

THE ELECTION OF 1800

CLIFFHANGER

Presidential candidates Thomas Jefferson and Aaron Burr were deadlocked in the House of Representatives with no majority for either. For seven days, as they maneuvered and schemed, the fate of the young republic hung in the ballots

BY JOHN FERLING

ON THE AFTERNOON of September 23, 1800, Vice President Thomas Jefferson, from his Monticello home, wrote a letter to Benjamin Rush, the noted Philadelphia physician. One matter dominated Jefferson's thoughts: that year's presidential contest. Indeed, December 3, Election Day—the date on which the Electoral College would meet to vote—was only 71 days away.

Jefferson was one of four presidential candidates. As he composed his letter to Rush, Jefferson paused from time to time to gather his thoughts, all the while gazing absently through an adjacent window at the shimmering heat and the foliage, now a lusterless pale green after a long, dry summer. Though he hated leaving his hilltop plantation and believed, as he told Rush, that gaining the presidency would make him “a constant butt for every shaft of calumny which malice & falsehood could form,” he nevertheless sought the office “with sincere zeal.”

He had been troubled by much that had occurred in incumbent John Adams' presidency and was convinced that radicals within Adams' Federalist Party were waging war against what he called the “spirit of 1776”—goals the American peo-

ple had hoped to attain through the Revolution. He had earlier characterized Federalist rule as a “reign of witches,” insisting that the party was “adverse to liberty” and “calculated to undermine and demolish the republic.” If the Federalists prevailed, he believed, they would destroy the states and create a national government every bit as oppressive as that which Great Britain had tried to impose on the colonists before 1776.

The “revolution . . . of 1776,” Jefferson would later say, had determined the “form” of America's government; he believed the election of 1800 would decide its “principles.” “I have sworn upon the altar of God eternal hostility against every form of tyranny over the mind of Man,” he wrote.

Jefferson was not alone in believing that the election of 1800 was crucial. On the other side, Federalist Alexander Hamilton, who had been George Washington's secretary of treasury, believed that it was a contest to save the new nation from “the fangs of Jefferson.” Hamilton agreed with a Federalist newspaper essay that argued defeat meant “happiness, constitution and laws [faced] endless and irretrievable ruin.” Federalists and Republicans appeared to agree on one thing only: that the victor in 1800 would set America's course for generations to come, perhaps forever.

ONLY A QUARTER of a century after the signing of the Declaration of Independence, the first election of the new 19th century was carried out in an era of intensely emotional partisanship among a people deeply divided over the scope of the government's authority. But it was the French Revolution that had imposed a truly hyperbolic quality upon the partisan strife.

That revolution, which had begun in 1789 and did not run its course until 1815, deeply divided Americans. Conservatives, horrified by its violence and social leveling, applauded Great Britain's efforts to stop it. The most conservative Americans, largely Federalists, appeared bent on an alliance with London that would restore the ties between America

and Britain that had been severed in 1776. Jeffersonian Republicans, on the other hand, insisted that these radical conservatives wanted to turn back the clock to reinstitute much of the British colonial template. (Today's Republican Party traces its origins not to Jefferson and his allies but to the party formed in 1854-1855, which carried Lincoln to the presidency in 1860.)

A few weeks before Adams' inauguration in 1796, France, engaged in an all-consuming struggle with England for world domination, had decreed that it would not permit America to trade with Great Britain. The French Navy soon swept American ships from the seas, idling port-city workers and plunging the economy toward depression. When Adams sought to negotiate a settlement, Paris spurned his envoys.

Adams, in fact, hoped to avoid war, but found himself riding a whirlwind. The most extreme Federalists, known as Ultras, capitalized on the passions unleashed in this crisis and scored great victories in the off-year elections of 1798, taking charge of both the party and Congress. They created a provisional army and pressured Adams into putting Hamilton in charge. They passed heavy taxes to pay for the army and, with Federalist sympathizers in the press braying that "traitors must be silent," enacted the Alien and Sedition Acts, which provided jail terms and exorbitant fines for anyone who uttered or published "any false, scandalous, and malicious" statement against the United States government or its officials. While Federalists defended the Sedition Act as a necessity in the midst of a grave national crisis, Jefferson and his followers saw it as a means of silencing Republicans — and a violation of the Bill of Rights. The Sedition Act, Jefferson contended, proved there was no step, "however atrocious," the Ultras would not take.

All along, Jefferson had felt that Federalist extremists might overreach. By early 1799, Adams himself had arrived at the same conclusion. He, too, came to suspect that Hamilton and the Ultras wanted to precipitate a crisis with France. Their motivation perhaps had been to get Adams to secure an alliance with Great Britain and accept the Ultras' program in Congress. But avowing that there "is no more prospect of seeing a French Army here, than there is in Heaven," Adams refused to go along with the scheme and sent peace envoys to Paris. (Indeed, a treaty would be signed at the end of September 1800.)

It was in this bitterly partisan atmosphere that the election of 1800 was conducted. In those days, the Constitution stipulated that each of the 138 members of the Electoral College cast two votes for president, which allowed electors to cast one vote for a favorite son and a second for a candidate who actually stood a chance of winning. The Constitution also stipulated that if the candidates tied, or none received a majority of electoral votes, the House of Representatives "shall chuse by Ballot one of them for President." Unlike today, each party nominated two candidates for the presidency.

Federalist congressmen had caucused that spring and, without indicating a preference, designated Adams and

South Carolina's Charles Cotesworth Pinckney as the party's choices. Adams desperately wanted to be re-elected. He was eager to see the French crisis through to a satisfactory resolution and, at age 65, believed that a defeat would mean he would be sent home to Quincy, Massachusetts, to die in obscurity. Pinckney, born into Southern aristocracy and raised in England, had been the last of the four nominees to come around in favor of American independence. Once committed, however, he served valiantly, seeing action at Brandywine, Germantown and Charleston. Following the war, he sat in the Constitutional Convention; both Washington and Adams had sent him to France on diplomatic missions.

In addition to Jefferson, Republicans chose Aaron Burr as their candidate, but designated Jefferson as the party's first choice. Jefferson had held public office intermittently since 1767, serving Virginia in its legislature and as a wartime governor, sitting in Congress, crossing to Paris in 1784 for a five-year stint that included a posting as the American minister to France, and acting as secretary of state under Washington. His second place finish in the election of 1796 had made him vice president, as was the custom until 1804. Burr, at age 44 the youngest of the candidates, had abandoned his legal studies in 1775 to enlist in the Continental Army; he had experienced the horrors of America's failed invasion of Canada and the miseries of Valley Forge. After the war he practiced law and represented New York in the U.S. Senate. In 1800, he was serving as a member of the New York legislature.

In those days, the Constitution left the manner of selecting presidential electors to the states. In 11 of the 16 states, state legislatures picked the electors; therefore, the party that controlled the state assembly garnered all that state's electoral votes. In the other five states, electors were chosen by "qualified" voters (white, male property owners in some states, white male taxpayers in others). Some states used a winner-take-all system: voters cast their ballots for the entire slate of Federalist electors or for the Republican slate. Other states split electors among districts.

Presidential candidates did not kiss babies, ride in parades or shake hands. Nor did they even make stump speeches. The candidates tried to remain above the fray, leaving campaigning to surrogates, particularly elected officials from within their parties. Adams and Jefferson each returned home when Congress adjourned in May, and neither left their home states until they returned to the new capital of Washington in November.

But for all its differences, much about the campaign of 1800 was recognizably modern. Politicians carefully weighed which procedures were most likely to advance their party's interests. Virginia, for instance, had permitted electors to be elected from districts in three previous presidential contests, but after Federalists carried 8 of 19 congressional districts in the elections of 1798, Republicans, who controlled the state assembly, switched to the winner-take-all format, virtually guaranteeing they would get every one of Virginia's 21 electoral votes in 1800. The ploy was perfectly legal, and Feder-

alists in Massachusetts, fearing an upsurge in Republican strength, scuttled district elections—which the state had used previously—to select electors by the legislature, which they controlled.

Though the contest was played out largely in the print media, the unsparing personal attacks on the character and temperament of the nominees resembled the studied incivility to which today's candidates are accustomed on television. Adams was portrayed as a monarchist who had turned his back on republicanism; he was called senile, a poor judge of character, vain, jealous and driven by an “ungovernable temper.” Pinckney was labeled a mediocrity, a man of “limited talents” who was “illically suited to the exalted station” of the presidency. Jefferson was accused of cowardice. Not only, said his critics, had he lived in luxury at Monticello while others sacrificed during the War of Independence, but he had fled like a jack rabbit when British soldiers raided Charlottesville in 1781. And he had failed egregiously as Virginia's governor, demonstrating that his “nerves are too weak to bear anxiety and difficulties.” Federalists further insisted Jefferson had been transformed into a dangerous radical during his residence in France and was a “howling atheist.” For his part, Burr was depicted as without principles, a man who would do anything to get his hands on power.

Also like today, the election of 1800 seemed to last forever. “Electioneering is already begun,” the first lady, Abigail Adams, noted 13 months before the Electoral College was to meet. What made it such a protracted affair was that state legislatures were elected throughout the year; as these assemblies more often than not chose presidential electors, the state contests to determine them became part of the national campaign. In 1800 the greatest surprise among these contests occurred in New York, a large, crucial state that had given all 12 of its electoral votes to Adams in 1796, allowing him to eke out a three-vote victory over Jefferson.

The battle for supremacy in the New York legislature had hinged on the outcome in New York City. Thanks largely to lopsided wins in two working-class wards where many voters owned no property, the Republicans secured all 24 of New York's electoral votes for Jefferson and Burr. For Abigail Adams, that was enough to seal Adams' fate. John Dawson, a Republican congressman from Virginia, declared: “The Republic is safe. . . . The [Federalist] party are in rage & despair.”

But Adams himself refused to give up hope. After all, New England, which accounted for nearly half the electoral votes needed for a majority, was solidly in his camp, and he felt certain he would win some votes elsewhere. Adams believed that if he could get South Carolina's eight votes, he would be virtually certain to garner the same number of electoral votes that had put him over the top four years earlier. And, at first, both parties were thought to have a shot at carrying the state.

When South Carolina's legislature was elected in mid-October, the final tally revealed that the assembly was about evenly divided between Federalists and Republicans—though unaffiliated representatives, all pro-Jefferson, would determine the outcome. Now Adams' hopes were fading fast. Upon hearing the news that Jefferson was assured of South Carolina's eight votes, Abigail Adams remarked to her son Thomas that the “consequence to us personally is that we retire from public life.” All that remained to be determined was

whether the assembly would instruct the electors to cast their second vote for Burr or Pinckney.

The various presidential electors met in their respective state capitals to vote on December 3. By law, their ballots were not to be opened and counted until February 11, but the outcome could hardly be kept secret for ten weeks. Sure enough, just nine days after the vote, Washington, D.C.'s *National Intelligencer* newspaper broke the news that neither Adams nor Pinckney had received a single South Carolina vote and, in the voting at large, Jefferson and Burr had each received 73 electoral votes. Adams had gotten 65, Pinckney 64. The House of Representatives would have to make the final decision between the two Republicans.

Adams thus became the first presidential candidate to fall victim to the notorious clause in the Constitution that counted each slave as three-fifths of one individual in calculating population used to allocate both House seats and electoral votes. Had slaves, who had no vote, not been so counted, Adams would have edged Jefferson by a vote of 63 to 61. In addition, the Federalists fell victim to the public's perception that the Republicans stood for democracy and egalitarianism, while the Federalists were seen as imperious and authoritarian.

In the House, each state would cast a single vote. If each of the 16 states voted—that is, if none abstained—9 states would elect the president. Republicans controlled eight delegations—New York, New Jersey, Pennsylvania, Virginia, North Carolina, Georgia, Kentucky and Tennessee. The Federalists held six: New Hampshire, Massachusetts, Rhode Island, Connecticut, Delaware and South Carolina. And two delegations—Maryland and Vermont—were deadlocked.

Though Jefferson and Burr had tied in the Electoral College, public opinion appeared to side with Jefferson. Not only had he been the choice of his party's nominating caucus, but he had served longer at the national level than Burr, and in a more exalted capacity. But if neither man was selected by noon on March 4, when Adams' term ended, the country would be without a chief executive until the newly elected Congress convened in December, nine months later. In the interim, the current, Federalist-dominated Congress would be in control.

Faced with such a prospect, Jefferson wrote to Burr in December. His missive was cryptic, but in it he appeared to suggest that if Burr accepted the vice presidency, he would

be given greater responsibilities than previous vice presidents. Burr's response to Jefferson was reassuring. He pledged to "disclaim all competition" and spoke of "your administration."

Meanwhile, the Federalists caucused to discuss their options. Some favored tying up the proceedings in order to hold on to power for several more months. Some wanted to try to invalidate, on technical grounds, enough electoral votes to make Adams the winner. Some urged the party to throw its support to Burr, believing that, as a native of mercantile New York City, he would be more friendly than Jefferson to the Federalist economic program. Not a few insisted that the party should support Jefferson, as he was clearly the popular choice. Others, including Hamilton, who had long opposed Burr in the rough and tumble of New York City politics, thought Jefferson more trustworthy than Burr. Hamilton argued that Burr was "without scruple," an "unprincipled . . . voluptuary" who would plunder the country. But Hamilton also urged the party to stall, in the hope of inducing Jefferson to make a deal. Hamilton proposed that in return for the Federalist votes that would make him president, Jefferson should promise to preserve the Federalist fiscal system (a properly funded national debt and the Bank), American neutrality and a strong navy, and to agree to "keeping in office all our Federal Friends" below the cabinet level. Even Adams joined the fray, telling Jefferson that the presidency would be his "in an instant" should he accept Hamilton's terms. Jefferson declined, insisting that he "should never go into the office of President . . . with my hands tied by any conditions which should hinder me from pursuing the measures" he thought best.

In the end, the Federalists decided to back Burr. Hearing of their decision, Jefferson told Adams that any attempt "to defeat the Presidential election" would "produce resistance by force, and incalculable consequences."

Burr, who had seemed to disavow a fight for the highest office, now let it be known that he would accept the presidency if elected by the House. In Philadelphia, he met with several Republican congressmen, allegedly telling them that he intended to fight for it.

Burr had to know that he was playing a dangerous game and risking political suicide by challenging Jefferson, his party's reigning power. The safest course would have been to acquiesce to the vice presidency. He was yet a young man, and given Jefferson's penchant for retiring to Monticello—he had done so in 1776, 1781 and 1793—there was a good chance that Burr would be his party's standard-bearer as early as 1804. But Burr also knew there was no guarantee he would live to see future elections. His mother and father had died at ages 27 and 42, respectively.

Burr's was not the only intrigue. Given the high stakes, every conceivable pressure was applied to change votes. Those in the deadlocked delegations were courted daily, but no one was lobbied more aggressively than James Bayard, Delaware's lone congressman, who held in his hands the sole

determination of how his state would vote. Thirty-two years old in 1800, Bayard had practiced law in Wilmington before winning election to the House as a Federalist four years earlier. Bayard despised Virginia's Republican planters, including Jefferson, whom he saw as hypocrites who owned hundreds of slaves and lived "like feudal barons" as they played the role of "high priests of liberty." He announced he was supporting Burr.

THE CITY OF Washington awoke to a crippling snowstorm Wednesday, February 11, the day the House was to begin voting. Nevertheless, only one of the 105 House members did not make it in to Congress, and his absence would not change his delegation's tally. Voting began the moment the House was gavelled into session. When the roll call was complete, Jefferson had carried eight states, Burr six, and two deadlocked states had cast uncommitted ballots; Jefferson still needed one more vote for a majority. A second vote was held, with a similar tally, then a third. When at 3 a.m. the exhausted congressmen finally called it a day, 19 roll calls had been taken, all with the same inconclusive result.

By Saturday evening, three days later, the House had cast 33 ballots. The deadlock seemed unbreakable.

For weeks, warnings had circulated of drastic consequences if Republicans were denied the presidency. Now that danger seemed palpable. A shaken President Adams was certain the two sides had come to the "precipice" of disaster and that "a civil war was expected." There was talk that Virginia would secede if Jefferson were not elected. Some Republicans declared they would convene another constitutional convention to restructure the federal government so that it reflected the "democratical spirit of America." It was rumored that a mob had stormed the arsenal in Philadelphia and was preparing to march on Washington to drive the defeated Federalists from power. Jefferson said he could not restrain those of his supporters who threatened "a dissolution" of the Union. He told Adams that many Republicans were prepared to use force to prevent the Federalists' "legislative usurpation" of the executive branch.

In all likelihood, it was these threats that ultimately broke the deadlock. The shift occurred sometime after Saturday's final ballot; it was Delaware's Bayard who blinked. That night, he sought out a Republican close to Jefferson, almost certainly John Nicholas, a member of Virginia's House delegation. Were Delaware to abstain, Bayard pointed out, only 15 states would ballot. With eight states already in his column, Jefferson would have a majority and the elusive victory at last. But in return, Bayard asked, would Jefferson accept the terms that the Federalists had earlier proffered? Nicholas responded, according to Bayard's later recollections, that these conditions were "very reasonable" and that he could vouch for Jefferson's acceptance.

The Federalists caucused behind doors on Sunday afternoon, February 15. When Bayard's decision to abstain was announced, it touched off a firestorm. Cries of "Traitor!

Traitor!” rang down on him. Bayard himself later wrote that the “clamor was prodigious, the reproaches vehement,” and that many old colleagues were “furious” with him. Two matters in particular roiled his comrades. Some were angry that Bayard had broken ranks before it was known what kind of deal, if any, Burr might have been willing to cut. Others were upset that nothing had been heard from Jefferson himself. During a second Federalist caucus that afternoon, Bayard agreed to take no action until Burr’s answer was known. In addition, the caucus directed Bayard to seek absolute assurances that Jefferson would go along with the deal.

Early the next morning, Monday, February 16, according to Bayard’s later testimony, Jefferson made it known through a third party that the terms demanded by the Federalists “corresponded with his views and intentions, and that we might confide in him accordingly.” The bargain was struck, at least to Bayard’s satisfaction. Unless Burr offered even better terms, Jefferson would be the third president of the United States.

At some point that Monday afternoon, Burr’s letters arrived. What exactly he said or did not say in them—they likely were destroyed soon after they reached Washington and their contents remain a mystery—disappointed his Federalist proponents. Bayard, in a letter written that Monday, told a friend that “Burr has acted a miserable poultry part. The election was in his power.” But Burr, at least according to Bayard’s interpretation, and for reasons that remain unknown to history, had refused to reach an accommodation with the Federalists. That same Monday evening a dejected Theodore Sedgwick, Speaker of the House and a passionate Jefferson hater, notified friends at home: “the gegg is up.”

The following day, February 17, the House gathered at noon to cast its 36th, and, as it turned out, final, vote. Bayard was true to his word: Delaware abstained, ending seven days of contention and the long electoral battle.

Bayard ultimately offered many reasons for his change of heart. On one occasion he claimed that he and the five other Federalists who had held the power to determine the election in their hands—four from Maryland and one from Vermont—had agreed to “give our votes to Mr. Jefferson” if it became clear that Burr could not win. Bayard also later insisted that he had acted from what he called “imperious necessity” to prevent a civil war or disunion. Still later he claimed to have been swayed by the public’s preference for Jefferson.

Had Jefferson in fact cut a deal to secure the presidency? Ever afterward, he insisted that such allegations were “absolutely false.” The historical evidence, however, suggests otherwise. Not only did many political insiders assert that Jefferson had indeed agreed to a bargain, but Bayard, in a letter dated February 17, the very day of the climactic House vote—as well as five years later, while testifying under oath in a libel suit—insisted that Jefferson had most certainly agreed to accept the Federalists’ terms. In another letter written at the time, Bayard assured a Federalist officeholder, who feared losing his position in a Republican adminis-

tration: “I have taken good care of you. . . . You are safe.”

Even Jefferson’s actions as president lend credence to the allegations. Despite having fought against the Hamiltonian economic system for nearly a decade, he acquiesced to it once in office, leaving the Bank of the United States in place and tolerating continued borrowing by the federal government. Nor did he remove most Federalist officeholders.

The mystery is not why Jefferson would deny making such an accord, but why he changed his mind after vowing never to bend. He must have concluded that he had no choice if he wished to become president by peaceful means. To permit the balloting to continue was to hazard seeing the presidency slip from his hands. Jefferson not only must have doubted the constancy of some of his supporters, but he knew that a majority of the Federalists favored Burr and were making the New Yorker the same offer they were dangling before him.

Burr’s behavior is more enigmatic. He had decided to make a play for the presidency, only apparently to refuse the very terms that would have guaranteed it to him. The reasons for his action have been lost in a confounding tangle of furtive transactions and deliberately destroyed evidence. It may have been that the Federalists demanded more of him than they did of Jefferson. Or Burr may have found it unpalatable to strike a bargain with ancient enemies, including the man he would kill in a duel three years later. Burr may also have been unwilling to embrace Federalist principles that he had opposed throughout his political career.

The final mystery of the election of 1800 is whether Jefferson and his backers would have sanctioned violence had he been denied the presidency. Soon after taking office, Jefferson claimed that “there was no idea of [using] force.” His remark proves little, yet during the ongoing battle in the House, he alternately spoke of acceding to the Federalists’ misconduct in the hope that their behavior would ruin them, or of calling a second Constitutional Convention. He probably would have chosen one, or both, of these courses before risking bloodshed and the end of the Union.

In the days that followed the House battle, Jefferson wrote letters to several surviving signers of the Declaration of Independence to explain what he believed his election had meant. It guaranteed the triumph of the American Revolution, he said, ensuring the realization of the new “chapter in the history of man” that had been promised by Thomas Paine in 1776. In the years that followed, his thoughts often returned to the election’s significance. In 1819, at age 76, he would characterize it as the “revolution of 1800,” and he rejoiced to a friend in Virginia, Spencer Roane, that it had been effected peacefully “by the rational and peaceful instruments of reform, the suffrage of the people.”

