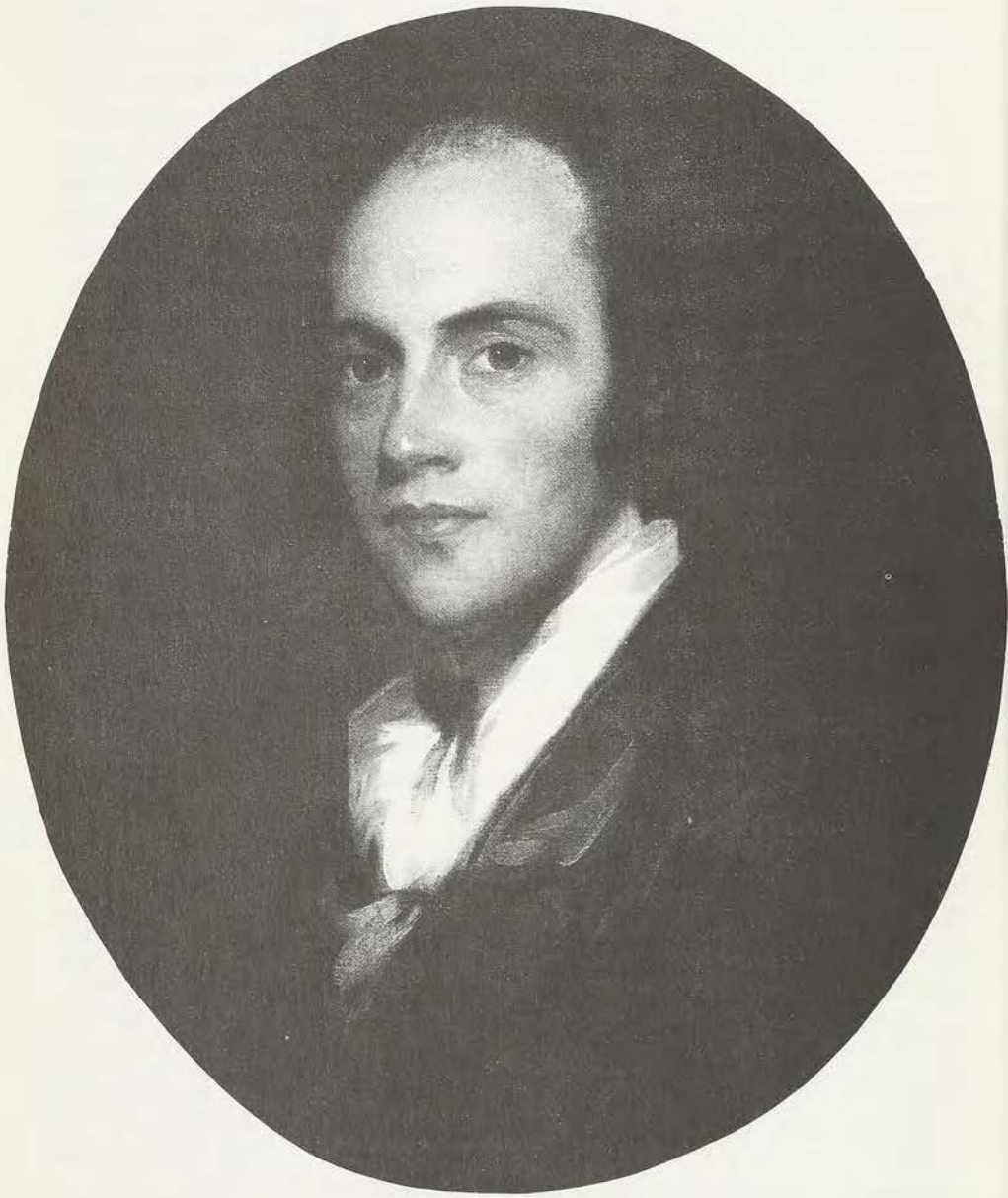

Aaron Burr and Republican Factions 1801-1802

Donald M. Nielsen

In March 1801 Aaron Burr came to Washington as one of America's most influential Republicans. By March 1802 he was offering toasts at Federalist celebrations. The immediate cause of Burr's political turnabout was Jefferson's rejection of a Burrite for the relatively minor post of naval officer in New York. The rejection of Matthew Livingston Davis, while important in itself, only symbolized Burr's political problems, problems which had accumulated from the time of the Great Awakening to the election of 1800. Humbled by 1802, his crushing defeat in the New York gubernatorial election of 1804 and his subsequent duel with Alexander Hamilton only sealed what had already been written. Any real political influence had been eliminated within a year of his inauguration as Vice President.

The early history of New York State politics revolved around frequently changing alignments between factions and parties less distinguished by ideas and policy than by personnel. Leaders of the day were sometimes baffled by party antics there. James Madison confessed in 1806, "In general, the politics of that State [New York] are but imperfectly understood out of it."[1] The nature of political parties in New York, combined with the personal followings and factions within the parties and the peculiar structure of government, forms the sometimes confusing but extremely important background to this paper.

From the 1780 s to the election of 1800 New York politics reflected a basic split between the Federalists, led by such men as Alexander Hamilton and John Jay, and the Republicans, divided into factions behind George Clinton, Robert R. Livingston, and Aaron Burr. While showing little love for each other the Clintons, Livingstons, and Burrites generally cooperated against the Federalists. However, with the state and national triumph in 1800/1801 they quickly fell into the intraparty squabbling that eventually cost the state dearly in terms of national influence and prestige.

One of the striking aspects about Republican factions in New York after 1800 is the lack of organization around the issues, whether ideological, social, or economic. People, not issues, distinguished the factions and the continual realignment among Republicans as based on the primary goals of the period – prestige and patronage. Henry Adams was not far wrong when he wrote that "No principle of reform or pure motive in any person was involved" in the labyrinth of New York politics.[2]

1. James Madison to James Monroe, 4 June 1806, *Letters and Other Writings of James Madison* (Philadelphia, 1865), 2:225.

2. Henry Adams, *History of the United States* (New York, 1962), 1:230.

In looking at the principal instruments through which New Yorkers achieved political power one can also see an important cause of party chaos. The early historian of New York politics, Jabez D. Hammond, saw New York's "peculiar institution" as one cause of its political confusion: "The cause of this mysterious development of the action of the parties will, I think, be in a great measure found in the manner in which the appointing power executed its functions, after the alteration of the constitution by the convention of 1801."[3] Hammond was speaking, of course, of that marvelous invention, the Council of Appointments.

The Council of Appointments consisted of one senator from each of four senatorial districts and the governor, who assumed the sole right to nominate until 1801. With the convention of 1801, however, the governor became just another member, no longer responsible for appointments. The fact is that no one was responsible. The votes in the Council were not entered in the minutes unless a dissenting member requested such an entry. Safely ensconced in the confines of the Council it became possible for members to dispense public jobs with little regard for appointee qualifications or popular pressure.

The peculiar nature and power of the Council was enhanced by the enormous extent of the patronage in New York. With few exceptions, officers ranging from mayor to turnpike inspector required the approval of the Council not only to be put in office but to stay in office. State compensation was relatively high and the ensuing competition only increased the Council's power.[4]

New York, of course, also had its share of federal offices and the federal patronage there was extensive. New York City was on its way to becoming the most important commercial center and port in the nation and the accompanying commercial and naval posts were both financially remunerative and politically powerful. Officers such as the collector of customs provided the principal connection between the government and the mercantile interests and also controlled numerous minor offices. Among the many other officers, U.S. marshals and attorneys were important not only for the patronage they controlled but for the prosecution of federal cases.[5]

When Jefferson entered office he faced an entrenched Federalist establishment in New York and throughout the nation. To secure Republican control at least some Federalists had to be replaced. The extent of the removals, however, was at first unknown. Notwithstanding claims of moderation and genuine

3. Jabez D. Hammond, *History of Political Parties in the State of New York* (Syracuse, 1852), 1:168.

4. On the Council of Appointment see Carl Fish, *The Civil Service and Patronage* (New York, 1963), 90. Alvin Kass, *Politics in New York State, 1800-1830* (Syracuse, 1965), 29. Howard Lee McBain, *DeWitt Clinton and the Origin of the Spoils System in New York* (New York, 1907), 79.

5. For a more detailed canvass of the history and duties of federal jobs in New York see Arthur Jay Alexander, *Federal Patronage in New York State: 1789-1805* (Philadelphia, 1945).

qualms about removals for purely political purposes, Jefferson proved to be a most skillful and partisan manipulator of the patronage. He knew that appointments determine in large measure whether executive goals are accomplished. He also knew that appointments could be used both to strengthen and break down parties, factions, and individuals.

Jefferson's initial expressions of moderation, that "We are all Republicans, we are all Federalists" and that he would remove only for malconduct not for difference of opinion,[6] alarmed New York Republicans including Aaron Burr: "The feds boast aloud that they have compromised with Jefferson, particularly as to retaining certain persons in office. . . . It has excited some anxiety among our friends in New York."[7] As one New York Federalist put it, the Republicans "are jealous least the loafs and fishes will be distributed equally among both parties."[8]

The pressure on Jefferson from both Federalists and office-hungry Republicans was great. In July 1801, responding to the protesting merchants of New Haven, Jefferson at last made it clear that he intended to break the Federalist monopoly of office.[9] But he had known all along that a moderate policy towards the Federalists was not a realistic way to insure Republican gains. Only three days after the inauguration he wrote to James Monroe: "I have given and will give only to Republicans under existing conditions."[10] In New York existing conditions would not change during Jefferson's two terms, for he had early been persuaded that the circumstances in New York required "something more."[11] "Something more" turned out to be a rather mild term for the complete proscription of Federalists in New York.[12]

The policy for the division of spoils on the state level contained a philosophy less bashful about removal for political reasons. In the New York elections of May 1801 the Republicans again took the legislature but also reinstated George Clinton as governor. By now, however, it was widely recognized that DeWitt Clinton was the actual leader of the New York Republicans, or at least of the Clintonian faction. DeWitt's position in the Council of Appointment enabled

6. Thomas Jefferson to Elbridge Gerry, 29 March 1801, Paul Ford, ed., *Jefferson Writings* (New York, 1897), 8:42.

7. Aaron Burr to Albert Gallatin, 25 February 1801, Carl Prince ed., *The Papers of Albert Gallatin* (New York, 1970).

8. Peter Meiser, Jr. to Ebeneezer Foote, 11 March 1801, Ebeneezer Foote Papers, Box 3, Folder 119, New York State Library.

9. Jefferson to Elias Shipman and others, committee of New Haven, 12 July 1801, Ford, 8: 67-70.

10. Jefferson to James Monroe, 7 March 1801, Ford, 8:10.

11. Jefferson to George Clinton, 17 May 1801, Ford 8:52-53

12. Jefferson did not appoint a single Federalist to office in New York during his two terms and his removal rate of Federalists was 62.5%. Solomon Nadler, *Federal Patronage and New York Politics: 1801-1830* (Unpublished Ph.D. dissertation, New York University, 1973), 54-55. See also Carl E. Prince "The Passing of the Aristocracy" *Journal of American History* LVII (Dec. 1970):563-576.

him to strengthen his control of the party and to act independently of the governor, who was not especially enthusiastic for large scale removals.

Formerly excluded from the state government, the Republicans now revealed an immoderate thirst for office. Aaron Burr and the Livingstons did not disagree with DeWitt Clinton when he wrote that "good feeling requires the removal of the greater part" of the "executives of Hamilton and the implacable foes of republicanism."[13] The important question was which faction the Republican replacements would represent. With no family ties comparable to those of the Clintons and Livingstons, Burr's faction would need patronage to an even greater extent than other factions. What patronage they received would depend on Burr's influence with the administration.

Aaron Burr was inaugurated Vice President on the morning of 4 March 1801. He was at the pinnacle of his career, one step away from the highest office in the land. Uncertain rumors had circulated concerning Burr's motives ever since the electoral tie with Jefferson. With the inauguration, however, Burr expressed the hope that "the infamous slanders which have been so industriously circulated . . . are now of little consequence."[14]

Burr was at his peak, but in the election processes of the last year he had alienated many powerful men. Alexander Hamilton, of course, had long been Burr's rival, favoring even Jefferson over Burr. In Republican circles too, doubts and jealousies surfaced. For Jefferson the long trial of election by a potentially intrigue-filled Congress had been less than pleasant and his mind was receptive to rumors about that ordeal. Jefferson did not understand why Burr had not withdrawn. Moreover, he might be a threat to Jefferson's second term, or to the man who seemed his intended successor, James Madison.

When the electoral tie first became public knowledge no one suspected Burr of intrigue. He had made his feelings known as soon as he foresaw the possibility of a tie. In a public letter entrusted to Jefferson's friend Samuel Smith, Burr wrote that "every man who knows me ought to know that I would utterly disclaim all competition."[15] But during the actual Congressional votes Burr neither endorsed Jefferson nor advocated himself. He stayed in New York, where he was a member of the legislature, attending to business. Fear of Federalist intrigue was rampant in Washington and more disclaimers from Burr might have calmed the storm. But for days the balloting continued, resulting only in repeated deadlocks. Finally, after more than thirty-five ballots, Jefferson was elected, ten states to four.

Charges of intrigue against Burr cannot be proven and much of the evidence points to his innocence. It is certain that Burr would not make a deal with the Federalists at the expense of Republican principles, as some Federalists

13. DeWitt Clinton to Gallatin, 21 July 1801, Prince, *Gallatin Papers.*

14. Quoted in Milton Lomask, *Aaron Burr: The Years from Princeton to Vice President, 1756-1805* (New York, 1979), 298.

15. Quoted in Matthew Davis, *Memoirs of Aaron Burr* (New York, 1971), 2:75.

claimed to have made with Jefferson. James Bayard, leading Federalist and lone delegate from Delaware wrote that "the election was in his power, but he was determined to come in as a Democrat" and "not to shackle himself with federal principles."[16] After the election Bayard expressed considerable frustration and irritation with the man he would have made President:

> The means existed of electing Burr, but this required his co-operation, By deceiving one man (a great blockhead), and by tempting two more (not incorruptible), he might have secured a majority of the States. He will never have another chance of being President of the United States; and the little use he has made of the one which has occurred, gives me but an humble opinion of the talents of an unprincipled man.[17]

Innocent or guilty of intrigue, the fact remained that Burr did not work strenuously to disassociate himself from suspicion and rumor. This fact weighed heavily on the minds of many Republicans, including some of Burr's own followers.

Burr's strategy of watchful but silent waiting during the tie at first appears compromising. However, with widespread Republican fears of Federalist usurpation it is possible that Burr believed a Federalist Congress might never elect Thomas Jefferson. In that case, to withdraw would have invited usurpation and could have resulted in armed insurrection as threatened by Pennsylvania Governor Thomas McKean and feared by Federalists.[18] To actively seek the presidency would have subverted the will of the people and the intentions of his own party. Although both Jefferson and McKean later stated that they would have acquiesced in his election,[19] they would not have taken it well had he actively sought the office. Given the circumstances, Burr's inaction during the electoral crisis was most reasonable and can even be deemed politically honorable in that he may have served the party's interest.

Why then did Burr remain silent even after the election? His silence can in no way be taken as evidence of intrigue. It was simply part of his character not to respond to what he considered irresponsible slander. This trait was in evidence throughout his career, and it was to hurt him more than once. When a friend asked Burr to explain some dealings in the late 1790 s Burr responded in character: "This, sir, is the first time in my life that I have condescended (pardon the expression) to refute a calumny. I leave it to my actions to speak for themselves, and to my character to confound the fictions of slander."[20] This side of Burr

16. James Bayard to Richard Bassett, 16 Feb. 1801, Elizabeth Donnan, ed., "Papers of James A. Bayard, 1796-1815" American Historical Association, *Annual Report for 1913*, II, 120-121. Bayard to Alexander Hamilton, 8 March 1801, Harold C. Syrett ed., *The Papers of Alexander Hamilton* (New York, 1961) 25:345.

17. James Bayard to Alexander Hamilton, 8 March 1801, Syrett 25:345.

18. Thomas McKean to Jefferson, 21 March 1801, Library of Congress *Jefferson Papers* microfilm. James Bayard to Richard Bassett, 16 Feb. 1801, Donnan 126-27.

19. McKean to Jefferson, 21 March 1801, Jefferson microfilm. Jefferson to McKean, 9 March 1801, Ford, 8:12.

20. Quoted in James Parton, *The Life and Times of Aaron Burr* (New York, 1858), 241.

is easily recognized in his correspondence during the tie with Jefferson and during the 1802/03 Pamphlet War in New York, which in part revolved around Burr's actions in the election.[21] Unfortunately for Burr, silence would not prove the best response to unrestrained attacks.

The election of 1800, and Burr's role in the entire controversy, would damage him immeasurably in the years to follow, but it was only one reason for his political demise. Had there been no major differences between Burr and other Republicans he likely would have suffered no damage from the election. But Burr had made enemies on his way to the Vice Presidency and a large number of Republicans had never really trusted him. His many allies of expedience would certainly not support him were he to take a political fall.

If Jefferson's Anas can be relied upon, it would seem that Jefferson had never trusted Burr. He respected Burr only "for the favor he had obtained with the republican party, by his extraordinary exertions and successes in the New York election in 1800."[22] It was Burr who had been the key force in electing the New York legislature that had in turn cast its votes for Jefferson. Beyond this grudging acknowledgement of success Jefferson felt little affinity for his Vice President, at least in 1804. At that time Jefferson wrote in his Anas that he had never seen Burr until he was a member of the Senate. Jefferson noted that "His conduct very soon inspired me with distrust" and that Burr was "always at market."[23]

Writing to Burr in 1800 Jefferson was more politic: "While I must congratulate you, my dear Sir, on the issue of this Contest, . . . I feel most sensibly the loss we sustain of your aid in our new administration. It leaves a chasm in my arrangements, which cannot be adequately filled up."[24] It is difficult to say how honest Jefferson was in this letter and how serious one should take Burr's subsequent offer to abandon the Vice Presidency if he was thought more useful elsewhere.[25] It is evident, however, that Jefferson wanted to avoid any early split in the administration and was wary of any outside attempts to do so. "A mutual knowledge of each other" he wrote in February 1801, "furnishes us with the best test of the contrivances which will be practiced by the enemies of both."[26]

If Jefferson was anxious to avoid any Federalist-inspired split he was quick to record choice rumors about Burr's unfaithfulness in his Anas. John Armstrong, one of Burr's most industrious rivals and a friend of the Clintons, passed

21. See, for example, Burr to Samuel Smith, 29 December 1800 and Burr to Wm. Eustis, 13 May 1801, in Mary-Jo Kline, ed., *The Papers of Aaron Burr* microfilm. Also Burr to Joseph Alston, 3 July 1802, in Davis, 2:205.

22. Thomas Jefferson, Jan. 25, 1804, Franklin R. Sauvel ed., *The Complete Anas of Thomas Jefferson* (Greenville, Pa., 1903), 228.

23. *Ibid.*

24. Jefferson to Burr, 15 Dec. 1800, Kline, *Aaron Burr Papers.*

25. Burr to Jefferson, 23 December 1800, Kline, *Aaron Burr Papers.*

26. *Ibid.*, Jefferson to Burr, 1 Feb. 1801.

on to Jefferson Gouverneur Morris's comment "How comes it that Burr who is four hundred miles off [at Albany] has agents at work with great activity while Jefferson, who is on the spot, does nothing?"[27] Jefferson's feeling toward Burr would only gradually come clear – not through his words, for he never openly denounced Burr, but through his actions. Patronage would be the test of Burr's standing with the administration.

Burr's first recommendations were offered in conjunction with the New York Republicans of Congress. The legislative caucus provided the basic framework for New York's Republican organization and it was used to influence federal appointments, plan strategy, and promote party unity.[28] Burr was therefore following accepted procedure when shortly after the inauguration he submitted a caucus list to the administration asking for the removal of five Federalist office holders in New York City. The proposed replacements were David Gelston for collector, John Swartwout for marshal, Theodorus Bailey for supervisor, Matthew Davis for naval officer, and Edward Livingston for district attorney. The list was unanimously agreed to except for one member who thought Bailey and Davis should trade places. Burr noted that Marinus Willett and Dr. Joseph Browne were also candidates for marshal.[29]

It should be understood that the caucus was interfactional and not simply a forum used by Burr. If Jefferson wanted to promote party unity and balance in New York he presumably would make the appointments suggested by the caucus. Still, the popular belief in New York was that Burr controlled the state's federal patronage. "I take it for granted" Marinus Willett wrote "your opinion on this subject will preponderate."[30] Jefferson, however, had different ideas and if he was not quite sure who to turn to in New York, he knew it was not his Vice President. In March, after receiving the caucus nominations, Jefferson listed in his Anas each state and his patronage policy. By New York he wrote only "postponed", hardly an enthusiastic response to unanimous recommendations from one's own party.[31] For Burr, whose fate was tied to his influence on offices, this was an ominous beginning.

Jefferson's inclination to wait on New York appointments was reinforced by communications from Burr's rivals. John Armstrong's criticism of David Gelston as "devoted to Burr" and "not estimated by the party" caused Jefferson to let the appointment "lie for further information." Armstrong was the brother-in-law of Robert R. Livingston and was twice appointed U.S. senator with the help of the Clintons. Significantly, he secretly opposed what he had

27. Jefferson Anas, 12 and 14 Feb. 1801, 209-10.

28. Noble E. Cunningham, *The Jeffersonian Republicans in Power* (Chapel Hill, 1963), 148.

29. Unsigned paper in the handwriting of Aaron Burr (1801) endorsed by Jefferson "from Col. Burr". Printed in Gaillard Hunt, "Office-Seeking during Jefferson's Administration," *American Historical Review* 3(1898):290.

30. Marinus Willett to Aaron Burr, 8 March 1801, Kline, *Aaron Burr Papers*.

31. Jefferson Anas, 8 March 1801, 210.

endorsed in caucus. The Clintons also used their influence against Marinus Willett. About him Jefferson commented "not approved by Clinton devoted to B.[urr]"[32] At the same time Burr was not being consulted and he actually denied any influence with the administration.[33]

Contrary to what has often been written, Jefferson did not simply ignore the caucus list. By the end of March, Livingston was district attorney and Swartwout was marshal. This was in line with Jefferson's policy that these politically important offices would be cleansed of Federalists except in special cases.[34] Burr was greatly pleased with these appointments. He wrote in early April that "the Washington paper of yesterday announces E. Livingston as Dist. Atty. and Swartwout as marshal – the news is received with . . . joy and will operate beneficially on our approaching election."[35]

These two appointments reinforced the common belief that Burr controlled state patronage and they have served historians as justification for the belief that Burr initially excercised some influence with Jefferson. It is likely, however, that factors other than Burr influenced Jefferson. At the very least it is clear that Burr had no inside knowledge of administration decisions. He resented reading about the appointments in the newspaper and described it as an "indecorum" that he hoped would not be repeated.[36]

Livingston's appointment is easily accounted for. The brother of Robert R. Livingston, who had already received an appointment as minister to France, Edward had worked hard for Jefferson in the election of 1800 and the entire family had supported Republicans since the early 1790 s. Although a friend of Burr's, as congressman he voted consistently for Jefferson during the tie. Financial straits made him especially anxious for office and many contemporaries attributed his appointment to the consummation of a deal Jefferson had made for his vote.[37] In any event, the Livingstons had significant political influence without any help from Burr and within a year the Livingstons openly joined the coalition against Burr. Edward Livingston's appointment must be considered a reward for party contributions by his family and himself.

John Swartwout's appointment confused many political observers. Federalist Robert Troup was not sure how to account for it. After relaying that Burr

32. Thomas Jefferson, Note filed under David Gelston, nd., David Gelston Entry, Letters of Application and Recommendation During the Administration of Thomas Jefferson. General Records of the Department of State.

33. "At the breaking up of Congress in the spring, Burr told a member, a friend of ours; that Jefferson had not consulted him on the subject of appointments or measures." Robert Troup to Rufus King, 27 May 1801. Charles R. King ed., *The Life and Correspondence of Rufus King* (New York, 1896), 3:458-461. Hugh Williamson, a Republican New Yorker, referred to Burr as "a gentleman who disavows all influence by saying 'I am not in the cabinet!'" Williamson to Jefferson, 6 July 1801, Jefferson microfilm.

34. Jefferson Anas, 17 May 1801, 215.

35. Burr to Smith, 4 April 1801, Kline, *Aaron Burr Papers.*

36. *Ibid.*

37. William B. Hatcher, *Edward Livingston* (Binghamton, 1940), 58. Nadler, 64.

had no influence in Washington and even that Burr and Jefferson "hate each other" he confessed that "it is difficult to account for the appointment of Swartwout. . . but through the influence of Burr with Jefferson. Swartwout is notoriously the runner and tool of Burr on all occasions . . . "[38] If examined closely, however, one finds that Jefferson's treatment of Swartwout was not entirely out of line with his later proscription of Burrites.

Jefferson had early decided to remove U.S. marshals. The offices were too powerful to leave in the hands of Federalists for any length of time. Who then could Jefferson choose from in New York? Swartwout had been nominated by the caucus but was competing against two other Burrites. Eager to fill the post, it would not have been wise for Jefferson to reject all three Burrites, the only candidates for the job, so early in his administration. New York's spring election, which Jefferson no doubt considered in making these appointments, had yet to consolidate the Clinton's place in New York politics. Jefferson was still testing the waters, carefully considering appointments while trying to maintain the appearance of party unity. Such an early and obvious rejection of Burr at this point would have served no positive purpose and could have caused severe political problems.

If Jefferson felt compelled to choose from three Burrites it is easy to see why he chose Swartwout. The Clintons had already expressed disapproval of Marinus Willett, who had broken with them and turned to Burr in the early 1790 s.[39] The third candidate, Joseph Browne, was Burr's brother-in-law, hardly like to be politically pliable. In choosing Swartwout, Jefferson removed a Federalist from a politically important position, kept the appearance of party unity at an important time, and rewarded the man most likely to desert Burr. While continuing to support Burr, Swartwout indirectly served Jefferson's needs. With the appointment of Daniel Ludlow, Jefferson's Burrite appointments served him better than anyone would imagine.

The appointment of Daniel Ludlow as navy agent was due in part to Burr's influence with acting Secretary of the Navy Samuel Smith. Burr assured Smith that Ludlow's selection would "give universal satisfaction and will produce the most beneficial effects."[40] Burr indicated that he had expressed the same sentiments to Jefferson. Ludlow was quickly appointed, though without the universal satisfaction Burr had so confidently predicted.

The Clintons and Livingstons immediately protested against both Burr and his appointments. On April 24, 1801 Samuel Osgood, related by marriage to the Clintons, claimed that Burr had tried to take the Presidency. He reported that "we have strong evidence that the three gentlemen appointed in the City are entirey devoted to the Vice President; and had it been in their power, we have

38. Troup to King, 27 May 1801, King, 3:460.

39. Alfred F. Young, *The Democratic Republicans of New York: The Origins, 1763-1797* (Chapel Hill, 1967), 327.

40. Burr to Smith, 31 March 1801, Kline, *Aaron Burr Papers.*

reason to believe, that Mr. Jefferson would not have been President." He went on to suggest that no appointments be made to any Burrites, whose "Republicanism has been and still is questioned by many." Osgood concluded that Governor George Clinton should be the consultant for federal appointments in New York.[41]

Although the Burrites had gone to considerable lengths to support Republicans and George Clinton's gubernatorial run, his name was now being used against them. John Armstrong also urged that Clinton be consulted and he severely questioned Ludlow's appointment. To Albert Gallatin, Secretary of the Treasury, Armstrong wrote "you ought to know that the appointment is in many respects a bad one, and has given no small degree of disgust." Two reasons account for this disgust: "the one is that he was an acknowledged Tory during the war, and the other that he has been a perfect monarchist ever since."[42] Ludlow was a Loyalist, but he was also a prominent New York City merchant and banker with personal connections to Aaron Burr.

Ludlow was President of the Bank of the Manhattan Company, New York's Republican bank. Burr was a director of the bank and with Ludlow he fashioned important connections to the business community. In 1801, however, a struggle for control of the bank began. This struggle, Beatrice Reubens pointed out, was "a replica of the battle on the larger stage of state and city politics."[43] The same schism between Burr and his rivals operated at the bank.

Burr's opponents, it turned out, had little to fear from Ludlow. With his appointment he discovered that the path to political salvation lay through the Clintons. Together they forced Burr from the bank in 1802. By 1804, when Navy Agent Ludlow campaigned against Burr, no one remembered his Tory past and the Clintons had forgotten their protests.[44] It was for the Federalist *Evening Post* to ask "How will he feel when Mr. Burr shall turn his quick eye upon him with *Et tu Brute?*"[45] An appointment owed to the President can effect wondrous changes in political sentiment. Jefferson was attracting his potential opposition with the lure of office.

In examining Jefferson's early appointments in New York one finds that they did little to help the Vice President. Two of the three were enticed to join against Burr and the appointments as a whole galvanized the non-Burr factions. For the first time the Clintons aggressively sought federal appointments and as their attacks on Burr increased they learned that Burr did not have Jefferson's confidence, for their attacks elicited no unfavorable response. With the Clintons

41. Samuel Osgood to James Madison, 24 April 1801, *James Madison Papers* microfilm.

42. John Armstrong to Gallatin, 7 May 1801, Prince, *Albert Gallatin Papers.*

43. Beatrice Reubens, "Burr, Hamilton and the Manhattan Company," *Political Science Quarterly,* LXXIII(1958):119.

44. New York *American Citizen,* 7 March 1804.

45. New York *Evening Post,* 5 March 1804.

fearful of Burr and actively wooing him, Jefferson's leverage in New York increased and he had an opportunity to re-shape the state's political make-up. A policy aimed at weakening Burr would work only if there was a force that Jefferson could work through. With George Clinton governor-elect, DeWitt on the Council of Appointments and a horde of hungry office-seekers behind them, Jefferson knew where to turn.

Jefferson and George Clinton had never been close, either politically or personally, but on 17 May 1801 Jefferson followed up on the many suggestions he had received and wrote to the Governor. He remained skeptical of the caucus list and asked for Clinton's opinion.

> The following arrangement was agreed on by Colo. Burr & some of your Senators and representatives. David Gelston, collector, Theodorus Bailey, Naval officer, & M.L. Davis, Supervisor. Yet all did not agree in all the particulars, & I have since received letters expressly stating that Mr. Bailey has not readiness & habit enough of business for the office of Naval officer, & some suggestions that Mr. Davis's standing in society, & other circumstances will render his not a respectable appointment to the important office of Supervisor. Unacquainted myself with these & the other characters in the state which might be proper for these offices, & forced to decide on the opinions of others, there is no one whose opinion would command with me greater respect than yours . . .[46]

This letter is important for a number of reasons, including Jefferson's misrepresentation of the congressional caucus recommendations by his transposition of Bailey and Davis. This transposition worked entirely in Jefferson's favor because Burr agreed that Bailey would be an "utterly incompetent" naval officer and did not want to see Davis as supervisor.[47] The appointments had been offered precisely the other way. As long as the proposals were misrepresented Jefferson had justification for delaying any appointment. He could even use Burr's words against Davis and Bailey.

Jefferson's concern for Davis was sparked, again, by letters from Osgood and Armstrong. Armstrong believed that the possibility of a Davis appointment was "so badly received by the more established men of our party that some other name must be substituted for his."[48] Osgood warned that Davis and Bailey were both more devoted to Burr than to Jefferson.[49] Jefferson himself did not publicly comment on these confidential reports.

Burr at first did not suspect any secret maneuvering against him. In May he suspected Thomas Tillotson, a rival for the naval office and a Livingston, of advising delay in making the appointment so that he might have a better chance

46. Jefferson to George Clinton, 17 May 1801, Ford, 8:53.
47. Burr to Gallatin, 21 April 1801, Kline, *Aaron Burr Papers.*
48. Armstrong to Gallatin, 7 May 1801, Prince, *Gallatin Papers.*
49. Osgood to Madison, 24 April 1801, Madison microfilm.

at appointment but Burr did not suspect Jefferson. As late as June 8, 1801 he seemed undisturbed by Jefferson's slow response to his requests. He asked Gallatin to tell the President that "the mass of Republicans in this State are determined that he shall do things at his own time and in his own manner."[50] Into early June Burr still misjudged the President and suspected only his state rivals of operating against him.

Calm in early June, Burr was roused at the end of the month, and wrote from New York that "strange reports are here in circulation respecting secret machinations against Davis."[51] Burr placed great importance on the appointment of Davis and warned that "Davis is too important to be trifled with."[52] Burr's close friend and political lieutenant, his support for Burr was well known. Davis once wrote "I am no Clintonian, I am no Lewisite [Livingston]: but I am a Burrite and those Republicans who are the *political friends* or *enemies* of Aaron Burr are to calculate on my *support* or *opposition* in the same ratio as their friendship or hostility is evinced."[53] No statement could be clearer. If Davis were not chosen it would reflect on Burr and "The public" as one Burrite put it, "have considered his appointment . . . beyond a doubt."[54] The appointment of Davis would test Burr's influence with Jefferson in a manner that would make the result clear to all.

Not willing to appoint Davis, Jefferson left the position of naval officer in the hands of Federalist Richard Rogers. He pressed on, however, with the removal of other Federalists. In July, David Gelston was appointed collector and Samuel Osgood supervisor. Gelston's selection resulted in spite of Burr rather than because of him. Jefferson had earlier decided to delay his appointment because of his friendly relations with Burr. Gelston realized this and moved quickly to distance himself from Burr. He made sure the President knew that he had kept himself "as independent, and free from obligation as possible."[55] Gelston was aided in this task by important recommendations from outside the Burr faction. Future Senator John Smith, James Monroe, and possibly James Madison all supported him.[56] Monroe wrote an especially glowing recommendation in which he presumed support for Gelston by Governor Clinton and "many

50. Burr to Gallatin, 8 June 1801, Kline, *Burr Papers.*

51. *Ibid.* 28 June 1801.

52. *Ibid.*

53. Matthew L. Davis to William P. Van Ness, 28 May 1801, Matthew L. Davis Misc. Mss., New York Historical Society.

54. Thomas Swartwout to Gallatin, 1 Sept. 1801, Prince, *Gallatin Papers.*

55. *Ibid.*, David Gelston to Gallatin 24 April 1801.

56. For Smith endorsement see *Senate Executive Journal* 20 Sess., I, 403-405. For possible Madison support see Gelston's letters to Madison of 13 and 20 March 1801 in Applications and Recommendations, 1801-1809, State Department Archives. For Monroe support of Gelston see Monroe to Jefferson, 23 March 1801, Stanislaus M. Hamilton ed., *The Writings of James Monroe.* (New York, 1900), 3:274. In Leonard White, *The Jeffersonians* (New York, 1951), Gelston is described as Monroe's protege, 153-54.

others." Jefferson had asked for Clinton's opinion of Gelston and it is probable that Clinton accepted Gelston because he believed himself to be in Gelston's debt. In the gubernatorial election of 1792 Gelston had been an election canvasser and had disallowed enough votes to elect Clinton over John Jay.[57] Clinton repaid the favor and Gelston was appointed.

Not long after Gelston's appointment DeWitt Clinton made his first patronage recommendation to the administration. Disregarding the congressional caucus proposals, Clinton recommended Samuel Osgood, his father-in-law, for supervisor. In recommending Osgood, Clinton noted that "artful" New York Republicans were "exciting undue prejudices" but that he would endeavor to assure the general approbation of Jefferson's administration in New York.[58] Two weeks later Osgood was appointed.

The quickness with which Osgood was appointed offers a striking contrast to the unsuccessful efforts Burr was making on behalf of Davis. Osgood's earlier attacks on Burr made his appointment especially important. No longer was Jefferson merely postponing Burrite appointments, he was rewarding Burr's enemies within days of their initial requests. The Clintons, who had previously only prevented certain appointments, were now positively rewarded. From this point on only the Clintons had Jefferson's ear.

While Jefferson denied federal patronage to Burr the Clinton-dominated state government isolated him at home. Burr himself directly recommended only eight men for state posts[59] but his "Little Band" of followers made up for any omissions. Petitions to the Council of Appointment were frequently signed by Burrites and some petitioners simply wrote into their petitions that Burr stood behind them in their quest for office.[60] Although all the men who applied for office with this type of backing were not rejected, the bulk of them were.[61] Burr's strength had always been in New York City and he needed patronage there to reward his followers. Howard McBain, however, shows that when the Council distributed city jobs the lion's share went to the friends of DeWitt Clinton and to his allies the Livingstons.[62] Burr's New York City political machine would receive no help from the Clintons and on both the state and national level Burr was being driven from the Republican party.

Throughout the summer Davis waited for news from Jefferson. Worried by the delay and by Osgood's appointment Davis took matters into his own hands by gathering numerous letters of recommendation and beginning the long trek to Washington and Monticello.[63] Writing to Gallatin, Burr said that Davis was on

57. Hammond, 1:63-67.
58. DeWitt Clinton to Gallatin, 21 July 1801, Prince, *Gallatin Papers.*
59. McBain, 131-132.
60. *Ibid.*, 133-34.
61. *Ibid.*, 133- 36.
62. *Ibid.*, 136-37.
63. Daniel Ludlow et al. to the President of the United States, 8 August 1801, Prince, *Gallatin Papers.*

his way, and informed him that "the matter is now arrived at a crisis . . . for it has become a matter of too much speculation here why . . . D[avis] is not appointed."[64]

Davis first met with Gallatin. He explained his plight and asked for Gallatin's recommendation. Gallatin was sympathetic but also sensitive to the removal of officers for purely political reasons. If the Federalist naval officer was to be removed, however, Gallatin did not know a man whom he would prefer to Davis for that office.[65]

Although Gallatin was on Davis's side and in general found the Burrites preferable to the Clintons and Livingstons,[66] he also sensed that Burr was being cut off from the party. He wrote to Jefferson that Davis's refusal "will by Burr be considered as a declaration of war." Davis's visit to Monticello brought two points to Gallatin's mind concerning Republicans throughout the Union: "Do they eventually mean not to support Burr as your[Jefferson's]successor, when you shall think fit to retire? Do they mean not to support him at next election for Vice President?" He concluded that "there is hardly a man who meddles with politics in New York who does not believe that Davis's rejection is owing to Burr's recommendation . . ."[67]

To all of this Jefferson merely replied from Monticello that "Mr. Davis is now with me. He has not opened himself. When he does, I shall inform him that nothing is decided, nor can it be till we get together at Washington." Jefferson would not commit himself but if he had chosen to answer Gallatin's questions he would have answered "yes" to both, for in November DeWitt Clinton again successfully intervened in the patronage process.[68]

James Nicholson, Albert Gallatin's father-in-law, was appointed commissioner of loans after being recommended by DeWitt Clinton in September, although even Gallatin thought him unequal to the office.[69] A friend of Burr's, Nicholson once wrote that for his "generalship, perseverence, industry, and execution . . . he deserves anything and everything of his country."[70] Nicholson had also threatened to use his interest against Jefferson if wholesale removals of Federalists were not effected.[71] Job in hand, Nicholson now deserted Burr for the Clintons.[72] Once again a friend of Burr's had been enticed by the prospect of spoils.

64. Burr to Gallatin, 8 September 1801, Kline, *Burr Papers.*

65. Gallatin to Jefferson, 12 September 1801, Henry Adams ed., *The Writings of Albert Gallatin.* (Philadelphia, 1879), 47-49.

66. *Ibid.*, 14 September 1801.

67. *Ibid.*

68. *Ibid.*, Jefferson to Gallatin, September 18, 1801.

69. DeWitt Clinton to Jefferson, 14 September 1801, Prince, *Gallatin Papers;* Gallatin to Jefferson 11 May 1804, Adams, *Writings,* 192.

70. Nicholson to Gallatin, 6 May 1800, Henry Adams *Life of Albert Gallatin* (Philadelphia, 1879).

71. *Ibid.*, 10 August 1801, 282.

72. Marshall Smelser, *The Democratic Republic: 1801-1815* (New York, 1968), 75.

Burr was now fully isolated from the administration. When Jefferson finally chose to write Burr he was no more commital than he had been in March: "These letters all relating to office, fall within the general rule . . . of not answering letters on office specifically, but leaving the answer to be found in what is done or not done on them."[73] This is not the way Jefferson would respond to someone with any influence. Burr had more than a hint as to where he stood but as late as March 1802 he was still hopeful, if exasperated: "As to Davis it is a very small favor to ask a *determination* – that 'nothing is determined' is so common place that I shall prefer any other anwer to this only *request* which I have ever made."[74]

Gallatin's statement that "there is hardly a man who meddles with politics in New York who does not believe that Davis's rejection is owing to Burr's recommendation" is a sorry but true assessment of the Vice President's situation. Jefferson's silence convinced the Burrites that Davis would never be appointed and made Burr understand that he was of little consequence in the plans of Republican leaders. Burr's followers now faced a difficult choice. Some reasoned "if he [Burr] should fall why should . . . [I] be dragged along with him?"[75] Former friends Ludlow, Livingston, and Nicholson had all accepted appointments and turned on Burr. Marinus Willett, a long time Burrite, switched allegiance to the Clintons after he had been denied the U.S. marshal's post.[76] David Gelston, while not deserting Burr, stressed his independence and relied on backing from other Republicans. To survive politically it only seemed practical to abandon Burr.

Some Burrites, however, chose to remain with Burr and began to look for new sources of support. James Cheetham sent his own gossipy report to Jefferson on their activities. Cheetham was the editor of the *American Citizen* and yet another deserter from Burr. Although Gelston's office kept him "externally mute" the rest of the Little Band was "more and more audacious every day." Davis was particularly "clamorous and loquacious" and since he was so "perfectly destitute of an independent mind . . . whatever sentiment he utters against the administration, and he expresses many, . . . are generally suspected of coming originally from Mr. Burr, and I believe very justly."[77]

It was the spring of 1802 when Burr made his break from the Republican party. His neutral behavior during the Judiciary Act debate had caused recriminations among Republicans. Subsequently Burr made a surprise appearance at a

73. Jefferson to Burr, 18 November 1801, Kline, *Burr Papers.*

74. *Ibid.*, Burr to Gallatin, 25 March 1802.

75. John P. Van Ness to William P. Van Ness, 2 April 1802, William P. Van Ness Papers, New York Public Library.

76. Marinus Willett to Jefferson, 4 May 1801, Matthew L. Davis Entry, Letters of Application and Recommendation During the Administration of Thomas Jefferson, General Records of the Department of State.

77. James Cheetham to Jefferson, 10 December 1801, Jefferson microfilm.

Federalist celebration where he raised his glass and offered a toast to "The union of all honest men." Burr had offered his services to the Federalists and to any Republican who would resist the domination of the Virginia Dynasty.[78]

There were many reasons behind the patronage policy that ended Burr's political career, the most obvious being the electoral controversy with Jefferson. Burr, however, was a questionable commodity well before 1800 and his rivals' motivation sprang from a wide variety of sources.

The differences between Burr and Southern Republicans became obvious in the election of 1796, when Burr and Jefferson first ran together on the Republican ticket. Burr offered geographical balance to the ticket and his selection acknowledged the informal alliance between New York and Virginia Republicans. The results of the election revealed a lack of party unity and were widely recognized as reflecting Burr's low standing with Southern Republicans. Burr finished thirty-eight votes behind Jefferson and received only one vote in Virginia, where Jefferson garnered twenty. Federalist Chauncey Goodrich noted that "Virginia has treated Burr scurvily . . . . North Carolina has not treated him much better."[79] Virginia elector and Jefferson supporter John Taylor claimed he had been compelled reluctantly to sacrifice Burr.[80]

In 1800 Burr was concerned that he would again be betrayed by Southern electors. "Burr" Mrs. Albert Gallatin reported, "has no confidence in the Virginians: they once deceived him and are not to be trusted . . ."[81] James Madison suggested that Burr's fears were well-grounded. He doubted that the Southern states would act together in voting for both Jefferson and Burr.[82] In 1800, however, the word was out that Burr would brook no repeat of 1796 and the tie vote revealed perhaps too much party discipline.

Oliver Wolcott, Hamilton's successor as Secretary of the Treasury, revealed why some Virginians rejected Burr in 1796 and mistrusted him in 1800. He recounted what a "public character from Virginia" said about Burr in 1794.

> I have watched the movements of Mr. Burr with attention, and have discovered traits of character which sooner or later will give us much trouble. He has an unequalled talent of attaching men to his views, and forming combinations of which he is the centre . . . . I should not be surprised if Mr. Burr is found, in a few years, the leader of a popular party in the northern states: and if this event happens, this party will subvert the influence of the southern states.[83]

78. Troup to King, 9 April 1802, King, 103.

79. Chauncy Goodrich to Oliver Wolcott, Sr., 17 December 1796, George Gibbs ed., *Memoirs of the Administrations of Washington and John Adams* (New York, 1846), 1:413.

80. John Taylor to Henry Tazewell, nd., in Henry H. Simms, *Life of John Taylor.* (Richmond, 1932), 64.

81. Mrs. Albert Gallatin to Gallatin, 7 May 1800, Adam s *Life,* 243.

82. James Madison to Jefferson, 21 October 1800, *Letters and Other Writings of James Madison* 2:162.

83. Quoted in Gibbs, 1:379-80.

Burr was useful but dangerous. As a northern leader he could supply important votes but he might also overturn Virginia domination of the party. In 1800 it was widely believed that Burr was chosen as candidate "not from affection, but because it was supposed his influence was indispensably necessary to secure the votes of the electors of New York, which votes, it was foreseen, were essential to their success."[84] If Virginia had her way no New Yorker would control the party.

Wolcott confirmed the sectional nature of Southern antipathy towards Burr by noting that the speaker then set into a defense of slavery. This is significant in that early in his career Burr was an ardent abolitionist who proposed in the New York legislature the immediate and unconditional abolition of slavery.[85] While this bill was rejected, Burr later voted for the 1799 state law that offered eventual freedom. Burr's pro-black stance could not have gone unnoticed in the South and it hurt him even in New York, where he was chided in the newspapers for attempting to win the black vote.[86]

In New York too there seemed plenty of reason for party leaders to feel apprehensive about the power and place of Burr. Although they often worked together, as far back as 1792 Burr wrote about George Clinton that "I have too many reasons to believe that he regards me with jealousy and malevolence."[87] The selection of Burr rather than Clinton for Vice President in 1800 added to Clinton's feelings against Burr[88] and he eagerly filled the slot after Burr was rejected in 1804. Southern Republicans did not object, for a man of Clinton's age and inclinations posed significantly less a threat than Burr to Virginia's domination of the party.

To a certain extent antagonism towards Burr was inevitable. He had risen rapidly in New York politics in part because he displayed a political independence that allowed him to exploit differences between factions. His relationships with the Clintons and Livingstons had always been more expedient than warm and it was only natural that his growing power put stress on these relationships. Shortly after Burr's election as Vice President, Robert R. Livingston noted that "The same jealousy of our family that governed Clinton's politics formerly will now prevail, nor will Burr be less anxious to keep us down."[89] Burr, presum-

84. Theodore Sedgewick to R. King, 24 May 1801, King, 455.

85. *Journal of the Assembly of the State of New York,* Feb. 25, 26, March 2, 9, 1785. See Suzanne Geissler, *The Burr Family, 1716-1836,* (Unpublished Ph.D. dissertation, Syracuse University 1976), 189-191.

86. *American Citizen,* 28 April 1804.

87. Quoted in Davis, 1:357.

88. George Clinton to DeWitt Clinton, 13 December 1803, and James Nicholson's deposition of 26 Dec. 1803 quoted in Lomask, 251-53.

89. Robert R. Livingston to Edward Livingston, 1 Dec. 1800, quoted in George Dangerfield, *Chancellor Robert R. Livingston of New York, 1716-1813* (New York, 1960), 302.

ably, was now in a position where he might dictate to the Livingstons, who had helped give Burr his first national office by electing him U.S. Senator in 1791.

The same independence that gave Burr access to different political camps earned him the enmity of political partisans. Burr's independence became cause for mistrust and his suspicious relationships with Federalists were never well received in Republican ranks. Although a mild antifederalist, Burr had, for example, supported the Federalist candidate for governor in 1789. By 1792 he had begun to gather together his "Little Band" of devoted followers, a strange mixture of Federalists and normally Clintonian antifederalists. Alfred Young states that "even to Federalists Burr had a fascinating attraction."[90] Burr's lack of ideological or party passion during the violently partisan 1790 s made him more attractive to Federalists and more suspect to Republicans. Burr, some have argued, was simply above partisan politics and in accord with the early wishes of the framers of the Constitution. It is easy to see, however, why some Republicans feared that Burr, unsettled in his politics, might go over to the Federalists.[91]

In addition to its suspicious make-up, Burr's Little Band was feared for its role in developing one of America's first urban political machines. Burr's political lieutenant Matthew Davis was a "transitional figure between the family-dominated colonial political system and the rise of mid-nineteenth century urban machines."[92] To forge their organization Burrites made strong connections with both the middle and lower classes in New York City. Although Republicans gained by Burrite exertions in extending the franchise by eliminating or eluding property requirements, this "courting of the masses" was disturbing to a family-oriented political system. When Burrites were offered for office their own efforts were often turned against them, the feeling being that they lacked respectability and standing in the community. Gentlemen, Matthew Davis would discover, did not join the General Society of Mechanics and Tradesmen, even to advance Republican principles.[93]

A final and a novel note on the motivation of Burr's rivals is Suzanne Geissler's contention that it was neither Burr's ideology nor his independence that made Burr so untrustworthy to many contemporaries. Rather, "it was his flaunting disregard of the role society expected a Burr-Edwards to play."[94]

90. Young, 278-79.

91. William Smith to Ralph Izard, 18 May 1796, Ulrich B. Phillips, "South Carolina Federalist Correspondence," *American Historical Review* 14(1908-09):780. "Burr, they think unsettled in his politics and are afraid he will go over to the other side."

92. Jerome Mushkat, "Matthew Livingston Davis and the Political Legacy of Aaron Burr" *New York Historical Society Quarterly* LIX(April 1975):123-148.

93. For sampling of letters questioning Burrite respectability see Armstrong to Gallatin, 7 May 1801, Jefferson to Clinton, 17 May 1801 and R. Livingston to Jefferson, 4 Sept. 1801. Mushkat, 125, notes that Davis was also a member of the Tammany Society and the Cooper's Society.

94. Geissler, 294.

Burr's ancestry has been dismissed by most historians as having little or no impact on his political career. The truth is, however, that Burr could never escape the fact that he was the son of a Princeton President and the grandson of Jonathan Edwards. John Adams believed that in the election of 1800 "Burr had 100,000 votes from the single circumstance of his descent from President Burr and President Edwards."[95] Newspapers did not hesitate to point out Burr's background and Burrites themselves touted the "activity and eloquence" of his father and the "metaphyscial genius" of Edwards.[96]

If Burr's forebears brought him votes they also brought him endless comparisons. Although Burr was a regular church-goer he was a skeptic far-removed from his ancestors' beliefs. Congregational pastor Samuel Hopkins wrote to Burr in 1802 that "It would be grievous to me, and I know it would be inexpressibly so to your pious and worthy ancestors . . . to know that one of their posterity . . . was now an infidel."[97] Even during Burr's Vice Presidency the name Edwards carried weight in America and Burr could not escape advice given on behalf of his forebears.

It is difficult to estimate the impact of Burr's disregard for his ancestors. It was surely a more significant issue in the north than the south. Southerners, at least in intellectual circles, probably preferred Burr without strong church ties. Their antagonism may have arisen in part from his ancestry and not from his disregard for it. During his two Vice Presidential runs it was no doubt calculated that Burr would provide a balance to Jefferson and perhaps even save some of the "religious vote" that was afraid of Jefferson. But it was not Burr's "fall from grace" alone that cast doubt upon his character, for, as we have seen, other factors must be weighted as of equal or greater importance, all contributing to his fall from power.

95. John Adams to Jefferson, 15 November 1813, Lester J. Cappon, ed., *The Adams-Jefferson Letters* (Chapel Hill, 1959), 399.

96. Boston *Columbian Centinel*, 28 Jan. 1801., and *American Citizen*, 12 March 1804. See also "Rise Columbians" broadside, 1804, quoted in Geissler, 230: "Aaron, who springs from Edwards' root, shall rule with equal virtuous hand Columbia's free and happy land."

97. Samuel Hopkins to Burr, 1802, Kline, *Burr Papers*.