I. "An Empire for Liberty"

Thomas Jefferson was fifty-seven years old when he entered the President's House. His public career had included service as a Virginia legislator, member of Congress, a highly successful term as America's minister to France (following a conspicuously unsuccessful term as Virginia's wartime governor), the first secretary of state, the second vice president, and now the third president of the United States. Author of the Declaration of Independence and of Virginia's Statute for Religious Freedom, he was described as a man who could "calculate an eclipse, survey an estate, tie an artery, plan an edifice, try a cause, break a horse, dance a minuet, and play the violin."[1]*

Not all of Jefferson's successors were so impressed. Young Theodore Roosevelt described Jefferson as "perhaps the most incapable Executive that ever filled the presidential chair . . . utterly unable to grapple with the slightest danger . . . it would be difficult to imagine a man less fit to guide the state. . . ."[2]

Impressions of Jefferson were no less divided during his lifetime. He began his presidential term determined to make a sharp change from the previous administrations. In part because he was a poor public speaker, in part because he wanted to do nothing that looked like delivering a king's "speech from the throne," Jefferson in 1801 began the practice of sending written messages to Congress on the state of the Union. That tradition lasted until 1913, when the polished orator Woodrow Wilson resumed the practice of delivering the address in person.

Jefferson dispensed with the levies that had been the Washingtons' preferred method of entertaining. These were stiffly formal affairs. Instead, the widower invited members of Congress regularly to small dinners in the President's House. In these small groups, the new president was able to exercise firm leadership. Political men were eager to dine with the man they knew as "Mr. Jefferson."

* Small wonder that President Kennedy would welcome forty-nine Nobel Prize winners to a 1962 White House dinner with these words: "I think this is the most extraordinary collection of talent, of human knowledge, that has ever been gathered at the White House—with the possible exception of when Thomas Jefferson dined alone."

One of the most colorful incidents of Jefferson's presidency was the arrival at the President's House of Elder John Leland and the "Mammoth Cheese." The Baptist leader Leland had been instrumental in supporting Jefferson and Madison in Virginia in the 1780s in their great efforts for establishing religious liberty. Leland had returned to his native New England in 1791 and continued his strong support of his famous Virginia friends. Unlike so many of the New England clergy, Leland loudly backed Jefferson for president in 1800. Now, he persuaded his western Massachusetts neighbors to honor their hero with a huge cheese. Weighing 1,235 pounds, the cheese was transported to Washington by Leland and fellow Baptists. The cheese bore Jefferson's personal motto: "Rebellion to Tyrants is Obedience to God."[3] Elder John took advantage of the curious crowds attracted by the cheese to preach the gospel all along his route.[4]

His journey took more than a month to complete. When he arrived at the President's House on New Year's Day 1802, Elder John found President Jefferson waiting for him with outstretched arms.[5] John Leland was not only invited to take part in the holiday reception but was also asked to preach two days later in the U.S. House of Representatives. President Jefferson joined in the religious service on federal property in the federal city.* In Virginia, John Leland had fought against the established Episcopal Church. With Jefferson and Madison's help, he succeeded in ending official discrimination against Baptists and all other sects there. In Massachusetts, Leland would also press against the established Congregational Church.

Jefferson continued to provide guidance by means of his letters. One of the first of these letters has had great influence on church-state relations in America. He had received a letter of congratulations on his election from the Danbury Baptist Association on 30 December 1801. He responded with astonishing speed. On 1 January 1802, President Jefferson wrote a letter that has become one of the most famous he ever wrote. It has also been one of his most misunderstood public acts.

* Jefferson attended this evangelical service in the House of Representatives barely hours after he wrote his oft-cited "Letter to the Danbury Baptists." That letter has been cited as requiring "a high wall of separation between church and state." But it didn't stop President Jefferson from giving his sanction to a religious service on federal property.

Jefferson thanked the Connecticut Baptists and took the opportunity to explain *why* he had declined to proclaim days of fasting and thanksgiving. Expressing his "strict constructionist" constitutional beliefs, he explained that the president is only empowered to execute the laws that Congress passes. The people have wisely approved the First Amendment to the Constitution, he wrote. Since the amendment specifically *prohibits* Congress from passing any law "respecting the establishment of religion or restricting the free exercise thereof," he believed he had no constitutional authority to proclaim days of fasting and thanksgiving.

We now know that Jefferson had gone further in his first draft of the letter. Proclaiming religious observances had been a standard practice of the *British* monarchy because the king was the head of the Church of England. Jefferson was striking out once again at his Federalist opponents. But his attorney general persuaded him that many good New England *Republicans* had always looked to their governors and legislatures to proclaim such important days.[6] In fact, Jefferson had fully supported a national day of fasting and prayer when he was a member of the Continental Congress.

Jefferson then used the phrase that has been associated with him ever since. He wrote there is "a wall of separation between Church & State."[7] This letter needs to be seen in the context of the still-bubbling controversy over Jefferson's election in 1800. Federalists and their supporters in many New England pulpits had denounced Jefferson as an atheist and "infidel." Yale University President Timothy Dwight, a Congregationalist minister, had warned that if the Jeffersonian Republicans were elected, "we might see the Bible cast into a bonfire." Worse, children would be taught to chant "mockeries against God."[8] Presbyterian pastor John Mitchell Mason assured his congregation that electing Jefferson would be "a crime never to be forgiven . . . a sin against God."[9] The Federalist *Gazette of the United States* had summed up the election as a choice between "God and a Religious President [Adams]" and "Jefferson—AND NO GOD!"[10]

Jefferson spoke out against such unreasoning hysteria and blatant abuse of religious authority for partisan politicking. "I have sworn upon the altar

man," penned Jefferson in a letter to Dr. Benjamin Rush.[11] He assured Rush he would *oppose* any attempt to establish one particular form of Christianity in America.[12] This stance made Jefferson highly popular among minority religious groups. In time, it would soon lead to the *disestablishment* of the Congregational Church in New England—just as Leland had desired.

As the elections of 1802 approached, the Federalist Party of Adams, Hamilton, and Jay grew more desperate. Jefferson had not pulled down church altars, nor seized Bibles, nor had he set up a guillotine on the National Mall. One Federalist leader, Fisher Ames, cried out, "Our country is too big for union, too sordid for patriotism, too democratic for liberty."[13] Even the energetic Alexander Hamilton seemed to despair. "Every day proves to me more and more that this American world was not made for me," he wrote.[14] Facing political disaster in the upcoming congressional elections, Federalists became even more strident than they had been in 1800. They seized upon a scandalous article written by James T. Callender. Callender charged that President Jefferson had fathered children by one of his Monticello slaves, Sally Hemings.

Jefferson had tried to help Callender with money and jobs, but he should have broken off all contact when the alcoholic Scottish refugee publicized Hamilton's adulterous affair with Maria Reynolds. Instead, Jefferson's help began to look like hush money. When Callender turned on him, Jefferson had no one to blame but himself. "The serpent you cherished and warmed," wrote Abigail Adams to Jefferson, "bit the hand that nourished him."[15] It was a deserved rebuke.*

Callender's revenge on Jefferson did him little good. He was found the next year face down in the James River in Virginia. He had gotten drunk and drowned.[16] Nor did the scandal raise the Federalists' fortunes. In the

* Jefferson's alleged liaison with Sally Hemings surfaced again in 1998, when it was claimed that DNA evidence now confirmed he was the father of some or all of her children. The Jefferson-Hemings Scholars Commission, however, considered the new findings and disagreed: "After a careful review of all of the evidence, the commission agrees unanimously that the allegation is by no means proven." The Scholars Commission does not deny that Sally Hemings's children were sired by *a* Jefferson, they simply maintain that it cannot be proven they were fathered by *Thomas* Jefferson. Most likely, according to Pulitzer Prize winning journalist Virginius Dabney, the real father of Sally Hemings's children was Jefferson's nephew, Peter Carr. (*The Jefferson Scandals*, Dodd, Mead, 1981)

midterm elections of 1802, Republicans triumphed. They won 102 seats in the House of Representatives to a mere 39 for the Federalists.

Jefferson faced a lingering foreign crisis early in his administration. For more than twenty years, he had been urging military action against Arab corsairs on the Barbary coast. These were fast, cheap warships that preyed upon merchant shipping along the northern shore of Africa. Various Arab rulers there would regularly declare war against European countries and then begin seizing their ships and men. The captured crews would be held for ransom or sold in the market as slaves. "Christians are cheap today!" was the auctioneer's cry.[17]

This practice had been going on for centuries. As many as a million and a quarter Europeans had been enslaved by Muslims operating out of North Africa.[18] When he served as America's minister to France in the mid-1780s, Jefferson had once confronted an Arab diplomat, demanding to know by what right his country attacked Americans in the Mediterranean:

> The Ambassador answered us that it was founded on the Laws of the Prophet, that it was written in their Koran, that all nations who should not have answered their authority were sinners, that it was their right and duty to make war upon them wherever they could be found, and to make slaves of all they could take as prisoners.[19]

Confronted by such obstinacy, Jefferson appealed to John Adams, who was then America's minister to England. But Adams was unwilling to fight. Jefferson resolved from those early days to fight the Muslim hostage-takers. "We ought to begin a naval power, if we mean to carry on our own commerce. Can we begin it on a more honourable occasions or with a weaker foe?" he wrote to James Madison in 1784.[20] The kidnapping and ransoming of American merchantmen continued for nearly twenty years.

The Washington and Adams administrations had gone along with the European practice of paying off the Barbary rulers. It was a protection racket, pure and simple. Adams believed paying tribute was cheaper than war. "We ought not to fight them at all unless we determine to fight them forever," he said.[21] Paying off the Barbary rulers was not cheap. When Jefferson came into

office, the United States had already paid out nearly $2 million. This was nearly one fifth of the federal government's yearly income![22]

The Bashaw of Tripoli declared war on the United States in 1801. Jefferson was determined to fight rather than pay tribute. Jefferson sent Commodore Edward Preble in command of the USS *Constitution* to strengthen America's naval forces in the Mediterranean Sea. Preble stirred American hearts with his spirited reply to an arrogant British naval captain who had challenged him to identify himself when shrouded in fog. "This is His Britannic Majesty's ship *Donnegal,* 84 guns," the captain hailed, demanding Preble put over a boat and prepare to be searched. "This is the United States ship *Constitution,* Edward Preble, an American commodore, who will be *damned* before he sends his boat on board of any vessel. Strike your matches, boys!" Faced with this threat of cannon fire, the Royal Navy captain backed down.[23] Before Preble could arrive, however, the USS *Philadelphia* went aground off Tripoli harbor. The Bashaw took the crew captive.

Young Navy Lieutenant Stephen Decatur knew that he must not allow the Bashaw to convert the *Philadelphia* to his own use. He stole into the harbor by night and set the ship ablaze.[24] America's consul in Tunis, William Eaton, followed this daring exploit. He gathered a motley crew of U.S. Marines, sailors, Greek and Arab mercenaries and their camels. Eaton marched his men five hundred miles across the Libyan desert to take the coastal town of Derna. Three U.S. warships, in a coordinated attack, bombarded the town.[25] From this stunning victory, the Marine hymn takes the line "to the shores of Tripoli" and their officers still wear Mameluke swords shaped like Arab scimitars.[26] Stephen Decatur added to his reputation by offering this famous toast: "Our Country: In her intercourse with foreign nations, may she always be in the right; but our country right or wrong!"[27]

By 1805, the pirates had had enough. Jefferson's willingness to use force had triumphed in America's first war on terror in the Middle East.[28]

Another foreign danger loomed in Jefferson's first term. By means of a secret treaty, France's conqueror Napoleon Bonaparte had gained control of the vast expanse of North America known as Louisiana. France had given this tract over to Spain forty years before. Now she reclaimed it. Jefferson knew that New Orleans was vital. "There is on the globe one

spot, the possessor of which is our natural and habitual enemy," he wrote. "It is New Orleans, through which the produce of three eighths of our territory must pass to market."[29] In 1803, Spain was weak. But France was the greatest military power in the world. Despite his long friendship with France, Jefferson sensed danger. "The day that France takes possession of New Orleans, we must marry ourselves to the British fleet and nation."[30] Jefferson knew that only the powerful British fleet could prevent Napoleon from bringing tens of thousands of soldiers to control the Mississippi.

Napoleon might have sent those troops, too, had it not been for the Haitian revolt. Inspired by the French Revolution, Toussaint L'Ouverture led a slave uprising on Haiti. A French army sent to put down the rebellion bogged down, with thousands dying of the dreaded yellow fever. Napoleon was planning to renew his war with England. But without an army, without superior naval power, Napoleon knew the British might seize Louisiana at the outbreak of war. Then he would have nothing. Better to sell it to the Americans.[31]

Still, America's minister in Paris was stunned when Napoleon offered to sell *all of Louisiana*—which was then a vast territory, much larger than the present-day state that bears its name. Robert Livingston had only been empowered to buy the City of New Orleans—and maybe small portions of Florida. Jefferson sent his good friend James Monroe to aid in the negotiations.

The French told the American that the Louisiana territory would be useless to them without New Orleans. Livingston found it hard to live in Paris under Napoleon's dictatorship. He was relieved when he was able to deal with Napoleon's finance minister, Francois Barbé-Marbois, instead of the bribe-taking Talleyrand. Barbé-Marbois was known for his honesty—and for his pro-American spirit.[32] Initially, Barbé-Marbois demanded $25 million, but he soon lowered the price to $15 million.[33]

At home in America, no one knew what Napoleon had in mind. Federalists in Congress attacked the Monroe mission. They wanted President Jefferson to threaten war over New Orleans. Some even wanted Alexander Hamilton to lead an army to capture the Crescent City.[34] Hamilton said there was "not the remotest chance" Napoleon would sell territory for money.[35]

Publicly, Jefferson talked peace. He let it be known that he was restraining the western governors from taking matters into their own hands. Privately, he let his loyal secretary of state, James Madison, talk tough to the French minister. Americans disliked the secrecy with which Napoleon had reclaimed Louisiana, Madison told Louis André Pichon. More to the point, Madison warned Pichon that "France cannot long preserve Louisiana against the United States."[36]

Few people in Napoleon's Paris knew what was happening. But his brothers—Joseph and Lucien—opposed the deal. The British had bribed both of them heavily. They confronted their brother while he was in the bathtub. "There will be no debate," Napoleon yelled. The sale of Louisiana would be arranged by a treaty with the Americans. And that treaty would be "negotiated, ratified and executed *by me alone*." With that, the first consul of France threw himself back in the tub and soaked his brothers with perfumed water.[37] As a virtual dictator, Napoleon knew he did not have to consult his "rubber stamp" legislature.

The Americans, fortunately, did *not* get soaked. When Monroe joined Livingston, he agreed that the offer was simply too good to pass up. Seizing the opportunity, they inked the treaty before Napoleon changed his mind. Monroe had dared to *exceed* his instructions because he knew Jefferson's mind. Monroe was Jefferson's intimate friend and neighbor and Livingston was not.

Thomas Jefferson had the pleasure of announcing the Louisiana Purchase in the President's House on 4 July 1803.[38] The nation had *more than doubled its size*. "It is something larger than the whole U.S.," Jefferson wrote, "probably containing 500 millions of acres, the U.S. containing 434 millions."[39] He couldn't resist adding that the purchase would make the new United States *sixteen and a half times larger* than Great Britain and Ireland.[40] This vast territory had been acquired for $12 million—or about three cents an acre![41]

Some of the Federalists still griped. "We are to give money of which we have too little for land of which we already have too much," groused one.[42] Proving once again how out of touch they were, the editors of Alexander Hamilton's *New York Post* condemned the treaty as "the greatest curse that ever befell this country."[43] Harvard president Josiah Quincy warned, "Thick

skinned beasts will crowd Congress Hall, Buffaloes from the head of the Missouri and Alligators from the Red River."[44]

Jefferson welcomed the treaty, but asked his cabinet to consider whether the acquisition might require a constitutional amendment. Jeffersonians were for *strict construction* and the Constitution said nothing about land purchases. Madison strongly supported Gallatin's case that the purchase was covered by the treaty-making power of the president and the Senate.[45] Then came an alarming message from Robert Livingston: Napoleon "appears to wish the thing undone."[46] Worse, if war broke out any moment between England and France, England could seize New Orleans and permanently block America's westward expansion.[47]

With Madison at his side at Monticello urging him to jump on it, Jefferson dropped all hesitation. He rushed the treaty to the Senate for ratification.[48] The Senate quickly consented on 20 October 1803, by a vote of twenty-four to seven.[49] Napoleon may never really have had second thoughts. He knew that if the British didn't take Louisiana from him, the Americans could. With the treaty signed, he could pocket the sixty million *francs* and prepare for his war. Like the French bantam rooster he was, he crowed in triumph: "Sixty millions for an occupation that will not perhaps last a day! I have given England a rival who, sooner or later, will humble her pride."[50]

Some embittered Federalists feared that what they called "a Virginia dynasty" of Jefferson, Madison, and Monroe could never be beaten. They began to plot secession.[51] But the son of the Federalists' last president, John Quincy Adams, understood it best. The Louisiana Purchase would be "next in historical importance to the Declaration of Independence and the adoption of the Constitution," he said.[52]

II. Lewis & Clark: "The Corps of Discovery"

Thomas Jefferson had been planning an expedition to the Pacific for at least ten years. Statesmen had been seeking a Northwest Passage to the Orient for centuries. Jefferson thought there might be an all-water route across the continent. As early as 1792, Jefferson had persuaded the American Philosophical Society in Philadelphia to sponsor a party to explore the upper reaches of the Missouri

River and sail down the Columbia River to the sea. That effort got no further west than Kentucky.[53]

Now, President Jefferson chose a young man who was his neighbor, his personal secretary, and whom he treated like a son—Captain Meriwether Lewis. Lewis was the son of a deceased Revolutionary War soldier. He had not been formally educated, but he was bright and eager to learn. From youth, he had been an avid hunter and explorer. Service in the army added to his preparation.

Jefferson planned the expedition at Monticello, teaching Lewis himself, then sending him on to Philadelphia for further training. There, Captain Lewis was taught basic medical care by Dr. Benjamin Rush. Rush was Jefferson's close friend, a signer of the Declaration of Independence, and probably America's leading physician. Rush also supplied Lewis with *fifty dozen* of his famous pills. These were purgatives. Comprised of calomel, mercury, and chlorine, they were known as "Rush's Thunderclappers."[54] Jefferson's Philadelphia friends also taught Lewis such essentials as celestial navigation and how to preserve animal and plant specimens for transport back to Monticello.[55]

Lewis's choice of a partner was an inspired one. William Clark was a tall, powerfully built outdoorsman. Four years older than Lewis, he was the younger brother of General George Rogers Clark, "the conqueror of the Northwest." The general was a close friend of President Jefferson. Lewis then did something *very* unusual: he agreed to share command with Clark. Both would be captains. There is hardly an example before or since of such an arrangement's working, but here it served brilliantly.[56] Fittingly, they have been known to history as Lewis and Clark.

Lewis outfitted what Jefferson called "the Corps of Discovery" beginning with fifteen Kentucky rifles issued from the federal arsenal at Harper's Ferry. He bought a large boat and stocked it with trading goods for dealing with the Indians. A key item was a brass medallion with Jefferson's profile on it—a token of respect from the Great Chief to the Indian leaders. Jefferson gave Lewis a letter of credit that enabled him to obtain other supplies at government expense—perhaps the original American credit card.[57]

The Lewis and Clark Expedition comprised thirty-three individuals.

In addition to the captains, there were sergeants and privates—subject to strict military discipline. Then there was the famous French trapper Toussaint Charbonneau; his Shoshone Indian wife, Sacagawea; their infant son (nicknamed "Pomp" by Lewis); and York, the corps' only black man. York was a slave of William Clark. And Lewis also took "Seaman," his large Newfoundland dog.

Lewis and Clark set out from St. Louis in their fifty-five-foot keelboat in May 1804. They sailed up the Missouri River to Mandan, near present-day Bismarck, North Dakota.[58] Pressing on to the "Stony Mountains"—now the Rockies—they made contact with Shoshone tribesmen. Sacagawea was overcome with joy to see her long-lost brother as a chief. This helped greatly to resupply the corps with horses and helpers. Crossing the Bitterroot Mountains in September 1805, Lewis later reported, "We suffered all Cold, Hunger, and Fatigue could impart" during the eleven-day trek.[59]

Add to cold the bitter disappointment Lewis and Clark felt at realizing there was no easy all water route to the Pacific. The dream of centuries died on that trail.

President Jefferson had instructed the captains to take special care to make a favorable impression on the powerful Sioux nation.[60] This proved harder to do when several Sioux warriors seized the boat's lines and demanded "presents." Lewis trained the boat's cannon on the warriors and had his men ready to fire on them when a chief, Black Buffalo, intervened to keep the peace. Black Buffalo then invited the corps to attend the first "scalp dance" ever witnessed by travelers from the East. With some care, Lewis turned down the chief's offer of a young woman to share his bed.[61]

After nearly two years of grueling marches and boat voyages, the Corps of Discovery descended the Columbia River to the Pacific. Clark captured the excitement of the corps in this typical journal entry: "Ocian in view! O! the joy." They built Fort Clatsop on the Pacific shore and wintered over in 1805–06. They had hoped to find an American sailing ship to take them home. The local Indians' use of phrases like "son-of-a-pitch" told them that American sailors had been in the region.[62] When no ship appeared, Lewis and Clark decided to make the arduous return journey overland.

Once, when a critical decision had to be made, the captains put the

measure up for a vote. It was the first *referendum* held by Americans in which voters included an Indian, a black man, and a woman. Sometimes, the clash of cultures produced humorous results. When an Indian chieftain expressed shock at the one hundred lashes Lewis had meted out to an enlisted man who had fallen asleep on watch, Lewis asked him how *he* would make an example of a disobedient warrior. He would *kill* him, the chief said, but he would never beat him. Lewis and Clark were equipped with many small gifts to give the Indians along the way, including tobacco and whiskey.[63] Once, a small tribal group asked the captains a hard question. If President Jefferson really was their great *father,* why would a father want them to lose their reason by getting them drunk? It remains an excellent question.

Jefferson and the country were delighted with Lewis and Clark's discoveries. The president praised their "undaunted courage" upon their return to St. Louis in September 1806. Their success remains heroic in the annals of discovery. Only one man—Sargeant Charles Floyd—died on the journey. Except for a brief clash over horse stealing, the Corps of Discovery maintained good relations with the Indians. Jefferson had instructed them to tell the Indians we wanted their commerce, not their lands. It would soon become apparent we wanted their commerce *and* their lands.*

III. Plots, Trials, and Treason

Stunning events were happening in the East as Lewis and Clark braved the wilds of Montana and Idaho. Vice President Aaron Burr was widely distrusted by the Jeffersonians. They suspected him of trying to slip past the party's presidential nominee by backroom dealings with the Federalists. Burr knew he would not be renominated for the job in 1804 so he decided to run for governor of New York. Backing Burr were certain

* Lewis's subsequent career was marked by tragedy. Appointed governor of Louisiana, he became depressed, took to drink, and eventually took his own life. William Clark served for more than thirty years as a respected Indian agent—"the red-haired chief." But he dishonored himself by brutally refusing brave York's request to be freed from slavery. York had trudged every step of the way to the Pacific and back, the first son of Africa to do so.

"High" Federalists who had given up hope of returning to power on the national stage. Men like Timothy Pickering of Massachusetts and Roger Griswold of Connecticut believed the only chance for cultured gentlemen like themselves to continue in office would be for New England to join New York in a Northern Confederacy. They needed Burr as governor to accomplish this.[64]

Federalists like Pickering and Griswold hated Jefferson. Jefferson's brilliant diplomatic stroke in the Louisiana Purchase convinced such men—correctly, as it turned out—that the Federalist Party would never win another national election. They could foresee new states being admitted from the vast expanse that would be carved out of the Louisiana Territory. These new states, they were sure, would support Jefferson's Republicans. Facing such a dismal prospect, these New England Yankees thought it was better to secede from the Union.

Alexander Hamilton was still respected by most Federalists. And Hamilton would have no part of secession. To Massachusetts Federalist Theodore Sedgwick, he wrote that secession would do no good because the real problem was *democracy* itself. And that "poison" was spreading through every state.[65]* Hamilton continued his bitterly anti-Burr campaign, denouncing the man as an unprincipled adventurer. Burr was defeated by Morgan Lewis, another Republican, but one who had the lion's share of Federalist backing. Burr naturally blamed Hamilton—and demanded satisfaction. In those times, that meant a duel.

Though dueling was illegal in New York and increasingly looked down upon throughout the North, Hamilton felt he could not refuse Burr's challenge without appearing cowardly. It could not have been an easy decision; Hamilton's eldest son, Phillip, had been killed in a duel just two and a half years earlier.[66] He said he would reserve his fire. He was resolved to "live

* Hamilton's reference to *democracy* as a "poison" spreading through all the states would not have been as shocking to the Founders' generation as it is to us. They tended to view democracy as direct rule, sometimes leading to mob action, such as Shays's Rebellion and the Whiskey Rebellion. Many of them equated democracy with the Paris mobs that cheered as heads fell from the guillotine. Hamilton clearly supported what we today know as democracy: regular elections, freedom of the press, and majority rule. He demonstrated this by backing Jefferson, clearly the people's choice, in the 1801 presidential decision.

innocent" rather than "die guilty" of shedding another man's blood.[67] Knowing he was very likely to die, Hamilton wrote to his wife the night before he met Burr. She had charitably forgiven him for his affair with Maria Reynolds. Now, hoping to console her, he wrote: "Remember, my Eliza, you are a Christian."

Hamilton and Burr were each rowed separately over to the New Jersey side because dueling was not yet illegal in that state. There, on an outcropping in Weehauken, the two men faced each other on the morning of 11 July 1804. True to his word, Hamilton held fire. Burr leveled his pistol and shot Hamilton, his bullet passing through his enemy's liver, diaphragm, and lodging in his spine. Hamilton knew the wound was mortal. Carried back to New York City by boat, he warned his friends to be careful of a still-loaded pistol. Friends fetched the Episcopal Bishop of New York, Benjamin Moore, to give the dying man communion. At first, the bishop hesitated, so strong was his revulsion at dueling. But when Hamilton pleaded, forgave Burr, and confessed his faith in Christ, Bishop Moore relented.[68]

Hamilton died after thirty hours of pain. His death was widely mourned. Even the Republican press took up the cry. He was the only one of the Founders to die a violent death. Now, he seemed a martyr to national unity. New York City hung out the crepe for Hamilton's funeral. Ships in the harbor boomed out a final salute. While dueling itself may not have been illegal in New Jersey, Burr was nonetheless indicted for murder in that state and pursued throughout New York—the fugitive vice president.

Fearing for his life, Burr fled to Philadelphia, where he found himself at reasonable enough distance from his troubles to court a lady friend.[69] From there he traveled to South Carolina and then Virginia, where his reception was much warmer. Hamilton had never been popular in the South and dueling was considered the ultimate way to preserve a gentleman's honor.[70]

Jeffersonian Republicans faced the 1804 elections that fall with confidence. They replaced Burr with the aged George Clinton, New York's long-time governor. Jefferson carried *every* state except Connecticut and Delaware. In Congress, the Republicans had an overwhelming majority—116–25 in the House, 27–7 in the Senate.[71]

In firm control of the two elective branches of the federal government, Republicans now prepared to bring the judiciary to heel. For years, Jefferson and his party had denounced the "midnight judges" appointed in the last days of the outgoing Adams administration. Foremost of these was Chief Justice John Marshall. Jefferson's Republican Party was even more outraged when Marshall gave his famous opinion in the case of *Marbury v. Madison* (1803).

In this landmark opinion, the chief justice led the Supreme Court in ruling *against* Federalist William Marbury. He could *not* force Secretary of State Madison to sign a commission so he could have the federal office to which the outgoing President Adams had appointed him. This part of the ruling seemed like a *surrender* by the Federalist Marshall to the powerful Jeffersonians.

But Marshall ruled that the *reason* Marbury could not have his commission was that a portion of the Judiciary Act of 1789 that gave the Supreme Court the power to issue such writs was *unconstitutional*. It was the first time the Supreme Court had exercised the power of judicial review. It was a bold stroke by Marshall. In *seeming* to give in to Jefferson and Madison on a minor point, he had assumed a great and powerful weapon to use against his fellow Virginians. Jefferson responded that "the doctrines of that case were given extra-judicially and against law, and . . . their reverse will be the rule of action with the Executive."[72]

Republicans were determined to rid themselves of a packed court. As Jefferson would later write in his autobiography, "As, for the safety of society, we commit honest maniacs to Bedlam, so judges should be withdrawn from their bench, whose erroneous biases are leading us to dissolution."[73] They would begin by impeaching and removing Justice Samuel Chase.

Jefferson's leader in the House was Virginia Congressman William Branch Giles. Bluntly, Giles announced that "high crimes and misdemeanors" were not necessary for removing a federal judge. Impeachment meant no more than this: "[Y]ou hold dangerous opinions, and if you are [permitted] to carry them into effect, you will work the destruction of the Union. We want your offices for the purpose of giving them to men who will fill them better." Even more boldly, Giles said Chase was only the Republicans' first target: "Not only Mr. Chase, but all the other Judges of the Supreme Court . . ." He would spare only the justice Jefferson had named.[74]

This great Jeffersonian Court "unpacking" scheme seemed very promising. But the Republicans failed to take Vice President Burr into account. His last official act would be to preside over the Chase impeachment trial in the Senate. Rejecting Giles's matter-of-fact treatment of impeachment, Burr outfitted the Senate in red, green, and blue banners, just like the British House of Lords when it considered impeachment. Burr made it a very formal affair. He denied the old man a chair, treating Justice Chase like a man under indictment. One Federalist newspaper sneered at the spectacle: usually, it said, "the practice in courts of Justice [is] to arraign the *murderer* before the *Judge*, but now we behold the *Judge* arraigned before the *murderer*."[75]

Actually, Justice Chase was lucky that Burr was in the chair. Although he had been a signer of the Declaration, Chase's frequent outbursts on the bench made him obnoxious to many. "Our republican Constitution will sink into *mobocracy*—the worst of all possible governments," he had said.[76] Still, by treating the matter with all the formality of a criminal trial, Burr *saved* Justice Chase from conviction. This is because Chase could not have survived the purely *political* process Giles had planned. But Justice Chase was found *not guilty* on any article of impeachment.[77] The impeachment trial ended just days before Burr left office. It was to be Aaron Burr's last act as a public official.

No sooner had Burr left the vice presidential chair, however, than he began to conspire with the British minister in Washington. Burr was plotting to take the western states and the Louisiana territory *out* of the Union. He appealed for half a million dollars from the British to help him assemble a force to attack Spanish colonies.[78] In this plot, Burr involved his old friend, General James Wilkinson. Wilkinson was the military governor of the Louisiana Territory. More that that, he had been an agent of a foreign government for twenty years—*Agent 13* in the pay of the king of Spain.[79]*

Burr swept through the West, hailed as a hero. Dueling presented no problems for these rough-and-ready frontiersmen. Nor would they be put off by a plan to attack the Spaniards. Obviously, Burr would not have told

* Shockingly, General Wilkinson was then the most senior officer in the U.S. military, a position equivalent to chairman of the Joint Chiefs of Staff!

such new friends as General Andrew Jackson that he was plotting with the hated British to destroy the Union.[80] He wisely denied admitting any secessionist intent, as his conspiracy stirred throughout 1805 and 1806. But then, in December 1806, the plot unraveled. General Wilkinson betrayed his fellow plotter and wrote to President Jefferson, informing him of "a deep, dark, wicked, and widespread conspiracy" by Burr to destroy the Union.[81] Jefferson immediately ordered the arrest of his former vice president, and Burr was hauled back to Richmond for trial. The charge would be treason. The penalty: death by hanging.

Richmond was the center of Jefferson's power base. George Hay was to lead the prosecution. He was a zealous supporter of the president. Hay had once beaten James Callender with a club when Callender had charged Jefferson with having an affair with Sally Hemings.[82]

Jefferson reckoned without one major factor: presiding over this sensational trial would be Jefferson's cousin, Chief Justice John Marshall. Marshall did not forget that it was Burr who had saved the Federalist judges from Jeffersonian impeachments. Marshall summoned President Jefferson to testify at the trial. Citing the constitutional separation of powers, Jefferson declined. Marshall allowed Burr every protection of the law.

Luther Martin's long-winded speeches had irritated George Washington at the Constitutional Convention, but he spoke for *three full days* in defending Burr.[83] Here, he was effective. Marshall's final instruction to the jury construed treason *very narrowly*. In order to prove a charge of treason, the accused must not only have *conspired*, but there must also be two witnesses to some *overt* act.[84] As a result of this charge to the jury, Burr was "not proved to be guilty . . ."[85] "Marshall has stepped in between Burr and death," said William Wirt, another prosecutor.[86]

As soon as the acquittal was announced, the Jeffersonians released to the press some of the incriminating documents that John Marshall had refused to admit as evidence. Burr escaped with his neck, but not his reputation. Once again fearing for his life, Burr this time fled to Europe. There, he continued his plotting. He sought money from Napoleon and from Napoleon's enemies, the British—*anyone* who might pay him to betray his country. He found no takers. Aaron Burr was a spent force.

Today, we can be grateful for Marshall's courage. Aaron Burr was surely guilty. But it would have been very dangerous to hang a former vice president of the United States on anything less than overwhelming evidence. As it happened, Burr was politically dead, and that was enough.

The summer of 1805 saw an epic sea battle beyond the eastern horizon that was to influence America's development throughout the nineteenth century. English Admiral Horatio Nelson chased a combined French-Spanish fleet across the Atlantic and back. At a time when nothing on land moved faster than a horse, the sailing ships manned by Nelson's sailors were the most complex man-made machines on earth.* French Admiral Pierre de Villeneuve was skilled and brave, but he had no chance against Nelson's fleet, and he knew it. The Royal Navy was disciplined. Press gangs made sure that the best sailors were dragged into service, including many unfortunate Americans. On the morning of 21 October 1805, Nelson sighted the French-Spanish fleet off Spain's Cape Trafalgar and hoisted his famous signal: "England expects every man will do his duty." Though fewer in numbers than the combined French-Spanish fleet, Nelson had superior firepower. English crews could fire more rapidly, more accurately. "Nelson's touch" destroyed the combined fleet and ended Napoleon's hopes of invading England. Nelson died heroically, shot down by a French sniper on the quarterdeck of HMS *Victory*. Nelson's victory at Trafalgar established England's naval supremacy *for a full century*.

And that meant England alone would have the power to threaten America's westward expansion.

IV. "A Splendid Misery": Jefferson's Last Years

Thomas Jefferson had described the presidency as "a splendid misery" when he saw the toll it took on George Washington's health and happiness. That was in 1797. Ten years later, he would experience this misery for himself.

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* Some of Nelson's ships' speed could top twelve knots (or more than thirteen miles per hour). This was faster, over time, than teams of horses could run. And Nelson's ships—famously—could direct accurate cannon broadsides three times in less than five minutes—a lethal rate of fire.