

Vice Presidents of the United States

Thomas Jefferson (1797-1801)

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Introduction by Mark O. Hatfield.



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. . . a more tranquil & unoffending station could not have been found for me. . . . It will give me philosophical evenings in the winter, & rural days in the summer.

—*Thomas Jefferson to Benjamin Rush, January 22, 1797*¹

Thomas Jefferson entered an ill-defined vice-presidency on March 4, 1797. For guidance on how to conduct himself, he had to rely on a brief reference in the U.S. Constitution, the eight-year experience of John Adams, and his own common sense. Of a profoundly different political and personal temperament from his predecessor, Jefferson knew his performance in that relatively new office would influence its operations well into the future. Unlike Adams, who shared the political beliefs of the president with whom he served, Jefferson and his president belonged to different political parties—a situation that would prove to be unique in all the nation's history. No one who knew the two men expected that Vice President Jefferson would be inclined to serve as President Adams' principal assistant. More likely, he would confine his duties to presiding over the Senate and offering leadership to his anti-administration Republican party in quiet preparation for the election of 1800.²

Scholar and Legislator

Thomas Jefferson was born on April 13, 1743, in what is now Albemarle County, Virginia. He was the third child of Peter Jefferson, a surveyor, and Jane Randolph, daughter of a distinguished Virginia family. Classical languages formed the base of his early formal education. A thorough and diligent student, inspired by the Enlightenment's belief in the power of reason to govern human behavior, Jefferson graduated from the

College of William and Mary after only two years, at the age of nineteen. Dr. William Small, the chair of mathematics at the college, helped cultivate Jefferson's intellectual interests, especially in science. In addition to his academic pursuits, young Thomas excelled as a horseman and violinist. He studied law under George Wythe, Virginia's most eminent legal scholar of that era. Admitted to the Virginia bar in 1767, Jefferson maintained a successful practice until abandoning the legal profession at the start of the American Revolution.³

Jefferson's political career began in May 1769 when he became a member of the Virginia house of burgesses. He served there until the body was dissolved in 1775. While not considered an effective public speaker, Jefferson gained a reputation as a gifted writer. Unable to attend the Virginia convention of 1774, he sent instructions for the Virginia delegates to the first Continental Congress. These proposals, eventually published as *A Summary View of the Rights of British America*, asserted that the American colonies' only legitimate political connection to Great Britain was through the king, to whom they had submitted voluntarily, and not to Parliament.

In 1775, the thirty-two-year-old Jefferson gained a seat in the Continental Congress, where he was appointed to a committee to draft a declaration of independence from the mother country. He became the declaration's principal author and later counted it, along with establishment of the University of Virginia and creation of the Virginia statute for Religious Freedom, among his three proudest lifetime accomplishments. The Declaration of Independence and the *Summary View* ensured Jefferson's standing in the mid-1770s as the American Revolution's most significant literary theorist.

After spending less than a year in the Continental Congress, Jefferson resigned that post and entered the Virginia house of delegates. While he produced an admirable legislative record during his service from October 1776 to June 1779, his tenure as Virginia's governor from 1779 to mid-1781 was less successful. Although the Virginia assembly had made sizeable contributions to the Continental effort, it failed to make adequate provision for local defenses, and the state offered only token resistance to the British invasion in early 1781. Jefferson narrowly escaped capture, fleeing on horseback as Lt. Col. Banastre Tarleton's forces ascended Carter's Mountain toward Monticello, two days after his gubernatorial term expired but before the Virginia legislature could designate a successor. Jefferson had already decided not to seek reelection to a third term, but his perceived abdication at this critical juncture earned him considerable scorn. The Virginia house of delegates immediately ordered an investigation of his conduct, only to join with the state Senate in exonerating the former governor after he appeared before both houses six months later to explain his actions. Deeply mortified by the public scrutiny and increasingly alarmed by his wife's serious illness, Jefferson retreated to Monticello.⁴

In what proved to be a temporary retirement from public life, Jefferson turned his attention to farming and scientific endeavors—pursuits that he found more enjoyable. During this time, he organized and published his *Notes on the State of Virginia*, which his

preeminent biographer, Dumas Malone, believed "laid the foundations of Jefferson's high contemporary reputation as a universal scholar and of his enduring fame as a pioneer American scientist."⁵ On the death of his wife Martha in September 1782, Jefferson returned to public life. In June of the following year he became a delegate to the Congress under the Articles of Confederation and served on several major committees. During his service, he prepared various influential committee papers, including a report of March 22, 1784, calling for prohibition of slavery in the western territory after the year 1800. The report also declared illegal any western regional secession. Although Congress did not adopt the report as presented, Jefferson's language subsequently influenced the drafting of the 1787 Northwest Ordinance with its highly significant slavery restrictions.

Diplomacy and the Cabinet

Jefferson prepared a report in December 1783 on the procedure for negotiating commercial treaties. His recommendations became general practice, and in May 1784 Congress appointed him to assist Benjamin Franklin in arranging commercial agreements with France. Within a year he succeeded Franklin as minister to that country. While Jefferson would later make light of his accomplishments during his ministerial tenure, he proved to be a talented diplomat. Following his own pro-French leanings, and his belief that France could serve to counter Britain's threat to American interests, Jefferson worked hard for improved relations.

On returning home in December 1789, Jefferson accepted President George Washington's appointment to be the nation's first secretary of state. Progressively harsher disputes with Treasury Secretary Alexander Hamilton troubled his tenure in that office. Their differences extended from financial policy to foreign affairs and grew out of fundamentally conflicting interpretations of the Constitution and the scope of federal power.

The rise of two rudimentary political groupings during the early 1790s reflected Hamilton's and Jefferson's differing philosophical views. Formed generally along sectional lines, these early parties were known as Federalists (with strong support in the North and East) and Republicans (with a southern base). In later years the Republicans would come to be called "Democrats," but in the 1790s, that term carried a negative connotation associated with mob rule.⁶

In May 1790, Pennsylvania Senator William Maclay, with his customarily acerbic pen, recorded the following physical description of the secretary of state:

When I came to the Hall Jefferson and the rest of the Committee were there. Jefferson is a slender Man [and] has rather the Air of Stiffness in his Manner. His cloaths seem too small for him. He sits in a lounging Manner on One hip, commonly, and with one of his shoulders elevated much above the other. His face has a scrary aspect. His Whole figure has a loose shackling Air. He had a rambling Vacant look & nothing of that firm collected deportment which I expected would dignify the presence of a Secretary or Minister. I looked for gravity, but a laxity of Manner, seemed shed about him. He spoke almost without ceasing, but

even his discourse partook of his personal demeanor. It was lax & rambling and Yet he scattered information wherever he went, and some even brilliant sentiments sparkled from him.⁷

Worn out from his battles with Hamilton, Jefferson resigned as secretary of state at the end of 1793 and handed leadership of the emerging Republican party to his fellow Virginian James Madison. For the next three years, Madison worked to strengthen the party in Congress, transforming it from a reactive faction to a positive political force with its own distinctive programs and, by April 1796, a congressional party caucus to establish legislative priorities.⁸

The 1796 Election

When President Washington announced in September 1796 that he would not run for a third term, a caucus of Federalists in Congress selected Vice President Adams as their presidential candidate. Congressional Republicans turned to Jefferson as the only person capable of defeating Adams, who enjoyed a strong following in New England and was closely associated with the success of the American Revolution.⁹ Jefferson had told friends in 1793 that his "retirement from office had meant from all office, high or low, without exception."¹⁰ While he continued to hold those views in 1796, he reluctantly allowed Republican leader Madison to advance his candidacy—in part to block the ambitions of his archrival, Alexander Hamilton. Jefferson confided to Madison that he hoped he would receive either the second- or third-largest number of electoral votes. A third-place finish would allow him to remain home the entire year, while a second-place result—making him the vice president—would permit him to stay home two-thirds of the year.¹¹ Jefferson made no effort to influence the outcome. He believed that Madison, as an active party leader, would have been a more suitable candidate. But even though Jefferson had left the political stage more than two years earlier, he remained the symbol of Republican values—in no small part due to Hamilton's unremitting attacks. In devising the constitutional system that obligated each presidential elector to cast two ballots, the framers intended to produce a winning candidate for president who enjoyed a broad national consensus and, in second place, a vice president with at least strong regional support. They assumed that electors would give one vote to a home state favorite, reserving the second for a person of national reputation, but this view failed to anticipate the development of political parties. Thus the framers apparently gave little consideration to the potential for competing slates of candidates--seen for the first time in the 1796 presidential contest.

As part of a strategy to erode Jefferson's southern support, the Federalists selected as Adams' running mate Thomas Pinckney of South Carolina, author of the popular 1795 treaty with Spain.¹² Hamilton, Adams' bitter rival within the Federalist party, encouraged Federalist electors in the North to give both their votes to Adams and Pinckney. On the safe assumption that Pinckney would draw more votes than Adams from the other regions, and recognizing that Jefferson lacked support north and east of the Delaware River, Hamilton mistakenly concluded this tactic would assure Pinckney's election.¹³

Adams' supporters countered Hamilton's plan by convincing a number of their party's electors to vote for someone other than Pinckney. As a result, Adams won the presidency with 71 of a possible 138 electoral votes. But Jefferson with 68 votes, rather than Pinckney with 59 votes, became vice president. Aaron Burr, the Republican vice-presidential contender, received only 30 votes, while 48 other votes were scattered among nine minor candidates.¹⁴ This election produced the first and only mixed-party presidential team in the nation's history.

Not looking forward to reentering the political fray and feeling unprepared to assume presidential responsibilities for foreign policy at a time when relations with European nations were strained, Jefferson may have been the only person in the history of American politics to celebrate the fact that he lost a presidential election. He preferred the quietness of the vice-presidency. He wrote Benjamin Rush, "a more tranquil & unoffending station could not have been found for me." And he told James Madison, "I think they [foreign affairs] never wore so gloomy an aspect since the year 83. Let those come to the helm who think they can steer clear of the difficulties. I have no confidence in myself for the undertaking."¹⁵ In a classic assessment of the presidency's thankless nature, Jefferson wrote Edward Rutledge, "I know well that no man will ever bring out of that office the reputation which carries him into it. The honey moon would be as short in that case as in any other, & its moments of extasy would be ransomed by years of torment & hatred."¹⁶

Vice President

On February 8, 1797, Vice President Adams, as one of his final official duties, presided over a joint session of Congress in the Senate chamber to tally electoral votes for the nation's two highest offices. To his obvious satisfaction, he announced his own victory for the first office and that of Thomas Jefferson for the second.¹⁷ When the confirming news of his election reached Jefferson in Virginia, he initially hoped to avoid the trip to Philadelphia by seeking a senator who would administer the oath of office at his home.¹⁸ But rumors were beginning to spread that Jefferson considered the vice-presidency beneath his dignity. To quash that mistaken notion, the Virginian decided to attend the inauguration; but he requested that local officials downplay his arrival at the capital. Despite these wishes, an artillery company and a sixteen-gun salute greeted Jefferson on March 2 at the completion of his arduous ten-day journey by horseback and stage coach. He stayed the first night with James Madison and then moved to a nearby hotel for the remainder of his week-and-a-half visit.

The Senate convened at 10 a.m. on Saturday, March 4, in its ornate chamber on the second floor of Congress Hall at the corner of Sixth and Chestnut Streets. As the first order of business, Senate President Pro Tempore William Bingham administered the brief oath to the new vice president. Over six feet tall, with reddish hair and hazel eyes, and attired in a single-breasted long blue frock coat, Jefferson established a commanding

presence as he in turn swore in the eight newly elected members among the twenty-seven senators who were present that day. He then read a brief inaugural address.

In that address Jefferson apologized in advance for any shortcomings members might perceive in the conduct of his duties. Anticipating the role that would most define his vice-presidential legacy, Jefferson promised that he would approach his duties as presiding officer with "more confidence because it will depend on my will and not my capacity." He continued:

The rules which are to govern the proceedings of this House, so far as they shall depend on me for their application, shall be applied with the most rigorous and inflexible impartiality, regarding neither persons, their views, nor principles, and seeing only the abstract proposition subject to my decision. If in forming that decision, I concur with some and differ from others, as must of necessity happen, I shall rely on the liberality and candor of those from whom I differ, to believe that I do it on pure motives.

Having devoted half of his less than three-minute speech to his role as presiding officer, Jefferson briefly referred to the Constitution and its defense. But he quickly returned to his own more limited station, supposing that "these declarations [are] not pertinent to the occasion of entering into an office whose primary business is merely to preside over the forms of this House."¹⁹ Concluding his remarks, Jefferson led the Senate downstairs to the House of Representatives' chamber to attend President-elect Adams' inaugural address and subsequent oath-taking.

Three potential roles awaited the new vice president in his as yet only marginally defined office. He could serve as an assistant to the president; he could concentrate on his constitutional duties as the Senate's presiding officer; or he could become an active leader of the Republican party. Jefferson had no interest in being an assistant to the chief executive. He told Elbridge Gerry that he considered his office "constitutionally confined to legislative functions,"²⁰ and he hoped those functions would not keep him away from his cherished Monticello. In any event, the job provided a comfortable and needed regular salary—\$5,000 paid in quarterly installments.²¹

Adams and Jefferson started off cordially. The Virginian, having enjoyed Adams' friendship in the second Continental Congress and while in retirement at Monticello, set out to forge a good public relationship with him as his vice president. Although he realized that they would probably disagree on many issues, Jefferson deeply respected Adams' prior service to the nation.²²

On the eve of their inaugurations, Adams and Jefferson met briefly to discuss the possibility of sending Jefferson to France as part of a three-member delegation to calm the increasingly turbulent relations between the two countries. When the two men concluded that this would be an improper role for the vice president, they agreed on substituting Jefferson's political ally, James Madison. The bond between president and vice president seemed—for the moment—particularly close.

Several days after the inauguration, Jefferson encountered the president at a dinner party. He took the opportunity to report that Madison was not interested in the diplomatic mission to France. Adams replied that, in any event, he would not have been able to select Madison because of pressure from within his cabinet to appoint a Federalist. This confirmed Jefferson's view that the new president lacked his own political compass and was too easily swayed by partisan advisers. Thereafter, Adams never consulted Jefferson on an issue of national significance.²³ For his part, the vice president turned exclusively to his political role as leader of the Republicans and to his governmental duty as the Senate's presiding officer.

While in Philadelphia to commence his vice-presidential duties, Jefferson acceded to a second leadership position—the presidency of the American Philosophical Society. Conveniently located near Congress Hall, this august scientific and philosophical body counted among its previous leaders Benjamin Franklin and mathematician David Rittenhouse. Jefferson attained the post on the strength of his *Notes on the State of Virginia* (first English edition, 1787), which secured his reputation as a preeminent scholar and scientist and is today considered "the most important scientific work published in America in the eighteenth century."²⁴ Within days of his inaugural address to the Senate, Jefferson delivered his presidential address to the society—a task that he found considerably more gratifying. His subject: the recently discovered fossil remains of a large animal, found in western Virginia, that he called the "Megalonyx" or "Great Claw."²⁵ Jefferson would preside over the society until 1815. He considered his contributions to its proceedings among his proudest endeavors.

A Republican Leader

After his inauguration, Jefferson had written to Aaron Burr (the former New York senator and intended vice-presidential candidate on the Republican ticket) to complain about the partisan direction of the new Federalist administration and seek his aid in building Republican support in the northeast. This move signalled Jefferson's intention to play an active political role during his vice-presidency. With James Madison retired from the House of Representatives and the new House leader, Albert Gallatin, preoccupied with the nation's financial problems, Jefferson stood as the country's preeminent Republican leader. Considering himself separate from the executive branch, he felt free to criticize the Adams administration. Yet, to avoid public controversy, he limited his criticism to private communications with political allies, particularly after the distortion of a letter he had written in April 1796 to the Italian intellectual Philip Mazzei.

In that letter, composed as Federalists and Republicans battled over the pro-British Jay Treaty, Jefferson had complained about the Federalists as "an Anglican monarchical, and aristocratical party" whose intention was to impose the substance of British government, as well as its forms, on the United States. Federalists in high government posts were "timid men who prefer the calm of despotism to the boisterous sea of liberty."²⁶ A translated version of his strongly worded communication appeared in several European

newspapers and in a May 1797 edition of the New York *Minerva*. Liberties taken in translation served only to increase the letter's tone of partisan intemperance. Federalists offered the letter as evidence of the vice president's demagoguery, and the affair increased animosity between the political parties. Unhappy with the consequences of the Mazzei letter, Jefferson cautioned all future correspondents to "[t]ake care that nothing from my letters gets into the newspaper."²⁷

Although Jefferson greatly respected the institution of the Senate, he had little affection for the Federalist senators over whom he presided. The Federalists enjoyed a 22-to-10 majority in 1797 and Jefferson expected the worst. Fearing that the majority might routinely employ the Senate's power to try impeachments to quiet senators who harbored contrary views, Jefferson took more than a passing interest in the impeachment proceedings against his fellow Republican, former Tennessee senator William Blount, whose trial he presided over in December 1798. Almost a year earlier, as the Senate worked to establish rules and procedures for the first impeachment trial, the vice president had secretly reinforced Virginia Senator Henry Tazewell's argument that Blount had a Sixth Amendment right to a jury trial, providing precedents he extracted from the parliamentary writings of William Blackstone and Richard Woddeson. "The object in supporting this engraftment into impeachments," he wrote Tazewell on January 27, 1798, "is to lessen the dangers of the court of impeachment under its present form & to induce dispositions in all parties in favor of a better constituted court of impeachment, which I own I consider as an useful thing, if so composed as to be clear of the spirit of faction." Anxious to conceal his role in the Republican effort to circumscribe the impeachment power, he cautioned Tazewell, "Do not let the enclosed paper be seen in my handwriting."²⁸ A month later, after Tazewell's effort failed, Jefferson confided to Madison that the Federalists "consider themselves as the bulwarks of the government, and will be rendering that the more secure, in proportion as they can assume greater powers."²⁹

Alien and Sedition Acts

Deteriorating relations with France preoccupied the government during Jefferson's vice-presidency and fostered anti-French sentiment at home. No one event caused the conflict, but a decree of the ruling Directory and a series of French proposals fueled the spreading fire. The decree declared that neutral ships with English merchandise or commodities could be seized. Congress, in turn, sought to protect American commerce by authorizing the arming of private vessels.

In what proved to be a futile attempt to improve relations, President Adams sent three envoys to France. When they reached Paris in October 1797, however, the French government refused to receive them until they satisfied requirements that the Americans considered insulting. Minor French officials—publicly labeled "X, Y, and Z"—met with the envoys and presented proposals that included a request for a \$12 million loan and a \$250,000 bribe in exchange for recognition of the United States and the establishment of

formal ties. Despite his sympathies for France, Jefferson viewed the proposals as a supreme insult, yet he understood that a war could undermine the nation's newly set constitutional foundations and strengthen the pro-British Federalist leadership. The publication in April 1798 of what became known as the "XYZ papers" produced widespread anger and created a frenzied atmosphere in which overzealous patriotism flourished. In an effort to restore their party's popularity, Federalist legislators—recently the targets of public scorn for their support of the unpopular Jay treaty with England—seized on the anti-French hostility that the XYZ affair had generated. Federalists in Congress, their numbers expanded in response to public anger against France, quickly passed a series of tough measures to set the nation on a war footing. Most notorious of these statutes were the Sedition Act, the Naturalization Act, and the Alien Act, all viewed by their Republican opponents as distinctly partisan measures to curtail individual rights.³⁰

The Senate approved the Sedition Act on July 4, 1798, in the final days of the Fifth Congress after Jefferson had left for Virginia. The statute curtailed the rights of Americans to criticize their government and provided punishment for any person writing, uttering, or publishing "any false, scandalous and malicious writing" against the president or Congress with the intent of inflaming public passions against them.³¹ The Federalists immediately invoked the law's provisions to suppress Republican criticism. The Naturalization Act was also a decidedly partisan measure in that it targeted immigrants, who tended to support the Republican party, by lengthening the residency requirements for U.S. citizenship from five to fourteen years.³² Finally, President Adams, on June 25, 1798, signed a third repressive law passed by the Federalist Congress. The Alien Act, which Jefferson called "a most detestable thing," authorized the president, acting unilaterally, to deport any noncitizen whom he viewed as "dangerous to the peace and safety of the United States."³³ Adams never exercised this power, but the Act inflamed the dispute over the scope of presidential power in the young nation. Jefferson recognized that these measures raised fundamental questions regarding the division of sovereignty between the national and state governments and the means for settling disputes between the two levels of government. As vice president and head of the party that this legislation was designed to restrain, Jefferson found himself powerless at the national level to combat these measures that he believed were "so palpably in the teeth of the Constitution as to shew they mean to pay no respect to it."³⁴ Looking to the states to provide an arena for constructive action, Jefferson drafted a set of resolutions assailing these acts as unconstitutional violations of human rights.³⁵ He sent them to Wilson Nicholas, a member of the Virginia assembly, with a request that he arrange for their introduction in the North Carolina legislature. By chance, Nicholas encountered John Breckinridge, a member of the Kentucky house of representatives, many of whose members strongly opposed these repressive laws. Breckinridge agreed to introduce Jefferson's resolutions in his legislature while keeping their author's identity secret.

The first sentence of Jefferson's "Kentucky Resolutions" asserted:

That the several states composing the United States of America are not united on the principle of unlimited submission to their general government, but that, by a compact under the style and title of a Constitution for the United States, and of amendments thereto, they constituted a general government for special purposes,—delegated to that government certain definite powers, reserving, each State to itself, the residuary mass of right to their own self-government; and that whenever the general government assumes undelegated powers, its acts are unauthoritative, void, and of no force.³⁶

Although the vice president had no desire to subvert the Union, his suggestion that any state had the power to nullify a federal law if it determined the legislation to be unconstitutional harbored grave consequences for the nation's stability. He also argued that the federal judiciary should not decide issues of constitutionality because it was a partisan arm of the federal government. Jefferson did not specifically call for the nullification of the Alien and Sedition acts, but he did use the word "nullify," which was subsequently dropped from the version of the resolution that the Kentucky legislature adopted in November 1798.

The Virginia legislature passed similar measures prepared in a less strident form by James Madison who, like Jefferson, found the Sedition and Alien laws to be constitutionally flawed and dangerous to individual freedom. To Jefferson's chagrin, no other states joined in this action, as most legislatures thought Jefferson's ideas too extreme. The resolutions as passed in Kentucky and Virginia simply called on states to seek repeal of the odious statutes through their representatives at the next session of Congress.³⁷ The Kentucky legislature passed additional resolutions in 1799—specifically calling for nullification of objectionable laws. Although Jefferson sympathized with their aim, he had no part in their drafting. Congress did not renew the Alien and Sedition acts in 1801 when they expired.

Thomas Jefferson's involvement with the Kentucky Resolutions reflected his passion for protecting civil liberties from repressive measures by omnipotent government. He favored a governmental system that would resist tyranny and corruption. He found republicanism to be closest to his ideal of a balanced and strong yet nonintrusive form of government. "The legitimate powers of government," he wrote, "extend to such acts only as are injurious to others."³⁸ Yet his philosophy did allow for a distinction between the relative powers of the state and federal governments.

Conditioned by his overriding fear of centralized power, Jefferson argued that the federal government could not infringe on the freedom of the press. He vehemently opposed the Sedition Act, but he believed the states had the right to restrict the press to some degree. The possibility that states might abuse this power did not concern Jefferson. On the contrary, he saw the states as the bulwarks of freedom, as his involvement with the Kentucky Resolutions demonstrated. Years later, he would write, "the true barriers of our liberty in this country are our State governments; and the wisest conservative power ever

contrived by man, is that of which our Revolution and present government found us possessed."³⁹

Jefferson sought to enhance the authority of the states only to further the cause of individual rights. But when a foreign nation posed a threat to the country, Jefferson was quick to underscore the importance of the Union, which he described as "the last anchor of our hope." Though he would eschew war at all costs, Jefferson believed the states had an obligation to support the Union, even if it blundered into war.

Jefferson's *Manual*

Thomas Jefferson's *Manual of Parliamentary Practice* is, without question, the distinguishing feature of his vice-presidency. The single greatest contribution to the Senate by any person to serve as vice president, it is as relevant to the Senate of the late twentieth century as it was to the Senate of the late eighteenth century. Reflecting the *Manual's* continuing value, the Senate in 1993 provided for its publication in a special edition to commemorate the 250th anniversary of Jefferson's birth.

Jefferson had conceived the idea of a parliamentary manual as he prepared to assume the duties of the vice-presidency early in 1797. John Adams offered an inadequate model for the role of presiding officer, for he had earned a reputation for officious behavior in the Senate president's chair. To avoid the criticism that attended Adams' performance, Jefferson believed the Senate's presiding officer needed to follow "some known system of rules, that he may neither leave himself free to indulge caprice or passion, nor open to the imputation of them."⁴⁰ The lack of carefully delineated rules, he feared, would make the Senate prone to the extremes of chaos and tyranny. He was particularly concerned about the operation of Senate Rule 16, which provided that the presiding officer was to be solely responsible for deciding all questions of order, "without debate and without appeal."⁴¹

Before leaving Virginia to take up his new duties, Jefferson had contacted his old mentor, George Wythe. Acknowledging that he had not concerned himself about legislative matters for many years, Jefferson asked Wythe to help refresh his memory by loaning him notes on parliamentary procedure that Wythe had made years earlier. To Jefferson's disappointment, the eminent jurist reported that he had lost track of his notes and that his memory no longer served him well. Jefferson then consulted his "Parliamentary Pocketbook," which included notes on parliamentary procedure he had taken when he studied under Wythe and during his service as a member of the Virginia house of burgesses. Although he considered these notes his "pillar," he realized they would be of little direct assistance in resolving Senate procedural disputes.

The new vice president admired the British House of Commons' rules of procedure because, in the words of a former Speaker, they provided "a shelter and protection to the minority, against the attempts of power."⁴² "Its rules are probably as wisely constructed

for governing the debates of a deliberative body, and obtaining its true sense, as any which can become known to us."⁴³ A Senate in which the Federalists had a two-to-one majority over the Republicans accentuated Jefferson's fears and made him particularly sensitive to the preservation of minority rights. Distrusting the process in which small committees under majority party control made key decisions, the vice president wished to protect minority interests by emphasizing those procedures that permitted each senator to have a say in important matters. Jefferson compiled his *Manual of Parliamentary Practice* during the course of his four-year vice-presidency. He designed it to contain guidance for the Senate drawn from "the precepts of the Constitution, the regulations of the Senate, and where these are silent, the rules of Parliament." To broaden his understanding of legislative procedure, Jefferson studied noteworthy works on the British Parliament such as John Hatsell's three-volume *Precedents of Proceedings in the House of Commons* (1785), Anchtell Grey's ten-volume edition of *Debates in the House of Commons* (1769), and Richard Wooddeson's three-volume *A Systematical View of the Laws of England* (1792, 1794). The resulting *Manual*, loaded with references to these British parliamentary authorities, contained fifty-three sections devoted to such topics as privileges, petitions, motions, resolutions, bills, treaties, conferences, and impeachments. Jefferson's *Manual* was first published in 1801, shortly after he became president. A second edition followed in 1812, and in 1837 the House of Representatives established that the rules listed in the *Manual* would "govern the House in all cases to which they are applicable and in which they are not inconsistent with the standing rules and orders of the House and the joint rules of the Senate."⁴⁴ Although the *Manual* has not been treated as "a direct authority on parliamentary procedure in the Senate,"⁴⁵ it is the Senate that today more closely captures Jefferson's ideal of a genuinely deliberative body. His emphasis on order and decorum changed the way the Senate of his day operated. In the assessment of Dumas Malone, Jefferson "exercised his limited functions [as presiding officer] with greater care than his predecessor and left every successor his debtor."⁴⁶

President

On February 17, 1801, after thirty-six ballots, the House of Representatives elected Thomas Jefferson president of the United States.⁴⁷ Following the precedent that Vice President Adams set in February 1797, Jefferson delivered a brief farewell address to the Senate on February 28, 1801. He thanked members for their indulgence of his weaknesses.

In the discharge of my functions here, it has been my conscientious endeavor to observe impartial justice without regard to persons or subjects; and if I have failed of impressing this on the mind of the Senate, it will be to me a circumstance of the deepest regret. . . . I owe to truth and justice, at the same time, to declare, that the habits of order and decorum, which so strongly characterize the proceedings of the Senate, have rendered the umpirage of their President an office of little difficulty; that, in times and on questions which have severely tried the sensibilities of the House, calm and temperate discussion has rarely been disturbed by departures from order.⁴⁸

After completing these remarks, Jefferson followed another Adams precedent by stepping aside a few days prior to the end of the session. This action allowed the Senate to appoint a president pro tempore, a post filled only when the vice president was absent from the capital. Next to the vice president in the line of presidential succession at that time, the president pro tempore would serve until the swearing in of a new vice president at the start of the next session.

On March 4, 1801, Jefferson took the oath of office as president of the United States, thereby successfully accomplishing the nation's first transfer of presidential power between the two major political parties. He served two terms as president, retiring at last from public life in 1809. He renewed his friendship with John Adams, and the two men corresponded regularly until their deaths—both dying on July 4, 1826, the fiftieth anniversary of Jefferson's Declaration of Independence.

Jefferson's Contributions

Thomas Jefferson infused the vice-presidency with his genius through the contribution of his *Manual of Parliamentary Practice*—a magisterial guide to legislative procedure that has retained its broad utility through two centuries. He also contributed to the office his example of skillful behind-the-scenes legislative leadership, and he offered a philosophical compass on the issues of constitutionalism and individual rights. Biographer Dumas Malone provides a final analysis of Jefferson's style as party leader during his vice-presidential tenure:

His popular success was due in considerable part to his identification of himself with causes for which time was fighting—notably the broadening of the political base—and to his remarkable sensitivity to fluctuations in public opinion. As a practical politician, he worked through other men, whom he energized and who gave him to an extraordinary degree their devoted cooperation. His leadership was due not to self-assertiveness and imperiousness of will but to the fact that circumstances had made him a symbolic figure and that to an acute intelligence and unceasing industry he joined a dauntless and contagious faith.⁴⁹

Notes:

1. Paul Leicester Ford, *The Writings of Thomas Jefferson* (New York, 1892-1899), vol. 7, p. 114.
2. Biographical accounts of Jefferson's life are plentiful and rich. The definitive modern study is Dumas Malone, *Jefferson and His Time* 6 vols. (Boston, 1948-1981). The volume in that series that covers the years of his vice-presidency is *Jefferson and the Ordeal of Liberty* (Boston, 1962). A first-rate single-volume biography is Noble E. Cunningham, Jr., *In Pursuit of Reason: The Life of Thomas Jefferson* (Baton Rouge, 1987). For the period of Jefferson's vice-presidency, see Noble E. Cunningham, Jr., *The Jeffersonian Republicans: The Formation of Party Organization, 1789-1801* (Chapel Hill, 1957). For a series of twenty-five excellent essays that focus on each of Jefferson's "extraordinary collection of talents," see Merrill D. Peterson, ed., *Thomas Jefferson: A Reference Biography* (New York, 1986). This work also contains a comprehensive bibliography. There are several major collections of Jefferson's writings, including Paul Leicester Ford, *The Writings of Thomas Jefferson*, 10 vols. (New York, 1892-1899) and the more comprehensive, but as yet incomplete, Julian P. Boyd, et al., eds., *The Papers of Thomas Jefferson* (1950-). The latter work has appeared to date only to the mid-1970s and thus is of no assistance for the vice-presidential period. One volume associated with this massive project, however, is of direct value; appearing as part of the project's "Second Series" is Wilbur Samuel Howell, ed., *Jefferson's Parliamentary Writings: 'Parliamentary Pocket-Book' and A Manual of Parliamentary Practice*, (Princeton, 1988).

3. For a thorough study of Jefferson's early years see Marie Kimball, *Jefferson: The Road to Glory, 1743-1776* (New York, 1943) and Dumas Malone, *Jefferson the Virginian* (Boston, 1948).
4. Cunningham, *In Pursuit of Reason*, pp. 64-75.
5. Dumas Malone, "The Life of Thomas Jefferson," in Peterson, ed., p.7.
6. Noble E. Cunningham, Jr., "The Jeffersonian Republican Party," in *History of U.S. Political Parties*, ed. Arthur M. Schlesinger, Jr. (New York, 1973), 1:240.
7. Kenneth R. Bowling and Helen E. Veit, eds., *The Diary of William Maclay and Other Notes on Senate Debates, Documentary History of the First Federal Congress of the United States of America*, vol. 9 (Baltimore, 1988), p. 275.
8. Cunningham, "The Jeffersonian Republican Party," pp. 246-47.
9. Malone, *Jefferson and the Ordeal of Liberty*, pp. 274-75.
10. Quoted in Cunningham, "The Jeffersonian Republican Party," p. 249.
11. Malone, *Jefferson and the Ordeal of Liberty*, p. 291.
12. *Ibid.*, p. 274
- 13.
14. *Congressional Quarterly's Guide to U.S. Elections*, 3d ed. (Washington, 1994), p. 361.
15. Jefferson to Rush, January 22, 1797, in Ford, 7:114; Malone, *Jefferson and the Ordeal of Liberty*, p. 292
16. Ford, 7:93-94.
17. Only two other vice presidents subsequently shared Adams' pleasant task: Martin Van Buren in 1837 and George Bush in 1989.
18. Malone, *Jefferson and the Ordeal of Liberty*, p. 295.
19. U.S., Congress, *Annals of Congress*, March 4, 1797, pp. 1580-82.
20. Jefferson to Gerry, May 13, 1797, in Ford, 7:120.
21. Malone, *Jefferson and the Ordeal of Liberty*, p. 300.
22. *Ibid.*, p. 293; Cunningham, *In Pursuit of Reason*, pp. 206-7; John Ferling, *John Adams: A Life* (Knoxville, 1992), pp. 332-34.
23. Malone, *Jefferson and the Ordeal of Liberty*, p. 299.
24. Silvio A. Bedini, "Man of Science," in Peterson, ed., p. 257.
25. Cunningham, *In Pursuit of Reason*, 206-7; Malone, *Jefferson and the Ordeal of Liberty*, chapter XXII; Bedini, in Peterson, ed., pp. 253-76.
26. Ford, 7:76; Cunningham, *The Jeffersonian Republicans*, p. 119.
27. Jefferson to Colonel Bell, May 18, 1797, in Andrew A. Lipscomb and Albert Ellery Bergh, ed. *The Writings of Thomas Jefferson* (Washington, 1903), 9:387; Cunningham, *The Jeffersonian Republicans*, pp. 118-19.
28. Thomas Jefferson to Henry Tazewell, January 27, 1798, in Ford, 7:194-95.
29. Thomas Jefferson to James Madison, February 22, 1798, in Ford, 7:206-8.
30. Malone, *Jefferson and the Ordeal of Liberty*, chapter XXIV.
31. 1 *Stat.* 596-597.
32. 1 *Stat.* 566-569.
33. 1 *Stat.* 570-572.
34. Jefferson to James Madison, June 7, 1798, in Ford, 7:267.
35. This issue is treated in full detail in Malone, *Jefferson and the Ordeal of Liberty*, chapter XXV.
36. Ford, 8:458-61.
37. Cunningham, *In Pursuit of Reason*, pp. 217-218.
38. Quoted in Malone, *Jefferson and the Ordeal of Liberty*, p. 393.
39. Jefferson to Destutt de Tracy, January 16, 1888, in Ford, 9:308-10; Malone, *Jefferson and the Ordeal of Liberty*, p. 394.
40. Thomas Jefferson, *A Manual of Parliamentary Practice for the Use of the Senate of the United States*, in *The Papers of Thomas Jefferson, Second Series, Jefferson's Parliamentary Writings*, Wilbur Samuel Howell, ed., p. 355. Howell has produced the definitive scholarly edition of Jefferson's *Manual* (pp. 339-444).
41. U.S., Congress, Senate, *History of the Committee on Rules and Administration, United States Senate*, S.

Doc. 96-27, 96th Cong., 1st sess., p. 6.

42. Speaker Arthur Onslow quoted in Section I of Jefferson's *Manual of Parliamentary Practice*, Howell ed., p. 357.

43. Howell, ed., p. 355.

44. The Senate has regularly published that work as a companion to the body's formal rules. The *Manual* was included as a section within the *Senate Manual* from 1886 to 1975 and was republished in 1993, on the occasion of the 250th anniversary of Jefferson's birth, in the original 1801 edition. Some practices discussed in Jefferson's *Manual* set core precedents that the Senate has followed ever since, although the work is not considered a direct authority on procedure. The *Manual's* influence quickly extended beyond domestic legislatures, as editors translated the work into other languages. At least 143 editions have been printed. The work has abetted self-government in countries as far away as the Philippines, where over one-hundred years later it was adopted as a supplementary guide in the nation's senate and house of representatives.

45. U.S., Congress, Senate, *Riddick's Senate Procedure: Precedents and Practices*, Floyd M. Riddick and Alan S. Frumin, S. Doc. 101-28, 101st Cong., 1st sess., p. 754.

46. Malone, *Jefferson and the Ordeal of Liberty*, pp. 452-53

47. A description of this election and the resulting Twelfth Amendment to the Constitution appears in the chapter on Aaron Burr.

48. *Annals of Congress*, 6th Cong., 1st sess., pp. 753-54.

49. Malone, "The Life of Thomas Jefferson," in Peterson, ed. p. 15.