

Thomas Jefferson famously described the election of 1800 as the second American “revolution.” A nation deeply divided after a scarring election campaign peacefully walked away from a government run by one political party and inaugurated a president of a different party — a party that would govern the nation for decades. In the 1800 election, the nation rejected the expansive and powerful federal government embraced by Alexander Hamilton and other high Federalists in favor of a more egalitarian and limited government led by Jefferson.

Yet, after the revolutionary election that Jefferson faced a second, potentially more dangerous battle. With a tie in the Electoral College vote between Jefferson and his erstwhile vice president, Aaron Burr, the Federalist House of Representatives had to choose between Jefferson, the people’s choice, and Burr, an ambitious and unprincipled leader who might offer Federalists short-term benefits.

A Time of Unrest

Perhaps it should have been anticipated that the first decade under the new U.S. Constitution would be a difficult one. Everything seemed to be in flux after the Constitution was ratified in 1788, including the extent of executive, congressional and judicial power; U.S. foreign policy; how Americans could contest government policy as a “loyal opposition”; interpretation of the Constitution; and limitations on state authority. European wars that broke out after the 1789 start of the French Revolution complicated each issue for the new United States.

After the Jay Treaty of 1795 assured an uncomfortable peace with Britain, revolutionary France, our former ally, was incensed. By the end of 1798, France had seized more than 300 U.S. ships trading with Britain. When France’s foreign minister demanded a bribe before he would even meet with U.S. peace negotiators — the XYZ Affair — the “Quasi-War” with France threatened to heat up.



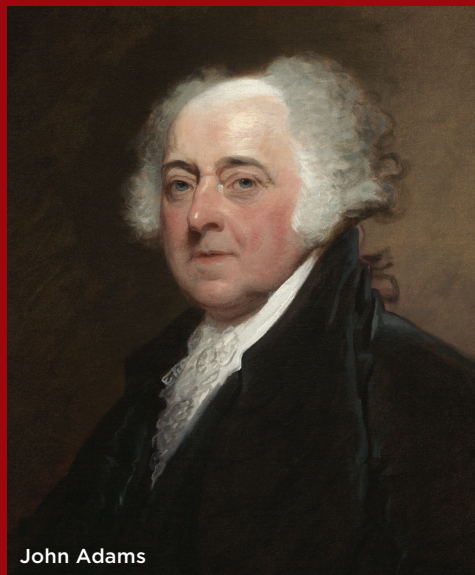
By John Ragosta, historian at the Robert H. Smith International Center for Jefferson Studies at Monticello

Federalists, who were in control of Congress and the presidency, reacted vigorously to these developments. They passed the Alien and Sedition Acts of 1798, allowing President John Adams to expel any foreigner he felt was dangerous and effectively outlawing criticism of Congress and the president in spite of the First Amendment. And in a nightmare scenario for Jefferson’s Democratic-Republicans, Federalists also dramatically expanded the U.S. army — theoretically under the command of George Washington but

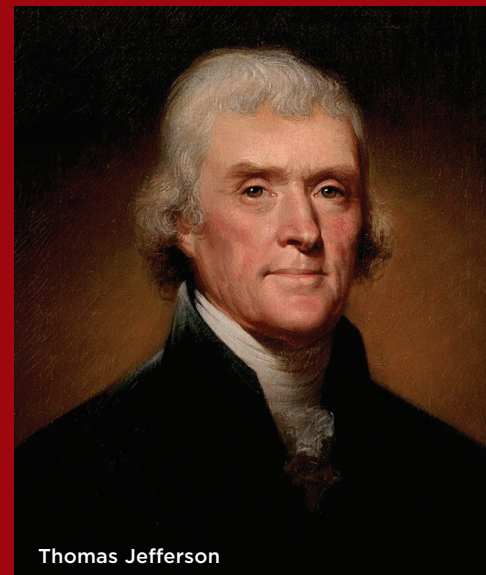
with Alexander Hamilton controlling day-to-day operations.

Jefferson Responds

Jefferson saw the rapidly expanding government power and attack on the free press as a dangerous “reign of witches.” Dozens of opposition newspaper editors were imprisoned. Jefferson feared for the nation, warning James Madison in 1798 that if newspapers failed, a legitimate opposition party “will be entirely brow-beaten,” and the people would lose all ability to control the government.



John Adams



Thomas Jefferson

Jefferson's warning echoed opinions that he had expressed more than a decade earlier when he wrote, "Our liberty depends on the freedom of the press."

In desperation, Jefferson convinced Kentucky's legislature to threaten to unilaterally nullify the federal Alien and Sedition Acts after it decided they were unconstitutional. Madison's Virginia Resolutions adopted a more moderate stance, but the damage was done. A large majority of the states denounced the Kentucky and Virginia Resolutions as unwise and exceeding states' constitutional authority; courts should rule on the laws' constitutionality. (The Kentucky and Virginia Resolutions would come to be repeatedly relied upon by secessionists before the Civil War and by states' rights extremists since.)

Facing a torrent of opposition, and with Madison, his trusted lieutenant, clearly uncomfortable with the implications of Jefferson's Kentucky Resolutions, Jefferson shifted strategies. He relied on the good sense of the American people, if informed, to reject the seemingly unbridled growth of federal power – and they did. In spite of the threat of prosecution, Democratic-Republican newspapers actually expanded and, bolstered by their support, Jefferson won the election of 1800.

The Election's Aftermath

Jefferson's Democratic-Republicans swept to a majority in the House of

Representatives and would soon control the Senate. Jefferson won a close election over Adams (although he needed the extra electoral votes allocated to the South's enslaved population). Jefferson saw this "Revolution of 1800" as a progressive rejection of excessive government power, but given his own use of power as president, it might be seen more generally as Americans' embrace of a democratic reliance on the people to direct government policy.

Unfortunately, the election left the nation with a potentially even more dangerous problem. Until the adoption of the Twelfth Amendment in 1804, the Electoral College awarded the vice presidency to the person who came in second.

But through some confusion – which some historians attribute to Aaron Burr himself – Jefferson and Burr tied in the Electoral College, throwing the election to the sitting House of Representatives still controlled by Federalists.

While there was no doubt who the people intended to be president, some Federalists saw an opportunity to extract concessions, and Burr seemed to relish the possibilities. Even Alexander Hamilton, no friend of Jefferson, warned Federalists that they were playing a dangerous game with an ethically "bankrupt" Burr, a man with "no other spring or aim than his own aggrandisement." Hamilton warned, "There is no doubt but that upon every virtuous and prudent calculation Jefferson is to be preferred."

Finally, after complex maneuvering that historians still seek to decipher and eight days of deadlocked voting in the House of Representatives, Jefferson won the election on the 36th ballot.

Lessons Learned

The election of 1800 is often remembered for its viciousness. Jefferson's opponents argued that he would burn people's Bibles; an 1800 article in the *Newport Mercury* described Jefferson as "an infidel in principle, a

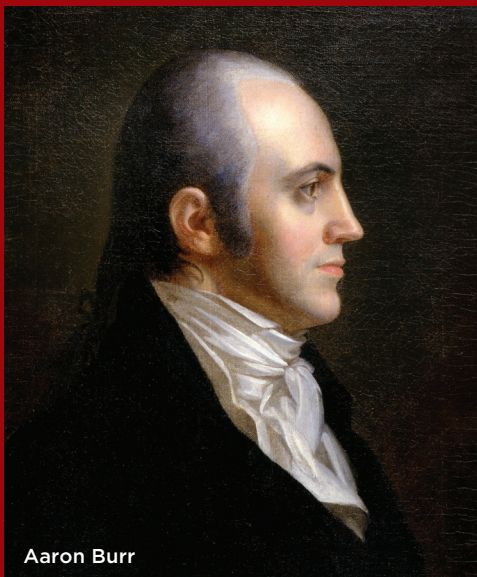


In this 1797 cartoon, Jefferson's political enemies portrayed the then-vice-president as dangerously pro-French, un-Christian and un-American. Jefferson kneels ready to sacrifice the U.S. Constitution on the "altar of Gallic [French] despotism." God and an American eagle oppose him as Satan looks on approvingly from below.

coward in the hour of danger, [and] a dupe to the wild, anti-Christian, and demoralizing theories of the age." Adams was vilified as a fat, incompetent monarchist. Still, comparisons to today's bitter exchanges should be made with care. Attacks today are reinforced by social media, gerrymandering and massive campaign money, and we have an independent press that can be more readily relied upon.

The vicious rhetoric of that election cannot hide the critical importance of the free press, the manipulations to which the Electoral College was subject from the start and the dangers of an unprincipled leader who might be embraced for short-term benefits.

Jefferson, too, learned some lessons. The bitter and dangerous conflict – from the Alien and Sedition Acts to the Kentucky and Virginia Resolutions to the venomous election and the climactic battle in the House over Burr – seemed to chasten the new president. He chose his inaugural to make clear that a president must seek to speak for all Americans, reminding his listeners 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."



Aaron Burr