

DELIVERING UNPALATABLE TRUTHS: LESSONS LEARNED
FROM ALEXANDER HAMILTON AND THE JAY TREATY DEBATE

A Thesis
submitted to the Faculty of
The School of Continuing Studies
and of
The Graduate School of Arts and Sciences
in partial fulfillment of the requirements for the
degree of
Master of Arts in Liberal Studies

By

Matthew D. Nowacki, B.B.A.

Georgetown University
Washington, D.C.
March 14, 2013

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Matthew D. Nowacki, B.B.A

MALS Mentor: Charles E. Yonkers, J.D.

ABSTRACT

Alexander Hamilton believed that political leaders should address the public with candor and confront them with unpalatable truths when passion led them to favor policies that betrayed their true interest. Hamilton's role in shaping public opinion in favor of the Jay Treaty, which was negotiated between the United States and Great Britain by John Jay in 1794, provides a valuable case study with lessons for modern leaders on how to guide public discourse concerning challenging policy issues.

As the first Secretary of the Treasury in the Washington Administration, Hamilton played an integral role in preventing the United States from becoming engulfed in the war between Great Britain and Revolutionary France from 1793-1796. Hamilton knew that the United States had the potential to become a great power, but that a war at this early stage in the country's development could prove catastrophic. This paper will analyze Hamilton's role in crafting a strategy for John Jay's negotiations with Great Britain and his response to the public's poor reception of the treaty. He authored a series of published essays under the pseudonym "Camillus" that was essential to changing the tide of public opinion in support of the treaty.

Hamilton was able to break the thrall of the public against the treaty by describing the practical outcomes and engaging the people in calm, reasoned arguments. He acknowledged the agreement was imperfect, but he made the case that the overall measure deserved to be enacted. Hamilton was the first American politician to present the people with unpalatable truths, instead of flattering the opinion of the majority. This paper will study Hamilton's actions during the Jay Treaty debate and argue that modern political leaders must advocate positions based on an honest assessment of the country's interest, and not polls and public opinion. The public and media should demand to hear difficult truths from their leaders and value those that comply.

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INTRODUCTION

Alexander Hamilton believed that political leaders should address the public with candor and confront them with unpalatable truths when passion led them to favor policies that betrayed their true interest. Hamilton's role in shaping public opinion in favor of the Jay Treaty, which was negotiated between the United States and Great Britain by John Jay in 1794, provides a valuable case study with lessons for modern leaders on how to guide public discourse concerning challenging policy issues.

As the first Secretary of the Treasury in the Washington Administration, Hamilton played an integral role in preventing the United States from becoming engulfed in the war between Great Britain and Revolutionary France from 1793-1796. Hamilton knew that the United States had the potential to become a great power, but that a war at this early stage in the country's development could prove catastrophic. This paper will analyze Hamilton's role in crafting a strategy for John Jay's negotiations with Great Britain and his response to the public's poor reception of the treaty. He authored a series of published essays under the pseudonym "Camillus" that was essential to changing the tide of public opinion in support of the treaty.

The debate over the Jay Treaty was the culmination of an emerging trend towards increased participation by the people in debates over public policy. In addition, the episode was a catalyst in the formation of the Federalist and Republican parties, and it set a number of precedents in the ongoing power struggle between the executive and legislative branches of government. This period in American history has many

similarities to the modern political environment including: a deeply divided country, partisan gridlock in the legislature, and a public caught in fervor against necessary policies.

Hamilton was able to break the thrall of the public against the treaty by describing the practical outcomes and engaging the people in calm, reasoned arguments. He acknowledged the agreement was imperfect, but he made the case that the overall measure deserved to be enacted. Hamilton was the first American politician to present the people with unpalatable truths, instead of flattering the opinion of the majority. This paper will study Hamilton's actions during the Jay Treaty debate and argue that modern political leaders must advocate positions based on an honest assessment of the country's interest, and not polls and public opinion. The public and media should demand to hear difficult truths from their leaders and value those that comply.

Chapter I will examine the historical context that resulted in the Jay Treaty and led to Hamilton's conviction that it must be ratified, despite its unpopularity. The chapter will discuss American efforts to remain neutral as war erupted between Great Britain and France. This section will address the popularity of the French Revolution with the American people in 1793, despite the escalating violence in that country. This chapter will also analyze the main points of contention between the United States and Great Britain that threatened to lead the two nations into war. Britain was enacting abusive policies toward American shipping in its efforts to harm French trade. In addition, Britain continued to hold posts in the Northwest region of the U.S. that were due to be returned in the Peace Treaty of 1783, which ended the Revolutionary War.

Chapter II illustrates the role Hamilton played in crafting John Jay's diplomatic instructions and the context of the Jay Treaty negotiations. The reception upon the treaty's arrival in the United States in January 1795 was hostile, and Hamilton had to convince President Washington and the public that although the treaty was imperfect, the hard truth was that it was essential to the security and prosperity of the country. This chapter analyzes Hamilton's letters to President Washington and his published essays under the penname "Camillus."

Chapter III discusses the attitudes of the emerging Federalist and Republican parties toward the evolving role that the public played in policy debates from 1793-1796. This section will show how Hamilton was the first American politician to not only explain policy to the people, but confront them with difficult realities. Hamilton feared direct democracy and mass public gatherings to demonstrate popular opinion, but he excelled at educating the people on policy and explaining the necessity of making sacrifices for the interest of the nation.

Chapter IV will address the tension that existed between collective action and individualism in the 1790s and continues to pose problems today. This chapter will analyze modern examples where the executive branch has failed to lead responsibly, explain policy to the people, and ask the public to recognize critical challenges. Chapter IV will also discuss twenty-first century examples of unpalatable truth tellers and the need for political leaders to embrace a trend toward frank openness with the people.

The conclusion will argue that Alexander Hamilton's actions in the Jay Treaty crisis provide a valuable case study to modern leaders on the necessity of recognizing

when the people's passion departs from their country's interest. Political leaders must take a greater role in explaining policy to the people in terms of tangible benefits and consequences. Alexander Hamilton addressed the people with the same intelligence and candor that he used to persuade George Washington of the wisdom of the Jay Treaty. Modern political leaders would be wise to engage the public in honest analysis of difficult issues, even when not immediately popular.

CHAPTER I

NAVIGATING EUROPEAN ENTANGLEMENTS

In August 1795, in the midst of an intense public debate over the Jay Treaty, Alexander Hamilton called on “the understandings and hearts of candid men, men who have force of mind sufficient to rescue themselves from the trammels of prejudice and who dare to look even unpalatable truths in the face.”¹ He was pleading with the people to allow a reasoned discussion of the practical implications of the treaty and a sober assessment of the country’s interests. The Jay Treaty episode marked an increase in the involvement of the American public in the discourse on policy issues. The emerging Republican Party, led by Thomas Jefferson and James Madison, supported broad involvement of the people in policy decisions. Whereas, Hamilton believed that political leaders could not base decisions solely on popular majority approval, but that the people needed leaders that would engage them in serious discussion of policy options, and when necessary confront them with unpleasant realities and difficult choices.

War broke out between Great Britain and France in the spring of 1793, and John Jay was sent as an envoy to negotiate crucial differences between the U.S. and Great Britain in June 1794. The treaty that resulted from these negotiations caused a public uproar. The debate continued until the House of Representatives approved funds to

¹ Alexander Hamilton, “The Defence No. IV,” August 1, 1795, in *The Papers of Alexander Hamilton*, ed. Harold C. Syrett (New York: Columbia University Press, 1973), XIX: 85.

carry out the treaty in April 1796. During this period, the country survived several diplomatic and domestic crises that served as a catalyst in the formation of the Federalist and Republican parties. As the parties matured and had major national challenges to respond to, they increasingly looked to the public to demonstrate their support in an effort to apply pressure to Congress and the President to take particular actions or enact specific measures.

Alexander Hamilton played a crucial role for the developing Federalist Party in the engagement of the public during this period. Most significantly, his essays under the pseudonym “Camillus,” in favor of the Jay Treaty, challenged the people with a frank and intelligent discussion of the nation’s interests, and he was able to turn the tide of opinion in favor of the treaty. In the words of historian Broadus Mitchell, “he placed every feature of the treaty in a just light as it bore upon the interests of this country...Jay’s Treaty would probably not have been approved without the education of the public in Camillus’ persuasive expositions.”²

Efforts to Remain Neutral

The events that led to the negotiation and ratification of the Jay Treaty are complex and involved extremely high stakes that threatened to permanently damage the development of the United States, if not disband the country entirely. The episode was first set into motion in 1793 over the Washington Administration’s response to the outbreak of war between Revolutionary France and Great Britain. Washington issued a

² Broadus Mitchell, *Alexander Hamilton: A Concise Biography* (New York: Oxford University Press, 1976), 297.

proclamation that the United States would remain impartial in the conflict. This crisis provoked strong opinions in favor of the proclamation, but there was also resistance that believed the President was exceeding his authority and this action would harm Franco-American relations.³

One anonymous writer, published in newspapers under the pseudonym “Veritas,” sought to remind the President of the people’s role in the government. If a policy was complicated or controversial, it was not beneath elected representatives to explain to the public why a particular action was beneficial and provide details behind the decision. Hamilton responded with relish in a series of essays under the pseudonym “Pacificus,” in which, he gave a comprehensive argument on the necessity of the proclamation as well as the President’s right to make it. These essays marked Hamilton’s first major step since the ratification of the Constitution to persuade the people to support difficult policies, despite their attachment to France and wish to side with that country in the conflict.⁴

Hamilton’s effort was successful enough to spur Republican leader, Thomas Jefferson, to plead with James Madison to refute him. The Republicans held a strong attachment to France and feared that the proclamation would lead to a closer relationship with Britain at the expense of France. Madison did respond with a series of essays

³ Andrew Burstein and Nancy Isenberg, *Madison and Jefferson* (New York: Random House, 2010), 261-264.

⁴ Christopher J. Young, “Connecting the President and the People: Washington's Neutrality, Genet's Challenge, and Hamilton's Fight for Public Support,” *Journal of the Early Republic* 31, no. 3 (Fall 2011), <http://search.proquest.com/docview/889808604?accountid=11091> (accessed May 24, 2012).

under the penname “Helvidius” that advocated that the legislature should take the lead in foreign relations, but his argument failed to gain traction against “Pacificus.”⁵

The neutrality crisis became more acute when the problematic French minister, Citizen Genet, attempted to circumvent the authority of the executive branch and influence American public opinion to cause a breach of U.S. neutrality in France’s favor. Federalist Senator Rufus King wrote a letter to Hamilton in August 1793, in which he urged that President Washington needed to take charge of the crisis that erupted.⁶ King wrote that it was the executive’s job to execute the law of the land, and it was not the intention, “that the government should be carried on by town meetings and those irregular measures which disorganize society, destroy the salutatory influence of regular government and render the magistracy a mere pageant.”⁷

King and other Federalists reluctantly called on the people to demonstrate their support for the Washington Administration in the form of public meetings, followed by resolutions that would be adopted and sent to the President or published in newspapers. There were thirty-six resolutions adopted and sent to Washington between May 1793 and April 1794. The resolutions expressed the confidence the people had in their government, their approval of the Neutrality Proclamation, and they condemned Genet’s actions. This demonstration of popular support was unique in the nation’s history and

⁵ Ibid.

⁶ Todd Estes, *The Jay Treaty Debate, Public Opinion, and the Evolution of Early American Political Culture* (Amherst: University of Massachusetts Press, 2006), 52.

⁷ Rufus King to Alexander Hamilton, August 3, 1793, in *The Papers of Alexander Hamilton*, ed. Harold C. Syrett (New York: Columbia University Press, 1969), XV: 172-174.

was part of an emerging trend in American politics that required the involvement and support of the people in policy decisions. James Madison was concerned that Genet's actions and the Federalist meetings could damage Franco-American relations and the emerging Republican Party. He worked to write resolutions and encourage counties across Virginia to hold competing meetings that also expressed confidence in the administration, but reiterated the friendship between the United States and France, and separated the improper actions of Genet from the French nation.⁸

The meetings and resolutions of both parties established that the people believed they had a relationship with the President, and that they expected to be able to communicate opinions. The messages during this debate were largely supportive of the President and expressed confidence in the government, but differences were emerging in the tone and content as party affiliations became more pronounced. The Republicans became aware as a result of these events that the Federalists had a more effective and organized political infrastructure that allowed them to communicate with the people through party operatives, newspapers, and orchestrate public meetings.⁹

The Whiskey Rebellion and the Democratic Societies

The Whiskey Rebellion was another major event leading up to the Jay Treaty that intensified the opposition between the emerging parties and developed the role the public would play in policy debates. An excise tax on whiskey was passed in March

⁸ Christopher J. Young, "Connecting the President and the People."

⁹ Estes, *The Jay Treaty Debate*, 52.

1791, with support from both Federalists and Republicans, but the population of Western Pennsylvania was forcefully against the measure. The excise tax inflamed existing tension, which continued to grow from 1791 to 1794.¹⁰

The protest was blamed by the Federalists on groups that sprang up across the country during the 1790s called Democratic Societies. These groups had emerged due to a perceived need to defend individual liberties against encroachment by the national government, and they advocated that the people be watchful and vigilant against their leaders. They used terminology of the French Revolution, addressed each other as “Citizen,” and sought to shatter the perception that leaders or elites should be elevated above the common people.¹¹ They were not directly organized with the Republicans, but shared overlapping political beliefs. These societies believed that the people had the right to not only protest or support policies, but they should even be able to instruct those who represented them in the government on which measures to support.¹² This was a major difference in philosophy between the Federalists and the Republicans. Hamilton believed that for a nation to be governed effectively it must have leaders, not be controlled by a chorus of groups shouting opinions. The Democratic Societies posed a threat to the authority of elected representatives to take action independent of popular opinion.

¹⁰ Mitchell, *Alexander Hamilton*, 272-274.

¹¹ Gordon S. Wood, *Empire of Liberty: A History of the Early Republic, 1789-1815* (New York: Oxford University Press, 2009), 162-164.

¹² Estes, *The Jay Treaty Debate*, 54.

The citizens of Western Pennsylvania were angry over the excise tax on whiskey, but their anger was rooted in issues broader than just this one grievance. They were upset over the seemingly never ending conflict with the Native Americans and angered by the Federal Government's apparent lack of concern and inaction regarding the continued British possession of posts in the Northwest. These posts were key to establishing peace for the residents of Western Pennsylvania. An additional concern for the farmers of this region was the inability of the government to secure free navigation of the Mississippi River from the Spanish. There was a perception that the excise tax was unfairly burdening the population of the West to enrich the merchants of the East and fund Hamilton's financial system.¹³

Hamilton advocated an enormous show of force to firmly establish that the Federal Government would not allow its authority to be disregarded, and violent protest would not be tolerated. He expressed his concern to Washington that the leaders of the rebellion sought to subvert the government and weaken the people's confidence in and attachment to the union. Hamilton argued that the government had taken every step to encourage compliance through reasonable, but escalating measures.¹⁴ This was another step that Hamilton took that rebuked a popular movement in favor of taking necessary action. He refused to allow measures that were fairly passed by the government to be disregarded due to unpopularity.

¹³ Ibid., 469-471.

¹⁴ Mitchell, *Alexander Hamilton*, 282.

Ultimately, in September 1794, the government sent a militia of twelve thousand men to the region, with Washington and Hamilton leading the expedition, and the show of strength was so great that the opposition fell apart. Those who were prepared to challenge the government realized that to proceed they would need the remainder of the country to oppose the government using force against them, and they did not possess that support.¹⁵

Jefferson and Madison opposed the farmers who incited the Whiskey Rebellion, but were troubled by the overwhelming response of the Washington Administration to stifle the resistance. Madison felt that Hamilton and the Federalists were seeking to take advantage of President Washington's huge popularity during this time and his derisive comments labeling the Democratic Societies as "self-created societies." Madison believed their plan was to link the Republicans to the societies and the Whiskey Rebellion, which was extremely unpopular with the majority of the country. Madison was reluctant to defend the societies outright and most of them disbanded shortly after the Rebellion.¹⁶

American Attitudes toward Great Britain and France

Maintaining America's policy of neutrality posed a great challenge for the Washington Administration as one of the most powerful nations on Earth was in the midst of a revolution that threatened to alter the balance of power across Europe. France

¹⁵ Stanley Elkins and Eric L. McKittrick, *The Age of Federalism* (New York: Oxford University Press, 1993), 482.

¹⁶ Estes, *The Jay Treaty Debate*, 54-55.

had overthrown its monarchy and declared war on Great Britain, Holland, and Spain. The citizens of the United States were largely supportive of France's efforts to establish a republic due to the assistance France had provided during the American Revolution. Many believed that the French Revolution was an expansion of the principles of its American predecessor, and its success was imperative for the survival of the American Republic.¹⁷

A growing number of Americans, chiefly Alexander Hamilton, grew concerned by reports from France of violence and blood in the street. The French executed anyone that was perceived to be an enemy of the Revolution and jailed many Frenchmen who served during the American Revolution, including the Marquis de Lafayette.¹⁸ Hamilton feared that "a further assimilation of our principles with those of France may prove to be the threshold of disorganization and anarchy."¹⁹ Hamilton worried that outbreaks of violence in the United States could occur similar to what was occurring in France. It was essential to Hamilton that the people of the United States respect the authority of the government and allow leaders to have contrary opinions from each other and from the majority of the public. The violence of Revolutionary France was not one that tolerated leaders to contradict the people or confront them with unpalatable truths.

¹⁷ Ron Chernow, *Alexander Hamilton* (New York: Penguin Books, 2004), 433-435.

¹⁸ *Ibid.*

¹⁹ Alexander Hamilton to George Washington, April 14, 1794, in *The Papers of Alexander Hamilton*, ed. Harold C. Syrett (New York: Columbia University Press, 1972), XVI: 270.

The emerging Republican Party continued to sympathize with the French Revolution, despite the troubling reports of brutality. Thomas Jefferson, Secretary of State at the time, wrote in a letter to William Short in January 1793, “the liberty of the whole earth was depending on the issue of the contest...My own affections have been deeply wounded by some of the martyrs to this cause, but rather than it should have failed, I would have seen half the earth desolated.”²⁰ Jefferson was ardently against a closer relationship with Great Britain and fervently opposed any action that harmed Franco-American relations, because he saw the conflict in strict terms of liberty versus tyranny. Jefferson was willing to engage with the British in negotiations on some limited issues including: the American payment of debts, the British return of the Northwest posts, and the compensation for slaves that had been freed upon joining the British military.²¹

Anglo-American relations grew increasingly strained by the popular American attachment to France. In addition, unresolved issues from the American Revolution remained points of contention and aggressive British maritime policies threatened to cause a breach between the two nations. Hamilton did not see the fate of France and the United States as being intertwined, and he firmly believed that a country’s first priority was to its own interest. Hamilton stressed that the United States was not yet strong

²⁰ Thomas Jefferson to William Short, January 3, 1793, in *The Portable Thomas Jefferson*, ed. Merrill D. Peterson (New York: Penguin Books, 1977), 465.

²¹ For additional details on Thomas Jefferson’s views on the French Revolution: Michael Lienesch, “Thomas Jefferson and the American Democratic Experience: The Origins of the Partisan Press, Popular Political Parties, and Public Opinion,” in *Jeffersonian Legacies*, ed. Peter S. Onuf (Charlottesville: University Press of Virginia, 1993), 329-337.

enough to engage in hostilities, and France had only provided aide during the American Revolution because it was in its best interest to weaken Great Britain.²² Meanwhile, Britain had become increasingly focused on the war with France as a conflict that required all civilized nations to band together. The British feared that if the French prevailed, then anarchy would result.²³ Great Britain was not willing to concede any advantage in this war and was not particularly focused on the sensitivities of the United States.

Prior to the arrival of George Hammond, the first official British minister to the United States, Hamilton developed a close, confidential relationship with George Beckwith who was dispatched by the British on several informal missions to glean the state of the American feeling towards Great Britain. Hamilton articulated his perception of the Anglo-American relationship in a conversation with Beckwith in October 1790 that revealed the motives behind the positions he advocated towards Britain in the years ahead. Hamilton addressed Beckwith:

I have already explained my opinions very fully on the mutual advantages that must result to the two countries from an approximation in commercial matters in the first instance, foreign nations in commerce are guided solely by their respective interests in whatever concerns their intercourse; between you and us there are circumstances; originally one people, we have similarity of tastes, of language and general manners. You have a great commercial capital and an immense trade, we have comparatively no commercial capital, and are an agricultural people, but we are a rising country, shall be great consumers, have a preference for your manufactures, and are in the way of paying for them; you have considerable American and West India possessions, our friendship or

²² John Lamberton Harper, *American Machiavelli: Alexander Hamilton and the Origins of U.S. Foreign Policy* (Cambridge, UK: Cambridge University Press, 2004), 120.

²³ Samuel Flagg Bemis, *Jay's Treaty: A Study in Commerce and Diplomacy* (New York: The Macmillan Company, 1923), 155.

enmity may soon become important with respect to their security, and I cannot foresee any solid ground of national difference between us.

These sentiments were transmitted to Lord Grenville, who later became the British Foreign Minister and negotiated the Jay Treaty.²⁴

In Hamilton's view, this crisis created an opportunity to settle old differences and establish a beneficial commercial relationship with Great Britain through the resulting negotiations. Hamilton crafted policies based on a projection of a future reality shaped by patterns and relationships that would be created through practical policy initiatives. He saw a vision of a prosperous trading partnership with Britain that ensured revenues to fund the financial system he created and provide energy for the federal government to manage a diverse union of states.²⁵ The first step to making this vision a reality was to secure peace and prevent disruption of trade between the countries. Historian John Lamberton Harper articulated in *American Machiavelli: Alexander Hamilton and the Origins of U.S. Foreign Policy*, that in the spring of 1794, Alexander Hamilton "perceived that a seemingly hopeless situation was ripe for a diplomatic breakthrough."²⁶

British Seizure of American Ships

There were two issues that posed the greatest threat to peace between the United States and Great Britain in 1793; one issue was the British seizure of American ships,

²⁴ Lord Dorchester to Mr. Grenville, November 10, 1790, in *Report on Canadian Archives*, ed. Douglas Brymner (Ottawa: Brown Chamberlin, 1890), 162-163.

²⁵ Elkins and McKittrick, *The Age of Federalism*, 115.

²⁶ Harper, *American Machiavelli*, 130.

especially in the Caribbean. During this time, Britain possessed the strongest navy in the world and was unwilling to acknowledge the rights of neutral parties that would diminish its dominant naval power. The British followed a policy called *consolato del mare* to justify its harsh treatment of American trading vessels. *Consolato del mare* was an ancient policy that allowed belligerent nations to seize goods that were being shipped to the enemy, even if they were aboard neutral vessels. “Free ships free goods” had become a principle that was at least as well followed as *consolato del mare* among European nations, but Great Britain was not willing to adhere to this rule as it would limit the full exercise of its naval forces in waging war. “Free ships free goods” would protect cargo that was being carried in a ship of a neutral country, even if it contained items that were being delivered to a nation at war.²⁷

Britain also held the belief that a neutral country should not be able to profit from war by being allowed to trade with ports that it did not have access to during the preceding period of peace. This was a rule established during the Seven Years’ War in 1756, but Hamilton believed that the United States could agree to follow it without damaging its interests. France had already allowed a great deal of American ships, carrying most types of provisions, to trade with its West Indies colonies prior to the outbreak of war. Hamilton felt justified that the United States should defend its right to this trade under Britain’s own rules.²⁸

²⁷ Ibid., 152.

²⁸ Alexander Hamilton to John Jay, May 6, 1794, in *The Papers of Alexander Hamilton*, ed. Harold C. Syrett (New York: Columbia University Press, 1972), XVI: 382-383.

When Great Britain learned that France planned to purchase provisions from the United States with the final payments of the American debt, the British minister to the U.S., George Hammond, underscored to the U.S. government that this cargo would be classified as French property and would be subject to seizure. Great Britain issued an Order-in-Council on June 8, 1793, that confirmed *consolato del mare* as the country's policy on neutral trading rights. France adopted a similar policy in May 1793, which proclaimed that neutral vessels with enemy provisions would be taken and paid the price that was to be received at the original destination port. The French had explicitly excluded the United States from its policy. However, the French policy was enforced with a great degree of inconsistency, which caused challenges for the U.S. merchants as well.²⁹

Due to the secrecy in which the Orders were issued and the slow movement of communication, a more severe Order was issued by the British government on November 6, 1793, before the American minister to Britain, Thomas Pinckney, had been able to protest the June Order to the British government. This Order instructed British commanders to seize any ships en route to any French colonies for adjudication, which resulted in an effective blockade. The United States had been able to trade with the French West Indies prior to hostilities breaking out, and American merchants were furious at efforts to deny this right.³⁰ It was a blow to the pride of the new nation to

²⁹ Bemis, *Jay's Treaty*, 153-155.

³⁰ *Ibid.*, 158.

have Great Britain again try to control the commerce of the country. This would pose a significant challenge for Hamilton when he was defending the Jay Treaty and attempting to build popular support for the measure. The Revolutionary War was fought in large part due to oppressive navigation laws that trampled the rights of American merchants. Great Britain was again disregarding the rights of the American people with abusive maritime practices.

A third Order was issued on January 8, 1794, which restored a degree of moderation to the policy and revoked the effective blockade that had taken place under the November Order. However, the damage had already been done and many American ships began to be seized in early 1794 under the November Order. According to historian Samuel F. Bemis in *Jay's Treaty: A Study in Commerce and Diplomacy*, the British ship captains executed the Order "with the utmost thoroughness and under conditions which imposed great and unnecessary damage and hardship not to speak of gross physical cruelty on American navigators." Between the November Order being issued and March 1, 1794, over 250 American ships were seized and local admiralty courts condemned more than 150. Many of these vessels were carrying goods between two neutral ports. Ship captains only had a limited amount of time to appeal the rulings of the admiralty courts, and the challenge to finance and communicate an appeal to higher courts in Great Britain threatened to deny compensation for the grave injuries the captains suffered.³¹

³¹ Ibid., 158-159.

The British commanders in the Caribbean exacerbated the conflict caused by the November Order-in-Council by their eagerness to secure prize money and their harsh treatment of the American crews. The British captured the French colony Martinique in February 1794, along with over 50 American ships. The American crews endured harsh conditions at the hands of the British; they were not given food and were crowded onto a small prison ship where they faced disease and many died. After being held under these miserable conditions for several weeks, the Americans were brought before an illegitimate admiralty court in Martinique. The court ordered the ships and cargoes to be sold until a final decision had been made; which was not unusual when ships held goods that could perish during the legal proceedings. The judges told the American captains that they would have to make large deposits as collateral in the case that their ships were ultimately condemned. The Americans thought that the British were trying to swindle even greater amounts of money from them and refused to deposit the necessary sums.³²

In mid-April 1794, Hamilton had a conversation with British minister George Hammond in which the latter tried to explain the reasons behind the harsh treatment of American ships due to the Order-in-Councils. Hammond had expected that Hamilton would be receptive to his conciliatory explanation, but instead, Hamilton “entered into a pretty copious recital of the injuries which the commerce of this country had suffered from British cruisers, and into a defense of the consequent claim which the American

³² Joseph M. Fewster, “The Jay Treaty and British Ship Seizures: The Martinique Cases,” *The William and Mary Quarterly* 45, no. 3 (July 1988), <http://0-www.jstor.org.library.lausys.georgetown.edu/stable/1923643> (accessed May 20, 2012).

citizens had on their government to vindicate their rights.”³³ Hammond countered this rebuke by noting that Hamilton had previously agreed with him on the magnitude of potential consequences of the war with France on Western Civilization. Hammond was sorry for any injuries neutral powers might face during war, but Britain would not forfeit any right to use whatever means necessary to win.³⁴

The plight of the American captains and crews in Martinique and throughout the West Indies was one of the most pressing issues that John Jay was tasked with finding a resolution when he departed to London as an envoy in June 1794 for negotiations. To avoid war, any treaty that resulted had to provide an acceptable means of compensating those that had seen their property unjustly seized. Alexander Hamilton was well aware of the harsh British policies in the Caribbean and feared the strain that these measures were putting on relations between the two countries. However, despite these injuries, it was vital to the nation’s credit that war not erupt and sap the treasury of the revenue from trade with Great Britain. Hamilton hoped by sending Jay and employing an accommodating negotiating strategy, an agreement could be reached that would fairly pay damages to American merchants for their injuries. In addition, Hamilton believed a treaty would discourage the British from discarding American maritime interests for the remainder of the war with France.

³³ Conversation with George Hammond, April 15-16, 1794, in *The Papers of Alexander Hamilton*, ed. Harold C. Syrett (New York: Columbia University Press, 1972), XVI: 281.

³⁴ *Ibid.*, 285.

Control of the Northwest Posts

The second major source of conflict that preceded the Jay negotiations was the British refusal to give up frontier posts in the Northwest that were acknowledged to belong in territory of the United States in The Peace Treaty of 1783. The posts were strategically valuable for the fur trade and were extremely important to secure the safety and expansion of settlements in the American West. The British had held the posts as a guarantee for the United States to uphold its obligations under the treaty.³⁵ The British government had been inundated with claims from merchants that American debts from the Revolution were not being repaid and state governments were obstructing the ability of the merchants to collect what was owed to them.³⁶

The fur trade was the most profitable business in North America during this era. Native Americans trapped animals for the trade in the Northwest region, and they were brought to Montreal to be exported to Great Britain. If the United States was able to take over this territory, American settlements would gradually infringe on the most desirable fur-trapping region. This would also give the U.S. access to the Great Lakes and could result in the trade being redirected through an American city. Additionally, Great Britain would have to admit to its Native American allies that they had legally ceded much of this land to the United States; who would likely view this as a betrayal of their interests. Following the end of the Revolutionary War, the United States attempted

³⁵ Bemis, *Jay's Treaty*, 2-3.

³⁶ Elkins and McKittrick, *The Age of Federalism*, 126.

a policy of conciliation with the Native Americans of the Northwest. This policy had not proven effective, as the Native American tribes formed a weak confederacy, and efforts to negotiate with them as a whole largely failed.³⁷

In the late 1780s, the British Indian Department supplied provisions and arms to Native Americans from the Northwest posts, but the official policy directed that “open encouragement” to defy the United States should not be given. During this period, it was not certain that many of the Western settlements in Kentucky and Tennessee would remain as part of the United States. The Appalachian Mountains were a significant barrier between these territories and the coastal states. Britain hoped to promote discontent among the residents of Kentucky and Tennessee by suggesting the possibility of access to the St. Lawrence River and the Great Lakes, which would provide easier access for trading. The British hoped that the American government under the Articles of Confederation would be unable to meet the diverse needs of the residents of the vast union, and parts would fall back under the control of the British Empire, piece by piece.³⁸

Between 1791-1795, Great Britain strongly promoted a frontier policy that sought to create a “neutral Indian barrier state.” The idea was that if the British would give up the posts, they wanted to establish a vaguely independent territory that would not permit British or American troops within it, and would deny the United States access

³⁷ Bemis, *Jay's Treaty*, 6-13.

³⁸ *Ibid.*, 15-19.

to the Great Lakes and St. Lawrence River. If successful, this approach would remove a large portion of territory from the United States and place it under control of Native American tribes. The British were looking to establish strong influence and eventual control of this region.³⁹

President Washington became convinced by the spring of 1794 that the conflict with the Native American tribes could not be solved through peaceful negotiation and that force was necessary. Major-General Anthony Wayne was chosen to lead a major offensive, which caused Canadian officials anxiety. Governor Lord Dorchester and Lieutenant-Governor John Graves Simcoe feared that they would lose their influence over the Native tribes, and they could become actively hostile to Canada. On February 10, 1794, Lord Dorchester gave an incendiary speech to many of the Native tribes that warned of impending war and declared that the American settlers would have their property seized if they were found to be in Canadian territory. Dorchester's speech escalated the tension in the Northwest and threatened to lead to an outbreak of hostilities between the United States and Great Britain.⁴⁰

In the face of these challenges in the Caribbean and Northwest frontier, Hamilton and several Federalist senators hatched a plan to attempt to avoid war, continue the country on a path of prosperity that would sustain Hamilton's financial system, and preserve the credit of the United States. Hamilton was adamant that war should be avoided unless there were no other options. He was well versed in the abuse that Britain

³⁹ Ibid., 13.

⁴⁰ Elkins and McKittrick, *The Age of Federalism*, 391-393.

heaped on American ships and the challenges of the population of the Northwest, but he knew that lashing out at Britain based on pride would not secure favorable outcomes from the crisis. Hamilton believed the country would best be served by compromise, and if a degree of resolution could be found on these outstanding issues, the country would be in a more favorable position. Senator Ellsworth presented the plan to the President on March 12, 1794, to prepare to send a very prominent envoy to Britain, and during the preparations for this mission to shore up the country's defenses. Washington was initially resistant to the idea and feared that to send a high-level envoy could lead to embarrassment.⁴¹

John Jay: Envoy to Great Britain

In late March 1794, George Washington received a communication from Fulwar Skipwith, the American Consul of St. Eustatius in the Dutch West Indies. This was the first official confirmation of the harsh policies of the British in the Caribbean. On March 25, Washington sent Skipwith's letters to Congress, and the House and Senate passed a thirty-day embargo of Great Britain in the following couple of days.

Washington's actions provoked additional measures from Congress; including proposals to sequester the debt due from U.S. citizens to Great Britain. This would be a very serious step that could incite war, and those that wished to avoid hostilities scrambled to keep provocative measures from passing. President Washington was left to decide if Great Britain could be negotiated with in good faith, or if they intended war. Congress

⁴¹ Mitchell, *Alexander Hamilton*, 293-294.

would likely continue to propose, and possibly pass, measures that would entice Britain into open conflict and leave no room for negotiation by an envoy, if Washington took no action.⁴²

On April 14, 1795, Hamilton wrote to Washington to remove himself from consideration as the envoy and offered his assessment of the current state of political affairs surrounding the foreign relations crisis. Three parties existed in the government; one that was committed to preserving peace, one that wanted to see war break out between the United States and Britain, and another party that did not want war, but wanted to continue an antagonistic relationship between the two countries. Hamilton made clear that he wanted the United States to defend its interests and seek compensation for Britain's unjust actions, but America must prepare its defenses while making a final, serious effort at peace negotiations. He warned Washington that, "wars oftener proceed from angry and perverse passions than from cool calculations of Interest."⁴³

Hamilton understood that Americans were angry at the unprovoked aggression from Britain and had a natural tendency to want to stand with France, who appeared to be the only other country that was fighting in defense of republican government. However, he urged that America "ought not to set itself afloat upon an ocean so

⁴² Elkins and McKittrick, *The Age of Federalism*, 391-393.

⁴³ Alexander Hamilton to George Washington, April 14, 1794, in *The Papers of Alexander Hamilton*, ed. Harold C. Syrett (New York: Columbia University Press, 1972), XVI: 266-268.

fluctuating so dangerous and so uncertain but in a case of absolute necessity.”⁴⁴

Hamilton’s assessment was based on the understanding that cooperation and compromise with the British would not be popular in light of their aggressive behavior and the public’s affection towards France, but he believed this strategy was necessary to protect the country.

Additionally, Hamilton cautioned that if the measures in the House of Representatives on sequestration of British debts were to pass, it would severely damage the credit of the United States abroad. Other nations would think that any political disagreement could lead to a refusal to pay debts, and this would be destructive to the American economy. Hamilton worried that if trade with Great Britain was disrupted, it would deprive the financial system he created from revenue, “It will give so great an interruption to commerce as may very possibly interfere with the payment of the duties which have heretofore accrued and bring the Treasury to an absolute stoppage of payment-an event which would cut up credit by the roots.” If the country’s finances would collapse, Hamilton feared that the citizens would lose faith in the national government and could lead to the fall of the entire nation, “these circumstances united may occasion the most dangerous dissatisfactions & disorders in the community and may drive the governt. to a disgraceful retreat-independent of foreign causes.”⁴⁵

⁴⁴ Ibid., 271.

⁴⁵ Ibid., 274-275.

Many French sympathizers believed that Jay should lay down demands for concessions from Britain. They believed Great Britain was taxed substantially fighting wars in Europe and would submit to the U.S. calls for reparations. Hamilton explained that Britain, “would be less disposed to receive the law from us than from any other nation—a people recently become a nation, not long since one of her dependencies, and as yet, if a Hercules—a Hercules in the cradle.” Hamilton saw the U.S. as a future great empire, but warned that at this moment the country was not yet prepared to wage a war based on defending its pride. He noted that it was, “as great an error for a nation to overrate as to underrate itself...To precipitate a great conflict of any sort is utterly unsuited to our condition to our strength or to our resources. This is a truth to be well weighed by every wise and dispassionate man as the rule of public action.”⁴⁶

Hamilton spoke candidly to Washington about the limits of American power during this time and reminded the President that although the sentiment of many Americans favored confronting Britain with a very strong hand, the uncomfortable reality was that the country did not possess the strength to make demands to Britain. The United States lacked the military might to successfully defend itself should war break out. Hamilton was able to attract Washington’s support to send an envoy and attempt to avoid war with Great Britain by delivering hard truths.

⁴⁶ Ibid., 272-276.

CHAPTER II

TREATY NEGOTIATIONS AND DEBATE

Washington eventually agreed with Alexander Hamilton and the Federalist senators to appoint a special envoy to Great Britain to make a final, serious attempt at negotiating an agreement that would satisfy the grievances of the two countries. He nominated John Jay, a close associate of Hamilton, a Federalist, and current Chief Justice of the Supreme Court as the envoy. Jay's diplomatic instructions were officially prepared by Secretary of State John Randolph, but bore the heavy influence of Hamilton.

Hamilton, Jay, and several Federalist senators met on April 21, 1794, a mere two days after Senate approval of Jay's nomination, to discuss the points that should be included in Jay's diplomatic instructions. They agreed that the Senate was not to be consulted in the crafting of these directives.¹ Washington requested a memorandum from Hamilton of recommendations for items that should be included in Jay's instructions, and he obliged on April 23, 1794. In his reply, Hamilton detailed the essential points of negotiation and proposed what he thought were desirable outcomes and what could be accepted as a last resort. Hamilton used these letters to lay out a vision for the future of the country that would begin by securing peace and continued trade with Great Britain. His recommendations addressed the two most important points of contention: the harassment of American shipping and the refusal of the British to

¹ Elkins and McKittrick, *The Age of Federalism*, 396-397.

give up the Northwest posts. Hamilton believed it would be necessary to provide reparations for the obstruction of repayment of American debt to achieve concessions on these matters from the British.²

Hamilton also laid out a series of issues that he wished Jay to address and by doing so would provide a sound basis for peaceful trade and relations going forward. He wished to include a provision that would ban the sale of prize ships by Britain in American ports. He sought to codify an agreement that should either the United States or Great Britain go to war with any Native American tribes, the other country would not provide provisions or weapons beyond the level of trade that existed prior to the conflict.³ He believed the envoy should ask for compensation for the slaves that were taken into British service during the Revolutionary War, although this was not a point he was willing to sacrifice the big picture agreement to fulfill. If there could be satisfactory agreement on these terms, it would be advantageous to try to secure a commercial treaty that would allow American ships of limited size into the British West Indies. In exchange, the United States would give most-favored-nation status to imports from Britain and Ireland.⁴

Alexander Hamilton had a much broader vision in mind than the settlement of these contemporary differences when he was helping to craft Jay's instructions. Despite popular attachment to France, the United States would need to dispel the illusion that the

² Alexander Hamilton, "Suggestions for a Commercial Treaty," April 23, 1794, in *The Papers of Alexander Hamilton*, ed. Harold C. Syrett (New York: Columbia University Press, 1972), XVI: 319-321.

³ *Ibid.*, 321.

⁴ Elkins and McKittrick, *The Age of Federalism*, 398.

U.S. could purchase a dominant portion of its manufactured goods from that country. America would spend a large portion of its wealth on British goods as it had a natural tendency to demand goods that were produced there. Additionally, Americans would populate the Northwest region, begin to farm the land, and create a vast new demand for goods from Britain. The St. Lawrence River and the Great Lakes would act as a convenient supply route from Britain to this territory. Once the British realized the benefits of trade with the Northwest, they would see that it would also be in their interest to assist in securing unrestricted access to the Mississippi from Spain. Cheap food could travel down the Mississippi River and through the Gulf of Mexico to reach the British West Indies. The West Indies would receive cheap agricultural commodities, and the profits the Americans made from this trade would be used to purchase British manufactures. The governors of the West Indies had largely accepted trade with American vessels, and an official acceptance of this rule would just be an acknowledgement of what the current trade situation had been for a long time.⁵

Treaty Negotiations

Prior to John Jay's arrival in London, France had gained an advantage in several fronts in the war in Europe. By 1794, the war had taken on a broad scope that threatened consequences beyond the typical results of war in the 18th century. The war had become a battle for the future way of life of Western Europe. The British government took harsh measures in the spring of 1794 to squash elements in British

⁵ Ibid., 400.

society that supported the French Revolution. Prime Minister Pitt became personally involved in identifying and punishing supporters of the Revolution, and the government was so threatened that it revoked basic rights of individuals including- speech that promoted the overthrow of the government and habeas corpus.⁶

This was the context that the British government was facing upon John Jay's arrival in June 1794. Grenville had not been aware of just how angry the Americans were until right before he met Jay. He received communications from Hammond, American newspapers from the spring, and dispatches from Canadian officials all at the same time. The Americans did not accept the explanation of the November 1793 Order-in-Council and its replacement in January 1794. However, the fact that the American government had sent Jay demonstrated a willingness to maintain peace. Hamilton had accurately assessed that although the British were not willing to accept demands from Jay, they were willing to grant some concessions and did not want to stretch themselves further with an additional war. The rash impulse to lash out at British aggressions would have achieved nothing; the British had enacted abusive policies, but their intent was to harm the French.⁷

Grenville could see that the two main issues that needed to be settled were the ship seizures and the Northwest posts. He quickly decided that the British could placate

⁶ Walter Stahr, *John Jay: Founding Father* (New York: Hambledon and London, 2005), 319-321.

⁷ *Ibid.*, 405-406.

the Americans on these issues to avoid war. The British were not operating on the same grand vision of cooperation and mutual prosperity as Hamilton, but this was an opportunity to create an opening to demonstrate to the British the benefits of the two countries engaging in a peaceful commercial relationship. The fact that the British acknowledged American sovereignty was in itself an immensely important event that was key to the country's survival and development.⁸

John Jay arrived in London in June 1794, and by early July he had been presented to the King and Queen of Great Britain and had dined with members of the Cabinet. Despite the number of pressing issues facing the British government, Jay was given a great deal of time and attention. When negotiations were underway, Jay tried not to dwell on fault for past transgressions and violations of The Peace Treaty of 1783. Keeping with the strategy he developed with Hamilton, Jay aimed to project an end result that would be mutually beneficial to both parties and so attractive that each side could make concessions with the goal of ultimately arriving at a positive agreement.⁹

Jay submitted a draft treaty on August 6, 1794. He included a plan for three commissions that would be made up of both American and British members that would decide matters relating to the illegal seizure of American ships, another would make decisions on debts owed to the British that had not been paid, and finally a commission would examine the dispute over the Northern boundary of the United States. The British

⁸ Harper, *American Machiavelli*, 143.

⁹ Elkins and McKittrick, *The Age of Federalism*, 407.

had complained that through a surveying error they did not have access to navigable waters of the Mississippi River. They claimed that The Peace Treaty of 1783 was signed with the intention of allowing this access without having to pass through American territory.¹⁰

Each side made counter-proposals throughout August and September of 1794. However, there were some hiccups in the negotiations, especially when news arrived in September of James Monroe's conduct in Paris as the new American minister to France. Monroe was greeted with a fraternal embrace by the President of the Assembly, gave a speech on the bond between France and the United States, and praised the French military. His showy demonstration of affection and support irritated the British and made Jay want to conclude his mission while the British were still open to a deal.¹¹

Another complicating development in the negotiations was the question of the United States joining an alliance of Armed Neutrality with Sweden and Denmark. France had been encouraging an alliance of neutral powers that would band together in opposition to Britain's oppressive maritime policies and defend the rights of neutral vessels.¹² Just before Grenville received Jay's draft treaty of September 30, 1794, he had received a communication from George Hammond who relayed a conversation with Hamilton that assured him that the United States would not be joining the alliance. Hamilton had told Hammond that it was the policy of the United States to avoid foreign

¹⁰ Ibid., 408-409.

¹¹ Stahr, *John Jay*, 319-328.

¹² Bemis, *Jay's Treaty*, 221-222.

entanglements, as they would cause the country to become involved in conflicts in which the nation had no interest. When in need of assistance, significant aid could not be expected from the other members with any degree of confidence.¹³

The significance of Grenville learning of this development on the outcome of the negotiations varies widely among historians of the era. Samuel Bemis believed this was an “amazing revelation,” and Grenville now could safely refuse to grant additional concessions to Jay.¹⁴ More recent studies suggest less influence of this event. John Lamberton Harper points out that Sweden and Denmark did not possess significant naval strength, and other regional powers including Prussia and Russia were not part of the alliance. Negotiations were progressing reasonably well, and Grenville would likely have known if Jay was having serious meetings with the ministers of Sweden or Denmark. The fact that in September the British had permitted Hamilton to purchase large amounts of materials for the use in the construction of naval ships demonstrated that the British were not seriously concerned about going to war with the United States.¹⁵ The idea that Hamilton’s acknowledgement was a game-changing revelation was “dubious” according to Elkins and McKittrick. Jay had shown no inclination to seriously pursue the subject, and if he had used this issue as a bargaining tool late in the

¹³ Ibid., 246.

¹⁴ Ibid., 247-251.

¹⁵ Harper, *American Machiavelli*, 147.

negotiations with Grenville, it would likely cause Britain to take a harder line, if not cut off negotiations all together.¹⁶

Ultimately, the final version of the treaty included provisions that addressed the two main goals of the mission: Britain agreed to turn over the Northwest posts and grant indemnification for the seizure of American ships in the Caribbean. The pride of the new country depended on compensation for the hostile treatment of American vessels, and the forfeit of the posts would secure the Northwest region and allow the settlers in the territory to prosper and retain their attachment to the United States. Additional provisions of the treaty included mutual trading rights with Native Americans across the U.S.-Canadian border, a commission made up of representatives from Britain and the United States that would survey the northern Mississippi River to settle the disputed boundary, and favorable trading rights with the British East Indies.¹⁷

The Reception of the Jay Treaty

The treaty was signed on November 19, 1794; copies were made and sent to the United States, but Jay did not wish to make the transatlantic journey during the harsh winter. Newspapers announced in the United States at the end of January 1795, that a treaty had been signed, but it was not until the summer that the general population knew what the treaty actually contained. Rumors swirled in December and January that the treaty promised major gains from Britain due to France's military victories and fear

¹⁶ Elkins and McKittrick, *The Age of Federalism*, 411-412.

¹⁷ Harper, *American Machiavelli*, 148.

from the duties on British commerce that were being threatened in the House of Representatives. The Federalists rightly feared that these rumors were a tactic by the Republicans to raise expectations among the public and the comparison to the actual product would seem like an enormous surrender.¹⁸

In March 1795, the first of a series of fourteen letters by an anonymous author, who used the penname “Franklin” were published in the *Philadelphia Independent Gazetteer*; the author blasted the treaty as an offense to France. “Franklin” declared that “there is not a nation on earth so truly and justly abhorred by *the People* of the United States as Great Britain.”¹⁹ There was a portion of the public who would denounce any treaty with Britain as a betrayal of the principles of republican government and an insult to the pride of the United States. John Jay remarked that on July 4, 1795, he was burned in effigy in so many locations, he could walk the entire East Coast of the country by the light of his body in flames. Washington’s house in Philadelphia was surrounded by angry protestors that wished war with Britain. Rumblings from anti-British figures persisted until June, when the treaty was presented to the Senate in a secret session on June 8, 1795.²⁰

The Senate debated the treaty in closed sessions until it was accepted on a party-line vote 20-10 on June 24, 1795. The Federalists had the votes and were able to

¹⁸ Elkins and McKittrick, *The Age of Federalism*, 416-417.

¹⁹ Ibid.

²⁰ Chernow, *Alexander Hamilton*, 486-487.

maintain their supermajority against efforts by the Republicans to delay or defeat it in the Senate.²¹ Washington saw the press coverage of the treaty before its contents were publically disclosed and knew that there was going to be a divisive public debate.

Washington wrote Hamilton for advice on the honest merits of the treaty and asked in his response to “have the favorable, and unfavorable side of each article stated, and compared together; that I may see the bearing and tendency of them: and, ultimately, on which side the balance is to be found.”²²

Hamilton responded with a shrewd provision-by-provision analysis of the virtues and weaknesses of the treaty and sent them to Washington in three portions on July 9, 10, and 11, 1795.²³ Hamilton’s letters to Washington served as a template for his future public writings in defense of the treaty as “Camillus.” He spared no effort in arguing to Washington the merits of each article, and the accumulation of his analysis was decidedly in favor of ratification of the treaty.

Article II fixed the date that Great Britain would withdraw from the Northwest posts as June 1796, this was a date farther than Hamilton wished, but he trusted that this was necessary to secure an agreement with the British. Grenville needed to buy enough time to establish posts within British territory and secure the rights of British traders

²¹ Ibid.

²² Alexander Hamilton, “Remarks on the Treaty of Amity Commerce and Navigation lately made between the United States and Great Britain,” July 9-11, 1795, in *The Papers of Alexander Hamilton*, ed. Harold C. Syrett (New York: Columbia University Press, 1973), XVIII: 399.

²³ Ibid., 403.

within the U.S., so that they may adjust to the change.²⁴ The treaty also directed that a survey be conducted in preparation of future negotiation over the Northern boundary between the United States and Canada in Article IV. Hamilton noted that by allowing a survey to proceed, this would forward the negotiation over this matter to a future time.²⁵ The United States was not in a position to demand the British acquiesce to their previously decided boundary. Delaying the negotiations on this difficult matter to a time after the U.S. had already taken control of the Northwest posts, would allow a greater probability of success.

The contentious question of which country was the first to violate the treaty of 1783 was thoroughly contemplated in Hamilton's analysis of Article VI. The first of two matters the British were accused of not fulfilling their obligations was the taking of slaves at the close of the war and granting them freedom. Hamilton believed it would be "odious" to try to return freed slaves to their masters, and he emphasized the lack of a unified legal opinion or a clear expectation of what would satisfy the 1783 treaty regarding this matter. The second issue of noncompliance was the failure to surrender the Northwest posts. Hamilton pointed out that the United States did not begin to take action to comply with some measures of the treaty until the final draft was signed and returned to Britain in May 1783, and he speculated that news of this action would not

²⁴ Estes, *The Jay Treaty Debate*, 405.

²⁵ Hamilton, "Remarks on the Treaty of Amity Commerce and Navigation lately made between the United States and Great Britain," 410-411.

have been known in Canada until July 1783. Furthermore, Great Britain argued this point to Jay that they were not under obligation to comply with the treaty's provisions until the official ratification.²⁶

On the American side, several state laws were enacted in the spring of 1783 that placed limits on the recovery of private debts owed to British citizens from the war period. This was prior to the time that communication of the treaty's ratification would have reached Canada with instructions on the evacuations from the Northwest posts. The question of who first defaulted on their treaty obligations was murky; both sides had held off honoring the agreement while waiting for the other to comply. Due to this circumstance, it was reasonable that the United States would have to offer compensation for the failure to repay the debts if they were to expect the return of the Northwest posts. Hamilton boldly asserted that the states were not blameless in the failure to comply with The Peace Treaty of 1783. The states had provoked the British by obstructing repayment of debt, and to come a compromise with the British, the American people would have to accept this difficult truth.²⁷

On the method of compensating American merchants and crews that had seen their ships improperly seized, Hamilton concluded that the process established in Article VII for a commission to hear appeals after first going through the British court system was the only reasonable procedure. A fixed value to compensate for these injuries could

²⁶ Ibid., 415-418.

²⁷ Ibid., 418-424.

not be set, because there was not a way to accurately estimate a fair value. If the final word on the matter were granted to the American or British court system, impartiality would be sacrificed. It made sense to allow the British courts to hear the cases first, because this process mirrored the one established for resolving obstructions to repayment of British debt. The debt cases would go through the American courts first, and if a just conclusion could not be reached, then the commission would hear the matter.²⁸

Republicans argued that Article X, by banning sequestration of debts between private citizens of both countries, removed one of the key ways the United States had of applying leverage to Great Britain. Hamilton applauded this article as “an affirmance of the modern law and usage of civilized nations and is valuable as a check upon a measure if it could ever take place would disgrace the Government & the Country & injure its true interests.” He felt this was not an effective tool to coerce Britain, and the states that had enacted obstructing measures were no better off. Hamilton took a firm stance, that despite popular support in many states, these sequestration measures were not moral and would only embarrass the country and harm the nation’s credit. Hamilton again took a position contrary to the popular impulse.²⁹

Article XII was a major point of contention as it prevented American ships from exporting molasses, sugar, coffee, cocoa, or cotton from the West Indies or these same

²⁸ Ibid., 425-426.

²⁹ Ibid., 429-431.

provisions originating in any other country. Hamilton considered this article “from the beginning inadmissible.” He acknowledged the reasons that Jay had for accepting this article, but felt they were overwhelmed by the negative consequences.³⁰ Hamilton explained that Jay had departed for his mission at a time when the United States was still developing its export trade, and the full implications of the invention of the cotton gin were not yet clear. Jay had a strong desire to secure a formal agreement that would open the West Indies to American commerce, even under very limited circumstances. He was overzealous in his goal and this pushed him to accept the unfavorable article. It would have been difficult for Jay personally to feel satisfied with his mission, if he had failed to produce a commercial treaty that would serve as an opening in relations with the British that could expand over time. Furthermore, France would not be pleased that supply of these goods was cut off from the United States while it needed provisions urgently. The Federalists in the Senate were not willing to accede to this and the provision was eventually struck out during the Senate ratification debate.³¹

Hamilton’s analysis endorsed Article XIII as a positive one that would codify the ability to trade directly with the British East Indies; before trade with these islands was only tolerated by the local government and could be withdrawn at anytime. The most valuable trade with the East Indies would now be secured as a right.³² The official

³⁰ Ibid., 432.

³¹ Elkins and McKittrick, *The Age of Federalism*, 412-413.

³² Hamilton, “Remarks on the Treaty of Amity Commerce and Navigation lately made between the United States and Great Britain,” 432-434.

opening of the East Indies to American ships was an important first step in implementing Hamilton's vision of a close trading relationship between the U.S. and Great Britain. The revenue from trade with Great Britain and British colonies was essential to funding Hamilton's financial system and the operations of the Federal Government.

Article XVII conceded the principle of *consolato del mare* which the British had insisted as the proper rule between nations; as they were unwilling to agree to the emerging principle of "free ships make free goods" that the United States had wished to see enforced. Hamilton dismissed the notion that it was realistic to challenge this concept. The United States was not in a position to press further, and it would have been "madness" to attempt to force the issue. Hamilton described the related Article XVIII as "the worst in the Treaty except the 12th-though not defective enough to be an objection to its adoption." Hamilton had some concern that the article left open an expanded definition of contraband.³³

Ultimately, Hamilton recommended that the benefits of signing the treaty as a whole, while agreeing to exclude the problematic Article XII, outweighed the drawbacks. The advantages to be gained from the improved relationship with Great Britain were potentially great and the alternative remained war. He saw no issue in the document that could give France cause for complaint. Not every point of contention between the two countries was resolved in an impartially just manner and the

³³ Ibid., 436-443.

commercial treaty was limited. However, treaties between nations are not arbitrated by an impartial third party that ensures fairness. Treaties are a negotiation based on the power and interest of the parties involved. The unfortunate reality was that the United States was not in a position to make demands, despite the people's wish to extract justice. Hamilton's thorough analysis to President Washington prepared him to make the case to the American people.

Public Debate of the Treaty

The initial public reaction to the treaty did not agree with Hamilton's assessment. There was a harsh public repudiation of the Senate for approving the document that was aimed to pressure President Washington against signing it. On July 23, 1795, a town meeting in Philadelphia adopted a series of resolutions and made plans to send a memorial to the President that voiced the citizens' concerns over the treaty and their desire that it not be ratified. Similar meetings across the country proclaimed that the treaty was lopsided in favor of Great Britain and did not adequately address the U.S. claims for compensation for the British impressment of American sailors, did not make adequate restitution for damages sustained during the American Revolution, and the commercial provisions did not position the United States to succeed economically. Benjamin Franklin Bache's newspaper, *Aurora*, led the charge to organize against the treaty. Bache printed and distributed thousands of pamphlets and traveled across the Northeast in an attempt to encourage opposition rallies.³⁴

³⁴ Estes, *The Jay Treaty Debate*, 71-77.

The Federalists did not immediately respond to the heated attacks that were made on the treaty. This allowed them to cast the treaty opponents as hotheaded and claim the treaty supporters represented the cool, rational interests of the nation. Hamilton responded to the fierce rhetoric of the opposition by constructing a massive defense of the treaty in a series of thirty-eight articles entitled *The Defence*. He signed the articles as “Camillus.” Between July 1795 and January 1796, he wrote twenty-eight of the essays and proofread the remaining ten that were authored by Rufus King. Hamilton also wrote four complementary articles that were signed “Philo Camillus.”³⁵ The essays were a thorough analysis of the macro issues that influenced the context of the treaty and a fair, intelligent provision-by-provision assessment that spoke to the calm, rational minds of the people.³⁶ Hamilton had experience in defending the treaty from his letters to Washington, but he faced a much more hostile audience in the American public.

Hamilton first sought to connect with the people through an appeal to their character; he asked them to prove the foes of the treaty wrong that they could be influenced so easily by, “sugar plumbs and toys.”³⁷ He alleged that the treaty opponents sought to rile the people into frenzy by appealing to their pride and telling them that they should be demanding concessions from Britain, who would comply without conflict. In

³⁵ Alexander Hamilton, “Introductory Note: The Defence No. I,” July 22, 1795, in *The Papers of Alexander Hamilton*, ed. Harold C. Syrett (New York: Columbia University Press, 1973), XVIII: 475-476.

³⁶ *Ibid.*, 479.

³⁷ Alexander Hamilton, “The Defence No. III,” July 29, 1795, in *The Papers of Alexander Hamilton*, ed. Harold C. Syrett (New York: Columbia University Press, 1973), XVIII: 513.

Philo Camillus No. 3, Hamilton proclaimed that he is sincere in his conviction that the treaty is in the best interest of the country, and unlike those making bombastic allegations about the treaty he will not “flatter and nourish public errors.”³⁸ In these essays, Hamilton articulated his belief that great public servants should lead the people and look out for their best interest, even when those actions are unpopular.

In addition to providing a convincing endorsement of the treaty and its essential nature in avoiding war in these essays, Hamilton also provided a glimpse into the evolution of the public’s role in government and the different philosophies that the emerging Republican and Federalist parties approached representative democracy. The Republicans were firm believers that representatives should enact the will of the people, meanwhile Hamilton and many of the Federalists believed that the people should place a degree of confidence in their elected leaders. If the people were not pleased with their representatives’ conduct, they could vote them out of office in the following election. In exchange for this confidence, political leaders must act as guardians of the public interest, regardless if policies were popular. In *Philo Camillus No. 3*, Hamilton proclaimed that, “honest and independent men are frequently obliged to tell unpalatable truths, which are well or ill received according to the virtue & good sense of those to whom they are addressed.”³⁹ Confronting the people with difficult realities was a central theme of this debate, and Hamilton thrived in providing detailed explanations of

³⁸ Alexander Hamilton, “Philo Camillus No. 3,” August 12, 1795, in *The Papers of Alexander Hamilton*, ed. Harold C. Syrett (New York: Columbia University Press, 1973), XIX: 124.

³⁹ *Ibid.*, 125-126.

policy that did not entirely mesh with the Federalist notion of citizens holding confidence in their representatives and the public taking a passive role in government. He believed that the majority would ultimately see that prudent actions were in their best interest upon calm reflection and access to the relevant education.

The Defence No. I declared that the primary reason that many were against the treaty was not based on its merits, but based on continuing hostility to Great Britain after the Revolutionary War. The British aggression toward American ships in the Caribbean resurrected these feelings in the American people. In tandem with resentment towards Great Britain was a sympathy that many still felt for France; France was an ally in the American Revolution and fellow emerging republic. Those sympathetic to the French were jealous of any mutually beneficial agreement with its greatest rival.⁴⁰ Without reading or studying the actual provisions of the treaty, these men began to hold meetings to condemn it mere days after its publication. Hamilton pointed to one particular meeting that attracted a great deal of attention in Boston on July 10, 1795. A group of 1,500 amassed to condemn the treaty, and requests for the treaty to be read aloud and discussed were rejected.⁴¹ Hamilton believed that the treaty's opponents rushed to denounce the document based on passion, and it could not have been properly

⁴⁰ Alexander Hamilton, "The Defence No. I," July 22, 1795, in *The Papers of Alexander Hamilton*, ed. Harold C. Syrett (New York: Columbia University Press, 1973), XVIII: 481.

⁴¹ Todd Estes, *The Jay Treaty Debate*, 73-74.

understood and weighed. He dismissed the meeting as a “sudden ebullition of popular passion” that was aroused by the pro-French party.⁴²

Following the publication of *The Defence No. I*, George Washington wrote to Hamilton on July 29, 1795:

I have seen with pleasure that a writer in one of the New York papers, under the signature of Camillus, has promised to answer-or rather to defend the treaty which has been made with Great Britain. To judge from this work from the first number, which I have seen, I auger well of the performance; and shall expect to see the subject handled in a clear, distinct and satisfactory manner.⁴³

Hamilton continued his essays on the offensive; he alleged that if the U.S. had been faced with the reality of war, those opposed to the treaty would be the first to condemn the Administration for not having taken every possible diplomatic opportunity to avoid open conflict. He argued that to go to war at this stage of the country’s development would result “in an extreme degree of a calamity.”⁴⁴

The U.S. was undergoing a period of rapid economic expansion, and a major disruption to the vital trade with Great Britain would be potentially catastrophic for the economy of the country. The country’s debt would not slowly decrease over time, but instead would balloon and result in burdensome taxes on the people. Hamilton predicted that the U.S. would become a mighty nation in time, but at this point it would be foolish to dictate terms to a greater power. A course of firm pragmatism should be

⁴² Alexander Hamilton, “The Defence No. I,” 484.

⁴³ Alexander Hamilton, “Introductory Note: The Defence No. I,” 478.

⁴⁴ Alexander Hamilton, “The Defence No. II,” July 25, 1795, in *The Papers of Alexander Hamilton*, ed. Harold C. Syrett (New York: Columbia University Press, 1973), XVIII: 494-495.

followed that would only resort to violence when absolutely necessary. Hamilton saw the ongoing war that had engulfed Europe as an opening. If the United States could remain above the fray, this would allow the nation to gain strength and postpone debilitating conflicts. The only major foreign negotiation remaining would be discussions with Spain on uninhibited access to the Mississippi River.⁴⁵ In *The Defence No. V*, Hamilton expressed disbelief that those who believed that the negotiation with Great Britain should have been concluded rather than to accept the deal did not acknowledge the reality that war was the only alternative. Compromise based on mutual concessions was the only way to preserve the nation's honor and to avoid open conflict.⁴⁶

Beyond expressing confidence in the ability of the American public to ultimately arrive at the correct conclusion regarding the treaty upon composed reflection, Hamilton provided an analysis of each article in even greater detail than the letters he sent to Washington. He made a strong case for the public to support the ratification of the whole document. Hamilton pointed out, in *The Defence No. VIII*, that if the agreement was so lopsided in favor of Great Britain, then complaints that there were not sufficient conditions to ensure that Britain would surrender the Northwest posts were unfounded. Britain would not sacrifice a treaty so beneficial to itself through noncompliance. Hamilton assured that there were no actions that must be performed by the United States

⁴⁵ Ibid., 498-499.

⁴⁶ Alexander Hamilton, "The Defence No. V," August 5, 1795, in *The Papers of Alexander Hamilton*, ed. Harold C. Syrett (New York: Columbia University Press, 1973), XIX: 95.

to comply with the treaty prior to the time that Great Britain had to surrender the posts. If Britain did not comply, then the agreement would be voided and the two countries would be returned to the same state of relations prior to the enactment of the treaty.⁴⁷

It was prudent to establish peace in the Northwest and allow the British access to the U.S. ports on the Mississippi River, Hamilton explained in *The Defence No. XII*. This would give the British an interest in breaking the Spanish control of the Mississippi.⁴⁸ One area that Hamilton emphasized particularly was that it was not only a fair compromise to include a provision that banned the sequestration or obstruction of repayment of private debts, but it was a matter of the nation's honor.⁴⁹ Hamilton asserted that a contract to pay a debt "to the foreigner is not made to him in the capacity of member of another Society, but in that of citizen of the world."⁵⁰ He made clear that it does not matter what the perceived aggressions of an individual's nation toward another nation, this was not an acceptable or honorable excuse to not pay a debt.

In *The Defence No. XXV*, Hamilton gently broached the subject of using the treaty as a way of placing a crack in the British Navigation Acts. While Article XII was not one that could be agreed to, the additional provisions in the treaty that established

⁴⁷ Alexander Hamilton, "The Defence No. VIII," August 15, 1795, in *The Papers of Alexander Hamilton*, ed. Harold C. Syrett (New York: Columbia University Press, 1973), XIX: 140-141.

⁴⁸ Alexander Hamilton, "The Defence No. XII," September 2-3, 1795, in *The Papers of Alexander Hamilton*, ed. Harold C. Syrett (New York: Columbia University Press, 1973), XIX: 225.

⁴⁹ Alexander Hamilton, "The Defence No. XVIII," October 6, 1795, in *The Papers of Alexander Hamilton*, ed. Harold C. Syrett (New York: Columbia University Press, 1973), XIX: 304.

⁵⁰ Alexander Hamilton, "The Defence No. XIX," October 14, 1795, in *The Papers of Alexander Hamilton*, ed. Harold C. Syrett (New York: Columbia University Press, 1973), XIX: 323.

formal trade with the East Indies and the hope to establish a formal agreement on West Indies trade upon further negotiations could provide a foundation for a more liberal trade between the United States and British colonies in the Caribbean.⁵¹ Hamilton presented to the public a comprehensive analysis of the treaty and a convincing argument that appealed to the practical interests of the people. He conceded that the agreement was not perfect, and he understood the reticence to compromise with the country that America had recently won its independence from, but the genuine advantages of the treaty far outweighed the drawbacks.

During the campaign for public opinion in the summer of 1795, Washington was faced with the decision of whether to sign the document. The Senate had approved the treaty in June with the stipulation that Article XII be modified or removed, and Washington was faced with a situation that would establish a precedent for executive action in all future treaty negotiations. There was uncertainty if he should have a replacement article written to override Article XII and whether it should be resubmitted to the Senate for approval. Washington decided to temporarily take no action and let the Senate's session end with the treaty matter still pending.⁵²

In July 1795, there were reports of additional British ship seizures that may have been a result of an undisclosed Order-in-Council. This made Washington's decision all the more difficult. Unknown to Washington, a new Order had been issued on April 25,

⁵¹ Alexander Hamilton, "The Defence No. XXV," November 18, 1795, in *The Papers of Alexander Hamilton*, ed. Harold C. Syrett (New York: Columbia University Press, 1973), XIX: 445.

⁵² Elkins and McKittrick, *The Age of Federalism*, 420.

1795, that was a result of the United States making payments to France on the country's debt owed from the American Revolution, and these funds were used to purchase provisions to be shipped to France. Great Britain had a severe shortage of grain and sought to divert these shipments. The seized provisions were paid for, and by September 1795, the Order was no longer in effect as the shortage in Britain subsided.⁵³ Washington did not have access to this information while he was struggling to conclude the matter.

Events involving Secretary of State, Edmund Randolph, would act as the final catalyst for Washington's decision. Secretary of War Timothy Pickering revealed to Washington that a communication between departing French minister Joseph Fauchet and Randolph had been intercepted by the British, and the letter revealed very suspicious, if not damning evidence against Randolph that he was at worst colluding with the French, and at best engaging in inappropriate communications. Ultimately Washington called a meeting of his cabinet on August 12, 1795, and asked for their advice on immediate ratification of the treaty. Randolph was in favor of continued delays to resolve the remaining issues, but Washington announced that he was ready to sign the treaty; his faith in Randolph was broken.⁵⁴

The Defence essays were published from July 1795 through January 1796. By mid-August the tide of public opinion had begun to shift in favor of the treaty; the

⁵³ Ibid., 421.

⁵⁴ Ibid., 425.

“Camillus” essays dominated the argument in the newspapers, and most of the anti-treaty writers had ceased publishing new essays. Thomas Jefferson pleaded with James Madison to begin writing against the treaty to counter Hamilton. Madison was reluctant to enter the arena with Hamilton after an unsuccessful debate two years earlier under the pseudonym “Helvidius.” In his plea to Madison, Jefferson gave Hamilton a lofty, backhanded compliment, “Hamilton really is a colossus to the anti-republican party. Without numbers, he is an host into himself.”⁵⁵ The campaign in favor of the treaty was successful, and Hamilton wrote to Washington on Christmas Eve, 1795, “I greatly miscalculate if a strong and general current does not now set in favor of the Government on the question of the Treaty.”⁵⁶

The final hurdle for the Jay Treaty after Washington signed the document was approval in the House of Representatives for appropriation of funds that were needed to carry out the treaty. Washington withheld sending the agreement to the House until it was approved by Great Britain. This was a frustrating delay for the Republicans, because they could not begin to debate and attack the treaty until Washington submitted it.⁵⁷ Finally Washington put forward the treaty to the House of Representatives on March 1, 1796, and heated debate followed in which the Republicans argued that the House had the right to review treaties that required appropriation of funds.

⁵⁵ Thomas Jefferson to James Madison, September 21, 1795, in *The Works of Thomas Jefferson*, ed. Paul Leicester Ford (New York: The Knickerbocker Press, 1904), VIII: 192.

⁵⁶ Alexander Hamilton to George Washington, December 24, 1795, in *The Papers of Alexander Hamilton*, ed. Harold C. Syrett (New York: Columbia University Press, 1973), XIX: 515.

⁵⁷ Elkins and McKittrick, *The Age of Federalism*, 434-444.

Congressman Edward Livingston demanded that the President provide Jay's instructions and communications related to the treaty. Washington declined to provide these records, because it would set a precedent that the House was justified in reviewing treaties, when that power did not exist in the Constitution.⁵⁸

Republicans had a majority in the House and it held for many weeks, but by the end of April 1796, the majority had begun to decline due to a surge of popular opinion in favor of the treaty. The merchants in the Northeast, who were experiencing unprecedented prosperity, and the Westerners, who desperately wanted American control of the Northwest posts to establish peace in the region, were two powerful proponents of the treaty. On April 28, 1796, an ill Fisher Ames gave a powerful speech in which he warned against the House of Representatives breaking a treaty that was made in accordance with the Constitution. He feared that despite his poor health, he might outlive the nation if they were to go through with this action. On April 30, the House finally approved appropriation of funds for the treaty and the matter was at last settled.⁵⁹

Alexander Hamilton was able to guide the country from the precipice of war, calm the angry public, and engage them in a conversation on complicated matters of public policy. His arguments reminded the people of the success they had been enjoying and the consequences that would result if the nation acted in a rash manner. The merchants of the Northeast were experiencing booming trade and the residents of the

⁵⁸ Estes, *The Jay Treaty Debate*, 167.

⁵⁹ Elkins and McKittrick, *The Age of Federalism*, 446-449.

Northwest anticipated the return of the posts from the British. Alexander Hamilton confronted the people with difficult truths and they responded positively to his bold arguments. Hamilton was victorious in his efforts in the Jay Treaty battle, and this episode would mark a change in the way the American people expected to participate in discussions of national consequence.

CHAPTER III

THE PUBLIC'S EVOLVING ROLE IN POLICY DEBATES

The effort to harness public opinion from the time word arrived in the United States that the Jay Treaty had been signed until the House of Representatives ultimately passed appropriation of funds for the agreement represented a dilemma for the emerging Federalist Party. The Federalists were confronted with the idea that the people expected to be involved in policy decisions. To enact important measures in the new government, they would need to have a dialogue with the public and explain policy matters to build support. Alexander Hamilton was adept at writing brilliant arguments in defense of policy, but he was uncomfortable with mass gatherings to demonstrate the people's approval or disapproval of issues. The Republicans faced challenges as well, James Madison was not yet comfortable with full-fledged political parties, but he believed that the Republicans were the only defense against the Federalists plans for a dominant national government. Neither side had yet gained a degree of comfort with having a permanent organization that would act as a liaison between the people and their representatives, but in time parties would come to be an essential ingredient in the workings of the government.¹

During the height of the public uproar over the treaty, on July 18, 1795, a meeting was held in New York City of citizens who sought to communicate to the President their wish to see the Jay Treaty rejected. After resolutions had been passed at

¹ Elkins and McKittrick, *The Age of Federalism*, 487-488.

meetings in other cities leading up to this gathering, Hamilton was eager to turn the tide in favor of the treaty. He set up a counter demonstration across the street from City Hall, and the scene devolved into chaos as no one could hear the anti-treaty speakers and the gathering was moved away towards Trinity Church. Hamilton remained and addressed the remnants of the anti-treaty crowd; he pleaded with the people for a full consideration of the treaty and calm, reasoned deliberation. However, there was so much heckling and noise from the crowd that little constructive discussion occurred. Hamilton asked the crowd to show decorum and allow him to speak. The crowd responded by throwing stones, and one hit Hamilton in the head. This incident exemplified Hamilton's fears that these gatherings would result in chaos and ultimately in mobs attacking those who advocated unpopular opinions.²

The Democratic Societies engaged in a form of direct democracy that had the potential to evolve into mob action outside the authority of the government. During the Whiskey Rebellion episode, the societies had fomented the citizens of Western Pennsylvania into the angry belief that the Federal Government was taking from them and could provide nothing in return. The government had not yet been able to establish a level of confidence in these constituents, and this combined with a lack of communication on the prospects of achieving the policy goals that mattered to the people of Western Pennsylvania, left them embittered and distrustful. Just over a year after the Whiskey Rebellion, representatives from the region including Albert Gallatin were some of the harshest critics of the Jay Treaty. However, the people of the region

² Chernow, *Alexander Hamilton*, 489-490.

eventually broke with their local representatives and called on them to approve an appropriation of funds, as it was an agreement essential to their interest. Hamilton recognized the need of the Western settlers to see the strength and competence of the national government and that it could provide benefits to them. In his defense of the Jay Treaty, Hamilton was able to demonstrate that despite their anger over the excise tax on whiskey, the treaty would secure the very real benefit of control of the Western posts and peace with British-controlled Canada.³

Western Pennsylvania finally saw the policies enacted that benefitted the region's interests. General Wayne's treaty with the Native Americans of the Northwest, Pinckney's treaty with Spain, and the Jay Treaty laid the foundation for a peaceful environment that would allow for free trade and a profitable commercial environment. Thomas Pinckney had been able to reach an agreement with the Spanish, following Jay's Treaty, to allow free navigation of the Mississippi River and other beneficial concessions. The Spanish were greatly taxed by the war with France and sought to make peace, which would infuriate Great Britain. The Spanish feared that the Jay Treaty would lead to cooperation between Britain and the United States against them to open the Mississippi.⁴

Popular participation in government was evolving and the Jay Treaty episode illuminated the different notions that the Federalists and Republicans held on the proper role of the people. The Federalists struggled to fully embrace a dialogue with the public,

³ Ibid., 482-483.

⁴ Ibid., 439-440.

because some in the party, including President Washington, were uncomfortable with officers of the government and influential private leaders attempting to sway the popular opinion and provoke demonstrations to represent their support or opposition to government actions. President Washington responded to the Boston selectmen, who held a rally on July 10, 1795, and followed by sending an anti-treaty petition to the President, by acknowledging that he had taken their opinions into consideration, but ultimately his duty was to the Constitution and the long-term interests of the United States, and he had to do what he thought best. Washington reasserted that the power to make treaties was granted to the executive and the Senate. This process was designed so that these parties would study the matter, make a determination, and not succumb to the whims of public fervor.⁵

Noah Webster was a prominent Federalist editor of the *American Minerva* and the *Herald*; he was an active participant in the courting of public opinion in favor of the treaty. However, he could not celebrate the treaty's ratification, because he believed that all of the external influence from the newspapers, the town hall meetings, and the Democratic Societies were a threat to the democratic process and could be used for dangerous means. On May 3, 1796, Webster published an editorial in which he expressed his regret at the entire Jay Treaty episode, "such a resort to the people, weakens the operations of law and constitution; diminishes the confidence that foreign nations and our own citizens ought to place in government, and in short exhibits our

⁵ Estes, *The Jay Treaty Debate*, 139.

system in a ludicrous light.”⁶ Despite these lingering doubts of involving the people in public policy that many Federalists still held, they had won the Jay Treaty battle.

However, they were forced to engage in political tactics that betrayed their concept that the citizens should hold confidence in elected representatives with limited public participation in the debate over specific measures taken by the Federal Government.⁷

Other Federalists held a more moderate view of public participation, Daniel Buck, a congressman from Vermont, received a resolution from Bennington County that condemned the treaty and urged Buck to do the same. He responded to the citizens of Bennington County that he was glad to hear their opinions on the treaty and encouraged them to stay informed on public matters, but he did not agree entirely with their resolution and he was elected to use his own judgment to assess public matters, and if he ultimately pursued a course contrary to their views, he would send them an explanation for his actions.⁸

John Fenno, Federalist newspaper editor, was an advocate for embracing a more active role in influencing popular opinion by creating a written defense of the treaty by prominent Federalists. He believed the party leaders were too timid in addressing the people and should have spoken to them earlier in “manly plain language.”⁹ However,

⁶ Ibid., 205-207.

⁷ Ibid., 149.

⁸ Ibid., 127-128.

⁹ Stephen F. Knott, *Alexander Hamilton and the Persistence of Myth* (Lawrence: University Press of Kansas, 2002), 419.

Fenno did have reservations about town meetings attempting to subvert the Federal Government. He feared that these meetings would be used by “Jacobins” to delegitimize the elected government and result in anarchy.¹⁰ Fenno represented the conflicted position of the Federalists during this debate; they feared that granting the public free reign to take up policy issues would result in mob rule and violence. However, they also acknowledged the need to address the people and provide them with facts, analysis, and the reasoning that policies were in the best interest of the citizens. The people did have a degree of faith in their elected representatives, especially with Washington at the helm, but they were also demanding to be involved in the process.

Hamilton was the leader of the Federalist Party, and he personally believed that the people generally seek to promote the nation’s interests, but sometimes they are led in erroneous directions by demagogues who convince them to advocate against their own benefit. Hamilton feared the public’s passion being manipulated by zealous, ambitious men and mass gatherings could descend into mob rule. He saw government without proper authority fail to provide for soldiers during the American Revolution and unable to take significant action under the Articles of Conderation.¹¹ Hamilton loathed government without direction and wanted to see a nation guided with energy and for the people to have confidence in their leaders. He believed a government should not pander to the public, but should lead the people. Despite Federalists reservations, Hamilton embraced the role of explainer in chief and took to writing immense, impeccably crafted

¹⁰ Ibid., 409.

¹¹ Chernow, *Alexander Hamilton*, 157.

appeals in favor of challenging policy. He made these essays available to as wide an audience as possible in a plea to the public's reason over their passion.¹² His actions did not exclude the people from being educated on the issues and from holding opinions on policy; he believed the people would support wise policies if given a chance to calmly examine the facts. Hamilton used the same arguments to convince the people that the Jay Treaty should be ratified that he used to convince George Washington to sign it. He did not talk down to the people. He wanted them to see what was in their best interest and make a rational decision, not react in haste and excitement.

Unlike Hamilton, many of the prominent leaders of both parties avoided becoming directly involved in the public debate during the 1790s. Those that did write newspaper essays used pseudonyms, due to the political culture of the time that made it uncomfortable for elite gentlemen to descend into political conflict. Newspaper editors and other political organizers engaged in the daily battle, which allowed the prominent men on both sides to avoid direct engagement. Thomas Jefferson and James Madison chose not to enter the fray over the Jay Treaty in published essays, despite their support for the education and political engagement of the people. John Jay held the Federalist belief that the document should speak for itself, and the messy debate that arose did not

¹² Ibid., 230-232.

matter in the end, it was up to the members of the Senate and President Washington to decide its ultimate fate.¹³

Todd Estes wrote in his essay, “John Jay, The Concept of Deference, and the Transformation of Early American Political Culture,” that Jay’s decision to not write a defense of the treaty is consistent with his participation in the writing of *The Federalist Papers* alongside Hamilton and Madison.¹⁴ Estes argued that Jay had no hesitation to advocate for the ratification of the Constitution, because that debate was about establishing authority in a new government. The debate over the treaty was being conducted by the men who have been granted authority to do so within the construct of this new government, and he believed that the public should have a limited role.¹⁵

Hamilton chose the pseudonym “Camillus” when writing *The Defence* to illustrate the challenging nature of the Jay Treaty crisis and his struggle to persuade the people to reflect and reevaluate the situation. Camillus was a misunderstood Roman general who was depicted in Plutarch’s *Lives*. Historian Ron Chernow explained, “The fearless Camillus expressed unpalatable truths and was finally exiled for his candor.” Camillus was sent into exile by the people, but later returned and saved Rome from the

¹³ Todd Estes, “John Jay, the Concept of Deference, and the Transformation of Early American Political Culture,” *Historian* 65, no. 2 (Winter 2002), <http://search.ebscohost.com/login.aspx?direct=true&db=aph&AN=10133361&site=ehost-live> (accessed May 24, 2012).

¹⁴ *The Federalist Papers* were a series of essays written by Alexander Hamilton, James Madison and, John Jay that were published in New York newspapers from 1787-1788. These essays played an integral role in analyzing the Constitution and building public support for its ratification.

¹⁵ Estes, “John Jay, the Concept of Deference, and the Transformation of Early American Political Culture.”

Gauls. Hamilton chose this name because it exemplified how he felt unfairly vilified and unappreciated for the sacrifices he had made for his adopted country, due to his unwillingness to flatter the popular attitude.¹⁶ Camillus was a virtuous leader, but he did not back down from actions that were not backed by the majority. He was thought to be ambitious and arrogant, and he was resented for giving the spoils of war to the treasury and not splitting the riches among the conquering army.¹⁷

Hamilton, as well as many of the other Founding Fathers, frequently used characters from Plutarch's stories to illustrate a particular dimension of a virtuous character that fit the present situation. The Founders had a love of fame and an eye toward their legacy in future generations. By carefully choosing a pseudonym that conveyed the characteristics of greatness, it allowed Hamilton to cast himself in the same league with these great men and lend a weight behind his argument.¹⁸

Philip Stadter reflected on the influence Plutarch had on Hamilton's view of government institutions and the qualities of leaders in his essay, "Alexander Hamilton's Notes on Plutarch in His Pay Book." Stadter analyzed the notes that Hamilton left in his pay book during the Revolutionary War, in the winter of 1777-1778, in which he wrote his reflections on two of Plutarch's *Parallel Lives- Theseus-Romulus* and *Lycurgus-Numa*. In his notes on *Lycurgus*, Hamilton paid close attention to the aspects of

¹⁶ Chernow, *Alexander Hamilton*, 493.

¹⁷ Harper, *American Machiavelli*, 163-164.

¹⁸ Mackubin T. Owens, Jr., "A Further Note on Certain of Hamilton's Pseudonyms: The 'Love of Fame' and the Use of Plutarch," *Journal of the Early Republic* 4, no. 3 (Autumn 1984), <http://www.jstor.org.proxy.library.georgetown.edu/stable/3123148> (accessed October 24, 2012).

Sparta's government that balanced the voice of the people and the power of the executive. He dismissed the idea of having a dual executive as one that would breed confusion, and Hamilton firmly believed a strong, unified executive was essential. The Senate was the key feature that balanced the government by supporting the executive in enacting wise measures and also providing a check to guard the rights of the people.¹⁹

In Douglass Adair's critical essay on Hamilton's choice of pseudonyms, "A Note on Certain of Hamilton's Pseudonyms," he claimed that many of the characters from Plutarch that Hamilton chose as a namesake, including Camillus, share a common disdain for the public. Adair noted the similarities in the situation that Camillus faced in Plutarch's story to the dilemma that challenged Hamilton in his defense of the Jay Treaty. The people were in opposition to the Senate and Camillus boldly defended the unpopular action and was successful, but the people resented him for challenging their will. Adair portrayed Camillus as a leader who forced policies on a people that benefitted their true interest, but they opposed through ignorance. These figures from Plutarch were misunderstood and rejected by the people for their opposition to the popular will, and Adair mocked them as believing themselves to be so essential that the "safety and well-being depend on the superman's abilities and services to the state."²⁰

¹⁹ Philip Stadter, "Alexander Hamilton's Notes on Plutarch in His Pay Book," *The Review of Politics* 73, no. 2 (Spring 2011), <http://search.proquest.com/docview/865889079?accountid=11091> (accessed May 24, 2012).

²⁰ Douglas Adair, "A Note on Certain of Hamilton's Pseudonyms," *The William and Mary Quarterly* 12, no. 2 (April 1955), <http://0-www.jstor.org.library.lausys.georgetown.edu/stable/1920509> (accessed June 18, 2012).

Adair argued that the true Hamilton was revealed during the famous dinner in 1791 where Jefferson recorded an anecdote in which Hamilton asked him who the men were in three paintings on the wall. Jefferson told him they were the three greatest men in the history of the world: Sir Francis Bacon, Sir Isaac Newton, and John Locke. Hamilton replied that the greatest man that ever lived was Julius Caesar. Adair attempted to portray Hamilton as a ruthlessly ambitious man, in the mold of Caesar, who would stop at nothing to gain absolute power. However, Adair admitted in his essay that Hamilton used the term Caesar as a pejorative in his writings.²¹

In Ron Chernow's biography of Hamilton, he lamented that Thomas Jefferson collected political gossip throughout his career and recorded them in a book called his "Anas." Chernow explained, "Unfortunately, these vignettes often cruelly misrepresent Hamilton and have done no small damage to his reputation." Chernow questioned whether Jefferson accurately recorded these stories and if Hamilton was quoted correctly. In this particular case, Chernow believed that if Hamilton did actually make the comment regarding Caesar, he was likely making a joke to Jefferson.²² Mackubin T. Owens, Jr. critiqued Adair's characterization in his essay, "A Further Note on Certain of Hamilton's Pseudonyms." He contended that Adair's study on Hamilton's use of the pseudonyms- Camillus, Phocion, Tully, and Pericles is useful in that it showed Hamilton intentionally chose these names to further his argument to contemporary readers and

²¹ Ibid.

²² Chernow, *Alexander Hamilton*, 397-398.

future generations. However, Owens believed Adair made an “illegitimate jump” in connecting this analysis to Jefferson’s record of Hamilton’s comment on Julius Caesar.²³

The essays Hamilton wrote as “Camillus” were a comprehensive, reasoned analysis of public policy that were aimed for mass consumption. The series of essays he wrote in favor of the ratification of the Constitution, justifying the Neutrality Proclamation, and in defense of the Jay Treaty played an influential role in consolidating public sentiment in favor of each measure. Hamilton did not share the same enthusiastic support for the participation of the people in the government decisions that the Republicans held, but he often expressed confidence that the people would reach the correct conclusion when educated on the facts of the situation and given time for deliberation. He knew public support was necessary to enact meaningful measures. Hamilton addressed the people as intelligent adults and the public responded to his candor. He made his argument accessible and used facts and sound reasoning to support his positions. One aspect that made his writings so compelling was that he excelled at projecting a policy vision and was then able to overwhelm the reader with well-reasoned arguments in favor of the course of action.

The electorate was evolving into a body that required their leaders to explain policy decisions, and they were not content to defer to their representatives and trust that they knew best. Despite Hamilton’s willingness to engage the public, many of the Federalists remained hesitant and questioned the appropriateness of battling for public

²³ Owens, Jr., “A Further Note on Certain of Hamilton's Pseudonyms.”

opinion in newspapers and in the streets. In policy decisions and crises following the Jay Treaty, they were not able to bring themselves to enter in full-scale debate in the public forum with the same degree of effectiveness. The party benefitted greatly from Hamilton's exertions during this era and was harmed by the reluctance of the Federalist Party to evolve and embrace the role of political leaders as explainers of policy.²⁴

²⁴ Todd Estes, "Shaping the Politics of Public Opinion: Federalists and the Jay Treaty Debate," *Journal of the Early Republic* 20, no. 3 (Autumn 2000), <http://0-www.jstor.org.library.lausys.georgetown.edu/stable/3125063> (accessed May 20, 2012).

CHAPTER IV

LESSONS FOR MODERN DISCOURSE

Alexis de Tocqueville, the French political philosopher who studied democracy in the United States in the 1830s, noted that there was a tension in the United States between an individualistic nature and a concern for the common good.¹ The Jay Treaty crisis caused friction between these competing elements of the country's complexion. The Republicans favored a government run with active participation by the people and believed the legislature should take a primary role in setting the nation's course. Alexander Hamilton and the Federalists believed that a stronger executive was needed to provide energy and direction for the country.

Hamilton played a major role in getting the treaty ratified and building public support for this initially unpopular, bold government action. He confronted the people with the thorny realities of the situation, explained the policies to the people in terms of tangible benefits, and appealed to individual's self-interest as well as the national interest. The tensions that came to a head during the Jay Treaty episode parallel modern challenges the United States has faced and will likely continue to face in the future. Political leaders will be in a better position to enact meaningful reforms on difficult

¹ Ralph C. Hancock, "Tocqueville on the Good of American Federalism," *Publius* 20, no. 2 (Spring 1990), <http://www.jstor.org.proxy.library.georgetown.edu/stable/3330551> (accessed January 5, 2013).

issues by learning from Alexander Hamilton's example of challenging the people with unpalatable truths.

Robert W.T. Martin, in his essay, "Reforming Republicanism," articulated Hamilton's concept that, "public-minded statesmen like himself should act boldly, using the full measure of power necessary to serve the public good." Hamilton believed these bold actions could be accomplished by leaders having confidence in their own abilities, but they also needed to build the confidence of the people and "often this public confidence had to be manufactured." For major reforms to be successful, the people needed to understand how these policies benefitted them. Madison and Jefferson believed that the public should be active participants in governing the country, and if they were not informed on policy matters, then they should be educated on the issues. Hamilton was not content to rely on the people to educate themselves on the issues, he would explain and defend the policy to them.²

The treaty was very unpopular at first, because the people did not blindly trust that this agreement would produce practical benefits. Hamilton was able to argue in *The Defence* that the tangible gains of the treaty were worth moving past the injuries to the country's pride from the injustices inflicted by Britain. The most concrete benefit was avoiding war. The American public of the 1790s demanded an explanation of policies

² Robert W. T. Martin, "Reforming Republicanism: Alexander Hamilton's Theory of Republican Citizenship and Press Liberty," *Journal of the Early Republic* 25, no. 1 (Spring 2005), <http://proquest.umi.com/pqdweb?did=800899111&Fmt=7&clientId=5604&RQT=309&VName=PQD> (accessed March 27, 2012).

from their leaders, and the people of the twenty-first century should continue to engage political leaders for policy explanations. The people should expect no less than finely crafted arguments and detailed studies from their representatives, and should reward those leaders who rebuke flattery of interest groups in favor of delivering difficult truths.

The Federal Government in the late twentieth and early twenty-first century has been unable to maintain a balance between excessive displays of executive power, without proper accountability, and gridlock in the legislature, driven by a frenzy of activity from special interest groups and attention-seeking rallies by populist movements. The crisis leading up to the Jay Treaty negotiations and the debate that arose upon its publication in the United States recalls the difficulty in balancing the ability of the people to check true overreaches of government, and the need for vigorous leadership to maintain the safety and prosperity of the country. The challenge of governing a great nation that respects the voice of the people and is able to act with a sense of unity requires candor between leaders and the people.

Tocqueville described how the federalist system that comprised the government sought to take advantage of the competition between individualism and collectivism to create a balance. The division of the nation's government between national, state, and local entities would allow for a combination of the personal freedom, familiarity and tradition associated with towns and small communities with the grand ideas and larger sense of purpose that were possible in the Federal Government. The balance is kept by the people pursuing their own self-interest, but by maintaining a sense of community and respect for the common good. Tocqueville believed this equilibrium is shaped by

the federal system and the requirements and interactions of government from the local level to national affairs.³

Hamilton believed in personal accountability and sought to harness individual self-interest for the benefit of the nation as a whole. He did not believe the country could be effectively managed by following a laissez-faire approach to government.⁴ Hamilton regretted the lack of virtue in most men, which he found an essential ingredient in wise government. In lieu of the people acting based on virtue and moderation, the government must channel their personal desires and ambitions. It was not a solution to the lack of virtue, but the government could provide motivation to entice the people, as well as those in power, by appealing to their personal well being to advance the interest of the country.⁵

Hamilton saw the difference between the pursuit of private and public interest. However, he did not depend on the ability of most men to clearly recognize the interest of the common good or even their own true self-interest. In *The Federalist No. 6*, Hamilton wrote, “Has it not...invariably been found that momentary passions, and immediate interests have a more active and imperious control over human conduct than

³ Hancock, “Tocqueville on the Good of American Federalism.”

⁴ Broadus Mitchell, “Alexander Hamilton, Executive Power and the New Nation,” *Presidential Studies Quarterly* 17, no. 2 (Spring 1987), <http://0-www.jstor.org.library.lausys.georgetown.edu/stable/40574455> (accessed February 3, 2012).

⁵ Richard Loss, “Alexander Hamilton and the Modern Presidency: Continuity or Discontinuity?” *Presidential Studies Quarterly* 12, no. 1 (Winter 1982), <http://0-www.jstor.org.library.lausys.georgetown.edu/stable/27547773> (accessed March 27, 2012).

general or remote considerations of policy, utility, or justice?"⁶ Frequently sage actions and policies were clouded by illusion and were vulnerable to selfish demagogues who could further inhibit the people's judgment. Hamilton argued this dilemma required a strong, energetic government, led by individuals driven by a quest for personal glory, who could channel the public's pursuit of wealth and happiness.⁷

Citizens should not be expected to have a blind deference to the federal government in Hamilton's view; instead he suggested that they would develop a familiarity to it and confidence in its actions. This relationship would develop through the federal government's regular interaction with the people and able execution of public matters.⁸ Hamilton also believed that economic success and prosperity was key to a successful republican government that could lead with energy. A thriving economy would result in the citizens feeling confident in granting the federal government substantial powers to govern, because their individual interest was being looked after. Diversity in economic activities that included industry as well as agriculture and shipping would result in a greater variety of interests and lessen the tension between northern and southern states, and rural and metropolitan interests.⁹

⁶Alexander Hamilton, John Jay, and James Madison, *The Federalist: A Commentary on the Constitution of the United States*, ed. Robert Scigliano (New York: The Modern Library, 2000), 30.

⁷Gerald Stourzh, *Alexander Hamilton and the Idea of Republican Government* (Stanford: Stanford University Press, 1970), 93.

⁸Martin, "Reforming Republicanism."

⁹Colleen A. Sheehan, "Madison v. Hamilton: The Battle Over Republicanism and the Role of Public Opinion," *The American Political Science Review* 98, no. 3 (August 2004), <http://0-www.jstor.org.library.lausys.georgetown.edu/stable/4145337> (accessed February 24, 2012).

The financial crisis of 2008-9 and the recession that followed resulted in a loss of confidence in the government to guide the economy and regulate industry to avoid calamitous bubbles and crashes. This lack of faith in the government is what Hamilton wished to avoid. In order to guide and manage the nation, the government must maintain the credibility of its leaders as competent stewards of the country's interests. On February 19, 2009, commentator Rick Santelli screamed on the CNBC television network that the Federal Government's plans for the bailout of financial services institutions and assistance programs to homeowners in danger of foreclosure were anti-American and contrary to the country's entrepreneurial spirit. He called for the formation of a new "Tea Party" that recalled the Boston Tea Party of 1773.¹⁰

The modern Tea Party movement seeks a return to originalism, not just in terms of legal understanding of the Constitution, but to a set of oversimplified values that ignores the diversity of opinion and struggles among the Founding Fathers.¹¹ The Tea Party movement believes laissez-faire economic principles, small government, individual freedom, and the rights of the states against encroachment by the Federal Government are the essential pillars of American society. The movement has characterized President Obama and his policies as ideologically foreign and anti-American because they clash with the values the movement believes are paramount.

¹⁰ Jill Lepore, "Tea and Sympathy: Letter from Boston," *The New Yorker* 86, no. 26 (May 2010), <http://search.proquest.com/docview/233125627?accountid=11091> (accessed December 21, 2012). The Tea Party was a key event in the development of the American Revolution. Colonists destroyed British tea in Boston Harbor in protest of the British Tea Act and a broader lack of representation.

¹¹ Ibid.

The bailout of financial companies, assistance to homeowners at risk of foreclosure, and healthcare reform were cast by the Tea Party as a dangerous expansion of power by the Federal Government and contrary to free market principles.¹²

At the other end of the political spectrum, the Occupy movement also arose in response to the financial crisis of 2008-9 and the deepening income inequality that resulted. The movement seeks to build a populist revolution that takes over the public debate and calls into question the capitalist system for allowing an elite group to dominate and take from the middle and lower classes. The Occupy movement believes the very wealthy and corporations should pay a higher share of taxes to alleviate the national debt and finance government programs that reduce inequality.¹³ Both the Tea Party and Occupy movements are populist efforts that distrust the elites in power and want to see dramatic shifts in the country's governance and economic system. One seeks to limit the scope and energy of the Federal Government and embrace free market principles, and the other wants an aggressive government to enact policies that would be focused on reducing inequality. The movements are based in passion and not sober assessment of the nation's interests; similar to the zeal that overtook the public during the Jay Treaty debate.

¹² Jared A. Goldstein, "Can Popular Constitutionalism Survive the Tea Party Movement?" *Northwestern University Law Review* 105, no. 4 (April 2011), <http://search.proquest.com/docview/928969348?accountid=11091> (accessed December 21, 2012).

¹³ William K. Tabb, "The Crisis: A View from Occupied America," *Monthly Review* 64, no. 4 (September 2012), <http://search.proquest.com/docview/1037423370?accountid=11091> (accessed December 2012).

Hamilton responded to aggressive populist movements with candor and authority. In his view, the people intended to advocate for the actions and issues that benefit the common good. However, public opinion can shift quickly and unpredictably, therefore it is important for the elected leaders to recognize when the sentiment of the people differs from their interest and “withstand the temporary delusion, in order to give them time and opportunity for more cool and sedate reflection.” Hamilton argued in *The Federalist No. 71* that the executive should not depend on the shifting sentiment of the legislature or the public. Hamilton acknowledged that a republican government did require that the “deliberate sense of the community should govern the conduct of those to whom they intrust the management of their affairs,” but the people could be educated on the wisdom of making difficult choices.¹⁴ Stephen F. Knott, in his book *Alexander Hamilton and the Persistence of Myth*, described Hamilton’s view that a successful republican government would need to be “a system filtered by representation and restrained by anchors of stability and permanence.” The government that Hamilton intended required that the President show energy and provide direction, and the Senate to act as a constant body that was not driven to action by every flutter of public opinion.¹⁵

James Madison’s vision for how the national government would operate differed from Hamilton’s energetic executive providing guidance and direction. The groups

¹⁴ Hamilton, Jay, and Madison, *The Federalist*, 458-460.

¹⁵ Knott, *Alexander Hamilton and the Persistence of Myth*, 217.

representing various interests would invariably compete with each other for dominance. Charismatic and dangerous men would lead some of these groups against each other, rather than encourage cooperation for the common good. These conflicts cannot be avoided, but the effect could be managed and contained. Factions that are unable to become a majority may cause obstruction in the government and quarrel in the society, but they will not be able to oppress the minority with the sanction of the government and corrupt its principles.¹⁶ Madison believed the extent of the American republic, which would allow for a great pool of representatives for the people to select from and embody a variety of interests, would counteract the threat of faction leading to oppression. Hamilton did not believe this was a satisfactory plan, but that an executive who could direct the nation in a unified way and a Senate that provided stability and was composed of learned men with expertise in public issues was key to providing a barrier against abuses by popular majority.¹⁷

In tandem with the rise of competing interests that Madison predicted, was a rise in the political parties that would represent and pander to those interests. The crystallization of the first two political parties was a consequence of the Jay Treaty debate. Political parties became apparent when congressmen began to exhibit voting patterns that were not based strictly on his sober assessment of the issue, but founded on his loyalty to men who have voted with him in the past and as an incentive to procure

¹⁶ Hamilton, Jay, and Madison, *The Federalist*, 55-57.

¹⁷ Sheehan, "Madison v. Hamilton."

future votes.¹⁸ The Republicans and Federalists became two distinct groups during this period and they began to not only disagree with each other, but to fear the motives of the other group and suspect that they were attempting to destroy the new government. Victory for each party became increasingly paramount and this partisan conflict in the legislature made it more important than ever to have a strong, energetic executive who could lead the country through crises and enact measures that were in the best interest of the people.¹⁹

The Republican newspapers tried to portray Hamilton as leading an effort to bring monarchy to America and label him as someone outside of mainstream American values; the newspapers created a perception of him as an “other.” They gave him the derisive label- “monocrat.” This negative brand recalls twenty-first century attacks against President Obama by labeling him as a Socialist or Fascist. These attacks arise from a fear that traditions are under attack and the distrust of bold public policy objectives that may rattle the existing status quo.²⁰ President Obama’s efforts to reform the healthcare system in 2009-10 led to a series of town hall meetings, led by Democratic members of Congress and officials from the Obama Administration, during

¹⁸ Joseph Charles, “The Jay Treaty: The Origins of the American Party System,” *The William and Mary Quarterly* 12, no. 4 (October 1955), <http://0-www.jstor.org.library.lausys.georgetown.edu/stable/1918627> (accessed May 20, 2012).

¹⁹ Ibid.

²⁰ Anuschka Bhatia and Jarret T. Crawford, “Birther Nation: Political Conservatism is Associated with Explicit and Implicit Beliefs that President Barack Obama is Foreign,” *Analyses of Social Issues & Public Policy* 12, no. 1 (2012), <http://search.ebscohost.com/login.aspx?direct=true&db=aph&AN=84387379&site=ehost-live&scope=site> (accessed January 10, 2013).

the summer of 2009. Some of these meetings proceeded successfully and arguments were made for and against measures of the proposed reforms. However, many other town halls dissolved into chaotic, nasty spectacles with constituents shouting down their representatives and engaging in physical contact with each other.²¹

Popular passions over healthcare reform were creating an atmosphere similar to the scene in downtown Manhattan on July 18, 1795 where Hamilton appealed to the people for calm debate and was answered by a stone hitting him from the crowd. Thomas Friedman wrote in a September 2009 opinion piece in *The New York Times* that the attacks surrounding the healthcare debate in the summer of 2009 sought to delegitimize the Obama Presidency, and he worried that politics in the country had become so divisive that it would be impossible for the various branches, parties, and interests that made up the government to work together. He wondered if there was any potential in this atmosphere for there to be a reasonable debate on policy that was based on careful study, and not emotion and distrust.²² The difficulty of making progress on important issues in an environment, where the legislature is trapped in partisan gridlock and the people are inflamed with passion, only encouraged Hamilton's belief that an energetic executive was necessary to guide the nation and restore the confidence of the people in their elected leaders.

²¹ Daniel M. Shea and Alex Sproveri, "The Rise and Fall of Nasty Politics in America," *PS: Political Science & Politics* 45, no. 3 (July 2012), <http://search.proquest.com/docview/1126537540?accountid=11091> (accessed December 20, 2012).

²² Thomas L. Friedman, "Where Did 'We' Go?" *The New York Times*, September 29, 2009, http://www.nytimes.com/2009/09/30/opinion/30friedman.html?_r=0 (accessed January 5, 2013).

A cause for concern in recent presidential elections is a trend of candidates embracing a strategy based on emotion and personal likeability.²³ There is an urgent unfulfilled need for leaders to articulate hard truths to the people and address them with candor and well-reasoned explanations of policy. During the 2012 presidential campaign, President Obama was criticized for granting a large amount of interviews to media outlets that were geared more towards entertainment than hard news. He agreed to interviews with “Entertainment Tonight,” *People Magazine*, and the ESPN network, and gave fewer press conferences than many of his predecessors. President Obama’s deputy campaign manager, Stephanie Cutter, responded to questions on the President’s choice of media to grant interviews, “I do not think they’re more important, but I think they’re equally important. I think that’s where a lot of Americans get their news.”²⁴

Presidential candidates have begun to utilize a variety of entertainment media to connect with voters. Bill Clinton played the saxophone on the Arsenio Hall Show during the 1992 campaign, and George W. Bush, Al Gore, John Kerry and John McCain all appeared on entertainment-oriented talk shows during recent presidential elections. These types of media strategies may be effective at winning elections, but they do not help the nation solve its problems. The people should demand discussion of detailed plans from candidates to solve serious problems in lieu of more talk show appearances

²³ Knott, *Alexander Hamilton and the Persistence of Myth*, 231.

²⁴ Sarah B. Boxer, “Obama camp: People Magazine, ‘Entertainment Tonight’ are ‘equally important’ as news media,” *CBS News*, August 19, 2012, http://www.cbsnews.com/8301-503544_162-57496049-503544/obama-camp-people-magazine-entertainment-tonight-are-equally-important-as-news-media/ (accessed January 6, 2013).

and entertainment news. It is up to the people and the media to hold leaders accountable to deliver the difficult truths and explain the reforms required.²⁵

There have been several examples of prominent leaders in recent years attempting to deliver difficult truths to the people. Former Vice President and presidential candidate in the 2000 election, Al Gore, participated in a 2006 documentary *An Inconvenient Truth*, which urged the public to confront the global climate crisis and enact meaningful reforms to reduce carbon emissions into the atmosphere. In an October 2006 journal article in *RSA Journal* entitled, “Lobbying for Earth,” he described the reasons why he believed America has been reluctant to take meaningful action to deal with the climate crisis and many do not believe in its existence at all. Gore explained that the people are enthralled by a belief that human beings could not possibly be endangering the whole planet, because there are no historical precedents to prepare them for this reality. He used the word “thrall” to embody the mistaken beliefs that have taken hold of the people and do not allow them to access the situation with a clear vision. It is up to the unpalatable truth-tellers to break the “thrall” of the people and convince them of the policies that will benefit their interest and spare them tragedy.²⁶

Bill Clinton gave a speech on September 5, 2012 at the Democratic National Convention that sparked a great deal of attention for the volume of reasoned arguments and detailed analysis in defense of President Obama’s first term. Clinton presented an

²⁵ Martha T. Moore, “Romney avoids entertainment TV,” *USA Today*, October 25, 2012, <http://www.usatoday.com/story/news/politics/2012/10/24/romney-obama-letterman-leno/1655251/> (accessed January 6, 2013).

²⁶ Al Gore, “Lobbying for Earth,” *RSA Journal* 153, No. 5525 (October 2006), <http://www.jstor.org.proxy.library.georgetown.edu/stable/41379737> (accessed January 5, 2013).

enormous quantity of facts regarding economic growth, job creation, the rate of growth of healthcare costs, and energy policy as part of a memorable and compelling argument in favor of President Obama's reelection. Fact checking organizations found the statistics presented to largely be accurate and intellectually honest.²⁷ Bill Clinton has a reputation as a politician who can empathize on an emotional level with the people; however, his greatest political talent has been when he has taken the role of explainer in chief. He laid out a compelling argument that treated the public like adults, and he backed up his case with facts instead of providing sweeping, grand rhetoric. Clinton made a forceful case for the necessity of an energetic government that could lead the nation in advance of common opportunity and benefit.²⁸

At the Republican National Convention in August 2012, Governor of New Jersey, Chris Christie, gave the keynote address and promised that the party's presidential candidate, Mitt Romney, would deliver "hard truths" that the nation needed to hear, if he was elected president.²⁹ Christie has a reputation as a blunt speaker who has defended some difficult positions, but nonpartisan organizations and the media were unable to reconcile the Romney campaign's proposals for updating the tax code and

²⁷ Robert Farley, Brooks Jackson, Eugene Kiely, and Lori Robertson, "Our Clinton Nightmare," FactCheck.org: A Project of the Public Policy Center, entry posted September 6, 2012, <http://www.factcheck.org/2012/09/our-clinton-nightmare/> (accessed December 21, 2012).

²⁸ E.J. Dionne Jr., "Bill Clinton's Tutorial on the Need for Government," *The Washington Post*, September 5, 2012, <http://www.washingtonpost.com/opinions/ej-dionne-jr-the-democrats-government-tutorial/2012/09/05/3a6ce1c4-f78c-11e1-8b93-c4f4ab1c8d> (accessed January 5, 2013).

²⁹ Josh Barro, "Romney and Christie's Hard Truth Problem," *Bloomberg*, August 28, 2012, <http://www.bloomberg.com/news/2012-08-29/romney-and-christie-s-hard-truth-problem.html> (accessed January 8, 2013).

reducing the deficit. The sparse details released by the campaign did not explain how his plan could produce the cuts in taxes promised without increasing the tax burden on the middle class or expanding the deficit.³⁰

It is a positive development that political leaders have begun to realize the importance of candor with the American public and the necessity of delivering “inconvenient” or “hard” truths, but there needs to be more than a promise of honesty after an election is over. Leaders must not hide what they wish to do in office and the people should reward and value leaders who do engage them with reasoned, educated arguments for difficult policies.

Upon entering his second term in office, President Obama faces a challenge in selling ideas, policies, and having a dialogue with the people. He has been tremendously successful in pitching his personal story as a candidate, but has struggled to bring the people onboard with difficult policies. The Obama Administration failed to offer the public a compelling argument in favor of the necessity of the economic stimulus package and bailout of the auto industry during 2009. Vice President Joe Biden was tasked with selling the policies to the public in the summer of 2010, but the Republican Party had already established the narrative that the stimulus bill was not

³⁰ Betsey Stevensen and Justin Wolfers, “Why Voters Should Fear Romney’s Tax Plan,” *Bloomberg*, November 5, 2012, <http://www.bloomberg.com/news/2012-11-05/why-voters-should-fear-romney-s-tax-plan.html> (accessed January 30, 2013).

effective, despite the belief of many economists that it was sound, necessary policy. President Obama's party faced huge losses in the 2010 midterm election.³¹

President Obama and future presidents must embrace Alexander Hamilton's example as a teller of unpalatable truths. Hamilton was able to break the thrall of the people against supporting damaging policies by appealing to calm, rational assessment of interest. He channeled self-interest in his defense of the Jay Treaty by explaining the practical benefits. Modern political leaders need to aggressively explain policy in terms of tangible results, and be willing to challenge the public with bold plans to tackle systemic problems. They must engage in a mature, candid conversation with the American people. The people must hold leaders accountable, demand to hear hard truths from political leaders, and support candidates that are willing to backup difficult policies.

³¹ Reid J. Epstein and Glenn Thrush, "President Obama's challenge: Selling ideas, not just himself," *Politico*, January 30, 2013, <http://www.politico.com/story/2013/01/obamas-revamped-roadshow-86908.html> (accessed January 30, 2013).

CONCLUSION

Alexander Hamilton did not believe in political leaders pandering to the people, instead the executive branch should project a vision and promote policies that would result in the fulfillment of that vision. Hamilton noted in his pay book a passage from Demosthenes' orations that adeptly summarized his conviction that leaders ought "to march at the head of affairs, insomuch that they ought not to wait the event to know what measures to take, but the measures which they have taken ought to produce the event."³² The problems that the country faced in the 1790s were complex and the challenges in the early twenty-first century have grown exponentially more diverse. Populist passion is insufficient in crafting solutions to such critical issues including: stagnant economic growth, rising energy costs, exploding healthcare costs, climate change, terrorism, and budget deficits; to name just a few of the issues facing political leaders in the twenty-first century.

Political leaders should study Hamilton's response to the Jay Treaty foreign relations crisis as a template on the necessity of leaders making an independent analysis of challenging situations and considering how policies fit into a larger vision. In cases where leaders differ from the popular assessment of the issue, they should call for sober reflection on the matter and educate the public in the same manner they would address fellow leaders.

³² Alexander Hamilton, "Pay Book of the State Company of Artillery," August 31, 1776, in *The Papers of Alexander Hamilton*, ed. Harold C. Syrett (New York: Columbia University Press, 1961), I: 390.

Great Britain enacted maritime policies that damaged American interests while engaging in war with France in 1793. The American people were struggling for direction, and they resented being bullied by the country that they had just won independence a decade earlier. The public sympathized with the French Revolution and wished to see other nations enact republican governments. It was a great challenge to convince the people that the Jay Treaty would produce real gains. The young nation would be severely damaged if it attempted to go to war at such an early stage in its development, and Hamilton was committed to breaking through popular passion and avoiding catastrophe.

Hamilton was able to persuade the public to reassess the treaty, because he leveled with the people and delivered an educated analysis of the issues at hand. As historian Broadus Mitchell explained, Hamilton “modeled his exhaustive public defense of the treaty-the Camillus essays-on his report to the Chief Executive.”³³ Hamilton did not speak down to the people. He addressed the greater international context, but also convinced the people that the treaty would produce real economic benefits and security. Grand speeches and dishonest promises did not bring the people onboard; the people responded to candor.

Political leaders need to rebuild confidence in the government’s ability to manage public affairs by developing a vision for the country, and crafting policy to support this direction. Reviving the economy is essential to regaining this trust. Alexander Hamilton understood human nature and was able harness self-interest to

³³ Mitchell, *Alexander Hamilton*, 295.

support policies that benefitted the greater good. The population of the Northwest region distrusted the Federal Government and participated in the Whiskey Rebellion. Hamilton was able to convince this population to be essential supporters of the Jay Treaty, by explaining the direct, practical benefits that would result.

In November 2012, President Obama was reelected for a second term. He faces a daunting political environment that is hindered from engaging in constructive debate on reforms to solve critical issues by a polarized Congress. Interest groups and populist movements, such as the Tea Party and Occupy movement, dominate the media's attention and engage in heated, passionate rhetoric. These forces drown out the need for calm, factual discussion of solutions to the nation's problems. President Obama and his successors must be willing to confront the people with difficult realities, explain policy prescriptions, and rebuild the public trust in the Federal Government. The people and the media should demand and expect serious answers and solutions, and they should only support leaders that are willing to deliver unpalatable truths.

BIBLIOGRAPHY

- Adair, Douglas. "A Note on Certain of Hamilton's Pseudonyms." *The William and Mary Quarterly* 12, no. 2 (April 1955). <http://0-www.jstor.org.library.lausys.georgetown.edu/stable/1920509> (accessed June 18, 2012).
- Bemis, Samuel Flagg. *Jay's Treaty: A Study in Commerce and Diplomacy*. New York: The Macmillan Company, 1923.
- Bhatia, Anuschka, and Jarret T. Crawford. "Birther Nation: Political Conservatism is Associated with Explicit and Implicit Beliefs that President Barack Obama is Foreign." *Analyses of Social Issues & Public Policy* 12, no. 1 (2012). <http://search.ebscohost.com/login.aspx?direct=true&db=aph&AN=84387379&site=ehost-live&scope=site> (accessed January 10, 2013).
- Brymner, Douglas, ed. *Report on Canadian Archives*. Ottawa: Brown Chamberlin, 1890.
- Burstein, Andrew, and Nancy Isenberg. *Madison and Jefferson*. New York: Random House, 2010.
- Charles, Joseph. "The Jay Treaty: The Origins of the American Party System." *The William and Mary Quarterly* 12, no. 4 (October 1955). <http://0-www.jstor.org.library.lausys.georgetown.edu/stable/1918627> (accessed May 20, 2012).
- Chernow, Ron. *Alexander Hamilton*. New York: Penguin Books, 2004.
- Elkins, Stanley M., and Eric L. McKittrick. *The Age of Federalism*. New York: Oxford University Press, 1993.
- Estes, Todd. "John Jay, the Concept of Deference, and the Transformation of Early American Political Culture." *Historian* 65, no. 2 (Winter 2002). <http://search.ebscohost.com/login.aspx?direct=true&db=aph&AN=10133361&site=ehost-live> (accessed May 24, 2012).
- Estes, Todd. "Shaping the Politics of Public Opinion: Federalists and the Jay Treaty Debate." *Journal of the Early Republic* 20, no. 3 (Autumn 2000). <http://0-www.jstor.org.library.lausys.georgetown.edu/stable/3125063> (accessed May 20, 2012).

- Estes, Todd. *The Jay Treaty Debate, Public Opinion, and the Evolution of Early American Political Culture*. Amherst: University of Massachusetts Press, 2006.
- Fewster, Joseph M. "The Jay Treaty and British Ship Seizures: The Martinique Cases." *The William and Mary Quarterly* 45, no. 3 (July 1988). <http://0-www.jstor.org.library.lausys.georgetown.edu/stable/1923643> (accessed May 20, 2012).
- Goldstein, Jared A. "Can Popular Constitutionalism Survive the Tea Party Movement?" *Northwestern University Law Review* 105, no. 4 (April 2011). <http://search.proquest.com/docview/928969348?accountid=11091> (accessed December 21, 2012).
- Gore, Al. "Lobbying for Earth." *RSA Journal* 153, no. 5525 (October 2006). <http://www.jstor.org.proxy.library.georgetown.edu/stable/41379737> (accessed January 5, 2013).
- Hamilton, Alexander, John Jay, and James Madison. *The Federalist: A Commentary on the Constitution of the United States*. Edited by Robert Scigliano. New York: The Modern Library, 2000.
- Hamilton, Alexander. *The Papers of Alexander Hamilton*. Edited by Harold C. Syrett and Jacob E. Cooke. 27 vols. New York: Columbia University Press, 1961-1979.
- Hancock, Ralph C. "Tocqueville on the Good of American Federalism." *Publius* 20, no. 2 (Spring 1990). <http://www.jstor.org.proxy.library.georgetown.edu/stable/3330551> (accessed January 5, 2013).
- Harper, John Lamberton. *American Machiavelli: Alexander Hamilton and the Origins of U.S. Foreign Policy*. Cambridge, UK: Cambridge University Press, 2004.
- Jefferson, Thomas. *The Portable Thomas Jefferson*. Edited by Merrill D. Peterson. New York: Penguin Books, 1977.
- Jefferson, Thomas. *The Works of Thomas Jefferson*. Edited by Paul Leicester Ford. 12 vols. New York: The Knickerbocker Press, 1904-1905.
- Knott, Stephen F. *Alexander Hamilton and the Persistence of Myth*. Lawrence: University Press of Kansas, 2002.
- Lepore, Jill. "Tea and Sympathy: Letter from Boston." *The New Yorker* 86, no. 26 (May 2010). <http://search.proquest.com/docview/233125627?accountid=11091> (accessed December 21, 2012).

- Lienesch, Michael. "Thomas Jefferson and the American Democratic Experience: The Origins of the Partisan Press, Popular Political Parties, and Public Opinion." In *Jeffersonian Legacies*, edited by Peter S. Onuf, 316-337. Charlottesville: University Press of Virginia, 1993.
- Loss, Richard. "Alexander Hamilton and the Modern Presidency: Continuity or Discontinuity?" *Presidential Studies Quarterly* 12, no. 1 (Winter 1982). <http://0-www.jstor.org.library.lausys.georgetown.edu/stable/27547773> (accessed March 27, 2012).
- Martin, Robert W.T. "Reforming Republicanism: Alexander Hamilton's Theory of Republican Citizenship and Press Liberty." *Journal of the Early Republic* 25, no. 1 (Spring 2005). <http://proquest.umi.com/pqdweb?did=800899111&Fmt=7&clientId=5604&RQT=309&VName=PQD> (accessed March 27, 2012).
- Mitchell, Broadus. *Alexander Hamilton: A Concise Biography*. New York: Oxford University Press, 1976.
- Mitchell, Broadus. "Alexander Hamilton, Executive Power and the New Nation." *Presidential Studies Quarterly* 17, no. 2 (Spring 1987). <http://0-www.jstor.org.library.lausys.georgetown.edu/stable/40574455> (accessed February 3, 2012).
- Owens, Mackubin T., Jr. "A Further Note on Certain of Hamilton's Pseudonyms: The 'Love of Fame' and the Use of Plutarch." *Journal of the Early Republic* 4, no. 3 (Autumn 1984). <http://www.jstor.org.proxy.library.georgetown.edu/stable/3123148> (accessed October 24, 2012).
- Shea, Daniel M. and Alex Sproveri. "The Rise and Fall of Nasty Politics in America." *PS: Political Science & Politics* 45, no. 3 (July 2012). <http://search.proquest.com/docview/1126537540?accountid=11091> (accessed December 20, 2012).
- Sheehan, Colleen A. "Madison v. Hamilton: The Battle Over Republicanism and the Role of Public Opinion." *The American Political Science Review* 98, no. 3 (August 2004). <http://0-www.jstor.org.library.lausys.georgetown.edu/stable/4145337> (accessed February 24, 2012).
- Stadter, Philip. "Alexander Hamilton's Notes on Plutarch in His Pay Book." *The Review of Politics* 73, no. 2 (Spring 2011). <http://search.proquest.com/docview/865889079?accountid=11091> (accessed May 24, 2012).

- Stahr, Walter. *John Jay: Founding Father*. New York: Hambledon and London, 2005.
- Stourzh, Gerald. *Alexander Hamilton and the Idea of Republican Government*. Stanford: Stanford University Press, 1970.
- Tabb, William K. "The Crisis: A View from Occupied America." *Monthly Review* 64, no. 4 (September 2012).
<http://search.proquest.com/docview/1037423370?accountid=11091> (accessed December 2012).
- Wood, Gordon S. *Empire of Liberty: A History of the Early Republic, 1789-1815*. New York: Oxford University Press, 2009.
- Young, Christopher J. "Connecting the President and the People: Washington's Neutrality, Genet's Challenge, and Hamilton's Fight for Public Support." *Journal of the Early Republic* 31, no. 3 (Fall 2011).
<http://search.proquest.com/docview/889808604?accountid=11091> (accessed May 24, 2012.)