

Bill of Rights in Action



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THE TROUBLED ELECTIONS OF 1796 AND 1800

George Washington won the first two U.S. presidential elections without being challenged. When he decided not to run for a third term in 1796, intense rivalries, political disputes, and attempted manipulations of the Electoral College came into play. These factors would again affect the 1800 election, essentially a rematch of 1796, pitting a sitting president, John Adams, against his own vice president, Thomas Jefferson.

The men who drafted, debated, and approved the United States Constitution, known as the Framers, had envisioned the presidency as a position above regional and political disputes. They understood that disagreements were inevitable in a democracy. But they also saw the president's role as a conciliator who tried to bring people together despite their disagreements.

George Washington exemplified the Framers' view. He deplored factions, or competing political groups in government, which he believed to be selfish special interests that opened "the door to foreign influence and corruption." He disapproved of political parties.

Despite Washington's disapproval, two political parties emerged during his two presidential terms, the Federalist Party and the Democratic-Republican Party. The Federalists believed in a strong central government, a right to vote limited to men with property, and the economic policies of the first Secretary of the Treasury, Alexander Hamilton. Hamilton advocated that the federal government should assume the states' Revolutionary War debts. He also advocated for the establishment of a national bank and policies that aided manufacturers in New England and New York City.

The Democratic-Republicans (aka Republicans) advocated for a limited central government and strengthened rights of states. They envisioned the United States as a country of small farmers and artisans



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John Adams, painted by John Trumbull circa 1792, and Thomas Jefferson, painted by Charles Wilson Peale in 1791.

empowered with the right to vote. Republicans (not connected to today's Republican Party) formed around the leadership of Secretary of State Thomas Jefferson.

In foreign affairs, the two parties also split. Federalists favored close ties with Great Britain, the North's major trading partner. Republicans favored close ties with France. As ambassador to France, Jefferson had witnessed and secretly aided the French Revolution, but left before it resulted in mass executions.

In 1795, the United States and Great Britain signed a treaty that favored New England but refused to compensate southern states for slaves taken by the British during the American Revolution. The treaty angered Republicans and the French, who felt betrayed after having supported the Americans during the Revolutionary War.

The 1796 Election

With Washington's voluntary retirement, the presidency was open to competitors from both parties in the first contested presidential election. Federalists charged that Republicans' advocacy of democracy would

POLITICAL STRATEGIES

This edition of *Bill of Rights in Action* looks at how leaders use strategic means to gain power, maintain power, and effect justice. The first article examines behind-the-scenes schemes and strategies in early U.S. presidential elections. The second article looks at the ways in which Cyrus the Great presaged modern ideas of tolerance to maintain order. The third article explores the pros and cons of how the U.S. could build economic power through the Trans-Pacific Partnership.

U.S. History: The Troubled Elections of 1796 and 1800 by guest writer Patrick Jennings

World History: Cyrus the Great and the Creation of the Persian Empire by longtime contributor Carlton Martz

Economics: Free Trade, Globalization, and the Trans-Pacific Partnership by Carlton Martz

bring on mob rule, like the French Revolution. Republicans believed Federalists really wanted to establish a monarchy.

In this tense atmosphere, Article Two of the Constitution defined how the president was to be chosen. It created the Electoral College, whose members (electors) would vote for the president. Each state was given a number of electors equal to the total of its congressmen.

Article Two also stated:

The Electors shall meet in their respective States, and vote by Ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each . . . and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate

The states were free to determine how the electors were chosen. For example, seven states allowed qualified voters to choose electors, whether in a district-by-district or state-wide popular vote. In other states, the legislature chose electors.

Twelve candidates in all from the two parties ran for president. Unlike today, in 1796 there was no such thing as a president's "running mate." Instead, the candidate receiving a majority of the votes nationally was elected president, while the person with the second highest vote count became vice president.

Each party did have an intended presidential candidate, which was Secretary of State Thomas Jefferson for the Republicans and Vice President John Adams for the Federalists. All candidates ran for president, but each party also had an intended vice president, which was Aaron Burr for the Republicans and Thomas Pinckney for the Federalists. As stated in Article Two, each elector had two ballots (votes) to cast and did not have to indicate which ballot was for president nor which was for vice president.

Because of this process, the only way either of the parties could ensure that their favored candidate for president won the election was to have some electors withhold or not cast their second ballots. They would have all the respective party's electors use their first ballots for the intended presidential candidate. Most, but not all, electors would then use their second ballots for the intended vice presidential candidate. The goal was that just enough electors would withhold their second ballots from the intended vice president to ensure second place for that candidate.

The parties' respective plans failed. Electors all met in their states on the same day to vote, but each state's electors were also separated from all the other states' electors by hundreds of miles. There were no telephones or Internet, of course, so immediate communication in order to coordinate the withholding of second ballots was impossible.



In this 1800 political cartoon, the eye of God is shown directing the American eagle to snatch the Constitution from Jefferson's hands. Jefferson is shown kneeling at an "Altar to Gallic Despotism" ("Gallic" means "French"). The "Mazzei" letter refers to an infamous letter in 1796 in which Jefferson called Washington "monarchical." Which political party would have issued this cartoon? And why?

Hamilton, too, had his own scheme. He preferred Pinckney over Adams for president on his own Federalist Party ticket. Adams, he thought, was too moderate in his Federalist views. And he thought Pinckney would be more likely to reward him with political favors.

The problem for Hamilton was the Federalists' strategy. They decided that if each New England elector used one vote for Adams, while each southern elector used one vote for Pinckney, then the final tally would have Adams as president with Pinckney as vice president.

Hamilton therefore persuaded some Federalist electors in South Carolina to withhold second ballots from Adams. Hamilton wanted them to tip the vote tally in favor of their fellow South Carolinian, Pinckney.

Adams had been informed about Hamilton's scheme, however, and was angry. Electors in New England who favored Adams countered Hamilton's plot by withholding their second ballots for Pinckney. As a result, Adams won the election with 71 electoral votes to Jefferson's 68. Pinckney finished third.

It was clear to many in public life that Article Two's procedure was flawed. For the first and only time in U.S. history, a president and vice president each came from different political parties. In 1800, the flaws would have even more serious consequences.

The Adams Presidency

During the four years of the Adams presidency, tensions between the Federalists and the Republicans mounted, in large part because of their differences over U.S. relations with two warring foreign powers, France and Great Britain.

In July 1798, French warships seized U.S. merchant ships in international waters, and a naval conflict began between France and the United States. Republicans were openly critical of the war. Federalists, led by Hamilton, reacted to the criticism with a series of laws known as the Alien and Sedition Acts.

The Sedition Act was used to silence and imprison opponents of the Adams administration. Jefferson and the Republicans denounced the law as unconstitutional and the legislatures of Virginia and Kentucky passed resolutions against it. The Kentucky resolution, secretly composed by Jefferson, proclaimed the right of states to nullify, or reject, acts by the federal government that states considered to be unconstitutional.

In private letters, Jefferson even suggested secession from the union as a proper response to the Sedition Act. Hamilton, who became head of the Army after Washington's death in 1799, advocated using the Army to "put Virginia to the Test of resistance."

The 1800 Election

Because each state was free to determine the time and method for choosing its electors to the Electoral College, the election of 1800 lasted from April until December. New York was first to vote. There, Aaron Burr consolidated support for the Republican Party among the voters of New York City to gain control of the state legislature. The legislature, which in 1796 had favored Adams, in turn promptly selected 12 electors favorable to Jefferson and Burr.

Burr's services were rewarded in June when Republicans selected him to run as Jefferson's vice president. About the same time, Federalists nominated Adams for re-election as president and Thomas Pinckney's brother, Charles of South Carolina, for vice president.

Both sides viewed the election as critical to the nation's future and engaged in vicious personal attacks against their opponents. Jefferson financed scurrilous attacks on his one-time friend, Adams. One Republican newspaper in Massachusetts even referred to the president as "bald, blind, crippled, toothless Adams."

Hamilton, too, tried once again to sabotage his fellow Federalist Adams's campaign. First, Hamilton tried to advance Secretary of State Charles Pickering as the Federalist presidential nominee. Adams learned of the plot and dismissed Pickering. Then, Hamilton wrote a scathing pamphlet attacking Adams's record and judgement in ways that delighted Adams's Republican opponents. While Hamilton's motives for this attack on his party's leader are obscure, some saw it as an attempt to undercut Adams in favor of Charles Pinckney.

In 1800, the flaws would have even more serious consequences.

Jefferson also found himself attacked by Federalists who called him a coward for fleeing the governor's mansion during the Revolutionary War. Federalist newspapers also condemned Jefferson for having once written "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." The Federalists used this as proof that he was an atheist. At this point, it seemed that the only thing the two presidential candidates agreed on was their hatred of Hamilton.

As the long election year wore on, political maneuvering continued with some state legislatures switching from direct popular voting for electors to legislative selection in order to gain advantage for the candidate the state legislature supported.

A Surprise Deadlock

In early December, the electors cast their ballots in their separate states. While the formal counting of ballots would not take place until February in the new capital of Washington, D.C., it was generally acknowledged that the Republicans had won the presidency. Unfortunately, none of the Republican electors had withheld a vote for Burr as expected, so the two Republican candidates, Jefferson and Burr, tied at 73, thus making the election unresolved.

On February 11, 1801, Vice President Jefferson officially tallied the votes. The Constitution stated that when two candidates tied, the House of Representatives must choose between them. Each state could cast one vote, and it was up to the legislators to decide who would be president and who would be vice president.

While Burr indicated publicly that Jefferson should become president, he quietly campaigned among Federalists to win the presidency for himself. Some Federalists even reasoned that Burr, a northerner, might be induced to betray the Republicans and join the Federalists if he became president.

Hamilton, however, while detesting Jefferson, viewed Burr as a dangerous, unprincipled man. "His ambition aims at nothing short of permanent power and wealth in his own person," he wrote to one Federalist representative. In a letter to another representative, Hamilton wrote that Burr had the reputation of being "the most unfit man in the U. S. for the office of President."

The Constitution required the winning candidate to obtain a clear majority of state votes in the House. So the candidates needed nine of the 16 states to win. The Republicans controlled eight states, and two additional states were evenly divided between Federalists and Republicans. The Federalists, who had lost the election, controlled only six states, but this was enough to deny both Jefferson and Burr the clear majority of nine states. Thus, the Federalists held the key to which Republican leader, Jefferson or Burr, would become president. ▶

Over a week, the House passed 34 ballots. Each time, Jefferson received eight votes and Burr six. The Representatives of Vermont and Maryland divided evenly and cast a blank ballot each time to maintain the majority requirement at nine. Fearful that the impasse might continue past March 4, the date that Adams's presidency would end, House members suggested numerous schemes for dealing with the crisis, including holding new elections or elevating the president pro tem of the Senate to the presidency. There was even talk of civil war, and Governor James Monroe of Virginia contemplated sending the state militia to the capitol if Jefferson was denied the presidency.

Finally, on the 35th ballot, the impasse was broken. James Bayard, the sole representative from Delaware, claimed he had received assurances from Jefferson's allies that Jefferson would continue many Federalist policies. Bayard announced that he would abstain from voting, lowering the total state count to 15 states, changing the majority needed for election from nine to eight.

After much debate, several Federalist legislators followed Bayard's lead. Jefferson won 10 states, a clear majority. Burr, then, became vice president. Bayard's claim that he had struck a deal with Jefferson would be debated for years. As president, however, Jefferson did not challenge Hamilton's financial programs, remove Federalist appointees from office, or eliminate the Navy — three provisions Hamilton had given to Bayard and other Federalists for bargaining with Jefferson.

Legacy

Jefferson referred to the election of 1800 as the "Revolution of 1800." Not only had political power transferred peacefully from one party to another, but the victory of the more democratic Republican Party foreshadowed the expansion of voting rights in the coming years. Jefferson was re-elected in 1804, defeating Charles Pinckney, who would run and lose again in 1808, this time to James Madison.

The Federalists never again won a presidential election. They disappeared completely after their

opposition to the War of 1812 with Great Britain led them to threaten secession of the New England states. Many of their policies for establishing a strong central government and financial credit for the United States did last until the present day.

Aaron Burr eventually learned of Hamilton's attacks on his character before and after the winter of 1800. While running for governor of New York in 1804, Burr challenged Hamilton to a duel. In the early morning duel on July 11, Burr shot Hamilton, who died the next day from his wound.

Adams returned to his home in Massachusetts after losing the 1800 election and never again ran for office. Jefferson and Adams, who had been close friends for years before they parted ways during the two elections they contested, would regain their friendship late in life. Both died on the same day, July 4, 1826, 50 years to the day after the Declaration of Independence was signed.

WRITING & DISCUSSION

1. In his 1796 *Farewell Address*, President Washington warned the American people about the dangers of political parties. He described the desire for one party to dominate another in politics as a "frightful despotism" leading to "a more formal and permanent despotism." Do you agree? Why or why not? Use evidence from the article in your answer.
2. If you lived in 1800, which of the two parties would have appealed to you more? Use evidence from the article to support your opinion.
3. Federalists attacked Jefferson's unorthodox religious views. Democratic-Republicans attacked Adams's appearance and age. Hamilton called Burr a "disgrace." Is it fair for political candidates to attack their opponents' characters, or should they focus on political disagreements? Why or why not?
4. Are political parties necessary in a democracy, or do they create needless conflict?

ACTIVITY: Amending Article Two

In the elections of 1796 and 1800, the Electoral College process caused some confusion in the election of the president and vice president.

The year is 1801. You are a member of the House of Representatives. You and your fellow legislators want to amend Article Two of the Constitution to correct the problems of the Electoral College.

1. Meet in a committee of five legislators. Review and discuss the process and problems of the elections of 1796 and 1800 as described in the reading.
2. Decide as a committee how you would want to fix the problems with Article Two and the Electoral College. Draft an amendment to present to other members of the House of Representatives. Choose a spokesperson for your committee.
3. Committees will take turns sharing their draft amendments with the House and their reasons for their amendment.
4. After all committees have presented, the House will discuss and then vote on which draft amendment they want to accept. If two-thirds accept it, it passes in the House.

(Teachers, once the class has completed the activity, show them the 12th Amendment (1804) and discuss how it addressed the problems of the Electoral College.)

Standards Addressed

The Troubled Elections of 1796 AND 1800

National U.S. History Standard 8: Understands the institutions and practices of government created during the Revolution and how these elements were revised between 1787 and 1815 to create the foundation of the American political system based on the U.S. Constitution and the Bill of Rights. **Elementary School:** (4) Understands the differences in leaders (e.g., George Washington, Alexander Hamilton and Thomas Jefferson) and the social and economic composition of each political party in the 1790s. **Middle School:** (4) Understands the development and impact of the American party system (e.g., social, economic, and foreign policy issues of the 1790s; influence of the French Revolution on American politics; the rise of the Federalist and Democratic-Republican parties; the election of 1800 . . .). **High School:** (6) Understands the factors that led to the development of the two-party system (e.g., the emergence of an organized opposition party led by Thomas Jefferson, Hamilton's financial plan).

National High School Civics Standard 8: Understands the central ideas of American constitutional government and how this form of government has shaped the character of American society. (7) Understands how the design of the institutions of government and the federal system works to channel and limit governmental power in order to serve the purposes of American constitutional government

National High School Civics Standard 20: Understands the roles of political parties, campaigns, elections, and associations and groups in American politics. (1) Knows the origins and development of the two party system in the United States

California H-SS Standard 5.7: Students describe the people and events associated with the development of the U.S. Constitution and analyze the Constitution's significance as the foundation of the American republic. (3) Understand the fundamental principles of American constitutional democracy, including how the government derives its power from the people (4) Understand how the Constitution is designed to secure our liberty by both empowering and limiting central government

California H-SS Standard 8.3: Students understand the foundation of the American political system and the ways in which citizens participate in it. (4)

Understand how the conflicts between Thomas Jefferson and Alexander Hamilton resulted in the emergence of two political parties (e.g., view of foreign policy, Alien and Sedition Acts, economic policy, National Bank, funding and assumption of the revolutionary debt).

California H-SS Standard 12.4: Students analyze the unique roles and responsibilities of the three branches of government as established by the U.S. Constitution. (4) Discuss Article II of the Constitution as it relates to the executive branch

California H-SS Standard 12.6: Students evaluate issues regarding campaigns for national, state, and local elective offices. (2) Discuss the history of the nomination process for presidential candidates (6) Analyze . . . the function of the Electoral College.

Common: Core State Standards (ELA-Literacy)

SL.6-8.1: Engage effectively in a range of collaborative discussions (one-on-one, in groups, and teacher-led) with diverse partners on grades 6-8 topics, texts, and issues, building on others' ideas and expressing their own clearly.

SL.6-8.3: Delineate a speaker's argument and specific claims, evaluating the soundness of the reasoning and the relevance and sufficiency of the evidence.

SL.11-12.1: Initiate and participate effectively in a range of collaborative discussions (one-on-one, in groups, and teacher-led) with diverse partners on grades 11-12 topics, texts, and issues, building on others' ideas and expressing their own clearly and persuasively.

SL.11-12.3: Evaluate a speaker's point of view, reasoning, and use of evidence and rhetoric, assessing the stance, premises, links among ideas, word choice, points of emphasis, and tone used.

SL.6-8/11-12.6: Adapt speech to a variety of contexts and tasks, demonstrating a command of formal English when indicated or appropriate. (See grades 6, 7, 8, and 11-12 Language standards 1 and 3 . . . for specific expectations.)

RH.6-8.1: Cite specific textual evidence to support analysis of primary and secondary sources.

RH.6-8.2: Determine the central ideas or information of a primary or secondary source; provide an accurate summary of the source distinct from prior knowledge or opinions.

RH.6-8.3: Identify key steps in a text's description of a process related to history/social studies (e.g., how a bill becomes law, how interest rates are raised or lowered).

RH.6-8.4: Determine the meaning of words and phrases as they are used in a text, including vocabulary specific to domains related to history/social studies.

RH.6-8.6: Identify aspects of a text that reveal an author's point of view or purpose (e.g., loaded language, inclusion or avoidance of particular facts).

RH.6-8.7: Integrate visual information (e.g., in charts, graphs, photographs, videos, or maps) with other information in print and digital texts.

RH.6-8.8: Distinguish among fact, opinion, and reasoned judgment in a text.

RH.6-8.10: By the end of grade 8, read and comprehend history/social studies texts in the grades 6-8 text complexity band independently and proficiently.

RH.11-12.1: Cite specific textual evidence to support analysis of primary and secondary sources, connecting insights gained from specific details to an understanding of the text as a whole.

RH.11-12.2: Determine the central ideas or information of a primary or secondary source; provide an accurate summary that makes clear the relationships among the key details and ideas.

RH.11-12.4: Determine the meaning of words and phrases as they are used in a text, including analyzing how an author uses and refines the meaning of a key term over the course of a text (e.g., how Madison defines *faction* in *Federalist* No. 10).

RH.11-12.7: Integrate and evaluate multiple sources of information presented in diverse formats and media (e.g., visually, quantitatively, as well as in words) in order to address a question or solve a problem.

RH.11-12.10: By the end of grade 12, read and comprehend history/social studies texts in the grades 11-CCR text complexity band independently and proficiently.

WHST.6-8/11-12.1: Write arguments focused on *discipline-specific content*.

WHST.6-8/11-12.2: Write informative/explanatory texts, including the narration of historical events

WHST.6-8/11-12.4: Produce clear and coherent writing in which the development, organization, and style are appropriate to task, purpose, and audience.

WHST.6-8/11-12.9: Draw evidence from informational texts to support analysis, reflection, and research.

WHST. 6-8/11-12.10: Write routinely over extended time frames (time for reflection and revision) and shorter time frames (a single sitting or a day or two) for a range of discipline-specific tasks, purposes, and audiences.

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Sources

The Troubled Elections of 1796 and 1800

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