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# The American Triumvirate

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The presidential election had been one of firsts. It featured one of the nastiest campaigns on record, with both candidates' parties participating in the mudslinging and slander. It featured a battered incumbent facing a former friend turned rival. In the end, the election was not decided on election night, but only after bitter partisan fighting in the House of Representatives. Many wondered if the nation would be able to survive the transfer of power from one party to another. This was the Election of 1800.

This was the America that Thomas Jefferson inherited as he walked to the Capital to be sworn in as the third president of the United States. Already, this simple act was sending a message. He would not ride in the fancy carriages that Washington and Adams had utilized, even though his social rank and personal wealth more than afforded him the luxury. He would walk with the people to demonstrate that he was the people's president. He was the leader for all Americans, and not just the rich aristocracy. When he read his first inauguration speech, it was very telling of the kind of president that America would have for the next four years. In a quiet and timid voice, Jefferson called for unity among the warring parties and for America to seek peace and economic prosperity. At the time, the country was very divided along political, economic, and geographic lines. Many questioned if the young nation would even survive a shift in party control of the government.

If he had been asked at this time what the future would hold for his until recently fledgling Democratic-Republican Party, he would probably have brushed off the question by replying he was focusing on the task at hand, which was trying to repair the divides in the nation. Though he was quick to claim credit for his successes, Jefferson would not have wanted

a political dynasty for America. The idea would have had an air of monarchy and the old rule to him, and anything involved with Kings and Great Britain in general was to be avoided at all costs. Yet, that inauguration day in 1801 was the start of the first American Political Empire. For the next forty years, several men would hold the presidency, all of whom professed in either word, deed, or both, to hold and practice the values of the man from Monticello. Jefferson, quite possibly the American most opposed to the old Governments of Europe, was also the first American to have a political dynasty.

While some Presidents in his line of succession were more closely aligned with his political ideologies than others, the two most closely aligned were James Madison and James Monroe. Not only were these men the immediate successors of Jefferson to the presidency, but both Monroe and Madison were fellow Virginians who struck long term acquaintances with Jefferson both before and after the latter's Presidency. Although directly retired from politics following his two terms as President, Jefferson was more than willing to give his insight and advice regarding policy whenever Madison or Monroe asked him to weigh in a political course they were thinking of pursuing. So, while Jefferson would be quick to deny any idea that he pursued a dynasty, he could never fully remove himself from the political scene.

Jefferson, Madison, and Monroe were close friends who succeeded each other for the office of President of the United States. Yet, besides having years of friendship as neighbors to cultivate a similar political ideology together, Jefferson also provided the means for his successors to hone and refine the practice of the ideology. When Jefferson took the office of President, he appointed Madison as his secretary of State, the same position he had held under Washington a decade before. The Secretary of State was probably the most powerful cabinet

position, and more importantly, the most influential when it came to the implantation and drafting of policy, since they oversaw most of the daily functions of the government. So, Madison was appointed to be Jefferson's main enforcer of policy. Madison in turn would then make Monroe his Secretary of State. This passing of the torch symbolized more than the friendship the men shared. It was the anointing of a political successor by appointing them to the implementation of the president's policy. Being appointed Secretary of State was the greatest honor, because it was the first step towards the Presidency. Jefferson may have appointed Madison not just as Secretary, but as Successor. Even if this was the case, Jefferson was more focused on the long term good the continuation of his policies under the next president could do for the nation, as opposed to leaving behind a personal legacy.

On that fateful inauguration day in 1801, Jefferson expressed his hope that the nation would heal from the sectarian party conflicts that had divided the country in the election. He never imagined that the steps he would take in the years that followed would set the country up for several decades of one party rule, which would adhere to his political philosophies. Yet, those days came. The first American Political Dynasty was started on that April Day when Thomas Jefferson said, "I do" to the presidential oath of office.

## **Presidential First Impressions**

When doing any comparison of political figures, it is important to start with the beginning. The purpose of this chapter will be to look at the first inaugural addresses given by Thomas Jefferson, James Madison, and James Monroe as each man assumed the title of President of the United States. Since these addresses are the first speech an American

president will make to the nation, they are a good indication for what the President hopes to be able to accomplish in their term, even if no specific policies are mentioned. Specifically, by comparing the inaugural addresses of these three presidents this paper will seek to demonstrate that all three men took a similar approach as to how they viewed the role of the president in American politics, which would shape how they would conduct themselves in the office that the three of them would hold over a twenty-four-year span.

Thomas Jefferson took office under a set of circumstances that will never again be repeated in United States History. The election of 1800 saw the first time that there would be a transfer of executive power from one political party to another. It did not help the situation that members of these parties often despised each other and participated in many verbal attacks against their opponents. To top it all off, Jefferson only won the presidency after an exhaustive process through the House of Representatives that became so grueling it led to a Constitutional Amendment to prevent such a situation from reoccurring. So, the nation on the eve of Jefferson's first Inauguration was very divided along class, geographical, and political lines. Jefferson, whose timid nature led to him loathing confrontation, began to address this divide in his address. His first line was "Called upon to undertake the duties of the first executive office of our country, I avail myself of the presence of that portion of my fellow-citizens which is here assembled to express my grateful thanks for the favor with which they have been pleased to look toward me."<sup>1</sup> Here, Jefferson is seen thanking the citizens who voted

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<sup>1</sup> Jefferson, Thomas. *First Inaugural Address*. March 4, 1801. Accessed from Lillian Goldman Law Library, New Haven, CT. 2008. Accessed on 2/12/17

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for him, which is standard for most presidential candidates. However, given how Jefferson won the presidency, this gratitude takes on an extra meaning. Here, Jefferson is also most likely thanking his supporters for backing him through the long process of being confirmed in the House of Representatives over fellow Republican Aaron Burr. However, Jefferson also used his first inaugural speech to also stress the need for unity and harmony among the rival factions, so that the government could function and serve the people. Jefferson stressed this point by stating “But every difference of opinion is not a difference of principle. We have called by different names brethren of the same principle. We are all Republicans, we are all Federalists.”<sup>2</sup> This sentiment was an extraordinary way for Jefferson to start his presidency off with. Here he is stating the political party that had spent most of the past decade opposing him and his goals for the nation at every possible turn. Lead by his personal rival Alexander Hamilton, The Federalists had attacked Jefferson and the Republicans mercilessly, and there was almost no common ground between the two factions. So, for Jefferson to call on both parties to untie and find common ground to better the country.

While he does not bring up either political party in his second inaugural address, Jefferson does express the same desire of unity and progress in his second inaugural address which he gave four years later. In this address, Jefferson stated “At home, fellow citizens, you best know whether we have done well or ill.... we have endeavored to cultivate the friendship of all nations.”<sup>3</sup> Throughout the entirety of his second address, Jefferson highlighted the

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<sup>2</sup> Ibid.

<sup>3</sup> Jefferson, Thomas. *Second Inaugural Address*. March 4, 1805. Accessed from Lillian Goldman Law Library, New Haven, CT. 2008. Accessed on 3/4/17  
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political harmony that he thought the country had achieved in the previous four years. As demonstrated in the previous quote, Jefferson would use “we” to refer to most of the accomplishments of his first term in office, indicating that Jefferson felt that the American people, regardless of political affiliation, deserved credit for the successes that occurred between 1801 and 1805. Jefferson began his second address by saying “I entertain this new proof of confidence from my fellow citizens at large...so to conduct myself as may best satisfy their just expectations.”<sup>4</sup> Here we again see Jefferson portraying himself as the servant of the people of the United States, which is what he had envisioned as the role of the president before he ever assumed the title. The historian Jon Meacham also notes Jefferson’s appeal to the common man by claiming “The outward reformation of Federalist America began...when Jefferson declined to wear a ceremonial sword to the swearing-in. He soon sold President Adams’s coaches and silver harnesses.”<sup>5</sup> These might seem to be trivial matters, but Jefferson was already distancing himself from his two Federalist predecessors before he had even taken the oath of office for the Presidency.

Since his two successors were also members of his Democratic-Republican Party, it stands to reason that James Madison and Janes Monroe took similar approaches to their inaugural addresses that Jefferson did. James Madison’s first inaugural address does deviate in some ways from his predecessor, but there is an undertone where the ideas of Jefferson shine through. One of the first lines from Madison’s inaugural address goes “I avail myself of the

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<sup>4</sup> Ibid.

<sup>5</sup> Meacham, Jon. *Thomas Jefferson The Art of Power*. New York: Random House, 2012. Page 353.

occasion now presented to express the profound impression made on me by the call of my country to the station to the duties of which I am about to pledge myself by the most solemn of sanctions.”<sup>6</sup> Here, there are two major observations to make. One, is that Madison goes away from Jefferson’s inclusion of the people by making his speech more about himself. Throughout his entire speech, he uses “I” and “myself” in place of Jefferson’s “we”. This is probably due to the circumstances regarding the presidential elections of 1800 and 1808. As mentioned previously, the election of 1800 was so close and divided that a constitutional amendment was passed to forever change how presidents and vice presidents are elected to ensure that 1800 could never be repeated. Madison, on the other hand, had a much easier time running for office just eight years later. Because of Jefferson’s largely successful and popular two terms, Madison faced far less opposition from a shrinking Federalist party than his predecessor had. Even if he had faced turning the election over to the House of Representatives, which had happened in 1800, he would have most likely been swept through, as the Republicans now had a majority in the House and an almost five to one advantage in the Senate.<sup>7</sup> These comfortable margins probably lead to Madison feeling that his victory was more attributed to his own talents, than the people’s faith and goodwill in his ideals.

Yet, despite this change in general tone, there are parts of this speech that are incredibly Jeffersonian in nature. One of these references can be seen when Madison states “Under the benign influence of our republican institutions, and the maintenance of peace with

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<sup>6</sup> Madison, James. *First Inaugural Address*. March 4, 1809. Accessed from Lillian Goldman Law Library, New Haven, CT. 2008. Accessed on 3/6/17 [avalon.law.yale.edu/subject\\_menus/inaug.asp](http://avalon.law.yale.edu/subject_menus/inaug.asp)

<sup>7</sup> From Meacham, Jon. Page 351. Lists Senate Republican majority as 28-6 over Federalists



all nations whilst so many of them were engaged in bloody and wasteful wars, the fruits of a just policy were enjoyed in an unrivaled growth of our faculties and resources.”<sup>8</sup> Here, Madison is directly appealing to the wisdom of Jefferson’s policies regarding staying out of European affairs and wars. During the Presidencies of both Jefferson and Madison, most of the major European powers were embroiled in the Napoleonic Wars, which would eventually spill over to America in the War of 1812. However, in 1809, America had managed to stay out of these conflicts, and appeared to be better off for doing so. This policy of non-intervention is credited with Jefferson as one of his main policies regarding foreign affairs. It is clear from this line that Madison fully intended to continue and support throughout his presidency. Madison also took the time during his speech to highlight the benefits of the policies of his predecessor. He spoke of them as “Proofs of this were seen in the improvements of agriculture, in the successful enterprises of commerce, in the progress of manufacturers and useful arts, in the increase of the public revenue and the use made of it in reducing the public debt.”<sup>9</sup> Here, we once again see Madison spending his first moments as president praising all the progress the country made under Jefferson. While Madison never directly claims that he intends to continue any of the policies or procedures that Jefferson had put in place during his tenure, we can imply from these praises that Madison gives to him that he indeed intended to do so.

Madison’s second inaugural address came during another first in US Presidential history. It was the first Inaugural Address given while the United States was formally at war with another country. By March of 1813, the conflict known as The War of 1812 was almost a year

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<sup>8</sup> Madison, James.

<sup>9</sup> Ibid. <https://digitalcommons.sacredheart.edu/acadfest/2017/all/26>

old, although most of the action up to this point had been naval skirmishes and frontier clashes with British backed Native American tribes. So, unsurprisingly, most of his second inaugural address focused on this war with Great Britain that was expanding by the week. However, even though his first speech praised the efforts of Jefferson to keep the United States out of European wars, there were still nods to Jefferson's thoughts in this address as well.

In addressing the War of 1812, Madison proclaims that the main objective of the United States was "To render the justice of the war on our part the more conspicuous, the reluctance to commence it was followed by the earliest and strongest manifestations of a disposition to arrest its progress. The sword was scarcely out of the scabbard before the enemy was apprised of the reasonable terms on which it would be resheathed."<sup>10</sup> Even when the nation was in the middle of a multi-front war, Madison appealed to the Jeffersonian idea of using as little force as possible. It is also interesting that he brings up the reluctance to go to war, since it was his fellow Republicans who voted for and supported war with Great Britain. However, this sentiment of only going to war as a last resort, and seeking a quick end, is reminiscent of Jefferson slashing the military's budget and only keeping a force big enough to defend the borders of the nation. These ideas will be expanded upon further in a later section that discusses the War of 1812 in greater detail.

James Monroe also had an interesting trip to the White House. Because the Federalists had all but disappeared, and they did not put up serious resistance following 1815 and the conclusion of the War of 1812. This led to James Monroe having what is arguably the easiest

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<sup>10</sup> Madison, James. *Second inaugural Address*. March 4, 1813. Accessed from Lillian Goldman Law Library, New Haven, CT. 2008. Accessed on 3/7/17  
[avalon.law.yale.edu/subject\\_menus/inaug.asp](http://avalon.law.yale.edu/subject_menus/inaug.asp)

presidential elections outside of George Washington, since he faced no real opposition and this lead to him winning states in the traditionally Federalist New England. So, this makes Monroe's first inaugural address even more interesting. He opens his speech by saying "I should be destitute of feeling if I was not deeply affected by the strong proof which my fellow-citizens have given me of their confidence in calling me to the high office whose functions I am about to assume."<sup>11</sup> Based solely on the sentiment Monroe expresses with this sentiment, one might conclude that he won the presidential race by a very narrow margin, instead of the landslide victory that did occur. This reason may be that this speech is very reminiscent of the sentiment that Thomas Jefferson expressed in his first inaugural address from sixteen years prior. In this address, Monroe appears to be humbly thanking the American people for approving him to take the reins of the presidency, which is not unlike Jefferson's opening remarks. Monroe also hints that he will look to continue the policies of his predecessors. He later states that "In following their venerated example my attention is naturally drawn to the great causes which have contributed in a principal degree to produce the present happy condition of the United States."<sup>12</sup> By referencing "their example" and "the present happy condition" Monroe is holding Jefferson and Madison in very high regard. By believing that the policies of his predecessors had lead the United States in a positive direction, Monroe is also strongly hinting that he intends to continue their policies and practices for his time in office. He also takes a cue from Jefferson by praising the citizens of the United States a whole by proclaiming "During a period fraught with difficulties and marked by very extraordinary events the United States have

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<sup>11</sup> Monroe, James. *First Inaugural Address*. March 4, 1817. Accessed from Lillian Goldman Law Library, New Haven, CT. 2008. Accessed on 3/7/17 [avalon.law.yale.edu/subject\\_menus/inaug.asp](http://avalon.law.yale.edu/subject_menus/inaug.asp)

<sup>12</sup> *Ibid.* <https://digitalcommons.sacredheart.edu/acadfest/2017/all/26>

flourished beyond example. Their citizens individually have been happy and the nation prosperous.”<sup>13</sup> Here, Monroe can be seen mentioning problems of the recent past, notably the War of 1812, yet also sharing his confidence in the American people to rise above and always make the best out of the worst. He states that the country is in a better position than ever before, most likely a reference to the Republican policies that had been implemented over the past 16 years under his predecessors.

Monroe’s second inaugural address came after an even larger victory margin than his first election. Yet, he proceeds with the humble acceptance that he opened his first inaugural address with. He chose to start his second address by stating “I shall not attempt to describe the grateful emotions which the new and very distinguished proof of the confidence of my fellow-citizens, evinced by my reelection to this high trust, has excited in my bosom.”<sup>14</sup> Once again, the Jeffersonian appeal to the common man and the voters is evident. Here, Monroe had won every state and almost every electoral vote, yet this appeal would make an outsider feel as if he had won a very tight race. This into is very similar to his first inaugural address, and it is clear where the inspiration for this introduction for these parts of his addresses came from.

However, this is only the start of the Jeffersonian approaches and ideals that are in Monroe’s second inaugural address. Despite it being over for six years at the time of his address, Monroe brought up the continuing effects from the War of 1812. Monroe mentions that the War of 1812 had caused “our Atlantic and inland frontiers were invaded in almost

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<sup>13</sup> Ibid.

<sup>14</sup> Monroe James. *Second Inaugural Address*. March 5, 1821. Accessed from Lillian Goldman Law Library, New Haven, CT. 2008. Accessed on 3/11/17  
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every part; the waste of life along our coast and on some parts of our inland frontiers, to the defense of which our gallant and patriotic citizens were called, was immense, in addition to which not less than \$120,000,000 were added at its end to the public debt.”<sup>15</sup> This passage reveals some interesting insights into James Monroe’s views of government. Here, he is appearing to, at least in part, be criticizing the war. This is a very curious position to be taking, since the United States had gotten some concession from Great Britain during the war, and the war had been supported mainly by the Republicans, of which Monroe was one. Monroe had also already been in a prominent role as secretary of state, and later secretary of war as well, under then president James Madison during the War of 1812, which demonstrates how involved and supportive of the war he was. Historian Harry Ammon made several notes about Monroe and his feelings about the war, both after its immediate conclusion and later as he assumes the mantle of president. As secretary of state, Monroe felt that “By the War we have acquired a character and rank among other nations which we did not enjoy before. We stand pledged to support this rank and adoption of such measures as may evince on the part of the United States a firm resolution to do it.”<sup>16</sup> Monroe’s steadfastness to uphold this new character of a growing power appears to be in direct contrast to his later thoughts as president, which are seen in his second inaugural address. Ammon then provides even more interesting details about the days following the War of 1812. In order to secure that new position for the country, the he had talked about in the previous quote, he recommended a larger standing

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<sup>15</sup> Ibid.

<sup>16</sup> Ammon, Harry. *James Monroe: The Quest for National Identity*. New York: McGraw-Hill, 1971. Page 345.

army be maintained by the country at all times. Yet, his proposal was struck down by  
“parsimonious congressmen happily whittled the army to its former strength of 10,000.”<sup>17</sup> This  
stance, as well as his begrudging acceptance of the congressional response, is very telling of  
James Monroe and his commitment to the principles of the Democratic-Republican ideals of his  
two predecessors. One, the idea of a large standing army during peacetime would have been  
inconceivable to Jefferson or Madison. One of the founding principles of the party that these  
three belonged to was an army just large enough for the common defense but too small to be  
considered a threat to everyday life in the country. Monroe’s request would have appeared to  
be a shortsighted response to Madison and Jefferson, one which might turn into a long-term  
curse years later. However, Monroe was also quick to accept that Congress reject this proposal  
for a larger standing army, even if he disagreed with the outcome. This was a very Jeffersonian  
approach to take, especially in the ceding of power from an executive office, in this case the  
secretary of war, to the legislative authorities in Congress. This paper will focus on instances  
like this from all three men, where they were willing to acknowledge the role that Congress had  
to play in . However, one must look at the principles of the Democratic-Republican Party to see  
where President Monroe is pulling this sentiment from. Jefferson, as an individual, hated  
confrontation and despised conflict. So, it was natural for him to frame his party and ideals  
around non-intervention and non-violent principles. Here, Monroe is espousing this sentiment  
and these principles by pointing out that even winning a war comes at great cost in man and  
material to the victorious side. In embracing the idea of peace as the path to prosperity,  
Monroe might appear to be rebuking the Democratic-Republican Party that he is a member of,

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<sup>17</sup> Ibid. Page 346. Published by DigitalCommons@SHU, 2017

but in doing so he embraced the party's core ideals. In modern political terms, Monroe was choosing to embrace principles over party. The principle of non-intervention and peace over war at almost any cost is one that was put forth by Jefferson years before Monroe gave this second inaugural address. Here, Monroe can be seen to be espousing this Jeffersonian view by bringing up the negatives that the United States had incurred from a previous conflict. What is even more interesting is that the conflict itself had been relatively constrained with few large battles and a relatively limited scope in which it was conducted.<sup>18</sup> What is possibly even more telling being that although the United States had not come out of The War of 1812 as the clear-cut victor, it had not been defeated by Great Britain either. So, Monroe may not be directly criticizing the War of 1812, but he is emphasizing the negative effects that came out of that war, notably the cost in men and increase in national debt. Monroe is seen to hinting that the Jefferson policy of prosperity through peace, is a path that he fully that he would embrace during the second term of his presidency, despite having been very much in favor of the War of 1812 when it had occurred just eight years prior to this address.

Overall, Thomas Jefferson, James Madison, and James Monroe all shared very similar beliefs and political ideals. This can be clearly seen in similar stances and ideas expressed in their inaugural addresses. Even though they had yet to put any of those ideas into practice, especially Jefferson who was the first person from the Democratic-Republican Party to be elected to the office of president, they all expressed similar hopes and goals for the nation under their tenure in office.

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<sup>18</sup> As described in Catton, Charles et al. *The Encyclopedia of Warfare*. Metro Books. New York, New York. 2013. Pages 568-576

## Constitutional Crises

This section of the paper will explore three different policy choices, one from each of the presidents covered in this thesis, that had ramifications due to their potential conflicts with presidential powers as listed in the United States' Constitution. All three men, hailing from Jefferson's initial championship of the idea in his spars with Alexander Hamilton, professed to believe in strict constitutionalism. This means that all three presidents tried to follow the Constitution to the letter and not conduct any action unless it was stated that they explicitly could. Yet, every one of them had at least one decision that brought these beliefs into question.

For Thomas Jefferson, whose dilemma is probably the most well-known of the three, this choice revolves around the Louisiana Purchase. It is well known that Jefferson wrestled with the legality of whether he as president could buy Louisiana from France. The United States Constitution does not directly address this issue, which is partially why Jefferson had such trouble coming to a decision. However, the Constitution does grant Congress the power "To regulate Commerce with foreign nations" and "make Rules concerning Captures on Land and Water."<sup>19</sup> These sections indirectly indicate that it is congresses job regarding the acquisition of

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<sup>19</sup> Both quotes from U.S. Const. art. 1 sec. 8



new lands. Thomas Jefferson appears to agree with the acquiring of Louisiana being the job of Congress. He wrote to congress stating "In my communication to you of the 17th instant I informed you that conventions had been entered into with the Government of France for the cession of Louisiana to the United States... they are communicated to you for consideration in your legislative capacity."<sup>20</sup> Here, although Jefferson is clearly acting as principal communicate between the United States and France, he deferred to the entire Congress for final approval on the deal. This was clearly a move by Jefferson to ensure that he did not abuse the powers that the Constitution allowed to him. He further credits Congress with the acquisition of Louisiana, when he made an address stating "In execution of the act of the present session of Congress for taking possession of Louisiana, as ceded to us by France, and for the temporary government thereof.... I offer to Congress and our country my sincere congratulations."<sup>21</sup> Here, Jefferson appears to be stating that the act of buying Louisiana from France was taken up and passed by the House and the Senate, which he most likely viewed as part of their powers under the Constitution. While it is easy to imply that these powers are given to the Congress from the previously mentioned sections of the Constitution, it is important to note that it is never explicitly stated which branch of government has the power to purchase new lands from foreign entities. So, this means that it was entirely up to Jefferson as to how he would interpret the Constitution so that the United States would be able to acquire Louisiana. What's most

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<sup>20</sup> Jefferson, Thomas. *Message to the Senate and the House of October 21, 1803*. October 21, 1803. Accessed from Lillian Goldman Law Library, New Haven, CT. 2008. Accessed March 30, 2017.

<sup>21</sup> Jefferson, Thomas. *Message to the Senate and the House of January 16, 1804*. January 16, 1804. Accessed from Lillian Goldman Law Library, New Haven, CT. 2008. Accessed March 31, 2017. <https://digitalcommons.sacredheart.edu/acadfest/2017/all/26>

interesting is that Jefferson appears to have relegated himself to acting as a representative in a diplomatic role, while Congress did the major work by approving the deal with France. Since Congress is the branch of government most closely aligned with the people<sup>22</sup>, this choice can also be seen as Thomas Jefferson turning the choice of purchasing Louisiana over to the people of the nation, an idea he definitely believed in. So, while the purchase of Louisiana was not directly in line with the strict constitutionalist principles, but he did handle the situation in a way that was very much in line with his Republican principles and belief in a limited federal government.

James Madison is probably the most interesting President to study regarding interpretation of the Constitution and how a President should apply its powers to the daunting tasks of his job. This is because James Madison wrote the document for the convention back in 1787. So, if anyone was going to be a strict follower of the Constitution to the letter, it would have been him. This is most evident in his handling of the opening days of The War of 1812. The War of 1812 was really the United States first war, as the American Revolution occurred before the country, or the governmental system set up by the Constitution had been established. So, how James Madison handled the declaring of war once conflict became inevitable would be telling on how he viewed his own powers to declare and conduct war as President. The Constitution, which Madison wrote, is very clear in its separation of war powers between the branches of the federal government. The Constitution grants the Congress most of the powers regarding the buildup to war. The Congress has the power "To declare War... To raise and support Armies...To make Rules for the Government and Regulation of the land and

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<sup>22</sup> Or should be Published by DigitalCommons@SHU, 2017

naval Forces... To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions.”<sup>23</sup> In contrast to this vast array of powers granted to Congress, The President has fewer powers, all of which deal with the direct conduct of an actual conflict. The Constitution spells out these powers as including “The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices.”<sup>24</sup> With this separation of powers reading the conduct of War clearly spelled out, it would appear to be very easy to see if Madison overstepped his bounds and abused power in a way that he had written the Constitution to prevent from happening in the first place. Historian Kevin Gutzman notes that “Having persevered in the Jefferson-Madison foreign policy of economic coercion for many years...Madison finally reached for the alternative: military preparation.”<sup>25</sup> Here, Gutzman demonstrates that Madison viewed war as an option of last resort, which he notes is a key point of the foreign policy strategy that he adopted with Jefferson and had upheld for the first four years of his presidency. Gutzman then goes farther in his analysis on Madison’s conduct in the days leading up to the War of 1812. He also notes that once Madison concluded that war was the only option to the growing crisis with Great Britain, he “told Congress that he had done the things that the law allowed him to do...The time had come, however, when Congress had to do more.”<sup>26</sup> Here, Gutzman

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<sup>23</sup> All powers taken from U.S. Const. art. 1 sec. 8

<sup>24</sup> from U.S. Const. art. 2 sec. 1

<sup>25</sup> Gutzman, Kevin R.C. *James Madison and the Making of America*. New York: St. Martin's Press, 2012. Page 314.

<sup>26</sup> *Ibid.* Page 314. <https://digitalcommons.sacredheart.edu/acadfest/2017/all/26>

demonstrates a key Jeffersonian principle in strict constitutionalism in a unique way that perhaps only James Madison would be able to implement. He starts this analysis by noting that Madison had taken steps allowed to him by law, which included moving troops to the frontier border and putting the navy on high alert to patrol the coastlines of the United States. These steps that Madison took are clearly allowed in the previously mentioned executive powers area of the Constitution, which would be expected. Since Madison wrote the document, he would be in the best position to understand what the limits of his military powers as president would be. This understanding is further exemplified in the second part of Gutzman's analysis. Gutzman notes that after Madison took these preliminary steps towards full scale military action, he then went to Congress for permission to do more. Madison understood the full limits of his powers, yet he was able to work within them to both honor the document that he had shaped and prepare the United States for its first war as a young nation.

While these actions alone are enough to classify James Madison as a strict constitutionalist within the Jefferson tradition, Gutzman also provides details on Madison's contact with the Congress that further highlights his commitment to view and use the Constitution to limit the power of the federal government in general, and the presidency specifically. When Madison went to Congress, he did not immediately ask for a declaration of war, despite his beliefs that it was the only conclusion to how events between the United States and Great Britain could reach. Gutzman points out that the first thing Madison did when he approached Congress was "he confidentially proposed to Congress that it adopt a "general embargo" for sixty days. In the event, Congress enacted a ninety-day embargo."<sup>27</sup> Here,

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<sup>27</sup> Ibid. Page 314. Published by DigitalCommons@SHU, 2017

Gutzman is highlighting the idea of economic warfare over actual warfare. It was probably a last-ditch attempt at a peaceful solution, as Madison was taking military actions during this time as well. But, it is still important to note that he applied the Jeffersonian principle of using the nation's growing economy as leverage in diplomatic negotiations to try and force a peace before any fighting broke out is very telling of his political makeup and commitment to the Constitution and the idea of a limited federal government.

James Monroe is the most interesting of the three presidents covered in this thesis regarding the ideas of strict constitutionalism and general Republican ideals. As mentioned in the previous chapter, James Monroe was the most likely one of the three to bend principles if it meant taking the country in a better direction, at least in his opinion. So, the topic this section will cover is unarguably James Monroe's most famous achievement, which would be the drafting and passing the Monroe Doctrine. The Monroe Doctrine would not only be the defining success of James Monroe's presidency, but would set forth and serve as the base for the United States foreign policy regarding Central and South America for the next eighty years until Theodore Roosevelt assumed the office of the presidency in 1901. Harry Ammon was quick to note that the American people, and world leaders in general, were quick to praise the adoption of the Monroe Doctrine. Ammon noted that John J. Crittenden, the future senator from Kentucky, proclaimed "It [the message] has given us a more dignified and heroic attitude. It has made us the protector of the free governments of South America."<sup>28</sup> This sentiment is like Monroe's own opinions following The War of 1812. Monroe had wanted the United States to preserve its new-found place of power on the world stage following the war, but was not in a

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<sup>28</sup> <https://digitalcommons.sacredheart.edu/acadfst/2017/all/26>  
Ammon, Harry. *James Monroe The Quest for National Identity*. Page 490

position to do so until he became president several years following the conflict. So, when the future senator from Kentucky mentions the new dignified and heroic air that the Monroe Doctrine breathes into the nation, it is hard not picture these feelings also being felt by Monroe himself. This paper, as well as the historian Ammon, has noted James Monroe's near fascination level with securing more power and prestige for the United States following the War of 1812. SO, it is fairly likely that his motivations for passing the Doctrine that bears his name were similar. The main question remains, however, which is was it legal under a strict interpretation of the Constitution to pass the Monroe Doctrine?

First off, what does the Monroe Doctrine say? First off, it is not really a formal doctrine, but a specific foreign policy stance that Monroe took in an address to Congress that he made in 1823. This technically means that the Monroe doctrine was never even considered a law, so it is not under the preview of any branch of the federal government. The only time it could actually be seen as being in line with the Constitution or a complete abuse of power would be if it was actually used to implement other foreign policy practices and laws from any branch of government<sup>29</sup>, which never occurred during the Monroe presidency. But, there are some details that can be taken from the method that James Monroe used to deliver his doctrine that can be used for this section of the paper. The Monroe Doctrine was introduced by the President in a message to a joint session of Congress. This implies that Monroe was asking Congress for permission to enact the decree, or at the least be opening up the idea to the Congress for the United States to adopt his Doctrine as official foreign policy regarding relations between newly

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<sup>29</sup> Which only occurred once, in 1865, between Monroe announcing the Doctrine and Roosevelt aggressively changing it in 1904.

independent Latin American countries and their former European colonizers. When it comes to the implementation of new foreign policy ideas and laws, the Constitution states that “