coming to trouble us on our own ground.”

Tecumseh’s Last Stand

Tecumseh’s confederacy, bruised but not broken in the Battle of Tippecanoe, allied itself with the British in 1812. On a trip to the southern tribes, Tecumseh found the traditionalist wing of the Creeks—led by prophets who called themselves Red Sticks—willing to join him.



The augmented confederacy provided stiff resistance to the United States throughout the war. The Red Sticks chased settlers from much of Tennessee. They then attacked a group of settlers who had taken refuge in a stockade surrounding the house of an Alabama trader named George Mims. In what whites called the Massacre at Fort Mims, the Red Sticks (reputedly with the collusion of black slaves within the fort) killed at least 247 men,

women, and children. In the Northwest, Tecumseh's warriors, fighting alongside the British, spread terror throughout the white settlements.

A wiser U.S. army returned to Canada in 1813. They raided and burned the Canadian capital at York (Toronto) in April, and then fought inconclusively throughout the summer. An autumn offensive toward Montreal failed, but the Americans had better luck on Lake Erie. The barrier of Niagara Falls kept Britain's saltwater navy out of the upper Great Lakes, and on Lake Erie, the British and Americans engaged in a frenzied shipbuilding contest throughout the first year of the war. The Americans won. In September 1813, **Commodore Oliver Hazard Perry cornered and destroyed the British fleet at Put-in-Bay.** Control of Lake Erie enabled the United States to cut off supplies to the British in the Northwest, and a U.S. army under William Henry Harrison retook the area and continued on into Canada. On October 5, **Harrison caught up with a force of British and Indians at the Thames River and beat them badly.** In the course of that battle, Richard M. Johnson, a War Hawk congressman acting as commander of the Kentucky militia, killed Tecumseh. Proud militiamen returned to Kentucky with pieces of hair and clothing and even swatches of skin torn from Tecumseh's corpse. Their officers reaped huge political rewards: The Battle of the Thames would eventually produce a president of the United States (Harrison), a vice president (Johnson), 3 governors of Kentucky, 3 lieutenant governors, 4 U.S. senators, and about 20 congressmen—telling evidence of how seriously the settlers of the interior had taken Tecumseh.

The following spring, General Andrew Jackson's Tennessee militia, aided by Choctaw, Creek, and Cherokee allies, attacked and slaughtered the Red Sticks, who had fortified themselves at Horseshoe Bend in Alabama. With the Battle of the Thames and the Battle of Horse Shoe Bend, the military power of the Indian peoples east of the Mississippi River was broken.

The British Offensive, 1814

The **British defeated Napoleon in April 1814,** thus ending the larger war from which the War of 1812 erupted. **They then turned their attention to the American war and went on the offensive.** They had already blockaded much of the American coast from Georgia to Maine. During summer 1814, they raided Chesapeake Bay and marched on Washington, D.C. As retribution for the torching of the Canadian capital at York, they chased the army and politicians out of town and burned down the capitol building and the president's mansion. In September, the British attacked Baltimore, but could not blast their way past the determined garrison that commanded the harbor from **Fort McHenry. This was the battle that inspired Francis Scott Key to write "The Star-Spangled Banner," which was set to music and chosen as the national anthem in the 1930s.** When a British offensive on Lake Champlain stalled during the autumn, the war reached a stalemate: Britain had prevented the invasion of Canada and had blockaded the American coast, but neither side could take and hold the other's territory.

The British now shifted their attention to the Gulf Coast, particularly to New Orleans, a city of vital importance to U.S. trans-Appalachian trade and communications. Peace negotiations had begun in August, and the British wanted to capture and hold New Orleans as

a bargaining chip. A large British amphibious force landed and camped eight miles south of New Orleans. There they met an American army made up of U.S. regulars, Kentucky and Tennessee militiamen, clerks, workingmen, free blacks from the city, and about a thousand French pirates—all under the command of Andrew Jackson of Tennessee. Throughout late December and early January, unaware that a peace treaty had been signed on December 24, the armies exchanged artillery barrages and the British probed and attacked American lines. On January 8, they launched a frontal assault. A formation of 6,000 British soldiers marched across open ground toward 4,000 Americans concealed behind breastworks. With the first American volley, it was clear that the British had made a mistake. Veterans of the bloodiest battles of the Napoleonic wars swore that they had never seen such withering fire; soldiers in the front ranks who were not cut down threw themselves to the ground and surrendered when the shooting stopped. The charge lasted half an hour. At the end, 2,000 British soldiers lay dead or wounded. American casualties numbered only 70. Fought nearly two weeks after the peace treaty, the **Battle of New Orleans had no effect on the outcome of the war or on the peace terms, but it salvaged the injured pride of Americans and made a national hero and a political power of Andrew Jackson.**

The Hartford Convention

While most of the nation celebrated Jackson's victory, events in Federalist New England went differently. New Englanders had disliked Republican trade policies, and their congressmen had voted overwhelmingly against going to war. The New England states seldom met their quotas of militiamen for the war effort, and some Federalist leaders had openly urged resistance to the war. The British had encouraged that resistance by not extending their naval blockade to the New England coast, and throughout the first two years of the war, New England merchants and farmers had traded freely with the enemy. In 1814, after the Royal Navy had extended its blockade northward and had begun to raid the towns of coastal Maine, some Federalists talked openly about seceding and making a separate peace with Britain.

In an attempt to undercut the secessionists, moderate Federalists called a convention at Hartford to air the region's grievances. The Hartford Convention, which met in late December 1814, proposed amendments to the Constitution that indicated New England's position as a self-conscious minority within the Union. First, the convention delegates wanted the "three-fifths" clause, which led to overrepresentation of the South in Congress and the electoral college (see chapter 6), stricken from the Constitution. They also wanted to deny naturalized citizens—who were strongly Republican—the right to hold office. They wanted to make it more difficult for new states, all of which sided with the Republicans and their southern leadership, to enter the Union. Finally, they wanted to require a two-thirds majority of both houses for a declaration of war—a requirement that would have prevented the War of 1812.

The Federalist leaders of the Hartford Convention, satisfied that they had headed off the secessionists, took their proposals to Washington in mid-January. They arrived to find the capital celebrating news of the peace treaty and Jackson's victory at New Orleans. When

they aired their sectional complaints, they were branded as negative and unpatriotic. Although Federalists continued for a few years to wield power in southern New England, the Hartford debacle ruined any chance of a nationwide Federalist resurgence after the war. Andrew Jackson had stolen control of American history from New England. He would do so again in the years ahead.

The Treaty of Ghent

Britain's defeat of Napoleon had spurred British and American efforts to end a war that neither wanted. In August 1814, they opened peace talks in the Belgian city of Ghent. Perhaps waiting for the results of their 1814 offensive, the British opened with proposals that the Americans were certain to reject. They demanded the right to navigate the Mississippi. Moreover, they wanted territorial concessions and the creation of the permanent, independent Indian buffer state in the Northwest that they had promised their Indian allies. The Americans ignored these proposals and talked instead about impressment and maritime rights. As the autumn wore on and the war reached stalemate, both sides began to compromise. The British knew that the Americans would grant concessions in the interior only if they were thoroughly defeated, an outcome that most British commanders thought impossible. For their part, the Americans realized that the British maritime depredations were by-products of the struggle with Napoleonic France. Faced with peace in Europe and a senseless military stalemate in North America, negotiators on both sides began to withdraw their demands. The Treaty of Ghent, signed on Christmas Eve 1814, simply ended the war. The border between Canada and the United States remained where it had been in 1812; Indians south of that border—defeated and without allies—were left to the mercy of the United States; and British maritime violations were not mentioned. The makers of the treaty stopped a war that neither side could win, trusting that a period of peace would resolve the problems created by two decades of world war.

Conclusion

In 1816, Thomas Jefferson was in retirement at Monticello, satisfied that he had defended liberty against the Federalists' love of power. The High Federalist attempt to consolidate power, militarize government, and jail their enemies had failed. Their direct taxes were repealed. Their debt and their national bank remained in place, but only under the watchful eyes of true republicans. And their attempt to ally the United States with the antirepublican designs of Great Britain had ended in what many called the Second War of American Independence. American independence was truly won, and Jefferson's vision of a union of independent republican states seemed to have been realized.

Yet for all his successes, Jefferson saw that he must sacrifice some of his longest-held dreams. Jefferson's republican ideal was grounded in farmer-citizens whose vision was local and who wanted nothing more from government than protection of their property

and rights. Jefferson's imagined yeomen traded farm surpluses for European manufactured goods—a system that encouraged rural prosperity, prevented the growth of cities and factories (the much-feared nurseries of corruption and dependence), and thus sustained the landed independence on which republican citizenship rested. Westward expansion, Jefferson had believed, would ensure the yeoman republic for generations to come. By 1816, that dream was ended. The British and French had “cover[ed] the earth and sea with robberies and piracies,” disrupting America's vital export economy whenever it suited their whims. Arguing as Hamilton had argued in 1790, Jefferson insisted that “we must now place the manufacturer by the side of the agriculturalist.”

SUGGESTED READINGS

Stanley Elkins and Eric McKittrick, *The Age of Federalism: The Early American Republic, 1788–1800* (1993) is definitive, while Henry Adams, *History of the United States of America during the Administrations of Thomas Jefferson and James Madison*, 9 vols. (1889–1891; reprint, 2 vols., 1986) remains the fullest introduction to the Republican presidencies. Thomas G. Slaughter, *The Whiskey Rebellion: Frontier Epilogue to the American Revolution* (1986) is good on its subject. Lance Banning, *The Jeffersonian Persuasion: Evolution of a Party Ideology* (1980); Drew R. McCoy, *The Elusive Republic: Political Economy in Jeffersonian America* (1980); and Peter Onuf, *Jefferson's Empire: The Language of American Nationhood* (2001) are insightful studies of Jeffersonianism. On relations with other countries, see Lawrence Kaplan, “Entangling Alliances with None”: *American Foreign Policy in the Age of Jefferson* (1987) and Donald R. Hickey, *The War of 1812: A Forgotten Conflict* (1989). Joseph J. Ellis, *Founding Brothers: The Revolutionary Generation* (2000) and Joanne B. Freeman, *Affairs of Honor: National Politics in the New Republic* (2001) discuss the political culture of the founding generation.

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