The Opposition of Virginia Republicans to Jefferson's Embargo Jefferson's Embargo

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The Republican Party which acceeded to power as a result of the "Revolution of 1800" was a loose coalition containing many diverse elements. As the Party of the "outs" in the 1790s, the Republicans did not have to formulate policies or implement programs, and this, in part, had enabled them to gloss over the yawning gaps in priorities among various Party leaders. Thus, while all good Republicans could agree that Federalist policies were ruinous to the nation, they did not enter office with a clearly-defined platform. It should not be surprising, therefore, that the lines of cleavage within the Party became obvious only after 1800, for it was the electoral victory of Jefferson and his Party which forced them to deal constructively with the delicate problems of the day.

In the decade of the 1790s, the more radical wing of the Party hoped that a Republican victory would signal a thoroughgoing reform of government: the rooting out of Federalists from administrative positions, the dismantling of the Bank of the United States, and the amending of the federal Constitution to clip the power of both the federal executive and judiciary. As Jefferson's Administration progressed, however, it became clear that the Republican President was not going to call for any fundamental changes in the Constitution or move with any vigor toward dismantling the Federalist System.[1] To this, the radicals reacted differently. Some followed the lead of John Randolph and broke openly with the Administration. Others, perhaps out of personal loyalty to Jefferson, kept their opposition silent. What brought these men to join Randolph in open opposition to the Administration was the Embargo of 1807.

The Embargo was the outgrowth of sound republican doctrine. From the nonimportation agreements of the 1760s through

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Madison's discrimination resolutions of the 1790s, Republicans had argued the efficacy of using economic sanctions instead of military might to force political and economic concessions from Great Britain. It should not be surprising, then, that Jefferson decided against war with Great Britain in 1807 in the wake of the *Chesapeake* affair. Rather he opted for an interdiction on all of America's foreign trade in hopes of forcing Britain to retreat from her advanced position on impressment and spoilation of American commerce. For his "experiment" in "peaceful coercion" to work, it would have to be effectively maintained. The Congress, therefore, passed numerous supplementary acts designed to plug loopholes in the original act and give the President more powers to enforce the regulations. Jefferson and his cabinet officers used these powers energetically but encountered considerable resistance.[2]

Perhaps Jefferson's major fear about the Embargo was that it would alienate many good Republicans from the Party. Although he was primarily worried about Party members in New England and New York, the ironic fact is that many Virginia Republicans, self-styled "minority men", felt that in the Embargo Jefferson had gone too far. The minority men included in their ranks such prominent Virginians as John Taylor of Caroline, John Randolph, James Monroe, Benjamin Watkins Leigh, Littleton Waller Tazewell, and James M. Garnett.[3] In order to vindicate their principles, they attacked the Embargo as an impractical, poorly applied perversion of republican ideology. Although the Virginia minority Republicans occasionally contradicted each other (as has been the habit of politicians and parties throughout American history), they generally developed an internally coherent critique of Jefferson's experiment in peaceful coercion.

I.

Among the practical reasons for opposing the Embargo, none ranked higher than the measure's needlessness. To James Monroe, all the sacrifice of energy and treasure on the part of the people which Jefferson's experiment demanded was avoidable. Had the Administration merely accepted the Monroe-Pinkney Treaty of 1806 with England, the country would have been spared the ordeal.

The treaty, according to its understandably biased co-author, would have consolidated an alliance between the merchants of England and America and the increased trade between the two countries would have assured peace. With France as well, the treaty would have solved the nation's problems. "Had the treaty been accepted, our standing with France would have been much improved, for in that case a provocation from her tending to involve us in a war on the side of her antagonist would have been against the most obvious maxims of policy." John Randolph wrote to Monroe that, after seeing the correspondences which the President had laid before the Congress in relation to the treaty, the treaty was the best which could have been hoped for at the time. But, lest he give Monroe the wrong impression, he added that the treaty "in itself, . . . was highly beneficial to the U. S." [4]

The minority Republicans in Virginia objected to many of the particulars of Jefferson's experiment. Some wanted to save an embargo for use only as the ultimate weapon against France and England. Monroe was fearful that "if the experiment proves its inefficacy, by showing that . . . British Colonies and G[reat] B[ritain] could live without us then it ceases to be an object of terror in the future." Others, like John Taylor, felt that an embargo was only effective as a threat and should be so used. To Wilson Cary Nicholas, a close friend of Jefferson and supporter of the Embargo, Taylor expressed the fear that Jefferson's experiment "discloses the imbecility of this object of terror, which might have done us service for a long time, if we had not used it." [5] Still others pointed to the equivocations of American leaders who, on the one hand, presented the Embargo to the belligerent nations as merely an internal regulation of American trade designed to protect American goods and seamen, but, on the other, portrayed it to Americans as a measure of active resistance. "I have not the assurance to stand up on this floor," said Randolph to his House colleagues, "and declare that the embargo is resistance to the edicts of Great Britain and France, when I find our Government has given the Governments of those two countries an explanation of it so very different." Randolph did not hide the fact that he would prefer armed resistance. It was, he said, better "to perish in a glorious sally, than die by inches in the trenches of disease and

famine." The time for more positive action was the present. Any other course would result in the loss of independence.

> The cup of patience was exhausted. We had drained the chalice of humiliation to the dregs. If instead of asserting our rights against the aggressors we were determined to forego them forever, instead of re-enacting the Declaration of Independence, let us expunge it from the statute book, and agree to hold a middle rank in the scale of beings between the nations of Europe and the aborigonal savages.

Only by acting "in the most honorable, manly, and effectual way," could the nation hope to obtain a peace with honor.[6]

Closely linked with the desire of minority men for stronger measures was a realization that the Embargo was ineffective. It succeeded neither as a coercive nor as a protective measure and, at times, it seemed to work more hardships on the American people than it did on foreign nations. Randolph was bitterly sarcastic when he asked his House colleagues, "Were we not told that we would sweep the commerce of Britain from the ocean? And what has been the consequences? We have swept our own commerce from the ocean, and I fear we shall sweep our agriculture from the land." He felt that "It was high time that the vigor of this Government . . . should be displayed on some other objects than our own citizens." "A Philologist," writing to the minority men's organ, the Richmond *Spirit of 'Seventy-Six'*, quipped that the Embargo was:

> A talisman of such wonderful efficacy — of strange contradictory qualities — of such apparent mischief, but real good . . . this embargo is in reality working wonders for the benefit of the community, and curing all evils of the state, as it were by a charm at the very time when it seems to be producing utter ruin amongst all classes of honest people.

The Embargo had other unpleasant consequences for the nation. Randolph noted that it dried up the nation's tariff revenues and led to the closing of civil courts so as to "relieve men from paying their

just and lawful debts." If, for instance, the Embargo had forced Great Britain to close her courts of justice and dried up the Crown's source of revenue, then Randolph "would have been the last man to deny its efficacy .... But when he saw the actual operation upon us, and its operation on our enemies, on France and Great Britain, at least questionable, if not all together imaginary, he could not consent to continue it at such an expense of privation as the people must incur in consequence of it." [7]

These same Virginia Republicans were equally contemptuous of the Embargo as a system of protecting American seamen from impressment. Although conceding that the sailors were safe as long as they remained in America, James M. Garnett contended that "many of them [have been] driven to the painful alternative of starving, or seeking foreign service. The consequences has been, that they are immigrating . . . in great numbers to the British provinces, from whence the English fleets will inevitably get many more of them, than they ever did by the former violent and unjustifiable mode of impressment." Garnett concluded that Jefferson's experiment had merely substituted "*Hunger* for the *press gangs*." [8]

Minority Republicans were further distressed when they realized that the American people were beginning to perceive that it was their own government which caused their sufferings. Randolph argued that "in this case (whether right or wrong was perfectly immaterial) the system [the Embargo] had been such as to impress a great portion of the public with the opinion that their sufferings proceeded from the Government." This was particularly serious since republicans knew that republics rested on the faith people had in their government and not, as was the case in monarchies, in force. Supporters of the Administration understood the logic of the minority men. One of Jefferson's correspondents recommended war so that "the resentment of the people [would] be directed at the proper object — the Evils of War with England would be greatly counterbalanced by the effects it would produce on the politics of the country." [9]

Minority men took equally lethal aim at the Embargo as a measure of coercion. With characteristic acidity, Randolph remarked that "If the operation of our embargo abroad was such

as it had been at home, it might well have been boasted as a measure of coercion." He thought it was ridiculous for America to inflict punishment on itself and then ask the belligerents by suspending their decrees to relieve the nation from its sufferings. "We have hanged ourselves for spite, in hopes that one or the other of our enemies will come and cut us down. Both have refused, and it remains for us to say whether we will longer dangle in our garters."[10]

Republicans who opposed the Embargo emphasized over and over again the economic hardships which peaceable coercion imposed upon the citizenry. James M. Garnett put it bluntly when answering his own question concerning its operation: "Commerce has been annihilated." The "embargo has destroyed that which it sought to protect." It amused John Randolph that the general government, having been established to further commerce, was now destroying it. In the years immediately following the Constitution's ratification, the commercial interests had contended with the agricultural interests for the favors of the federal government; but now both factions had united, "the one to prevent the growth, and the other to prevent the carriage of produce." Other minority men were concerned that enforcement laws made legal channels of commerce too burdensome for the people. "A Looker On" was struck by the fact that the Embargo laws, by requiring "bonds with security to the enormous amount of three hundred dollars for every ton which a vessel contains," would prohibit many individuals formerly engaged in the coasting trade from pursuing their normal occupation.[11]

Although not insensitive to the hardships caused by the Embargo in other parts of the Union, minority Republicans from Virginia made it clear that their own state was the one which suffered the most from peaceable coercion. "If we pursue this course of policy," John Randolph remarked, "the product of New England fisheries may be consumed, the rice of South Carolina may be eaten, and the cotton of Georgia may be spun. What is the tobacco planter to do with his two crops of that ridiculous and naeseous luxury? What is he to do with the third crop, for the time is fast approaching when preparation must be made to plant it?" Prices for tobacco and flour, Virginia's two main exports, were only as high as they were, he complained, because of smuggling.[12]

Irritating the minority men as much as the fact that the Embargo caused farmers to suffer was the fact that only those engaged on the seamy side of economic life profited. In characteristically bitter terms, John Randolph struck out against smugglers, speculators, merchants, and usurers. He claimed that "when the embargo was laid, there were those who made money on it, because they got earlier intelligence of it than their fellow citizens; and now, when the embargo is in operation, there are those who do not suffer under it . . . . The operation of the embargo is to furnish rogues an opportunity of getting rich at the expense of honest men." These rogues were the "dishonest daring mercantile adventurers" who cheated the "growers . . . out of fifty percent of the produce of their land and labor" and the speculating smugglers who "bought at home at half price and sold abroad for three or four prices." "It was not the Shylocks of this country . . . who were opposed to the embargo . . . . Men of that character were among its most distinguished advocates." John Taylor, the philosopher of the agrarian class, summed up this sentiment in a few short words when he told Wilson Cary Nicholas that the Embargo "impoverishes agriculturists, [and] enriches a few landless merchants . . . ." Although the minority men debated whether the merchants were corrupt at heart or were merely using the Embargo to ply their trade for more profit, all agreed that the smuggling which accompanied the Embargo sapped the nation's moral fiber.[13]

If the minority men had one eye on the moral fiber of the nation, the other was on politics. Here they feared that the Embargo might revive the sagging fortunes of the Federalist Party. In May 1808, Taylor worried that the people would associate the evils caused by the Embargo "with republican principles; and the federal principles will assert that they are calculated to remove them." What was prophecy in May was borne out as revealed truth by the fall elections. In writing to James Monroe, Littleton Waller Tazewell, a prominent Norfolk attorney and ardent republican, could hardly conceal his regret. The cause of the present Administration, he believed, had so alienated the people that it gave new life to the Federalist Party everywhere.

> A party who four years ago could scarcely show a single man, now presents a terrible front — New Hampshire, Massachusetts, Rhode Island, Connecticut, Vermont, Delaware, more than half of Maryland, and a full third of North Carolina are certainly arranged in their bottle. Jersey, South Carolina, and Ohio are so doubtful that no one can say what they will do. And intrigues are at this day practising [sic] in Pennsylvania and New York to attain their cooperation should the Federals cause be unable to sustain itself.[14]

Monroe, writing to Taylor several months later, expressed similar fears about the "ascendancy which the Essex Junto has gained in Massachusetts." Specifically, he was worried that the Federalists in New England would use their newly won power to force a confrontation with the federal government. "Should a collision take place between it and the general gov[ernmen]t on the subject of the present measure [the Embargo], it is not easy to foresee the consequences." One M. M. Robinson of Smithfield, Virginia, wrote to John Hartwell Cocke that "of all the evils, that can arise from it [the Embargo], civil war is the most terrible, and must be the most disastrous in its consequences; and there is too much cause to fear, that this unhappy fate awaits us." As proof, he enclosed a letter from a doctor living in Salem, Massachusetts, describing how tired the citizenry of his state was of the Jeffersonian experiment and predicting that civil war would likely result from it.[15]

Minority Republicans in Virginia complaining about the gains of the Federalists never spoke about the gains made by that Party in their own state. Although it is difficult to tell with any precision to what extent the Embargo influenced politics in the state, the fact is that Virginia Federalism enjoyed a modest revival. In the April, 1809, congressional elections, the first since the passage of the Embargo, but after it had been repealed, the voters of Virginia returned six Federalists in Virginia's twenty-two member Congressional delegation. This was the highest number since the elections in 1799 at the height of the Quasi War. This does not mean, however, that the Federalist Party ever rivaled the strength of the Republicans in the state. The evidence indicates that Republicans easily retained control over the state legislature.

Furthermore, in the state-wide elections for president, the relative strength of the two parties remained remarkably stable from 1800 to 1812. Perhaps a safe conclusion would be that the Federalists, practically eliminated as a political force after 1800, returned to just under its 1799-1800 strength in the period of the Embargo. That this modest revival paralleled Jefferson's experiment in peaceful coercion was probably not coincidental.[16]

It is possible that the minority Republicans did not worry about the slow rise of Federalism in Virginia because their own status was under heavy attack by the regular Republicans as a result of their opposition to the Party's policies. Alexander McRae, the regular Republican candidate for lieutenant governor in 1805, unanimously elected President of the Virginia Council of State in December, 1807, was purged from the Council in January, 1809, because of his support of the ill-fated Monroe presidential candidacy in 1808. In February, 1809, he complained to Jefferson that he was "a victim to [of?] unmerited resentment, excited by the independence with which I acted in the late Presidential Election." He insisted that he was a true Republican, and that he would willingly support Madison now that the people had spoken. He was incredulous, however, that "such a spirit of intolerance could be exercised against me for acting in an independent manner." [17] Similarly, John Randolph expressed his fear that "the Party" was scheming to dupe the people into voting him out of office. He remarked to James Monroe that the Administration was using war, or the threat of war, to smash all political opposition. Such a policy smacked of the Federalists' tactics in 1799 and 1800: "So as Mr. Adams went to war with France to put down the French Faction, as he termed us; the present adm[inistratio]n go[es] to war with England to destroy the English faction, as they style their opponents."[18]

II.

Although the Virginia minority men devoted much time and energy to attacking the particulars of the Embargo, they aimed their heaviest guns at what they felt was the majority Republicans' betrayal of principle. If nothing else, the minority were men of high

principles and in the Embargo and its enforcement they thought they saw all of the principles which they cherished most deeply being trampled under foot. The presidency was gaining in power at the expense of the legislature. The federal government was increasing the scope of its activity to the detriment of the states. They saw the Republicans adopting Federalist principles, and the fact that the Republicans were doing the trampling instead of Federalists officeholders was of no solace, but rather reinforced the minority men's conviction that the Constitution needed to be amended to secure fundamental changes. Only in this manner would the power of the general government be reduced and the possibility of another embargo be prevented. They truly wanted a government of law not of men; one that would be incapable of using the "wiles of construction" to oppress the people.

Minority men in public forums pretended to be dumbfounded as to why the Party regulars should exhibit such a spirit of vengeance. James M. Garnett protested that, since his opposition to the Administration was based on principles, he deserved the respect not the enmity of party regulars. "A Looker On" informed his readers that the Embargo enforcement law passed in January, 1809, "contains many provisions sufficiently alarming to the real friends of liberty and the constitution to render their [the minority's] opposition to it at least pardonable, if not entirely justifiable." [19]

The spirit of vindictiveness exhibited by the majority prompted the minority faction to worry about what today might be called the "cult of personality". "A Philologist" noted the new meanings which Whig and Tory had taken in the day's political lexicon. The former term now applied to those who felt that Jefferson was the "wisest and greatest man that ever lived," and the Tory label was used indiscriminately to indicate "those who dare to believe that there have been, if there are not now, some men who [are] at least equal if not superior to our present chief magistrate," particularly in their ability to handle the nation's foreign affairs. He concluded that patriotism now meant "nothing better than 'being in the majority.' " In a letter to the Richmond *Enquirer*, "Anti-Phocian" remarked that Randolph was being criticized for not exhibiting the blind loyalty to certain persons for which only dumb animals were

usually praised. Edward Stannard, the editor of the *Spirit of 'Seventy-Six'*, was perhaps speaking for all of the minority men when he acknowledged that he was "not of the opinion that the government can do no wrong."

> The Editor is therefore an enemy of Idolatry; of which from the commencement of our government, we have had too much. Blind trust in those who govern is the most absurd, as well as the most fatal, of all national delusions. The jealousy which produces watchfulness among the people, is the first and most valuable trait in the character of republicanism. Who have been so successful in their efforts to establish tyranny as those who have had the art to acquire unbounded popularity? Let the late Revolution in France, let all history speak.

Stannard, and other minority men, styled themselves the watchdogs, not the gravediggers of the American Revolution. By taking such a stance, they realized that they would lay themselves open to the charge of splitting the Party; yet they could not understand how the majority could attack them as being unscrupulous, for they were merely following the dictates of their consciences.[20]

The minority men pointed out in a similar vein that Jefferson was using this blind obedience of Republicans to him to increase his power over the legislature, thus, in effect, removing Congress's check over the Executive. "Caio", in writing to the Freeholders of Caroline, Essex, King and Queen, and King William Counties, objected to the increased influence which the executive branch had acquired over the Congress. "By the influence of Mr. Jefferson's name, as by a talisman, measures which would formerly have been branded with the appelations of tyranny and oppression, are now styled virtuous and patriotic." Indeed, such was Jefferson's influence over Congress that it had given him too much discretionary power, according to the minority men, thus allowing him to make laws himself, bypassing Congress altogether. "A Looker On" remarked that several provisions of the Embargo acts gave "to the directions of the President the force of law." John Randolph saw a similar danger in a provision allowing the

President to suspend the operation of the Embargo. He felt that this was granting too much discretionary power to the President, for he had virtually unfettered "power to regulate the commerce of the United States as he pleases." The "objection to this bill is, that under the pretense of qualification to discretion, under the mask of restricting the power, you do in fact give him unqualified power . . . ." [21]

With the examples of Federalists using the military for partisan purposes in the 1790s and Napoleon's *coup d'etat* in 1799 fresh in mind, the minority men worried out loud about the baneful effects on liberty of the increasing power of the military. "Caio" was troubled that under the Embargo "the civil [authority] is rendered in a great measure subordinate to the military power." "A Looker On" was concerned that the Embargo "empowers the President to confer on collectors, or on whomsoever else he pleases, the authority to call out the military." Likewise, the customs agents, under the grant of authority given the President, could negate the Fourth Amendment guarantees against unreasonable searches and seizures. "The persons and property of the people are subjected to unreasonable searches and detentions" since "it [the Embargo] vests the collectors of revenue [with] the discretionary power to seize and detain upon suspicion, whether by land or by water, every species of goods or country produce." Most minority Republicans, however, had enough faith in Jefferson to doubt seriously that he would exercise his powers to the fullest extent allowed by the law. "He *may* do this," said Randolph, "I am far from suspecting it; I am speaking of the nature of the power granted . . . ." "Caio" also doubted that Jefferson would make himself into a tyrant; but he was unwilling to rely on the "mercy and forebearance of an individual for our most essential rights." [22]

As an article of faith, minority Republicans felt that the state governments were the best protectors of the people's rights. Since they were distrustful of large and distant governments, it was with even greater alarm that they viewed the Embargo as sapping the states of their strength. John Randolph argued that because the Embargo dried up the national government's source of revenue the sovereignty of the state governments was in danger. "Whence is it [the general government's revenue] to be derived . . .? You must

look at home for it; there is nothing left but direct taxation and excise duties." Thus the state and federal governments would be competing for the same tax funds, which, in fact, would be no competition at all. The federal government would eliminate the states and would therefore have to direct its attention "to matters of municipal and local concern." This, of course, was contrary to the Constitution as well as fundamental republican principle.[23]

Other minority men worried less about the effects the Embargo might have on the states, but instead were upset that it would unconstitutionally favor one section of the country to the detriment of the others. In a lengthy letter to Jefferson, expressing "several opinions in relation to the present aspect of our publick affairs," John Taylor unbosomed himself fully upon the President. The "inducement" which the Embargo would give to "the manufacturing spirit" particularly worried Taylor. His point of departure was that the "power given to the general government to lay taxes, duties, etc. is limited by a necessity for uniformity, and an inhibition to tax exports or to bestow commercial preferences." The Constitution strictly forbade any action by the general government which, however, indirectly, contravened these principles. That is, since Congress could not favor manufacturing or hinder agriculture by direct means, neither could it do so by indirection. If things were any different, the various sections of the nation would fight for control of the government. The winner would then use the government to "deal out wealth or poverty to whatever section of the union it pleases," something "which the constitution intended to prohibit." Taylor admitted that the Embargo acted with nominal equality in its effects on each section since it prohibited equally the export of agricultural as well as manufactured products. This was, to Taylor, irrelevant since the United States did not export manufactured goods while it did export agricultural produce. Furthermore, the Embargo, by encouraging domestic manufacturing would lead to the manufacturers demanding protective tariffs when the Embargo was lifted. "One part of the union must therefore receive the bounty of protecting duties, and the other pay the penalty . . . ." "This," he concluded, "will split the nation into rival and jealous interests, the interests with which tyranny . . . works." [24]

The Embargo served to reinforce the minority men's fear and distrust of the judiciary. These Republicans were annoyed that the federal judiciary had not declared the offensive actions of Congress unconstitutional, but rather had upheld them. Such disgust prompted "A Philologist" to define an "Upright Judge" as "The one who can find the best excuse for an unconstitutional law." [25]

A recurring theme in the writings of many of the opposition Republicans was that the Administration had resorted to tactics which smacked of Federalism. In the 1808 presidential contest Taylor said that he favored Monroe to Madison because the latter was reputed to be an author of *The Federalist* which contained some principles as obnoxious as those ever espoused by John Adams. "Caio" phrased the question somewhat differently when he invited every Republican to ask himself if "these laws [would] have met with the same approbation from the same [Republican] party if they had been ushered into existence under the auspices of Mr. Adams instead of those of Mr. Jefferson?" Of course not, he replied; the Embargo laws were but an extreme example of the perfidy of the majority Republicans, those "false pretenders to republicanism," who bear the name, but not the true principles of the Party. Randolph remarked to his House colleagues that the Embargo reminded him of the times, "the energetic times, as they were called, when the Constitution was trampled under foot; when some men dared to risk the sentence, 'that the parchment had better be burnt.' I am unwilling to see such principles govern, let who will be at the head of affairs . . . ." It was Garnett who perhaps expressed this sentiment best. "We are all too much in the habit," he remarked, "of confounding principles, with men — of appearing to think that a change of *names* can alter the nature of things. Federalist principles are still Federalist even when espoused by Republicans." In a valedictory address to his constituents upon his retirement from Congress in 1809, he concluded that

> A very limited experience in public life, and a very slight observation, will be sufficient to convince us that both these classes of politicians [Republicans and Federalists] often depart in practice from the principles which they profess. Whenever they do, their acts assuredly should be called by the names that properly belong to them.

In power, the Republicans were not practicing the principles which they had preached when in opposition.[26]

III.

Those Republicans in Virginia who opposed Jefferson's Embargo were small in number and their popular following was, in all probability, not very wide. In the 1808 presidential election, for instance, Monroe received most of his support from Federalists. In only fifteen of ninety-nine counties did a recognizable proportion of his vote appear to come from Republicans.[27]

This small number of Virginia Republicans, however, included some of the most influential and intellectually vigorous men in the party. Hoping that Jefferson's election would signal the beginning of an era of fundamental reforms, they slowly became disillusioned with the first Republican President for his temporizing behavior. It was during the Embargo that the disparate opposition groups solidified and mounted their first attack on the Republican party in power. In newspapers, in public forums, and in private correspondences, they assailed Jefferson's experiment on a number of grounds: economic, political, practical, and, most importantly, ideological.

To most of the minority's arguments, the regular Republicans demurred or offered only half-hearted defenses. For them the crisis which necessitated the Embargo was real and called for affirmative action. In trying to preserve the peace but win respect for American rights from stubborn belligerents, the regular Republicans were not averse to stretching the Constitution to meet the felt necessities of the time. Furthermore, they pointed out that they were drawing on equally strong Republican traditions: economic sanctions and hostility to the English commercial system. They acknowledged in so doing they were causing some economic hardship but felt that this would only be short-lived. Besides, if their experiment worked, the nation would be more prosperous than ever. The minority's stubborn adherence to principles in the face of such grave dangers was akin to treason and an open invitation to commit national suicide. What convinced them that they could perhaps wink at their own constitutional misgivings was

that Jefferson, a person whom they trusted implicitly, was president. Furthermore, he was to be followed by another, equally trustworthy, native son, James Madison.

The crucial question becomes why these reasons were compelling to the vast majority of Virginia's Republicans, but not to the minority. As members of the radical wing of the early Republican Party, the minority men inherited the prejudices and fears of the doctrinaire Anti-federalists. They distrusted governmental largess, viewing state and local governments as the best protectors of the people's liberties. To them, these principles were more important than results; if the only way to save the country was through unconstitutional or immoral means, then it was not worth the effort. They were men who cast a wary eye into the future and were troubled by the fact that if Jefferson could, by the "wiles of construction", pervert the Constitution, then so could the Federalists. Two could play the game of *"la patrie en danger."* Starting from the premise that the nature of power was to seek its own augmentation, the minority men worried lest the example of the French Revolution repeat itself in America. They feared that any leader was a potential Napoleon.[28] Indeed the comparison between Jefferson and Bonaparte was not as outlandish as it seems at first glance, for both had risen to power by virtue of extraordinary popular acclaim. Although most minority men clearly did not believe that Jefferson would become a dictator, they were unwilling to take the chance. In any event, his successors could build upon his example.

Without a native Virginian and a Republican as President, it is unlikely that the majority men would have wholeheartedly supported an embargo similar to Jefferson's. Minority men scored telling blows when they pointed out that, during the Quasi War, the majority men had shown no affinity for the vigorous measures of the Adams' Administration. To be sure, Adams was a Federalist and could thus expect to command little support from Republicans; and furthermore, his measures had been directed primarily at France, a nation to which the Republicans still had strong intellectual and emotional ties. Although these factors help to explain the majority's behavior denouncing Adams' policies while supporting Jefferson's Embargo, they do not take into account the

fact that much of the Republican attack on Adams was based on his aggrandizement of the national government's power.

Significantly, after the War of 1812, many of the erstwhile majority men backed away from the heady nationalism which they had expressed during the days of the Embargo. The nation was safe from external dangers so Virginians saw no need for an active, "consolidationist", central government. Furthermore, it became readily apparent, at least by 1820, that the next President would not be a Virginian. The dynasty would come to an end. In addition, the Missouri Crisis showed Virginians clearly the potential dangers of allowing the central government too much power. For whatever the reasons, Virginia's majority Republicans quietly discarded their nationalism of an earlier day, espousing instead the rhetoric of the minority men during the Embargo crisis.[29] Once again Virginians united on the principles of state rights and limited central government. In this sense, the minority men were a decade ahead of their time. As the Civil War was to show, however, they were not really the harbingers of a new era, but relics of the past awaiting their turn to be swept into the dust bin of history.

FOOTNOTES

[1] The sentiment of the radical wing of the party was perhaps best expressed by Edmund Pendleton in his pamphlet "The Danger Not Over", first published as a letter in *The Enquirer* (Richmond), 20 October 1801. Although content with Jefferson's election, Pendleton argued that, by itself, this was not enough. After outlining Federalist abuses, he proposed eight constitutional amendments which would, he felt, "erect new barriers against folly, fraud, and ambition." For a full copy of the pamphlet, see David Mays, coll. and ed., *The Letters and Papers of Edmund Pendleton, 1743-1803*, vol. II (Charlottesville, Virginia, 1967), 695-9.

[2] The standard works on the Embargo are Walter Jennings, *The American Embargo, 1807-1809: With Particular Reference to its Effects on Industry*, in *The University of Iowa Studies in the Social Sciences*, vol. VIII, no. 1 (Iowa City, 1921), and Louis Sears, *Jefferson and the Embargo* (Durham, 1927). Two recent studies on Jefferson contain the most up to date account on the subject: Dumas Malone, *Jefferson and his Times*, vol. V, *Jefferson the President: Second Term, 1805-1809* (Boston, 1975) and Merrill *Peterson, Thomas Jefferson and the New Nation: A Biography* (New York, 1970). Henry Adams' *History of the United States During the Administrations of Jefferson and Madison*, Book IV, also contains an excellent discussion of the Embargo. For a description of the initial Embargo laws and the four supplementary ones, see Jennings, *Embargo*, 38-53; Adams, *History*, IV,

152-77; and Malone, *Jefferson*, V, 469-90. For a good discussion of the economic dimensions of Republican ideology, see Drew McCoy, "Republicanism and American Foreign Policy: James Madison and the Political Economy of Commercial Discrimination, 1789-1794", in *The William and Mary Quarterly*, 3rd Series, vol. XXXI, no. 4 (Oct., 1974) 633-46. For the difficulties which Jefferson had enforcing the Embargo, see Malone, *Jefferson*, V, 560-621; Sears, *Jefferson*, 60-96; and Adams, *History*, IV, 249-71.

[3] Peterson's *Jefferson*, 903-11, discusses the President's despair over wayward Republicans. Harry Ammon has done much research on the Virginia Republicans. For the split in the party during Jefferson's presidency, see Ammon's "The Republican Party in Virginia, 1789-1824" (Unpublished Ph.D. Dissertation, University of Virginia, 1948), 273-99; and his "James Monroe and the Election of 1808 in Virginia", in *The William and Mary Quarterly*, 3rd Series, vol. XX, no. 1 (Jan., 1963) 34-9.

[4] James Monroe to John Taylor, Richmond, 9 January 1809, James Monroe Papers, Library of Congress (hereinafter cited, JM); John Randolph to Monroe, Georgetown, 26 March 1808, JM.

[5] Monroe to Taylor, Richmond, 9 January 1809, JM; Taylor to Wilson Cary Nicholas, Caroline, 10 May 1808, Edgehill-Randolph Collection, University of Virginia (hereinafter cited, ER).

[6] *Annals of Congress*, 10th Cong., 2nd Sess., 594-6 (30 November 1808); *ibid.*, 683-4 (3 December 1808); *ibid.*, 1341 (3 February 1809). Littleton Waller Tazewell agreed completely with Randolph. After the *Chesapeake* affair he advocated an immediate declaration of war. See Hugh Grigsby, *Discourse on the Life and Character of Littleton Waller Tazewell* . . . (Norfolk, 1860), 46-9.

[7] *Annals of Congress*, 10th Cong., 2nd Sess., 601 (30 November 1808); *ibid.*, 686 (3 December 1808); *The Spirit of 'Seventy-Six'* (Richmond), 13 January 1809; *Annals of Congress*, 10th Cong., 2nd Sess., 680 (3 December 1808).

[8] *Annals of Congress*, 10th Cong., 2nd Sess., 680 (3 December 1808); *ibid.*, 602 (30 November 1808); Taylor to Nicholas, Caroline, 29 August 1808, ER; *The Spirit of 'Seventy-Six'*, 13 September 1808.

[9] *Annals of Congress*, 10th Cong., 2nd Sess., 1337-8 (3 February 1809); *The Spirit of 'Seventy-Six'*, 13 September 1808; Archibald Stuart to Jefferson, Staunton, 23 December 1808, Thomas Jefferson Papers, Library of Congress (hereinafter cited, TJ-LC).

[10] *Annals of Congress*, 10th Cong., 2nd Sess., 679-80 (3 December 1808); *ibid.*, 602 (30 November 1808).

[11] *The Spirit of 'Seventy-Six'*, 13 September 1808; *Annals of Congress*, 10th Cong., 2nd Sess., 598 (30 November 1808); *The Spirit of 'Seventy-Six'*, 20 January 1809.

[12] *Annals of Congress*, 10th Cong., 2nd Sess., 598 (30 November 1808).

[13] *Annals of Congress*, 10th Cong., 1st Sess., 2238-9 (19 April 1808); *The Spirit of 'Seventy-Six'*, 13 September 1808; *Virginia Herald*, (Fredericksburg), 11 March 1809; Taylor to Nicholas, Caroline, 10 May 1808, ER; Taylor to Nicholas, 17 April 1808, ER; *The Spirit of 'Seventy-Six'*, 11 March 1809; *Annals of Congress*, 10th Cong., 1st Sess., 2240 (19 April 1808).

[14] Taylor to Nicholas, Caroline, 10 May 1808, ER; Littleton Waller Tazewell to Monroe, Norfolk, 8 October 1808, JM.

[15] Monroe to Taylor, Richmond, 9 January 1809, JM; M. M. Robinson to John Hartwell Cocke, Smithfield, 28 January 1809, John Hartwell Cocke Papers, University of Virginia (hereinafter cited, JHC).

[16] Daniel Jordan, "Virginia Congressmen, 1801-1825" (Unpublished Ph.D. Dissertation, University of Virginia, 1970), Appendix II, 359-68, 377-42; Charles Ambler, *Sectionalism in Virginia from 1776 to 1861* (Chicago, 1910), 87-90; and Norman Risjord, "The Virginia Federalists", in *The Journal of Southern History*, vol. XXXIII, no. 4 (November, 1967) 507-9.

[17] For McRae's strange career, see Norman Risjord, *The Old Republicans: Southern Conservatism in the Age of Jefferson* (New York, 1965), 72-9; *Virginia Argus* (Richmond), 1 January 1808; *The Enquirer*, 3 January 1809; and Alexander McRae to Jefferson, Richmond, 14 February 1809, TJ-LC.

[18] Randolph expressed his fears most openly to James M. Garnett in four letters from Bizarre: 27 May 1808, 24 July 1808, 25 September 1808, and 18 March 1809, Randolph-Garnett Transcript, Library of Congress; see also, Randolph to Monroe, Georgetown, 1 January 1809, JM.

[19] *Virginia Herald*, 11 March 1809; *The Spirit of 'Seventy-Six'*, 20 January 1809.

[20] *The Spirit of 'Seventy-Six'*, 13 January 1809, 13 September 1808; *The Enquirer*, 16 February 1808.

[21] *Virginia Herald*, 8 March 1809; *Annals of Congress*, 10th Cong., 1st Sess., 2198-9 (19 April 1808).

[22] *Virginia Herald*, 8 March 1809; *Annals of Congress*, 10th Cong., 1st Sess., 2238 (19 April 1808).

[23] *Annals of Congress*, 10th Cong., 2nd Sess., 674-8 (3 December 1808).

[24] Taylor to Jefferson, Port Royal, 23 December 1808, TJ-LC.

[25] *The Spirit of 'Seventy-Six'*, 13 January 1809.

[26] Taylor to Nicholas, Port Royal, 5 February 1808, ER; *Virginia Herald*, 8 March 1809; *Annals of Congress*, 10th Cong., 2nd Sess., 1348 (3 January 1809); *Virginia Herald* 11 March 1809.

[27] In the Counties where Monroe received over 10% of the vote, I compared his vote to the Federalist vote of 1800. In the following counties his percentage of the vote was larger than the 1800 Federalist percentage by ten points or more: Brooke, Caroline, Charlotte, Goochland, Halifax, Norfolk, Nottaway, Pendleton, Prince Edward, Princess Anne, Surry, Sussex, Warwick, Westmoreland, and Wood.

[28] It appears to be a common phenomenon among leaders of a nation which has just emerged from a successful revolution to compare their revolution with ones that have failed and to be on guard lest the errors which proved fatal in the unsuccessful ones manifest themselves in their own. In Russia, for example, Lenin chose the example of the Paris Commune of 1871 and was quite proud that his Revolution survived longer. Louis Fischer, *The Life of Lenin* (New York, 1964), 195. After Lenin's death, Soviet leaders consciously used the example of the French Revolution of 1789. They especially worried that some popular leader would engineer a *coup d'etat* and destroy the gains of the Revolution, as Napoleon had done in France in 1799. It was the fact that Trotsky fit this description so well that

led, in part, to his downfall. Issac Deutscher, *Stalin: A Political Biography*, 2nd ed. (New York, 1966), 273; Issac Deutscher, *The Prophet Unarmed, Trotsky: 1921-1929* (New York, 1959), 94-5.

[29] Perhaps second only to John Taylor as the philosopher of the state rights school was Spencer Roane, long-time Chief Judge of the Virginia Court of Appeals. During the Embargo, however, Roane took an ultranationalist position and urged vigorous enforcement of the Embargo. Writing to Wilson Cary Nicholas, Roane said: "My opinion, therefore, coincides, I suspect, with yours and with what I understand is contemplated at Washington; that is to continue and reinforce the provisions of the embargo, and perhaps encourage associations for the purpose of denouncing and stigmatizing its violation . . . ." Spring Garden, 5 January 1809, Wilson Cary Nicholas Papers, Library of Congress.