

BOOKS

PARTY TIME

Smear tactics, skulduggery, and the debut of American democracy.

BY JILL LEPORE



Some congressmen vowed to suspend the Constitution rather than support Jefferson.

The year is 1800. Americans go to the polls to elect a President. Which Founder do you favor? The Federalist incumbent, sixty-four-year-old John Adams, or the Republican challenger, fifty-seven-year-old Thomas Jefferson, who, awkwardly enough, is currently serving as Adams's Vice-President?

Consider your vote carefully. This is the most important election in American history. What Jefferson dubbed "the revolution of 1800" marked the first transition of power from one party to another. It led to the passage, in 1804, of the Twelfth Amendment, separating the election of

Presidents and Vice-Presidents. (Before that, whoever placed second became the Vice-President, which is what happened to Jefferson in 1796.) It might have—and should have—spelled the end of the Electoral College. At the time, many people, not all of them members of the Adams family, thought that it might spell the end of the American experiment. As Edward J. Larson observes in his new book, "A Magnificent Catastrophe: The Tumultuous Election of 1800, America's First Presidential Campaign" (Free Press; \$27), "Partisans worried that it might be the young republic's last."

To size up the candidates, what you need, for starters, is the word on the street—or, since the United States in 1800 is an agrarian nation, the word on the cow path. Adams: a Harvard graduate and Massachusetts lawyer who helped negotiate the Treaty of Paris in 1783 and served two terms as Washington's Vice-President before his election to the Presidency in 1796. Distinguished, disputatious, short, ugly, hot-tempered, upstanding, provincial, learned (president of the American Academy of Arts and Sciences). Very clever wife. Suspected of wanting to be king. Loves England. Thinks his diplomats have to tread carefully with Napoleon. Signed into law the Sedition Act in 1798; depending on your point of view, this was either so that he could have anyone who disagreed with him thrown in jail or so that he could protect the country from dangerous anarchists.

Jefferson: former governor of Virginia, onetime Ambassador to France, Washington's Secretary of State. Eminent, brilliant (president of the American Philosophical Society), surpassing prose stylist, author of the Declaration of Independence (with help from Adams), unrivalled champion of liberty, slave owner, grieving widower, rumored to have fathered children by one of his slaves. Tall, humorless, moody, zealous, cosmopolitan. Artistic. Loves France, not so worried about Bonaparte. Ardentlly opposes the Sedition Act. Reputed atheist.

Are you still on the fence? You're out of luck: there will be no Presidential debates, and precious few speeches. (In 1800, Americans considered politicians' putting themselves so far forward to be unforgivably tacky.) No campaign managers, no Web sites, no television ads, no YouTube interviews, not so much as a Horse and Cart Across America tour. When Adams took a roundabout route through Pennsylvania and Maryland on a ride from Massachusetts to the nation's new capital city, one Jeffersonian newspaper editor asked, "Why must the President go fifty miles out of his way to make a trip to Washington?"

But there is plenty to read, if you have a mind to—not only Adams's three-volume 1787 "Defence of the Constitutions of Government of the United States" but also his 1776 "Thoughts on Government," as well as Jefferson's 1774 "A Summary View on the Rights

of British America" and his 1787 "Notes on the State of Virginia."

If you don't have time to page through those tomes, you can always pick up a newspaper, where the differences between the two men and, above all, between their parties, will be boldly asserted; early American newspapers were unabashedly partisan, favoring either the conservative Federalists or the Republican opposition that Jefferson had launched in the seventennineties. Take a look at the Philadelphia *Aurora*, an organ of Jefferson's party, edited by William Duane (a printer whom Federalists had pursued, unsuccessfully, for sedition in 1799). The edition of October 14, 1800, tells you that your choice lies between "Things As They Have Been" (under Adams):

The principles and patriots of the *Revolution* condemned. . . .

The *Nation* in arms without a foe, and divided without a cause. . . .

The reign of terror created by false alarms, to promote domestic feud and foreign war.

A Seditious Law. . . .

An established church, a religious test, and an order of Priesthood.

And "Things As They Will Be" (if Jefferson is elected):

The Principles of the *Revolution* restored. . . .

The *Nation* at peace with the world and united in itself.

Republicanism allaying the fever of domestic feuds, and subduing the opposition by the force of reason and rectitude. . . .

The Liberty of the Press. . . .

Religious liberty, the rights of conscience, no priesthood, truth and Jefferson.

The same week, Philadelphia's Federalist paper, the *Gazette of the United States*, offered a still more emphatic judgment:

THE GRAND QUESTION STATED

At the present solemn and momentous epoch, the only question to be asked by every American, laying his hand on his heart, is: "Shall I continue in allegiance to

GOD—AND A RELIGIOUS PRESIDENT;

Or impiously declare for

JEFFERSON—AND NO GOD!!!"

Despite what the *Gazette* would have you think, the Almighty wasn't on the ballot. But historians generally agree that the battle between Adams and Jefferson mattered, far more than most

elections. Larson argues that this election, "more than any other, stamped American democracy with its distinctive bipartisan character." Jeffersonians claimed that the vote in 1800 would "fix our national character" and "determine whether republicanism or aristocracy would prevail." Whether or not the nation's destiny hung in the balance, the election involved plenty of mudslinging, backstabbing, and chicanery, though you might call it democracy. It involved everything, in other words, that the President despised. In 1787, Adams had written to Jefferson, with whom he was still friends, "Elections, my dear sir . . . I look at with terror."

With so much at stake, in a contest between two men once so closely allied, now so starkly opposed, Americans made up their minds by reading the newspapers, which numbered more than two hundred and fifty. "The engine is the press," Jefferson observed. Yet so tawdry did the candidates consider even this kind of electioneering that neither wrote a single word for the public prints. And, when Jefferson urged friends to pick up their pens, he warned, "Do not let my name be connected with the business."

Jefferson also saw the usefulness of pamphlets like James Callender's "The Prospect Before Us," which advised readers, "Take your choice, between Adams, war and beggary, and Jefferson, peace, and competency." "Such papers cannot fail to have the best effect," Jefferson wrote. But, for "The Prospect Before Us," Callender was convicted of sedition. Sentenced to nine months' confinement, he wrote a second volume from jail. Thumbing his nose at his prosecutors, he titled one chapter "More Sedition."

Callender may not have been seditious, but he was a political hack. In 1797, he had ruined Alexander Hamilton's political career—and poisoned his marriage—by exposing an adulterous affair. (In 1802, Callender, resentful that Jefferson had never rewarded him for his election-year martyrdom, published an article in the *Richmond Recorder* reporting long-circulating rumors that Jefferson "keeps, and for many years past has kept, as his concubine, one of his own slaves. Her name is SALLY.")

But James Callender's muckraking

was dwarfed by what Alexander Hamilton was willing to do. The disaffected former Secretary of the Treasury determined to persuade Federalists to drop the President and throw their support behind his unmemorable running mate, Charles Cotesworth Pinckney, of South Carolina. (Pinckney, to his considerable credit, did not approve, and the plan failed.) Hamilton drafted a statement expressing his views on the "great and intrinsic defects in [Adams's] character which unfit him for the office of chief magistrate." It was published at the end of October, 1800, as "Letter from Alexander Hamilton, Concerning the Public Conduct and Character of John Adams." As Larson puts it, the pamphlet "read like one long rant." Hamilton wrote of the President, "He is a man of an imagination sublimated and eccentric; propitious neither to the regular display of sound judgment, nor to steady perseverance in a systematic plan of conduct . . . and to this defect are added the unfortunate foibles of a vanity without bounds, and a jealousy capable of discoloring every object." If Hamilton's portrait did Adams no good, neither did it do him much harm. The President was not running on his personality, after all, but on his record. For better and, in the end, for worse.

Meanwhile, Federalists did their best to paint Jefferson as a character entirely unsuited to hold office. (Hamilton thought him a crafty, fanatical, "contemptible hypocrite.") From their stronghold in New England, they warned voters of Jefferson's duplicity. We will not "learn the principles of liberty from the slave-holders of Virginia," the *Connecticut Courant* declared. Or, as another Federalist editor put it, "Democracy in Virginia, therefore, is like virtue in hell."

But the most ferocious attacks on Jefferson concerned his views on religion. Jefferson had once offered a Franklinesque statement of his passionate commitment to religious toleration: "It does me no injury for my neighbor to say there are twenty gods or no god. It neither picks my pocket nor breaks my leg." All over the country, clergymen preached that such a view could lead to nothing but unchecked vice. From New York, one minister answered Jefferson, "Let my neighbor once perceive himself that

there is no God, and he will soon pick my pocket and break not only my leg but my neck."

If Federalists would make Jefferson's religion political, Republicans would make a religion of his politics. On March 31, 1800, the *Vermont Gazette* printed a Jeffersonian creed:

From a direct tax,
Good Lord deliver us. . . .
From a war with the French republic,
Good Lord deliver us.
From all old Tories; from aristocrats
Good Lord deliver us. . . .
From the sedition act, and from all other
evil acts
Good Lord deliver us.

Adams himself had little but contempt for members of his party who would make an issue of Jefferson's religious convictions, asking, "What has that to do with the public?" And Jefferson, though he called himself a Christian, held a skeptical view of the Bible, and readily conceded that his critics were right if they expected that he would promote religious toleration: "For I have sworn upon the altar of god, eternal hostility against every form of tyranny over the mind of man." Yet, for all the ink spilled on the subject, one clear-eyed political observer of the day predicted that Jefferson's religious views would probably "not deprive Jeff of a single vote."

Whether it did is difficult to say. In 1969, in "The Idea of a Party System," Richard Hofstadter regretted that "the definitive account of this election remains to be written." Nearly forty years later, that's still the case. Larson, the University Professor of History and the Darling Professor of Law at Pepperdine, and a former recipient of the Pulitzer Prize, tells the story well. His narrative is by far the best of several recent books on the subject. But his argument, that during the pivotal campaign "a popular, two-party republic was born," though persuasive, is not exactly novel. (Hofstadter made a similar claim.) Maybe a definitive account of this election remains unwritten because its candidates loom larger than life. Larson's book, like almost everything written

about the election of 1800, has a forest-and-trees quality: we can't see the Voters for the Founders.

"As you love your country, fly to your polls," the *Gazette of the United States* urged. But there was no "Election Day" in 1800. Voting stretched from March to December, and the President wasn't chosen until February, 1801, just weeks before he took office. To get to the polls, you may have trudged through snow; you may have sweltered in the sun.

Whatever the weather, chances are you couldn't vote. There were sixteen states in the Union in 1800. In Maryland, black men born free could vote (until 1802, when the state's constitution was amended to exclude them); in New Jersey, white women could vote (until 1807, when the legislature closed this loophole). All but three states—Kentucky, Vermont, and Delaware—limited the franchise to property holders or taxpayers, which works out to about sixty to seventy per cent of the adult white male population. Out of a total U.S. population of 5.3 million, roughly five hundred and fifty thousand were enfranchised.

Even if you could vote, at no polling place, anywhere, should you have expected a ballot with choices marked "ADAMS" and "JEFFERSON." Nor should you have expected your government to have supplied a ballot of any kind; many states still voted *viva voce*, and, in those which didn't, you supplied your own ballot unless you brought to the polls a "party ticket," torn from the edge of your local newspaper, with your choices already printed: the slate of your party's candidates.

If you voted by ballot, your ballot would be destroyed. Your government would not keep any record of the results, unless you lived in Massachusetts, the only state where election returns were routinely collected and preserved. Not until 1824 would records be better kept. The scandalous election of 1824, much like the Bush-Gore battle in 2000, riveted the nation's attention on the casting and counting of votes. That year, Andrew Jackson trounced John Quincy Adams in the Electoral College, ninety-nine to eighty-four, but, because this represented a plurality, and not a majority, the election



was thrown into the lame-duck House, which, perversely, chose Adams.

But election returns before 1824 do survive: in newspapers, where partisan editors printed them after every election, like so many box scores. Since Americans voted so often—most legislators and many governors served for one-year terms, and in some towns voters went to the polls every other month—thousands of returns can be found in early American newspapers. Until recently, though, the records were too numerous, and too scattered, to be useful to historians. Then, in one of the strangest and most heroic tales in the annals of American historical research, a man named Phil Lampi decided to devote his life to compiling those returns. He began this work in 1960, when he was still in high school. Living in a home for boys, he wanted, most of all, to be left alone, so he settled on a hobby that nobody else would be interested in. He went to the library and, using old newspapers, started making tally sheets of every election in American history. His system was flawless. It occupied endless hours. Completeness became his obsession. For decades, at times supporting himself by working as a night watchman, Lampi made lists of election returns on notepads. He drove all over the country, scouring the archives by day, sleeping in his car by night. He eventually transcribed the returns of some sixty thousand elections. Since 2004, the American Antiquarian Society, in Worcester, Massachusetts, has been digitizing Lampi's collection; soon "A New Nation Votes: American Election Returns, 1787-1825" will be available online.

It's still impossible to give anything like an exact figure for the 1800 national popular vote, but Lampi calculates that, in elections held that year, somewhere around a hundred and fifty-one thousand Americans cast votes for Republicans, compared with a hundred and thirty-nine thousand for Federalists. To the extent that this serves as a proxy for a popular vote, we now know that Jefferson won.

The election of 1800 was possibly the least democratic election in American history. In later elections, more citizens voted: by 1828, most states allowed white men to vote, whether or not they

owned property or paid taxes. In earlier elections, more states allowed for the election of Electoral College delegates by popular vote. In 1796, seven out of sixteen states relied on the popular vote. But in 1800, after Republicans made a strong showing in local elections in New England, the Federalist-dominated legislatures of Massachusetts and New Hampshire repealed the popular vote, and put the selection of Electoral College delegates in their own hands. Before the year was out, seven of the sixteen states had changed their procedures for electing delegates to the Electoral College.

Citizens of Kentucky, Maryland, North Carolina, Rhode Island, and Virginia could vote directly for their state's delegates to the Electoral College. In Tennessee, sheriffs cast votes for Electoral College delegates. But, in the other ten states, you could vote only for your state legislators, who would, in turn, choose delegates to the Electoral College, who would, in turn, elect the President. Your choices would be represented, on your behalf, by your betters. The people, Larson writes, were the election's "wild card," which is why "lawmakers in most states did not authorize them to vote for electors."

In some places, efforts to manipulate the voting were thwarted. When, in an election brilliantly engineered by Jefferson's running mate, Aaron Burr, New Yorkers elected a Republican Assembly, Hamilton tried to persuade Governor John Jay to convene the lame-duck (Federalist) legislature to institute the popular vote, so that the Republican legislature would not be able to choose Jeffersonian electoral delegates. "It will not do to be overscrupulous," Hamilton claimed, if the result would be "to prevent an *atheist* in Religion, and a *fanatic* in politics from getting possession of the helm of State." Jay refused.

Everyone hoped to avoid what had happened in 1796, when Jefferson received sixty-eight electoral votes to Adams's seventy-one, and became his opponent's Vice-President after the man whom Federalists *wanted* for that office. Thomas Pinckney (the brother of Charles Cotesworth Pinckney), received only fifty-nine votes. Federalist electors were supposed to cast the second of their two votes for Pinckney; in

stead, many threw that vote away on other candidates. This botched result ought not to be surprising; the election of 1796 had been the first contested Presidential election in American history (in 1788 and again in 1792, Washington had run unopposed), and the Electoral College did not easily accommodate the developing two-party system. The framers of the Constitution did not make allowances for the rise of parties, which they considered sinister. In his Farewell Address, in 1796, Washington had warned of "the baneful effects of the spirit of party." And, before he came to lead the opposition, Jefferson himself had pledged, "If I could not go to heaven but with a party, I would not go there at all."

Unfortunately, when the Electoral College convened in December, 1800, it did not meet the challenge of a two-party state. Although it was immediately obvious that John Adams had lost, it took a while before anybody won. Republican electors were supposed to vote for Jefferson and Burr. For Jefferson to become President, though, at least one Republican elector had to remember not to vote for Burr, so that Jefferson would win and Burr, as the runner-up, would become his Vice-President. That someone forgot. Instead, Jefferson and Burr both received seventy-three votes in the Electoral College, to Adams's sixty-five and Pinckney's sixty-four. (The Federalists, at least, had remembered to give their Presidential candidate one more vote than they gave his running-mate.)

The Jefferson-Burr tie was thrown to the House, where lame-duck Federalists held a majority. (Jefferson's party had just won sixty-seven House seats, compared with the Federalists' thirty-nine, but these new congressmen had not yet taken office.) There were plausible rumors that the Federalists planned "to let the government devolve on a President of the Senate." Jefferson, who believed that a Congress capable of passing the Alien and Sedition Acts was likely to attempt to push through an act "declaring that the President shall continue in office during life," had little difficulty crediting stories of the most pernicious Federalist schemes. James Madison advised Jefferson to respond to such a constitutional crisis by a means

that, while not "strictly regular," was still the wisest: summon a special session of the newly elected Congress. "The other remedies," he warned, "are substantial violations of the will of the people, of the scope of the Constitution, and of public order and interest."

It took the House seven days and thirty-six ballots to break the tie, largely because Federalists had come to believe that, as much as they hated Burr, they hated Jefferson more. A few had pledged that they would rather "go without a Constitution and take the risk of civil war" than cast a vote for an atheist. Only when it became clear that a victory for Burr could not be insured did Federalists find a way to break the tie. On February 17, 1801, just two weeks before Inauguration, Thomas Jefferson was at last elected President.

On March 4, 1801, when Jefferson was sworn in, Margaret Bayard Smith, the wife of a Republican newspaper editor, was in the crowd. "I have this morning witnessed one of the most interesting scenes a free people can ever witness," she recounted in a letter. "The changes in administration, which in every government and in every age have most generally been epochs of confusion, villainy and bloodshed, in this our happy country take place without any species of distraction, or disorder." This was how Jefferson understood his triumph: it was, as he wrote to a friend, a revolution forged not "by the sword," but by "the suffrage of the people."

In his Inaugural Address, the new President tried to wave aside the bitter partisanship of the election, as if an opposition party were merely an emergency measure in which he had temporarily participated: "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. If there be any among us who would wish to dissolve this Union or to change its republican form, let them stand undisturbed as monuments of the safety with which error of opinion may be tolerated where reason is left free to combat it." That he was only slightly disingenuous is a credit to his statesmanship. Three weeks later, Jefferson wrote to Sam Adams, "The storm is over, and we are in port." ♦

