

Vice Presidents of the United States

Aaron Burr (1801-1805)

Citation: Mark O. Hatfield, with the Senate Historical Office. *Vice Presidents of the United States, 1789-1993* (Washington: U.S. Government Printing Office, 1997), pp. 31-44.

Introduction by Mark O. Hatfield.



U.S. Senate Collection

Was there in Greece or Rome a man of virtue and independence, and supposed to possess great talents, who was not the subject of vindictive and unrelenting persecution?

—Aaron Burr to Theodosia Burr Alston¹

I never, indeed thought him an honest, frank-dealing man, but considered him as a crooked gun, or other perverted machine, whose aim or stroke you could never be sure of.

—Thomas Jefferson²

Col. Burr . . . [is] Not by any means a model man . . . but not so bad as it is the fashion to paint him.

—George W. Johnson³

Congressional Republicans were in a festive mood on January 24, 1804, as they gathered at Stelle's Hotel on Capitol Hill for a banquet celebrating the transfer of the Louisiana Territory to the United States. The festivities began at noon with the discharge of "three pieces of cannon." President Thomas Jefferson and Vice President Aaron Burr were among the honored guests; they departed after the banquet, but the revelry continued until nightfall. "A number of the guests drank so many toasts that in the night they returned to their houses without their hats," one contemporary reported. But when one celebrant offered a toast to Vice President Burr, the effect was pronounced and chilling: "few cheered him," the chronicler observed, "& many declined drinking it."⁴

None of Aaron Burr's contemporaries knew quite what to make of this complex and fascinating individual. As Senator Robert C. Byrd observed in his November 13, 1987, address on the life and career of this controversial vice president, "there is much that we will never know about the man." Much of Burr's early correspondence, entrusted to his daughter for safekeeping, was lost in 1812, when the ship carrying Theodosia Burr Alston from South Carolina to New York for a long-awaited reunion with her father disappeared off the North Carolina Coast.⁵

Burr was one of the most maligned and mistrusted public figures of his era—and, without question, the most controversial vice president of the early republic—but he never attempted to justify or explain his actions to his friends or to his enemies. One editor of Burr's papers has lamented, "Almost alone among the men who held high office in the early decades of this nation, Burr left behind no lengthy recriminations against his enemies . . . no explanations and justifications for his actions." He seems to have cared very little what his contemporaries thought of him, or how historians would judge him.⁶ Few figures in American history have been as vilified, or as romanticized, by modern writers.⁷ Urbane and charming, generous beyond prudence, proud, shrewd, and ambitious, he stood apart from other public figures of his day. An anomaly in an era when public office was a duty to be gravely and solemnly accepted but never pursued with unseemly enthusiasm, Burr enjoyed the "game" of politics. His zest for politics enabled him to endure the setbacks and defeats he experienced throughout his checkered career, but, as Mary-Jo Kline, the editor of Burr's papers suggests, it also gave him the "spectacular ability to inspire suspicion—even fear—among the more conventional Founding Fathers."⁸

Early Years

Aaron Burr was born at Newark, New Jersey, on February 6, 1756. His father, Aaron Burr, Sr., was a highly respected clerical scholar who served as pastor of the Newark First Presbyterian Church and as president of the College of New Jersey (now Princeton University). His mother, Esther Edwards Burr, was the daughter of the noted Puritan theologian and scholar, Jonathan Edwards, who is most often remembered for his passionate and fiery sermons. The family moved to Princeton when the college relocated there soon after the future vice president's birth, but Burr did not remain there long. His father contracted a fever and died when young Aaron was only a year-and-a-half old. His mother and her parents died soon thereafter. An orphan by the age of two, Burr and his older sister, Sally, moved to Philadelphia, where they lived with family friends until 1759, when their uncle, Timothy Edwards of Stockbridge, Massachusetts, became their legal guardian.

Edwards and his young wards moved to Elizabeth Town, New Jersey, the following year. Uncle Timothy soon discovered that Esther's "Little dirty Noisy Boy" had inherited much of the Edwards family's renowned intellect but little of their piety. High-spirited, independent, precocious and self-confident, young Aaron at first studied with a private tutor. In 1769 he began his studies at the College of New Jersey, graduating in 1772. In 1773, he enrolled in the Reverend Joseph Bellamy's school at Bethlehem, Connecticut, to prepare for the ministry but soon realized that he could neither wholly accept the Calvinist discipline of his forebears nor forgo the distractions of the town.⁹ He had, his authorized biographer relates, "come to the conclusion that the road to Heaven was open to all alike."¹⁰ In May 1774, he moved to Litchfield, Connecticut, to study law under his brother-in-law, Tapping Reeve, but the outbreak of the American Revolution interrupted his studies.

Burr joined the march on Quebec as an uncompensated "gentleman volunteer" in the summer of 1775. His bravery under fire during the ill-fated assault on that heavily fortified city on December 31, 1775, won him a coveted appointment as an aide to the American commander in chief, General George Washington, but he was almost immediately reassigned to General Israel Putnam. Burr served as Putnam's aide until

1777, when he finally received a commission as a lieutenant colonel and command of his own regiment. Washington seems to have taken an immediate dislike to his ambitious young aide, and Burr appears to have reciprocated this sentiment. When Washington ordered the court-martial of General Charles Lee for dilatory conduct at the battle of Monmouth Courthouse, New Jersey, in June 1778, Burr sided with Lee. His own regiment had suffered heavy losses during the engagement after Washington ordered Burr to hold an exposed position in the blazing ninety-six-degree heat. But notwithstanding his dislike for Colonel Burr, Washington respected his abilities, assigning him the difficult but crucial task of determining the future movements of the British forces in New York. Burr later commanded the troops stationed at Westchester, New York, imposing a rigid but effective discipline that brought order to the frontier outpost where unruly soldiers and footloose marauders had formerly terrorized the nearby settlers. Burr resigned his commission in early 1779, his health broken by the accumulated stresses of several exhausting campaigns. He always took pride in his military record, and for the remainder of his long life, admirers referred to him as "Colonel Burr."¹¹ Of his many accomplishments, only two are memorialized on the stone that marks his grave: Colonel in the Army of the Revolution, and Vice President of the United States.¹²

Aaron Burr lived an unsettled existence after leaving the army, travelling about the countryside, visiting friends and family, and studying law as his health permitted. In 1782, he began his legal practice and married Theodosia Bartow Prevost, the widow of a British army officer. In November 1783, the Burr family—which included his wife's two sons by her first husband and an infant daughter, named Theodosia for her mother—moved to New York after British forces evacuated the city. Burr lavished special attention on his only child, carefully supervising her education and cultivating her intellect. Young "Theo," in turn, idolized her father, and she became his closest confidante after her mother died in 1794.¹³

Early Political Career

Burr was an able lawyer. A New York law barring non-Whigs from the legal profession worked to his advantage as he rose to prominence in that calling. At this stage in his career, he was not, apparently, an adherent of any particular political persuasion. Despite his alacrity in responding to the call for volunteers at the outbreak of the Revolution, he seems to have been curiously detached from the political ferment that brought it about. Once Burr began his political career, he served a single term in the New York assembly during the 1784-1785 session,¹⁴ not returning to public life until 1788. Then, as the editors of his papers suggest, he "appears to have played a minor and equivocal role" in the New York debate over ratification of the proposed federal constitution. The radical Sons of Liberty touted Burr as a possible delegate to the ratification convention, but, for reasons he never elaborated, he declined to serve.¹⁵ Before long, however, he abandoned whatever reservations he may have had with respect to the new Constitution. "After adoption by ten states," he advised one correspondent, "I think it became both politic and necessary to adopt it."¹⁶

Burr was soon actively involved in New York politics. Joining forces with his future rival, Alexander Hamilton, he supported Richard Yates—a moderate Antifederalist and a longstanding friend who had helped him win admission to the bar—in the 1789 gubernatorial election. Yates lost to George Clinton, a more ardent Antifederalist who

had served as governor of New York since 1777. Governor Clinton, either willing to forgive Burr or shrewd enough to realize that the brilliant young newcomer would soon emerge as a key player in New York politics, appointed him attorney general in 1789. In 1791, Clinton helped orchestrate Burr's election to the U. S. Senate, unseating Senator Philip Schuyler and making a lifelong enemy of Schuyler's son-in-law, Alexander Hamilton.¹⁷

Senator Burr had acquired a taste for politics—a profession that, he would later advise an aspiring candidate, he found "a great deal of fun."¹⁸ In 1792, he entered the New York gubernatorial race but soon withdrew in Clinton's favor. Northern Republicans mentioned him as a prospective vice-presidential candidate in 1792, but Burr deferred to Clinton again after southern Republicans refused to support the ambitious young senator. Better to select "a person of more advanced life and longer standing in publick trust," James Monroe of Virginia cautioned, "particularly one who in consequence of such service had given unequivocal proofs of what his principles really were."¹⁹

Burr was a vehement partisan in the Senate, siding with the anti-administration forces who opposed Hamilton's financial system and Washington's foreign policy. He mounted a spirited, though unsuccessful, defense of Pennsylvania Senator Albert Gallatin, the Swiss-born Republican who was unseated in 1794 after the Federalist majority determined that he did not meet the Constitution's nine-year citizenship requirement for senators. He voted against Washington's nomination of John Jay as an envoy to Great Britain in 1794, on the grounds that it would be "mischievous and impolitic" to appoint Jay, the chief justice of the United States, to "any other office or employment emanating from, and holden at the pleasure of, the executive." Burr was also one of the most outspoken opponents of the unpopular "Jay Treaty," which the Federalist-dominated Senate approved in 1795.²⁰

In 1796, the determined senator again set his sights on the vice-presidency, and—in a striking departure from eighteenth-century electoral etiquette—began an energetic campaign to secure the support of his fellow Republicans. On June 26, 1796, the Republican caucus endorsed him as their vice-presidential candidate, although, as Burr's biographers have noted, "For their party's vice-presidential nomination, the Republicans were less unified than in their determination that [Thomas Jefferson] was the man to head their party's drive to oust the `aristocrats.'" Republicans concentrated on capturing the presidency but succeeded only in electing Thomas Jefferson vice president. Over half of the electors who voted for Jefferson failed to cast their second votes for Burr, who finished a disappointing fourth with only thirty electoral votes.²¹

Burr retired from the Senate in 1797. The following year, he returned to the New York assembly, making several enemies during his brief and troubled term. He advocated defensive measures to protect New York harbor as relations with France worsened in the wake of the "X,Y,Z affair"—a prudent stance, given New York's strategic importance and vulnerable location, but one that prompted accusations from more doctrinaire Republicans that Burr had joined the Federalist camp. He became vulnerable to charges that he had abused the public trust for his personal benefit when he participated in a private land speculation venture in western New York and then sought to enact legislation removing restrictions on land ownership by noncitizens—a measure that would increase the value of his western lands. Working in concert with Hamilton, Burr helped secure a charter and raise subscriptions for a private company to improve the

water supply of pestilence-ridden Manhattan, but New Yorkers were shocked to learn that the surplus capital from the venture had been used to establish the Bank of Manhattan. Although Federalists were heavily involved in the enterprise, the bank was controlled by Republicans. New York voters, suspicious as they were of banks, deserted the party in droves in the 1799 state election, and Burr was turned out of office.²² One observer commented in disgust that the Republicans "had such a damn'd ticket that no decent man could hold up his head to support it."²³

But although some Republicans were increasingly uncomfortable with Burr's questionable financial dealings and his willingness to cooperate with Federalists to achieve his ends, he remained a valuable asset. He had, one Federalist admitted, "by his arts & intrigues . . . done a great deal towards revolutionizing the State,"²⁴ building a political base that would help launch his national career. Burr's vehement opposition to the Alien and Sedition Acts in the New York assembly had won Republicans the support of New York's large and rapidly growing immigrant community. In a feat one admirer attributed to "the intervention of a Supreme Power and our friend Burr the agent," he ensured that New York City elected a Republican delegation to the state legislature in 1800, laying the groundwork for a Republican victory in the presidential contest later that year. New York was one of the states in which the legislature selected presidential electors, and its 12 electors comprised over 15 percent of the 70 votes necessary to achieve an electoral majority. Republican control of the New York legislature was crucial, and New York City's thirteen-member delegation gave the party a majority.²⁵

The Election of 1800

In 1800, Republican strategists hoped to cement their fledgling coalition by seeking, for geographical balance, a New Yorker as their vice-presidential candidate. One obvious choice was New York's elder statesman, George Clinton, but his reluctance to enter the race²⁶ cleared the way for Burr's unanimous nomination by the Republican caucus on May 11, 1800. Although Jefferson would later claim—after Burr discredited himself by his behavior during the election and in office—that he had harbored reservations about his New York lieutenant from the time of their first meeting in 1791 or 1792, contemporary correspondence suggests that their relationship was cordial during the 1790s. If Jefferson had reservations about Burr in 1800, he laid them aside to secure a Republican victory, using his influence to ensure that all of Virginia's twenty-one electors would cast their second votes for his running mate.²⁷

Jefferson waged a behind-the-scenes campaign, writing letters to his political lieutenants and encouraging the preparation and dissemination of pamphlets and press accounts critical of John Adams' administration, which had supported the Alien and Sedition Acts and increased the military establishment. Burr was an active campaigner, visiting Rhode Island and Connecticut in late August to shore up Republican support. "The Matter of V.P—is of very little comparative Consequence," he informed one correspondent as he speculated that the election might result in the election of Jefferson as president and Adams as vice president, "and any Sacrifice on that head ought to be made to obtain a single vote for J_____."²⁸ Surprising as it might appear to modern observers, Burr's clearly successful political prowess in the 1800 election only raised suspicions among his rivals and allies that he was not to be trusted. He did not fit the mold of the dispassionate statesmen who remained aloof from the fray of politics while their supporters worked to secure their election. But "the creation of nationwide, popularly based political parties,"

one Burr scholar explains, "demanded men who were willing to . . . bargain regional alliances, men able to climb the ladder of popular support and to convey their own enjoyment of the `fun' of politics." In this respect, she suggests, Burr was "The Ghost of Politics Yet to Come."²⁹

Jefferson soon had ample reason to distrust Burr. In 1800, as in the three previous presidential elections, each elector cast two votes without distinguishing between presidential and vice-presidential candidates. Republican strategists expected that all of their electors would cast one vote for Jefferson and that most—enough to guarantee that Burr would receive the second highest number of votes but not enough to jeopardize Jefferson's margin—would cast their second votes for Burr. Jefferson and his lieutenants left the implementation of this scheme to chance, never asking even a single elector to withhold a vote from Burr, although Jefferson's friend and advisor, James Madison, would later allege that Republicans had been lulled by "false assurances dispatched at the critical moment to the electors of one state, that the votes of another would be different from what they proved to be."

Increasingly confident of victory as the news of the election filtered in from the states, Republicans were stunned to learn by mid-December that, although they had clearly defeated Adams and his running mate, Charles Cotesworth Pinckney of South Carolina, they had failed to elect a president. Jefferson and Burr, whether by neglect or miscalculation, would each receive 73 electoral votes. The election would be decided by the House of Representatives, as provided in Article II, section 1, of the Constitution, which directed that "if there be more than one [candidate] who have such a majority, and have an equal Number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President," with "each State having one Vote."³⁰ The representatives from each state would poll their delegation to determine how their state would cast its single vote, with deadlocked states abstaining.

As soon as the outcome of the election became apparent, but before Congress met to count the electoral votes on February 11, 1801, the Federalists began a last-ditch effort to defeat Jefferson. Some, while resigned to a Republican victory, believed that the less-partisan and more flexible Burr was by far the lesser of two evils. Others supported Burr in the hope that, if a deadlock could be prolonged indefinitely, the Federalist-dominated Congress could resolve the impasse with legislation authorizing the Senate to elect a Federalist president—a hope that had no constitutional basis but demonstrated the uncertain temper of the times. Alexander Hamilton, a prominent New York Federalist, actively opposed Burr, repeatedly attempting to convince his colleagues that Burr was a man whose "public principles have no other spring or aim than his own aggrandisement."³¹

Burr never explained his role in the drama that subsequently unfolded in the House of Representatives, which cast thirty-six ballots before finally declaring Jefferson the winner on February 17, 1801. The few comments he ventured at the time were guarded, evasive, and contradictory. Professing indignation at rumors that he was soliciting Federalist support in an attempt to wrest the presidency from Jefferson, Burr initially denied "that I could submit to be instrumental in counteracting the wishes & expectations of the U. S.," instructing his friend Samuel Smith "to declare these sentiments if the occasion shall require." One prominent Federalist, Robert Goodloe Harper of South Carolina, advised Burr against withdrawing from the presidential contest, urging that he "take no step

whatsoever, by which the choice of the House of Representatives can be impeded or embarrassed," and instead "keep the game perfectly in your own hand." Burr appears to have followed Harper's advice to the letter during the tense and confused days that followed. He never actively solicited Federalist votes but seemed willing enough to accept them. In late December, he informed Samuel Smith that, if the House elected him president, he would not step aside for Jefferson.³²

Rumors of Burr's change of heart soon appeared in the press. Tempers flared and reports of impending armed conflict spread, but Burr remained silent. When the House cast the first ballot on February 11, eight of the sixteen states—one less than the simple majority required to elect the president—voted for Jefferson. Six states voted for Burr, with two states divided and not voting. This ratio remained constant through thirty-four subsequent ballots taken over the course of a week. The deadlock was not resolved until February 17, when Jefferson received the votes of ten states on the thirty-sixth ballot. Representative James A. Bayard (F-DE) and Burr himself finally resolved the impasse. As Delaware's only representative, Bayard controlled his state's vote. He voted for Burr on the first several ballots, but was under considerable pressure from Hamilton to change his vote and resolve the contest in Jefferson's favor. (In thus throwing his support to Jefferson, Hamilton rose above partisan interests and helped to save the nation.) Concluding that Burr could not muster enough Republican support to win the election (and having received assurances with respect to Jefferson's fiscal and appointments policies), Bayard finally informed his fellow Federalists that he could not "exclude Jefferson at the expense of the Constitution."³³ Correspondence from Burr, who was awaiting the outcome of the election in New York, had arrived on February 15; these letters, now lost, revealed that he had abandoned any hope of winning the presidency.³⁴ His supporters finally agreed that, when the state delegations were polled before the House cast its thirty-sixth ballot on February 17, Vermont and Maryland Federalists would withhold their votes, a move that freed their previously deadlocked delegations to vote for Jefferson. Bayard and the South Carolina representatives would cast blank ballots, further eroding Burr's margin. Jefferson, with ten votes, would become president, while Burr, with four, would become vice president.³⁵

The election, and the confusion that followed, exposed a critical flaw in the constitutional provision governing the election of the president and the vice president. The Twelfth Amendment, which passed both houses during the fall of 1803 and was ratified by the requisite number of states in time for the 1804 election, changed the method of election by requiring electors to designate one vote for a presidential candidate and the other for a vice-presidential candidate. Intended to prevent an unscrupulous vice-presidential candidate (or his supporters) from subverting the electoral process, the amendment was a Republican initiative, sponsored in the House of Representatives by John Dawson (R-VA) and in the Senate by Burr's rival De Witt Clinton (R-NY).³⁶

Vice President Aaron Burr

If Burr was at all chagrined by the outcome of the election, or by the taint he had acquired from not emphatically renouncing his widely rumored presidential aspirations, he gave no sign of it. "I join my hearty Congratulations on the Auspicious events of the 17th:," he wrote to Albert Gallatin while en route to Washington for the March 4 inauguration; "as to the infamous slanders which have been so industriously circulated—they are now of little Consequence & those who believed them will doubtless blush at

their own Weakness.³⁷ Burr arrived in Washington three days before the inauguration and found accommodations in nearby Georgetown.

On March 4, 1801, Senate President pro tempore James Hillhouse (F-CT) administered the oath of office to Burr in the Senate chamber on the ground floor of the new Capitol in Washington. The new vice president offered a brief extemporaneous address of "about three sentences," which the press ignored in favor of Jefferson's elegant and conciliatory inaugural address. Burr assumed the president's chair and administered the oath of office to the newly elected senators who presented their credentials. When Jefferson and the presidential party arrived in the Senate chamber, Burr left the Senate president's seat and joined Chief Justice John Marshall to listen to Jefferson's inaugural address. He later described the day as "serene & temperate—The Concourse of people immense—all passed off handsomely—great joy but no riot."³⁸

The new vice president soon received a flood of letters from friends, political allies and relatives, seeking appointments in the new administration or demanding the removal of Adams' Federalist appointees. Burr, who could never refuse a friend and considered patronage a means of cementing alliances and paying political debts, passed a number of these requests along to Jefferson. The president, however, became increasingly uncomfortable with each new recommendation. Most damning, as historian Mary-Jo Kline has explained, were the "repeated requests for consideration of the claims of the 'faithful' from other states and territories." Jefferson was perfectly willing to replace Adams' "midnight appointments" with marshals and court officers who were loyal Republicans, as well as to remove Federalists who displayed "malversation or inherent disqualification" for office, appointing Republicans to the vacant posts. Still, mindful of the charges of nepotism and cronyism he had levelled against the Adams administration, he hesitated to dismiss civil servants solely for political reasons. Nor did he think it appropriate for the ambitious New Yorker to concern himself with appointments to federal offices in other states. The final insult appears to have occurred in the fall of 1801 with Burr's campaign to secure an appointment for his ally, Matthew L. Davis, to a naval post in New York. The president, already suspicious of the enterprising vice president who had jeopardized his election, soon began to distance himself from Burr.³⁹ Thereafter, in making federal appointments in New York, he relied on George Clinton or Clinton's nephew De Witt.

After the Clintons replaced Burr as the administration's liaison to the New York Republican party, De Witt spared no effort to discredit the vice president in his home state. Assisted by [New York] American Citizen editor James Cheetham, he waged a savage war against the vice president in the local press.⁴⁰ "The handbills were numerous, of various descriptions, uniform however in virulent and indecent abuse," Burr reported. "[T]o vilify A.B. was deemed of so much consequence, that packages of them were sent to various parts of the country." It was becoming painfully apparent, one of his allies observed, that the vice president's "influence and weight with the Administration is in my opinion not such as I could wish."⁴¹ Bereft of the political base that had made him a formidable force in New York politics and an attractive vice-presidential prospect, he was now a liability to the administration. During Burr's single term in office, whatever influence or status he enjoyed would derive solely from his position as president of the Senate.⁴²

President of the Senate

Burr was one of the most skilled parliamentarians to serve as president of the Senate, a striking contrast to Adams and a worthy successor to Jefferson. "Mr. Burr, the Vice President, presides in the Senate with great ease, dignity & propriety," Senator William Plumer (F-NH) observed. "He preserves good order, silence—& decorum in debate—he confines the speaker to the point. He has excluded all spectators from the area of the Senate chamber, except the members from the other House. A measure which contributes much to good order."⁴³

But, although Burr was universally respected for his parliamentary skills and his impartial rulings, Senate Republicans noted with mounting concern his easy familiarity with his many Federalist friends. Alienated from his own party, pragmatic at the expense of principle, and beset by the chronic financial difficulties that dogged him throughout his career, Burr was increasingly regarded by his fellow Republicans as an unprincipled opportunist who would stop at nothing to rebuild his shattered political and personal fortunes.⁴⁴ They found ample evidence of the vice president's apostasy on January 27, 1802, when Burr cast a tie-breaking vote that undercut the Republican effort to repeal the Judiciary Act of 1801.

That act, signed into law less than a week before Jefferson's election, enacted badly needed reforms, providing circuit court judges to relieve the Supreme Court justices from the burdensome and exhausting chore of riding circuit, and reducing the number of justices from six to five, effective with the next vacancy. The act became effective in time to allow John Adams to appoint Federalist judges to the new circuit courts, a development that heightened Republican fears of a Federalist-controlled judiciary. And, with one less Supreme Court justice, it appeared unlikely that Jefferson would ever have an opportunity to appoint a Republican nominee to the Supreme Court. On January 6, 1802, Senator John Breckinridge (R-KY) introduced a bill to repeal the Judiciary Act. Burr's vote would prove crucial in the Senate, where the absence of one Republican and the resignation of another had eroded the administration's already slim majority. Republicans were greatly relieved when the Senate deadlocked on a vote to proceed to a third reading of the repeal bill on January 26, and Burr resolved the tie in favor of the repealers. But he had secretly informed Federalists that he would support their attempts to block repeal by adding amendments that would make the Judiciary Act acceptable to moderate Republicans. Thus, the next day, when his friend Jonathan Dayton (F-NJ) moved to refer the bill to "a select committee, with instructions to consider and report the alterations which may be proper in the Judiciary system of the United States," Burr resolved the tie in favor of the Federalists.⁴⁵ Burr explained that he had voted for referral in hopes of reaching a compromise:

I am for the affirmative, because I never can resist the reference of a measure where the senate is so nicely balanced, when the object is to effect amendment, that may accommodate it to the opinions of a larger majority; and particularly when I can believe that gentlemen are sincere in wishing a reference for this purpose. Should it, however, at any time appear that delay only is intended, my conduct will be different.⁴⁶

Republicans who resented Burr's treachery were outraged when he announced the members of the select committee. During the early 1800s, senators voted to choose members of these temporary committees, which normally consisted of three members, but on this occasion two senators tied for first place and three for second place. The committee would therefore, Burr announced, be comprised of five members: two Republicans who favored repeal; two Federalists who had voted against repeal and subsequently voted to refer the bill to committee in hopes of effecting a compromise; and

one Republican moderate, John Ewing Colhoun (R-SC), who had sided with the Federalists.⁴⁷ An account of the proceedings in the *New York Evening Post* reveals that Burr answered Republican challenges to this unexpected development with his customary ease and composure:

. . . The Democratic [Republican] members appeared extremely discontented at the apparent result; and before the vote was finally declared by the Vice President, General [James] Jackson [R-GA] rose and proposed, that the Senate should ballot again for the committee. This dashing proposition did not materially interrupt the regularity of the scrutiny.

The Vice President was very deliberate. He took the ballots of the respective Senators, examined them attentively, stated the number of them, and holding them up in his hand, mentioned that gentlemen, if they chose, might come and examine them. Mr. G[ouverneur] Morris [F-NY] hoped never to see, in the Senate a proceeding implying so much distrust.

After a pause, the Vice President declared his opinion, that the ballots were truly counted. Of course, the committee was composed as stated above, to the no small chagrin of some of the Democratic members of Congress, in both Houses.⁴⁸

Although Burr had substantive objections to the repeal bill,⁴⁹ and told one correspondent that he was troubled at the prospect "of depriving the twenty-six judges of office and pay,"⁵⁰ his growing estrangement from the administration was also a factor. He may, as one scholar of the early judiciary suggests, have hoped to "enhance his stature not only with moderates of his own party but also with Federalists, and perhaps even pave the way for the eventual formation of a third party under his leadership,"⁵¹ but the immediate result of Burr's abortive attempt to reach a compromise was his further isolation from his party. He had, as Jefferson's biographer has noted, "offended one side without satisfying the other."⁵² Among the advisers who comprised Jefferson's inner circle, only Treasury Secretary Albert Gallatin continued to support the increasingly troublesome vice president.⁵³

Burr soon abandoned any hope of winning renomination to a second term. In early 1804, he called on Jefferson to inform him that he recognized "it would be for the interest of the republican cause for him to retire; that a disadvantageous schism would otherwise take place," but he was concerned that "were he to retire, it would be said that he shrunk from the public sentence." He would need, Burr suggested, "some mark of favor . . . which would declare to the world that he retired with [Jefferson's] confidence." Jefferson replied that he had not attempted to influence the 1800 election on his own or Burr's behalf, nor would he do so in the next election—a cool rejoinder that masked his now considerable resentment of the man whom, he claimed, he had "habitually cautioned Mr. Madison against trusting too much."⁵⁴

The Republicans ultimately settled on George Clinton as their new vice-presidential candidate. Burr retired from national politics, without Jefferson's "mark of favor," entering the 1804 New York gubernatorial race in a desperate attempt to restore his rapidly failing career.

The Burr-Hamilton Duel

Burr no longer commanded the respect and support from New York Republicans that he had once enjoyed. He entered the gubernatorial race as an independent and actively sought Federalist support when it became apparent that the Federalists would not offer a candidate of their own. But Alexander Hamilton was soon "intriguing for any candidate who can have a chance of success against A.B." Burr plunged enthusiastically into the campaign, delivering speeches and distributing campaign literature, but he could not

overcome the liabilities he had acquired since 1800. He lost the election by an overwhelming 8,000-vote margin.⁵⁵

Burr's defeat left him bitter and disillusioned. He blamed Hamilton for his predicament, and when he learned that his rival and former ally had referred to him, at a private dinner party, as a "dangerous man, and who ought not to be trusted," he demanded an explanation. The conflict escalated, as Burr and Hamilton exchanged a series of letters, and finally came to a head on June 27, 1804, when Burr challenged Hamilton to a duel. The grim engagement took place on July 11 at Weehawken, New Jersey, and resulted in Hamilton's death the following day.⁵⁶

Burr's opponents called for his arrest, but the outcry against him was by no means universal. Duelling was expressly prohibited by law in most states, and murder was a crime in every state. But encounters on the "field of honor" still took place during the early nineteenth century, particularly in the southern states. Burr had previously challenged Hamilton's brother-in-law, John Church, to a duel—a bloodless encounter that enabled them to confront and then forget their differences—and Hamilton's son, Philip, had incurred a mortal wound on the duelling ground the previous year. Henry Clay, Andrew Jackson, and others of similar stature subscribed to the Code Duello, but few suffered the stigma that Burr carried after that fatal morning at Weehawken. He left New York a month after Hamilton's death to allow "public opinion" to "take its proper course," travelling south in hopes of a reunion with his daughter Theodosia, now the wife of Joseph Alston, a South Carolina planter with impeccable Republican credentials, and his young grandson, Aaron Burr Alston. He was eventually indicted in New York and New Jersey, but never stood trial in either jurisdiction.⁵⁷

Burr returned to the Senate in early November, in time for the second session of the Eighth Congress. It was, as Senator Plumer noted, an awkward occasion:

Nov. 7, 1804

This day the Senate made a quorum for the first time this session [which began two days earlier]. Mr. Burr, the Vice President, appeared and took his seat in the Senate the very first day of the session. It has been unusual for the Vice President to take his seat the first day of the session. But this man, though indicted in New York & New Jersey for the murder of the illustrious Hamilton, is determined to brave public opinion. What a humiliating circumstance that a man Who for months has fled from Justice—& who by the legal authorities is now accused of murder, should preside over the first branch of the National Legislature! I have avoided him—his presence to me is odious—I have merely bowed & spoken to him—Federalists appear to despise neglect & abhor him. The democrats [Republicans], at least many of them, appear attentive to him—& he is very familiar with them—What line of conduct they will generally observe to him is yet uncertain.⁵⁸

Republicans had indeed become "more attentive" to Burr; even Jefferson seemed anxious to mend fences with his errant vice president. "Mr. Jefferson has shewn more attention & invited Mr. Burr oftener to his house within this three weeks than ever he did in the course of the same time before," Plumer marvelled. "Mr. Gallatin, the Secy of the Treasury, has waited upon him often at his (Burr's) lodging—& on one day was closeted with him more than two hours. The Secretary of State, Mr. Madison, formerly the intimate friend of Genl. Hamilton, had taken his murderer into his carriage rode with him—accompanied him on a visit to M. Terreau the French Minister."⁵⁹ United States Attorney Alexander Dallas wrote to New Jersey Governor Joseph Bloomfield, urging him to grant clemency to the vice president.⁶⁰

Republicans in Congress, particularly in the Senate, were equally solicitous of Burr. "The proceedings in New York in consequence of the duel are deemed by a number of the

Senators to be harsh and unprecedented," Senator Samuel L. Mitchill (R-NY) explained to his wife. "They believe it very unfair and partial to make him the victim of justice, while several other persons who have killed their opponents in duels at Hoboken are suffered to go at large without molestation. Under these impressions an address has been drawn up to Governor Bloomfield for the purpose of inducing him to quash or suspend the proceedings against the Vice President."⁶¹ Federalists were stunned by the Republicans' newfound respect for Burr, which Plumer attributed to "their joy for the death of Hamilton."⁶² But the real reason for Republicans' apparent change of heart, as Burr's biographers Herbert Parmet and Marie Hecht have suggested, was the impending impeachment trial of Supreme Court Justice Samuel Chase.⁶³

The Impeachment Trials of John Pickering and Samuel Chase

Burr had earlier presided over the impeachment trial of New Hampshire Judge John Pickering, a revered patriot and the author of his state's 1784 constitution, who by 1803 had become insane and an alcoholic. The House of Representatives impeached Pickering on March 2, 1803, for conduct "contrary to his trust and duty as judge," and the trial in the Senate was held a year later. Even the judge's Federalist supporters were embarrassed by his ravings from the bench, but they saw in the charges against him the opening salvo in the Republicans' assault on the federal judiciary. They would defend him at all costs, maintaining throughout his trial that insanity did not constitute grounds for removal. Republicans were forced to counter that the judge was perfectly sane, but guilty of misconduct that justified his removal from office, although Jefferson and some moderate Republicans were uneasy at the thought of subjecting a man so obviously tormented to the ordeal of an impeachment trial.⁶⁴

The trial was a highly partisan proceeding, and on March 12, 1804, the final vote that removed Pickering from office split along party lines. The vice president made "very formal arrangements" for the trial, Representative Manasseh Cutler, a Federalist from Massachusetts, informed a correspondent, "and the court was opened with a dignified solemnity."⁶⁵ Burr presided over the preliminary proceedings and most of the trial with his customary tact and skill, deferring to the Senate to resolve the difficult procedural issues that arose after Pickering failed to appear and his son's attorney, Robert Goodloe Harper, informed the court that the judge, "being in a state of absolute and long continued insanity," could "neither appear nor authorize another to appear for him." But on March 10, Burr, concerned about his gubernatorial campaign in New York, "abruptly left the Senate," departing in the midst of a heated debate over Connecticut Federalist Uriah Tracy's motion to postpone the trial until the following session. President pro tempore Jesse Franklin, a North Carolina Republican, presided for the remainder of the trial, and Burr's unexpected departure made no apparent difference in the outcome of the proceedings.⁶⁶ Pickering's trial, as Jefferson's biographer has stressed, was a "confused and tragic episode."⁶⁷ The participants in this sorry spectacle all realized that Pickering was a deeply disturbed man and were greatly relieved when the trial ended with his removal from office.

But the impending trial of Associate Supreme Court Justice Samuel Chase, impeached for judicial misconduct by the House of Representatives on March 12, 1804—the day Pickering's trial ended—was another matter. Appointed to the court by President Washington and confirmed by a narrow margin, Chase was an inveterate Federalist, known for his intemperate and partisan harangues from the bench and for his flagrant

prejudice against defendants accused of violating the Sedition Act. For many Republicans, Chase personified all the evils inherent in the Federalist-controlled judiciary. As his impeachment trial approached, these Republicans were painfully aware that they could ill afford to offend the man whose rulings would govern the proceedings, and they thus treated Burr with studied deference.⁶⁸

But it was an uneasy truce, at best. Burr was noticeably uncomfortable in the Senate chamber. "After the minutes of the preceding day have been read—the little business before us dispatched," Plumer observed, the vice president would "leave the chair—come to some one Senator, & intimate in strong terms that it was best to adjourn—& sometimes request a senator to move an adjournment—& in a few minutes he was gone." He seemed to have "lost those easy graceful manners that beguiled the hours away the last session—He is now uneasy, discontented, & hurried."⁶⁹ Plumer also sensed "an unusual concern & anxiety in the leading democratic members of the senate," who feared "the talents of Burr." The vice president appeared "friendly to them," he reflected, but "[s]ome office must be given him—what office can that be, that he will accept, & not injure them?"⁷⁰

Burr imposed a rigid discipline on the conduct of the Chase impeachment trial, conducting the proceedings, as one reporter observed, "with the dignity and impartiality of an angel, but with the rigor of a devil."⁷¹ Manasseh Cutler reported that the trial was "conducted with a propriety and solemnity throughout which reflects honor upon the Senate. It must be acknowledged that Burr has displayed much ability, and since the first day I have seen nothing of partiality."⁷² Although the managers appointed by the House of Representatives and led by Republican Representative John Randolph of Virginia were responsible for trying the case, Burr would occasionally intervene, posing questions of his own to a witness when the irrational and ineffective Randolph (or another interrogator) failed to pursue a particular line of questioning, or seeking clarification of an incomplete or ambiguous response. When either side objected to a question posed by the other, Burr took careful note of the objection, ordering that the offending question be "reduced to writing" and put to the Senate for a determination.⁷³

But at times Burr's rigid insistence on absolute decorum only increased the tensions that simmered in the Senate chamber, elaborately redecorated for the occasion under his careful supervision. Although Senator Plumer would conclude by the end of the trial that Burr had "certainly, on the whole, done himself, the Senate & the nation honor by the dignified manner in which he has presided over this high & numerous Court," he was outraged at Burr's treatment of Chase on January 2, 1805, when the judge appeared before the Senate to enter his plea. Before the court opened, Plumer had overheard the vice president's caustic comment as he ordered Sergeant at Arms James Mathers to remove the chair set aside for the aged justice: "Let the Judge take care to find a seat for himself." Mathers replaced the chair, after Chase "moved that a seat be assigned him," and the vice president "in a very cold formal insolent manner replied he presumed the Court would not object to taking a seat," but Burr would not permit Mathers to provide a table for the judge's convenience. Burr repeatedly interrupted the aged and frail judge as Chase, at times breaking into tears, requested additional time to prepare his answer to the impeachment.⁷⁴

Burr's "peevishness" continued as the proceedings unfolded; on one occasion, he notified one of Chase's attorneys, Philip Barton Key, "that he must not appear as counsel in his

loose coat" ["greatcoat," or overcoat], a proviso that senators criticized and Key ignored. By the first week of February, the Senate's now "remarkably testy" president was "in a rage because we do not sit longer."⁷⁵ Unruly senators on both sides of the aisle bristled, Plumer observed, when Burr lectured them on judicial etiquette after the high court of impeachment had adjourned for the day on February 12:

Just as the time for adjourning to tomorrow was to be put in the Secretary's office—Mr. Burr said he wished to inform the Senate of some irregularities that he had observed in the Court. Some of the senators as he said during the trial & while a witness was under examination walked between him & the Managers—Others eat apples—& some eat cake in their seats.

Mr. [Timothy] Pickering [F-MA] said he [did] eat an apple—but it was at a time when the President had retired from the chair. Burr replied he did not mean him—he did not see him.

Mr. [Robert] Wright [R-MD] said he did eat cake—he had a just right so to do—he was faint—but he disturbed nobody—He never would submit to be schooled & catechised in this manner.

At this instance a motion was made by Mr. [Stephen Row] Bradley [R-VT], who also had eaten cake, for an adjournment—Burr told Wright he was not in order—sit down—The Senate adjourned—& I left Wright & Burr scolding.⁷⁶

Although rightfully concerned about maintaining an atmosphere of judicial decorum, Burr had obviously lost much of the "easy grace" and consummate tact that had made him such an effective presiding officer. The ordeal ended on March 1, when Burr announced, after a separate vote on each article of impeachment, "that there is not a Constitutional majority of votes finding Samuel Chase, Esq., guilty, on any one article."⁷⁷

Burr's Final Days in the Senate

Burr's final days in the Senate would have been unpleasant even without the strain of presiding over a taxing and bitterly contested impeachment trial. He presided over the February 13, 1805 joint session of Congress, counting the electoral returns. In that capacity, he announced that Jefferson had been reelected and that his old rival, George Clinton, would succeed him as vice president. Senator Samuel Mitchill reported that Burr performed this "painful duty" with "so much regularity and composure that you would not have seen the least deviation from his common manner, or heard the smallest departure from his usual tone." But, Mitchill observed, the always impeccably attired vice president "appeared rather more carefully dressed than usual" for the occasion.⁷⁸

A week later, Republican Senator John Smith of New York introduced a bill "freeing from postage all letters and packets to and from Aaron Burr," and Burr found himself in the unenviable position of listening as senators questioned the propriety of granting him the franking privilege. Although surviving accounts of the debate do not indicate that the issue of Burr's character was ever raised in his presence, it was certainly an unspoken consideration. The debate was particularly intense on February 27. Senator John Quincy Adams, a Massachusetts Federalist, proposed an amendment to extend the frank to all former vice presidents (omitting the explicit reference to Burr), and Republican James Jackson of Georgia cautioned in response that "We might hereafter have a Vice President to whom it would be improper to grant the privilege." After Federalist Senators Timothy Pickering of Massachusetts and James Hillhouse of Connecticut finally "advocated the indelicacy of the situation of having Mr. Burr in the chair," the vice president volunteered that "he was apprehensive that tomorrow he should be afflicted with pain in the head & should be unable to attend." With Burr absent from the chamber, his opponents were free to speak their minds. The debate was bitter and intense; Senator Hillhouse was resolutely opposed to giving Burr such a dangerous privilege. "The Vice President is an ambitious man," he warned his colleagues. "[H]e aspired to the Presidency—disappointed ambition

will be restless. You put arms into his hands to attack your government—He may disseminate seditious pamphlets, news papers & letters at the expence of the very government he is destroying." Senator Pickering feared that Burr would "sell the right of franking to commercial houses—And in the city of New York alone it might give him a fortune." But Burr's supporters countered, "The reason why gentlemen oppose this bill is because Mr. Burr has fought a duel and killed a man." Although the bill passed by a vote of 18 to 13, with all but three of the New England senators voting against it, the House subsequently postponed the measure.⁷⁹

Burr's Farewell Address

Burr left the Senate the day after the Chase trial concluded and just two days before George Clinton took office as the nation's fourth vice president. Federalists and Republicans alike were deeply moved by his March 2, 1805, farewell address, still one of the most celebrated speeches in the history of the early Republic. His remarks were intended for the senators alone, unexpectedly delivered at the conclusion of a closed-door executive session.

Burr began his twenty-minute address with an acknowledgement that "he must at times have wounded the feelings of individual members." But he had "avoided entering into explanations at the time," he explained, "because a moment of irritation was not a moment for explanation; because his position (being in the chair) rendered it impossible to enter into explanations without obvious danger of consequences which must injure the dignity of the Senate, or prove disagreeable and injurious in more than one point of view." Only "the ignorant and unthinking," he continued, "affected to treat as unnecessary and fastidious a rigid attention to rules and decorum." But Burr "thought nothing trivial which touched, however remotely, the dignity" of the Senate, and he cautioned senators "to avoid the smallest relaxation of the habits which he had endeavored to inculcate and establish." Likening the Senate to "a sanctuary, a citadel of law, of order, and of liberty," Burr predicted that "if the Constitution be destined ever to perish by the sacrilegious hands of the demagogue or the usurper, which God avert, its expiring agonies will be witnessed on this floor."

Concluding his remarks with the customary expressions of respect and good will, Burr left the Senate chamber, closing the door behind him, Senator Mitchill noted, "with some force." "[A] solemn and silent weeping" filled the Senate chamber "for perhaps five minutes." Mitchill, for one, had "never experienced any thing of the kind so affecting," and New York Republican John Smith, "stout and manly as he is . . . laid his head upon his table and did not recover from his emotion for a quarter of an hour or more."⁸⁰ But De Witt Clinton's ally, [New York] American Citizen editor James Cheetham, and others who suspected that Burr's "melodious, harmonious pathos" was merely an effort to restore his political fortunes, doubted that "the flowing tear" could "wash away the dingy stains" of Burr's "political degeneracy."⁸¹

The "Burr Conspiracy"

The forty-nine-year-old former vice president was heavily in debt at the time of his forced retirement from politics. He had been involved in a number of speculative ventures throughout his career, many of which had resulted in substantial losses. Generous beyond prudence, Burr could never refuse a relative or a friend in need, even if it meant going further into debt. He had assumed responsibility for a number of young wards throughout the years—some of them the children of clients, others rumored to have

been his own offspring—and his generosity to his charges further strained his always precarious finances. Burr had always lived, dressed and entertained well, even when he could ill afford to do so.⁸² Surveying his limited prospects, the optimistic and always enterprising former vice president now looked to the West.

The full extent of Burr's business and other ventures in the West will probably never be known, but his first undertaking appears to have been the Indiana Canal Company. Burr and his fellow investors intended to construct a canal to circumvent the Ohio River rapids at Louisville, but, as his biographers have explained, the resourceful vice president had "more than one plan for the future but several alternate ones depending on change and history." His most ambitious scheme was contingent upon the outbreak of war with Spain, which was still in possession of West Florida and Mexico and increasingly hostile toward the burgeoning new nation that pressed along its eastern border. Burr planned an assault on Mexico and anticipated that the western states would leave the Union to join in a southeastern confederacy under his leadership. One of Burr's accomplices, Louisiana Governor James Wilkinson, betrayed the conspiracy before Burr could begin his expedition, and the former vice president was arrested on charges of treason. Chief Justice John Marshall presided over Burr's trial, which opened on August 3, 1807, in Richmond, Virginia. The jury, guided by Marshall's written opinion that two witnesses must testify to a specific, overt act to establish treason—a standard that the prosecution failed to meet—ultimately found "that Aaron Burr is not proved to be guilty under this indictment." Pressed by debts and fearful of further prosecution, Burr departed for Europe under an assumed name in June 1808.⁸³

Burr's Later Years

Burr spent the next four years in self-imposed exile. He travelled throughout England and the continent, sightseeing, reading, entertaining the ladies, who found him an attractive companion, and seeking support for another southwestern expedition. His overtures to the British and French courts failed miserably. In the spring of 1812, convinced that a war between the United States and Great Britain was imminent, Burr returned home under the alias, "M. Arnot." He took a room near the Boston waterfront—a far cry from the handsome and well-furnished New York mansion, Richmond Hill, that he maintained in better times—while testing the waters to determine whether he could safely return to New York.⁸⁴

Burr reappeared in New York in June 1812, ready to resume his legal career. He eagerly looked forward to a reunion with his beloved "Theo" and his grandson Aaron Burr Alston but soon learned that young "Gampy," as Burr called his namesake, had died. In late December 1812, the grief-stricken Theo set out from her home in Georgetown, South Carolina, to visit her father in New York and was never seen again. The schooner that carried Theodosia Burr Alston and her escort probably sank in a storm off Cape Hatteras, North Carolina, but the mysterious circumstances of her disappearance, and the controversy and mystery that always dogged Burr's career, spawned legends that the unfortunate Mrs. Alston had been forced to walk the plank by pirates or mutineers, or was still alive as a prisoner in the West Indies.⁸⁵

Although devastated by his daughter's death, Burr continued to practice law and to supervise the education of his young wards. Snubbed by many of his former acquaintances and wholly removed from the "game of politics" that had once been his joy and delight, Burr followed the independence movements that were changing the face of

Latin America with a lively but cautious interest. In 1829, he petitioned the government for a pension based on his military service during the Revolution, a crusade that continued until his plea was finally granted in 1834. He became progressively more eccentric and impoverished as the years passed. In 1831, William Seward found him living in a dirty garret, shabbily dressed but optimistic as ever. In 1833, Aaron Burr married a second time. His new bride, a wealthy widow with a past almost as controversial as his own, soon became disenchanted with her husband when she discovered that he had mismanaged her assets, and she divorced him the following year. Incapacitated by a series of strokes in 1834, Burr lived on the charity of friends and relatives until his death at Port Richmond, Staten Island, on September 14, 1836. During his final hours, a clergyman inquired about his prospects for salvation. Evasive and cryptic to the end, Burr only replied, "On that subject I am coy." Aaron Burr was buried with military honors at Princeton, New Jersey, on September 16, 1836.⁸⁶

NOTES:

1. Herbert S. Parmet and Marie B. Hecht, *Aaron Burr: Portrait of an Ambitious Man* (New York, 1967), p. 285.
2. Paul L. Ford, ed., *The Writings of Thomas Jefferson* (New York, 1905) 10:387, quoted in Parmet and Hecht, p. 287.
3. Milton Lomask, *aaron Burr*, vol. 2 (New York, 1982), pp. 372-73.
4. Everett Somerville Brown, ed., *William Plumer's Memorandum of Proceedings in the United States Senate, 1803-1807* (New York, 1923), p. 123.
5. Remarks of Senator Robert C. Byrd. "Profile of 'That Great Enigma': Aaron Burr," U.S., Congress, Senate, *Congressional Record*, 100th Cong., 1st sess., p. 31910.
6. Mary-Jo Kline, "Aaron Burr as a Symbol of Corruption in the New Republic," in *Before Watergate: Problems of Corruption in American Society*, ed. Abraham S. Eisenstadt, Ari Hoogenboom and Hans L. Trefousse (Brooklyn, NY, 1978), p. 74. Mary-Jo Kline and Joanne Wood Ryan's two-volume letterpress edition of Burr's public papers, published by Princeton University Press in 1983, is an invaluable resource for scholars.
7. See, for example, Samuel H. Wandell, *Aaron Burr in Literature: Books, Pamphlets, Periodicals, and Miscellany Relating to Aaron Burr and His Leading Political Contemporaries* (Port Washington, NY, 1972; reprint of 1936 edition).
8. Kline, "Aaron Burr as a Symbol of Corruption in the New Republic," p. 70.
9. Parmet and Hecht, pp. 1-16.
10. Matthew L. Davis, *Memoirs of Aaron Burr* (Freeport, NY, 1970; reprint of 1836 edition), 1:45.
11. Parmet and Hecht, pp. 17-51.
12. Byrd, p. 31910.
13. Parmet and Hecht, pp. 52-58, 64-65. A second daughter, Sally Reeve Burr, was born in 1785 and died in February 1789.
14. Parmet and Hecht, pp. 58-62.
15. Kline, Mary-Jo, and Joanne Wood Ryan, eds., *Political Correspondence and Public Papers of Aaron Burr*, vol. 1 (Princeton, 1983), p. 46.
16. Aaron Burr to Richard Oliver, July 29, 1788, in Kline and Ryan, 1:33.
17. Parmet and Hecht, pp. 65-66.
18. Kline, "Aaron Burr as a Symbol of Corruption in the New Republic," p. 74.
19. Parmet and Hecht, p. 84.
20. *Ibid.*, pp. 68-110.
21. *Ibid.*, pp. 108-10
22. *Ibid.*, pp. 112-43
23. [New York] *Commercial Advertiser*, May 4, 1799, quoted in Kline and Ryan, 1:402.
24. Robert Troup to Rufus King, May 6, 1799, quoted in Kline and Ryan, 1:420.
25. Noble E. Cunningham, Jr. "Election of 1800," in *History of American Presidential Elections, 1789-1968*, vol. 1, ed. Arthur M. Schlesinger, Jr., and Fred L. Israel (New York, 1985), pp. 108-10; Dumas

- Malone, *Jefferson and the Ordeal of Liberty* (Boston, 1962), pp. 473-74; Parmet and Hecht, pp. 131-48.
26. See chapter 4 of this volume, "George Clinton," p. 9.
27. Malone, *Jefferson and the Ordeal of Liberty* (Boston, 1962), pp. 473-74; Parmet and Hecht, pp. 131-48.
28. Cunningham, "Election of 1800," pp. 104, 113-15; Kline and Ryan, 1:443-49; Malone, *Jefferson and the Ordeal of Liberty* pp. 473-83.
29. Kline, "Aaron Burr as a Symbol of Corruption in the New Republic," p. 75.
30. Malone, *Jefferson and the Ordeal of Liberty*, pp. 489-94; Thomas Jefferson to Aaron Burr, December 15, 1800, in Kline and Ryan, 1:469-70.
31. Malone, *Jefferson and the Ordeal of Liberty*, pp. 489-96; Parmet and Hecht, pp. 158-60; Cunningham, "Election of 1800," pp. 131-32.
32. Kline and Ryan, 1:469-87, see especially Aaron Burr to Samuel Smith, December 16, 1800, p. 471, and Aaron Burr to Samuel Smith, December 29, 1800, pp. 478-79; Malone, *Jefferson and the Ordeal of Liberty*, pp. 499-505; Parmet and Hecht, pp. 144-67.
33. Kline and Ryan, 1:486-87; Malone, *Jefferson and the Ordeal of Liberty*, pp. 502-5; Cunningham, "Election of 1800," pp. 131-34; Parmet and Hecht, pp. 162-67; Richard E. Ellis, *The Jeffersonian Crisis: Courts and Politics in the Young Republic* (New York, 1974; reprint of 1971 edition), p. 28; Forrest McDonald, *Alexander Hamilton: A Biography* (New York, 1979), pp. 352-53.
34. Kline and Ryan, 1:486.
35. Kline and Ryan, 1:486-87; Malone, *Jefferson and the Ordeal of Liberty*, pp. 502-5; Cunningham, "Election of 1800," pp. 131-34; Parmet and Hecht, pp. 162-67; Ellis, p. 28.
36. U.S., Congress, House, *Annals of Congress*, 8th Cong., 1st sess., pp. 372-77; U.S. Congress, Senate, *Annals of Congress*, 8th Cong., 1st sess., pp. 21-25, 81-210; Dennis J. Mahoney, "Twelfth Amendment," *Encyclopedia of the American Constitution*, vol. 4 (New York, 1986), p. 1927; Tadahisa Kuroda, *The Origins of the Twelfth Amendment: The Electoral College in the Early Republic, 1787-1804* (Westport, CT, 1994).
37. Aaron Burr to Albert Gallatin, February 25, 1801, in Kline and Ryan, 1:509.
38. Aaron Burr to Caesar A. Rodney, March 3, 1801 (with March 4 postscript), in Kline and Ryan, 1:517-19; *Annals of Congress*, 6th Cong., 2d sess., pp. 762-63.
39. Kline and Ryan, 1:519-45; Dumas Malone, *Jefferson the President: First Term, 1801-1805* (Boston, 1970), pp. 69-68; Kline, "Aaron Burr as a Symbol of Corruption in the New Republic," pp. 70-71; Noble E. Cunningham, Jr., *The Jeffersonian Republican in Power* (Chapel Hill, NC, 1963), pp. 38-44.
40. Kline and Ryan, 2:641-46, 724-28.
41. Cunningham, *Jeffersonian Republicans in Power*, pp. 38-44; Parmet and Hecht, pp. 172-77.
42. Noble E. Cunningham, Jr., *The Process of Government Under Jefferson* (Princeton, 1978), p. 16.
43. Brown, pp. 74-75.
44. Kline, "Aaron Burr as a Symbol of Corruption in the New Republic," pp. 69-76; Parmet and Hecht, pp. 168-93.
45. Parmet and Hecht, p. 184; Ellis, pp. 15-16, 36-52; Kline and Ryan, 2:653-73; Malone, *Jefferson the President, First Term*, 121-30.
46. Aaron Burr, "Comment on a Motion to Repeal the Judiciary Act," [New York] *American Citizen*, February 3, 1802, in Kline and Ryan, 2:656. According to Kline and Ryan, this version of Burr's remarks, which differs slightly from the version printed in the *Annals* (*Annals of Congress*, 7th Cong., 1st sess., p. 150), is "the version closest to a direct quotation that survives among contemporary accounts." *Ibid.*, p. 655.
47. *Annals of Congress*, 7th Cong., 1st sess., p. 150.
48. New York *Evening Post*, February 2, 1801; Kline and Ryan, 2:655.
49. Parmet and Hecht, p. 179.
50. *Ibid.*, p. 179.
51. Ellis, p. 48.
52. Malone, *Jefferson the President, First Term*, pp. 123-24.
53. *Ibid.*, pp. 395-98.
54. Thomas Jefferson, Memorandum of a Conversation with Burr, January 26, 1804, Kline and Ryan, 2:819-22.
55. Parmet and Hecht, pp. 194-201; Kline, "Aaron Burr as a Symbol of Corruption in the New Republic," pp. 72-73.
56. Parmet and Hecht, pp. 194-215.
57. *Ibid.*, pp. 210-23; Samuel L. Mitchill to Mrs. Mitchill, November 20, 1804, "Dr. Mitchill's Letters from

- Washington: 1801-1813," *Harper's New Monthly Magazine* 58 (April 1879): 748; W.J. Rorabaugh, "The Political Duel in the Early Republic: Burr v. Hamilton," *Journal of the Early Republic* 15 (Spring 1955): 14.
58. Brown, p. 185
59. *Ibid.*, pp. 203-4.
60. Parmet and Hecht, p. 224.
61. Samuel L. Mitchill to Mrs. Mitchill, November 30, 1804, "Dr. Mitchill's Letters from Washington," p. 748.
62. Brown, p. 203
63. Parmet and Hecht, p. 224.
64. Ellis, pp. 69-75; Malone, *Jefferson the President, First Term*, pp. 460-64, 469; *Annals of Congress*, 8th Cong., 1st sess., pp. 315-68.
65. Manasseh Cutler to the Rev. Dr. Dana, March 3, 1804, in *Life, Journals and Correspondence of Rev. Manasseh Cutler, LL.D.*, by William Parker Cutler and Julia Perkins Cutler, vol. 2 (Cincinnati, 1888), pp. 164-66.
66. Brown, pp. 97-177; Ellis, pp., 69-75; Manasseh Cutler to Dr. Torrey, March 13, 1804, *Life, Journals and Correspondence of Rev. Manasseh Cutler* 2:166-68; *Annals of Congress*, 8th Cong., 1st sess., pp. 315-68; Peter Charles Hoffer and N.E.H. Hull, *Impeachment in America, 1635-1805* (New Haven, 1984), pp. 206-20.
67. Malone, *Jefferson the President, First Term*, p. 464.
68. Parmet and Hecht, p. 224; Malone, *Jefferson the President, First Term*, pp. 464-69; Illis, pp. 76-79.
69. Brown, p. 213.
70. *Ibid.*, pp. 218-19.
71. Quoted in Byrd, p. 31914.
72. Manasseh Cutler to Dr. Torrey, March 1, 1805, *Life, Journals and Correspondence of Manasseh Cutler* 2:192-94.
73. Report of the Trial of Samuel Chase, *Annals of Congress*, 8th Cong., 2d sess., pp. 81-676.
74. *Ibid.*, pp. 92-98; Brown, pp. 235-39; Ellis, p. 96; Hoffer and Hull, p. 238.
75. Brown, pp. 239-311.
76. *Ibid.*, p. 285.
77. *Annals of Congress*, 8th Cong., 2d sess., p 669.
78. *Ibid.*, pp. 55-57; Samuel L. Mitchill to Mrs. Mitchill, February 14, 1805, "Dr. Mitchill's Letters from Washington," p. 749.
79. Brown, pp. 302-7; *Annals of Congress*, 8th Cong., 2d sess., pp. 63-66; Kline and Ryan, 2:910.
80. *Annals of Congress*, 8th Cong., 2d sess., pp. 71-72; Dr. Mitchill to Mrs. Mitchill, March 2, 1805, "Dr. Mitchill's Letters from Washington," p. 750; Kiline and Ryan, 2:209-17.
81. Kline and Ryan, 2:911-12.
82. Parmet and Hecht, passim; Lomask, vols. 1 and 2, passim; Kline and Ryan, vols. 1 and 2, passim.
83. Parmet and Hecht, p. 233-310.
84. *Ibid.*, pp. 305-26.
85. *Ibid.*, 326-31.
86. *Ibid.*, pp. 332-41; Kline and Ryan, 2:1169-1229.