CHAPTER 8

JEFFERSONIAN ASCENDANCY: THEORY AND PRACTICE OF GOVERNMENT

SUMMARY
Jeffersonian democrats theoretically declared their passion for liberty and equality. Nonetheless, they lived in a society whose members accepted slavery and sought to remove Native Americans from the path of the White man's progress. Jeffersonians also insisted upon a strict interpretation of the constitution, peaceful foreign relations, and reduction of the size and powers of the federal government. As president, however, Jefferson interpreted the Constitution broadly to accommodate the Louisiana Purchase, increased federal power to enforce the embargo of 1807, and led the country to the brink of war. Some Americans praised Jefferson's pragmatism; others felt betrayed.

Regional Identity In A New Republic
Substantial population growth, improved regional transportation links, and attacks on the institution of slavery contributed to and ignited a growing sense of regionalism. Powerful sectional sentiment begun bubbling to undermine national unity.

Westward the Course of Empire
The trans-Appalachian West’s rich soil and developing system of water transportation fostered substantial growth after 1790. Earlier settlers had been mostly men; these new settlers, however, often traveled as families.

Native American Resistance
Native Americans offered some resistance efforts, especially by Tenskwatawa and his brother Tecumseh. The onrushing settlers, nonetheless, overwhelmed resistance efforts.

Commercial Life in the Cities
Agriculture and the shipping industry instigated economic growth in the United States before 1820. These trades’ successes diverted investment away from more risky manufacturing ventures, although innovations did appear in the textile industry. American workers often felt threatened by innovative machines, and feared reduced wages, loss of independence, and loss of social status. American cities were small, and contained only 7 percent of the nation’s population. These urban regions served primarily as international trade depots.

Jefferson as President
Although shy and introspective, Thomas Jefferson proved to be a capable and pragmatic president. Federalists failed to maintain power because they were reluctant to adopt popular campaigning techniques, resisted territorial expansion, and opposed the War of 1812.
Jeffersonian Reforms
An astute and successful politician, Jefferson accomplished most of his early goals by reducing federal bureaucracy, taxes, and military spending. He regarded a large federal deficit as dangerous to republican institutions and a large military presence as liable to provoke hostilities.

The Louisiana Purchase
Due to fortuitous international events, Jefferson doubled United States’ territory for only $15 million in 1803 by buying France’s Louisiana territory. Although the Louisiana Purchase initially provoked constitutional concerns about Jefferson’s action, Jefferson recognized a good deal and quickly presented the treaty for Senate ratification.

The Lewis and Clark Expedition
In the midst of the Louisiana controversy, Jefferson authorized the highly successful Lewis and Clark expedition for western exploration.

Conflict with the Barbary States
Jefferson also dispatched an American fleet to battle the Barbary Pirates, rather than submit to their demands for tribute. Concluding his first term on a wave of popularity, Jefferson enjoyed an overwhelming reelection in 1804.

Jefferson’s Critics
Jefferson’s reform efforts, while successful on some fronts, did anger his critics, and contributed to disunity among the Republicans.

Attack on the Judges
Angered at the Federalists' attempt to entrench their political power in the national government by the Judiciary Act of 1801, the Republicans repealed the law and then proceeded with their own attempts to remove some and prevent other Federalist judges from obtaining office. While proclaiming victory in Marbury v. Madison (1803), few Republicans realized that the Supreme Court's decision established the precedent of judicial review of federal statutes.

Politics of Desperation
As Federalist power declined, Republicans fell to squabbling amongst themselves. One radical faction, labeled the “Tertium Quids” or “no accounts” by the newspapers, argued that Jefferson's pragmatic policies sacrificed the purity of Republican principles.

Murder and Conspiracy: The Strange Career of Aaron Burr
Vice-President Aaron Burr, hoping to achieve personal power, schemed with dissident Federalists, quarreled with and shot Alexander Hamilton in a duel, and launched a potentially treasonous expedition against the United States. Nonetheless, Chief Justice John Marshall's ruled the evidence against Burr “circumstantial.” Such reasoning
acquitted Burr, and ensured that in the future, treason could not be charged lightly or for purely political purposes.

**The Slave Trade**  
Acting upon the charge of the constitutional convention, Congress considered and passed a bill prohibiting the importation of slaves beginning in 1808. Lax American enforcement, however, especially in the South, resulted in continued illegal operations of slave smugglers.

**Embellishments Overseas**  
During Jefferson's second term, a military stalemate in the resumed warfare between Britain and France forced the belligerents into an economic struggle. Owing to its naval superiority, Britain was more successful at this, not only seizing American ships, but also impressing American sailors. The British attack on the American warship *Chesapeake* in 1807 for its refusal to submit to a British search infuriated Americans.

**Embargo Divides the Nation**  
Jefferson's recommendation for an embargo of American goods in 1807 failed to win foreign respect for American neutrality. His policy of “peaceable coercion” succeeded only in depressing the economy and angering northern merchants, and was repealed in 1809.

**A New Administration Goes to War**  
Although James Madison won the election of 1808, he proved to be mostly an ineffective president. Poorly designed Republican policies failed to keep us out of war. General William Henry Harrison defeated an Indian army at Tippecanoe, but drove the Indian leader Tecumseh into the arms of the British.

**Fumbling Toward Conflict**  
Aggressive “War Hawks” in the United States were convinced that war against Britain would restore national honor, remove British aid to western Indians, and open Canada to American expansion.

**The Strange War of 1812**  
In spite of early optimism, American war efforts were marred by poor preparation, ineffective leadership, and an ill-designed strategy. Although momentarily preoccupied with Napoleon, Britain appeared no better in executing offensive operations once its full attention could be directed at the United States.

**Hartford Convention: The Demise of the Federalists**  
In late 1814, disgruntled Federalists gathered at Hartford to protest the war and recommend constitutional changes designed to protect the minority interests of New England. The demands, presented in Washington just as news broke concerning what seemed a successful conclusion to war, made the Federalists appear foolish, if not treacherous, hastening their demise as a political force.
Treaty of Ghent Ends the War
The Treaty of Ghent, signed on Christmas Eve 1814, ended the deadlock of war with no major concessions granted by either side. A belated American victory at the Battle of New Orleans led to a widespread conception that the United States had won the War of 1812.

Conclusion: Republican Legacy
The early Republican presidents championed a democratic, egalitarian society in which virtuous, independent citizens might pursue their own economic interests. The Republicans, however, had failed to dismantle slavery and incorporate African Americans into their republican scheme.

LEARNING OBJECTIVES
After mastering this chapter, you should be able to:

1. Describe the condition and advances of the American economy in this era.

2. List the goals of Jefferson as president and evaluate his success in accomplishing them.

3. Explain the circumstances and consequences of the Louisiana Purchase.

4. Describe the background, results, and significance of the Marbury v. Madison decision (1803).

5. List and explain the sources of political dissension with which Jefferson had to contend.

6. Evaluate the success of American efforts to end the slave trade.

7. Explain the reasons for the failure of American foreign policy in preventing the War of 1812.

8. Analyze the causes, conduct, and outcome of the War of 1812.


10. Discuss the reasons for the ultimate demise of the Federalist party during this era.
GLOSSARY

To build your social science vocabulary, familiarize yourself with the following terms:

1. **disingenuousness** a condition lacking in candor. “The Federalist party accused the Republicans . . . of disingenuousness.”

2. **pragmatism** a practical approach to problems or affairs. “Some Americans praised the president's pragmatism; others felt betrayed.”

3. **sycophants** ones who attempt to win favor or advancement by flattering persons of influence. “It is a cursed delusion, adopted by traitors, and recommended by sycophants.”

4. **staple crops** crops produced regularly and in great quantities for markets. “Southerners concentrated on the staple crops tobacco, rice, and cotton . . .”

5. **despotism** government in which the ruler has unlimited authority. “. . . the bill 'establishes a complete despotism' . . .”

6. **extortion** act of obtaining money or information from another by coercion or intimidation. “In 1801, Jefferson decided that this extortion had become intolerable . . .”

7. **stalwarts** ones who actively support an organization or cause. “. . . Adams quickly filled these positions with stalwarts of the Federalist party.”

8. **opportunist** one who takes advantage of opportunities, especially with little regard for principle or consequences. “The general was a thoroughly corrupt opportunist.”

9. **subterfuge** deception in order to conceal or evade. “. . . the British did little to halt this obvious subterfuge.”

10. **impressment** forcible drafting into service “The document . . . said nothing about impressment . . .”

11. **embargo** a governmental order prohibiting the departure of commercial ships from their ports. “The president predicted that a total embargo of American commerce would soon force Britain and France to negotiate . . .”

12. **coercion** an act of compelling by force or threat. “Peaceable coercion' turned into a Jeffersonian nightmare.”
13. **chauvinism** excessive or unthinking loyalty. “New Englanders . . . ridiculed such chauvinism.”

14. **blockade** a war measure designed to obstruct the commerce and communication of the enemy. “The Royal Navy did not bother to blockade the major northern ports.”

15. **flotilla** a fleet of ships. “Captain Thomas MacDonough turned back a British flotilla . . .”

**IDENTIFICATION**

Briefly identify the meaning and significance of the following terms.

1. Tecumseh

2. Albert Gallatin

3. Louisiana Purchase

4. Lewis and Clark Expedition

5. Barbary States


7. John Randolph

8. Aaron Burr
9. “War Hawks”

10. Treaty of Ghent

MATCHING

A. Match the following judges with the appropriate description:

_____1. John Jay

_____2. John Marshall

_____3. William Marbury

_____4. John Pickering

_____5. Samuel Chase

a. Chief Justice of the Supreme Court appointed in 1801 by President Adams

b. Republican Judge presiding over the impeachment proceedings of Federalist judges

c. an alcoholic and insane Federalist judge impeached and convicted

d. Federalist judge impeached, but not convicted, because of seditious speech

e. Federalist spokesman retiring from national affairs after Adams's defeat

f. “midnight judge” who lost his case for appointment in a celebrated decision
B. Match the following military leaders with the appropriate action:

_____1. Andrew Jackson  
   a. commanded American forces to victory over western Indians at the Battle of Tippecanoe

_____2. William Henry Harrison  
   b. captured control of Lake Erie by defeating a British fleet at Put-in-Bay

_____3. Oliver Hazard Perry  
   c. led American forces to victory over the British at the Battle of New Orleans

_____4. William Hull  
   d. resisted a British naval attack on Lake Champlain

_____5. Edward Pakenham  
   e. ordered a British attack against well-defended American positions at New Orleans
   f. surrendered an entire American army to a smaller British force at Detroit

COMPLETION

Answer the question or complete the statement by filling in the blanks with the correct word or words.

1. The influence of New England was apparent in the settlement of the Western Reserve, a narrow strip of land along Lake Erie in northern ________.

2. Andrew Jackson led his Tennessee militia to a crushing victory over the Creek Indians at the Battle of __________________.

3. Although suspicious of standing armies, Jefferson ensured professional leadership for American forces in battle by creating the military academy at _____________ in 1802.

4. Napoleon lost interest in a plan to reestablish a French empire in America when his troops were unable to recapture control of the island of ________________.

5. The faction of extreme Republicans who opposed many of Jefferson's policies were called __________ _________.

6. Initially, Aaron Burr was aided in his conspiracy by the commander of the United States Army in the Mississippi Valley, _________________.

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7. In 1806 the British government issued a series of trade restrictions known as the________________________.

8. In 1807 the United States suffered humiliation when a British ship fired on the American warship _______________ for its refusal to submit to a search.

9. Successor to Thomas Jefferson as president, _________________ lacked the personal qualities necessary for effective leadership.

10. Francis Scott Key was inspired to write “The Star-Spangled Banner” upon witnessing the survival of Fort _________________ against a heavy British assault in September 1814.

TRUE/FALSE

Mark the following statements either T (True) or F (False).

_____1. Thomas Jefferson was inflexible as president, refusing to veer from pure Republican philosophy.

_____2. Regional identifications among Americans in commerce and politics in the early nineteenth century might be explained partly by a defensiveness to outside criticism.

_____3. Jefferson felt the Indians could be “civilized” by converting them to yeoman farmers.

_____4. As evidence of his political guile and skills, Thomas Jefferson never vetoed one act of Congress in his two terms as president.

_____5. Jefferson argued that disarmament promoted peace rather than invited aggression.

_____6. Jefferson dismissed all Federalist government workers, demanding the complete loyalty of the federal bureaucracy.

_____7. Illegal slaves smuggled into the United States after 1808 were to be set free if apprehended by federal authorities.

_____8. Eyewitness testimony helped convict Aaron Burr of treason for his private expedition of 1806.
MULTIPLE CHOICE

Circle the one alternative that best completes the statements or answers the question.

1. Which of these statements about the economy of Jeffersonian America is true?
   a. The prosperity of the United States depended primarily upon industry.
   b. American cities functioned primarily as deports for international trade.
   c. About 25 percent of the population lived and worked in urban centers.
   d. Population increases were fueled primarily by increased immigration.

2. Which of the following was not a commercial innovation of this period?
   a. introduction of the agricultural fair
   b. expansion of the merchant marine
   c. construction of the Erie Canal
   d. introduction of the textile industry in New England

3. As president, Thomas Jefferson
   a. insisted on a great deal of formal ceremony.
   b. maintained close ties with congressional leaders.
   c. delivered public speeches in a dynamic manner.
   d. lacked charm and grace in personal conversations.

4. Which of the following actions by the Jefferson administration coincided with the Republican belief in strict interpretation of the constitution?
   a. negotiation of a treaty for the purchase of Louisiana
   b. waging of war against the Barbary Pirates
   c. attempted removal of Federalist judges for seditious speeches
   d. repeal of all direct taxes, including the controversial Whiskey Tax

5. Which of the following statements about the Louisiana Purchase is true?
   a. No one questioned the constitutionality of the arrangement.
   b. Strict borders for the purchase were not specified.
   c. Louisiana residents were immediately granted representative government.
   d. Most Americans objected to the outrageous price demanded by France.

6. In the decision of Fletcher v. Peck (1810), the Supreme Court
   a. established the precedent for judicial review of federal statutes.
   b. invalidated the sale of the Yazoo claims because of fraud.
   c. ordered the breakup of the Tertium Quids.
   d. upheld its authority to rule on the constitutionality of state laws.
7. Aaron Burr  
   a. planned a potentially treasonous expedition.  
   b. served as vice president under John Adams.  
   c. shot and killed Thomas Jefferson in a duel.  
   d. received the support of Hamilton in his bid to become governor of New York.

8. The law prohibiting the importation of African slaves into the United States was  
   a. overturned in 1808 because of constitutional provision.  
   b. supported by virtually all Americans.  
   c. rigidly enforced by American officials.  
   d. complemented by a similar British law of 1807.

9. The Embargo Act of 1807  
   a. failed to protect American neutrality.  
   b. forbade the purchase of British or French goods.  
   c. earned the approval and support of northern merchants.  
   d. seriously damaged the British and French economies.

10. As a result of Macon's Bill Number 2,  
    a. the United States restored trade with all countries except Britain and France.  
    b. British minister David M. Erskine relayed his nation's willingness to rescind the Orders in Council.  
    c. Napoleon offered, although never intended to keep, a promise to respect American neutrality.  
    d. President Madison relieved international tensions and delayed agitation for war.

11. Americans favored war against Britain in 1812 because of  
    b. perceived British provocation of Indian attacks against western settlers.  
    c. American hopes to conquer Canada.  
    d. all of the above.

12. The Battle of New Orleans was militarily significant in that it  
    a. helped convince the British to negotiate an end to the war.  
    b. established General William Henry Harrison as a military hero and a potential presidential candidate.  
    c. prevented British occupation of a strategic city that was reluctant to surrender.  
    d. demonstrated the effectiveness of a frontal assault in dislodging an inferior force.
13. Which of the following changes in the Constitution was recommended by New Englanders at the Hartford Convention?
   a. congressional representation for slaves
   b. limitation on the president to a single term in office
   c. increased power of the president to declare and wage war
   d. easing of restrictions for the entry of new states

14. Which of the following was not among the results of the War of 1812?
   a. rejuvenated American nationalism
   b. victory over the western Indians
   c. rebirth of the Federalist party
   d. nationwide acclaim for Andrew Jackson

15. American craftspeople resisted the introduction of mechanization because they feared it would
   a. lead to increased reliance by American industry upon foreign investors.
   b. threaten American workers with loss of wages and autonomy.
   c. reduce the available number of work hours.
   d. require broader worker skills and tasks in the manufacturing process.

THOUGHT QUESTIONS

To check your understanding of the key issues of this period, solve the following problems:

1. Describe the attitudes and policies that guided White American leaders of the early nineteenth century in their dealings with Native Americans.

2. Characterize Thomas Jefferson as president. Did Jefferson defend or betray Republican policies once in office?

3. Analyze the success of political dissension during Jefferson's administration.

4. What were the causes of the War of 1812? How did the United States attempt to avoid war? Why were these attempts unsuccessful?

5. Who were the winners and who were the losers in the War of 1812? Explain your answer.
CRITICAL THINKING QUESTIONS

Read Chapter 8 of the text and the following selections: *State v. Boon* (1801) and *Marbury v. Madison* (1803). Answer the questions following the reading selections.

**State v. Boon (1801)**

**HALL, J.** The prisoner has been found guilty of the offence charged in the indictment [Boon was indicted and convicted under the third section of the act of 1791 for killing a slave belonging to another]; whether any, or what punishment, can be inflicted upon him in consequence thereof, is not to be decided. . . .

We must consider the words of the enacting clause, without regard to the preamble. . . . If any person hereafter shall be guilty of killing a slave &c. such offender shall be adjudged guilty of murder &c. and shall suffer the same punishment, as if he had killed a free man. In case the person had killed a free man what punishment would the law have inflicted upon him? Before this question can be solved another must be asked; because upon that, the solution of the first depends. What sort of a killing was it? Or what circumstances of aggravation or mitigation attended it? . . . That to which the Legislature referred us for the purpose of ascertaining the punishment, proper to be inflicted is, in itself, so doubtful and uncertain that I think no punishment whatever can be inflicted; without using a discretion and indulging a latitude, which in criminal cases, ought never to be allowed a Judge.

Much latitude of construction ought not to be permitted to operate against life; if it operate at all, it should be in favor of it. Punishments ought to be plainly defined and easy to be understood; they ought not to depend upon construction or arbitrary discretion. . . . But it has been also contended, on behalf of the state, that the offense with which the prisoner is charged, is a felony at common law, and that having been found guilty by the jury, he ought to be punished, independently of any Act of Assembly on the subject. . . .

Slaves in this country possess no such rights; their condition is . . . abject; . . . they are not parties to our constitution; it was not made for them. . . . It is doubtful whether the offense with which he is charged is a felony at common law or not. It is doubtful whether he ought to be punished or not, that, certainly, is a sufficient reason for discharging him . . . I cannot hesitate to say, that he ought to be discharged.

**JOHNSTON, J.** The murder of a slave, appears to me, a crime of the most atrocious and barbarous nature; much more so than killing a person who is free, and on an equal footing. It is an evidence of a most depraved and cruel disposition, to murder one, so much in your power, that he is incapable of making resistance, even in his own defence . . . and had there been nothing in our acts of Assembly, I should not hesitate on this occasion to have pronounced sentence of death on the prisoner. . . . From the context, and taking every part of the section [of the act of 1791] under consideration, there remains no doubt in my mind respecting the intention of the Legislature; but the judges in this country . . . have laid down, and invariably adhered to, very strict rules in the construction of penal statutes in favor of life . . . . . . judgment in this case should be arrested.

**TAYLOR, JR.** . . . But when the court is called upon, under an act of Assembly, to pronounce the highest punishment known to the law, they must be satisfied that the language used is clear and explicit to the object intended . . . I think no judgment can be pronounced.

**Marbury v. Madison (1803)**

[Chief Justice Marshall delivered the opinion of the Court.]

In the order in which the Court has viewed this subject, the following questions have been considered and decided: 1st. Has the applicant a right to the commission he demands? 2d. If he has a right, and that right has been violated, do the laws of this country afford him a remedy? 3d. If they do afford him a remedy, is it a mandamus issuing from this court? . . .

It is . . . the opinion of the Court: 1st. That by signing the commission of Mr. Marbury, the President of the United States appointed him a justice of the peace for the county of Washington, in the District of Columbia; and that the seal of the United States, affixed thereto by the secretary of state, is conclusive testimony of the verity of the signature, and of the completion of the appointment; and that the appointment conferred on him a legal right to the
office for the space of five years. 2d. That, having this legal title to the office, he has a consequent right to the
commission; a refusal to deliver which is a plain violation of that right, for which the laws of his country afford him a
remedy. 3d. It remains to be inquired whether he is entitled to the remedy for which he applies? . . .
This . . . is a plain case for a mandamus, either to deliver the commission, or a copy of it from the record; and
it only remains to be inquired, whether it can issue from this court?
The act to establish the judicial courts of the United States authorizes the Supreme Court, "to issue writs of
mandamus, in cases warranted by the principles and usages of law, to any courts appointed or persons holding office,
under the authority of the United States." The secretary of state, being a person holding an office under the authority of
the United States, is precisely within the letter of this description; and if this court is not authorized to issue a writ of
mandamus to such an officer, it must be because the law is unconstitutional . . .
The Constitution vests the whole judicial power of the United States in one Supreme Court, and such inferior
courts as Congress shall, from time to time, ordain and establish...
In the distribution of this power, it is declared that "the Supreme Court shall have original jurisdiction in all
cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be a party. In all other
cases, the Supreme Court shall have appellate jurisdiction." . . .
If it had been intended to leave it in the discretion of the legislature to apportion the judicial power between
the supreme and inferior courts according to the will of that body, it would certainly have been useless to have
proceeded further than to have defined the judicial power, and the tribunals in which it should be vested. The
subsequent part of the section is mere surplusage, is entirely without meaning, . . .
It cannot be presumed that any clause in the Constitution is intended to be without effect . . .
To enable this court, then, to issue a mandamus, it must be shown to be an exercise of appellate jurisdiction . . .
The authority, therefore, given to the Supreme Court, by the Act establishing the judicial courts of the United
States, to issue writs of mandamus to public officers, appears not to be warranted by the Constitution . . .

1. Why did some English observers view Jeffersonian Republicans as hypocritical?

2. What progress had seemingly been achieved from 1741 and 1791 in North Carolina law regarding the murder of slaves? How did the law of 1791 prove insufficient, as revealed in the decision of State v. Boon (1801)?

3. What accounts for the deep-rooted ambivalence by Americans toward industrialization that the text author notes has persisted into the modern age? Give modern-day examples of such ambivalence.

4. In Marbury v. Madison (1803), how did Marshall deflect possible opposition while establishing an important precedent?

5. Using the following three cases as discussed in the reading and the text, explain how Chief Justice John Marshall helped establish the independence of the Supreme Court from purely political interests:
   b. Fletcher v. Peck (1810).
   c. the trial of Aaron Burr (1807).