

# "WE SHALL ENDANGER THE POLITICAL SHIP"

*The Legacy of the Clinton-Jay Crisis of 1792*

## **ABSTRACT**

In this essay, Steven Rome (GH '20) explores the 1792 New York gubernatorial election between John Jay (from the Federalist party) and George Clinton (from the Democratic-Republican party). Although Jay collected more votes than Clinton on Election Day, the legislature-appointed canvassing committee invalidated the votes of three counties on a technicality. As a result, Clinton won the election. His victory ignited controversies amidst New York's polarized political climate. Rome proposes that the tension surrounding this 1792 election represents the first instance of party politics in the U.S. and the first test of the nation's republican philosophy. Specifically, the election crisis actualizes James Madison's concern in *Federalist* No. 10 about the evils of political factions. The crisis exposes how the U.S. government is susceptible to demagoguery. The resolution of the election crisis demonstrates the strength of the U.S. government in coping with conflicts. The 1792 New York imbroglio suggests that the U.S. government rests on nothing more and nothing less than the citizens' faith in the government—it relies on the citizens' willingness to work within the existing political system to make changes. The lessons Rome highlights from the 1792 debacle inform how to approach the vulnerabilities of a partisan, republican system, which remain as pressing today as ever.

## **ON THE NEXT PAGE**

Disputed 1792 Gubernatorial  
Electon, Legislator Tally. [1]

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~~City & County of New York~~  
 Suffolk 8 Members  
 Queens 6  
 Kings 6

~~City and County of New York~~

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Tioga	5	1	1
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Ontario	3	1	

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 2 Senators from each State. - 6 -  
 President and Vice President. - 4 -

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27th of October 1777

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# INTRODUCTION: THE GOVERNOR (OF RIGHT)

F

IFTEEN TIMES, the “huzzahs!” of New York mechanics reverberated throughout a brightly lit assembly hall. It was the Fourth of July, 1792, and this “large and respectable” group made a toast each year since the United States had declared its independence from Britain. The first toast went to the president of the United States; the second, to the state of New York. But by the third toast, things got interesting.<sup>1</sup>

Three days prior, George Clinton, a military hero of the Revolution, had been sworn in for his sixth successive term as New York’s governor. Yet by most accounts, his opponent—no less a patriot than John Jay, chief justice of the United States and co-author of the *Federalist Papers*—had won a majority of the popular votes. On a technicality, the legislature-appointed canvassing committee invalidated the votes of three counties that likely would have swung the election for Jay. For good measure, per state law, it immediately burned the ballots.

All of New York, it seemed, was soon up in flames. Jay’s supporters gathered on the streets and wrote incendiary newspaper articles. They talked of

“first principles,” extraconstitutional conventions, and armed revolution. And on Independence Day, a celebration of unity and patriotism, a group of citizens made toasts to “the Governor (of right) of the state of New-York” and to “the rights of suffrage—may the violators of them receive the contempt of freemen and the punishment due to traitors.”<sup>2</sup> Nothing short of treason was at stake in New York’s polarized political climate in the summer of 1792.

Yet historians have largely overlooked or minimized the stakes of this tense moment. Sean Wilentz’s treatment of the controversy, which leaves little room for nuance, represents the conventional historical assessment of the episode: Clinton won “only because of flagrant voter fraud.”<sup>3</sup> Biographers of the central characters have delved further, with Jay biographers detailing the disfranchisement of voters, while historians focusing on Clinton and his Democratic-Republican allies have devoted proportionately more attention to the unsavory election procedures employed by Jay supporters on the frontier.<sup>4</sup> The limited scholarship on the election has focused on its implications for the growing Republican coalition in New York or contemporary election-rules controversies.<sup>5</sup>

Lost in these appraisals is a grasp of what the 1792 election meant to the development and mere existence of America’s brand-new political system. It presented two related crises threatening the legitimacy of government. First, just years after the Constitution’s framers denounced the evils of factions, the dispute exposed congealing political coalitions.

1      *The New-York Journal, & Patriotic Register*, July 7, 1792.

2      *Ibid.*

3      Sean Wilentz, *The Rise of American Democracy: Jefferson to Lincoln* (New York: W. W. Norton & Company, 2005), 52.

4      Walter Stahr contextualized Jay’s response to the election with regard to an earlier formative experience that dictated his personal restraint; Frank Monaghan took an aggressively pro-Jay approach in titling his chapter on the dispute “Clinton Filches the Governorship.” Walter Stahr, *John Jay: Founding Father* (New York: Hambleton and London, 2005), 289; Frank Monaghan, *John Jay: Defender of Liberty* (New York: Bobbs-Merrill, 1935), 325. The Clintonian perspective is most thoroughly presented in John P. Kaminski, *George Clinton: Yeoman Politician of the New Republic* (Madison: Madison House, 1993); Alfred F. Young, *The Democratic Republicans of New York: The Origins, 1763-1797* (Chapel Hill: University of North Carolina Press, 1967).

5      Young, *The Democratic Republicans of New York*; Mary-Jo Kline and Joanne Wood Ryan, eds., *Political Correspondence and Public Papers of Aaron Burr*, 2 vols. (Princeton: Princeton University Press, 1983), 1:117; Edward B. Foley, “The Founders’ Bush v. Gore: The 1792 Election Dispute and Its Continuing Relevance,” *The Ohio State University Moritz College of Law, Public Law and Legal Theory Working Paper No. 137* (2010); Foley, *Ballot Battles: The History of Disputed Elections in the United States* (New York: Oxford University Press, 2016). Kline and Ryan noted that the election produced a “period of change and transition,” altering the voting patterns across the state and destabilizing the overall political landscape.

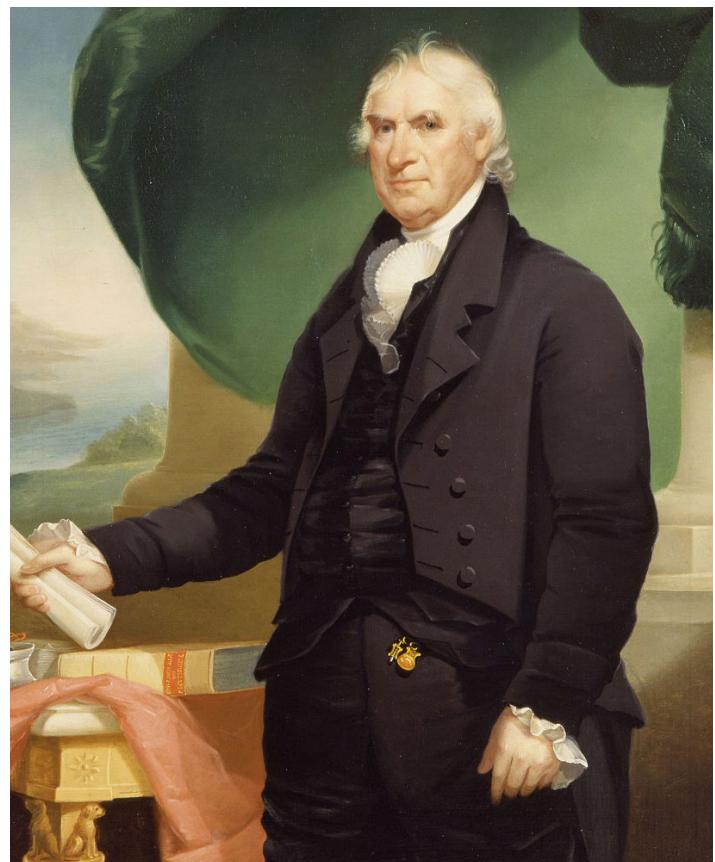
The founding generation worried that parties privileged self-interest ahead of the common good. To Jay sympathizers in 1792, it appeared that Clintonian officials on the committee overseeing the election did just that by ruling in favor of their preferred candidate. But the Clinton folk countered that their opponents' election tactics and reaction were evidence of a Jay-ite conspiracy for self-gain. At this time, to be sure, there was no "First Party System" of formal institutions; "party" was still a dirty word.<sup>6</sup> Yet state and national leaders had started to converge around two distinct sets of ideas, and they competed against each other vigorously.<sup>7</sup> Partisan distrust surged. Party politics, as they functioned in the 1792 controversy, destabilized the political system.

The second crisis followed from the first. The party-line decision not to count all the votes implicated the central principle of self-government, threatening New Yorkers' claims to having pure, republican institutions. From the Jay perspective, Clinton partisans silenced the voice of the people and stole the election. Simultaneously, Clinton folk charged that Jay supporters were the ones hostile to republican values, for they were rebuking the constitutional process established to negotiate election disputes simply because they disliked the outcome. The election of 1792 produced a clash of two competing, and apparently irreconcilable, definitions of republicanism.

Given such high stakes, the dispute ultimately demanded the attention of the nation's political leaders, forcing founding fathers Thomas Jefferson, Alexander Hamilton, James Madison, and James Monroe to grapple with the imperfections of the system they had created. The gubernatorial race helps to illuminate the larger, existential concerns beleaguering America's founders. Were political factions truly a threat to the republic, as people feared? Was New York's election of 1792 an example of the republican process of governance slipping into ruin?

<sup>6</sup> As Richard Hofstadter argued, the idea of a "legitimate opposition" did not exist at the founding, but it gradually developed in early America; the transfer of power from the Federalists to the Republicans in 1801 marked a crucial moment of expanding the possibilities of two distinct political entities competing against one another. Hofstadter's work, it should be noted, focused much more on the partisan tensions in the Adams presidency and exclusively on national politics. The 1792 state-level dispute in New York, however, attracted the attention of the national figures Hofstadter analyzed. Richard Hofstadter, *The Idea of a Party System: The Rise of Legitimate Opposition in the United States, 1780-1840* (Berkeley: University of California Press, 1969).

<sup>7</sup> Monaghan identified the Clinton-Jay election as the "beginning of modern party politics in New York." Monaghan, *John Jay: Defender of Liberty*, 325.



George Clinton, 1812. By Ezra Amez [2]

The way events played out in the summer of 1792 suggests that in many ways, the opposite was true. Though parties seemed both temporary and destructive, they emerged as a crucial element of the *solution* to the quagmire of 1792. Partisanship facilitated a restrained response from the Jay camp. Motivated by a desire to maintain their party's reputation and sink that of the Republicans, the Federalist leadership of Alexander Hamilton, Rufus King, and John Jay himself consciously rejected a direct challenge to the legitimacy of the election, turning down calls for violence and extra-constitutional conventions to annul the election result. While the French Revolution raged abroad, America's self-proclaimed defenders of freedom, even those mechanics who spoke of treason on July 4th, did little

more than write angry editorials. It mattered more to air their outrage than to produce a tangible reversal of the outcome. Politics, they understood, was an ongoing game. The Federalists could overlook their grievances with the *current* election because they had faith that there would be *another* election, and that, through a concerted political effort and public-opinion campaign to discredit their Clintonian enemies, they could win that next contest. Even as the nascent political parties of 1792 generated alarming agitation and political uncertainty, they emerged as a crucial mechanism to stabilize America's republican project.

## "THE CATS PAW OF BASE AND DESIGNING MEN": THE CRISIS OF PARTISANSHIP

WHILE PARTIES may have ultimately exerted a calming force on the political process, it would have been difficult for New Yorkers in the midst of the 1792 firestorm to understand this stabilizing effect. Instead, the entire affair, replete with shady dealings and self-seeking decisions, seemed to realize the worst fears of the Constitution's framers. James Madison expressed the conventional dread of partisanship in *Federalist* No. 10, defining "factions" as

collections of citizens "actuated by some common impulse of passion, or of interest, adverse to the rights of other citizens, or to the permanent and aggregate interests of the community."<sup>8</sup> Parties privileged their own welfare above that of the nation, jeopardizing the capacity of the republican process to produce outcomes favorable to the public good. Madison found that factions produced the "mortal diseases" of "instability, injustice, and confusion" that had sunk all previous republics.<sup>9</sup> In 1792, New York seemed doomed to the same fate. The Clinton-Jay election highlighted and exacerbated the existing polarization of politics, and incited leaders on all sides to bemoan the destructive and outsize influence of parties on the political system in 1792.

Even before the ballots were counted, partisanship wielded an influence over the seemingly mundane and convoluted procedures of administering the election. In the last week of April 1792, New York voters went to the polls. The source of the 1792 maelstrom was Otsego, a large and heavily pro-Jay county in upstate New York.<sup>10</sup> Richard Smith, the sheriff, had announced in January that he would not seek reappointment; state law dictated that the county sheriff collect the sealed boxes of ballots and send them to the secretary of the state. Governor Clinton named Smith's replacement just a month before election day, selecting a politically neutral official in contrast with the staunchly pro-Jay Smith. Clinton sent the commission to State Senator Stephen Van Rensselaer, who happened to be Jay's running mate for lieutenant governor, and whose district included Otsego.<sup>11</sup> The Otsego administrator who ultimately delivered the commission to the new sheriff was Judge William Cooper, an unabashed Jay supporter partial to unseemly political tactics. But the new sheriff did

<sup>8</sup> "Publius" [James Madison], "Federalist No. 10," Nov. 23, 1787, in *The Federalist Papers*, Avalon Project: Yale Law School Lillian Goldman Law Library, [https://avalon.law.yale.edu/18th\\_century/fed10.asp](https://avalon.law.yale.edu/18th_century/fed10.asp).

<sup>9</sup> *Ibid.*

<sup>10</sup> The background facts cited in this paragraph represent the standard account of the conduct of the election, compiled from Stahr, *John Jay: Founding Father*; Kaminski, *George Clinton*; Young, *The Democratic Republicans of New York*; Alan Taylor, *William Cooper's Town: Power and Persuasion on the Frontier of the Early American Republic* (New York: A. A. Knopf, 1995); and Foley, "The Founders' Bush v. Gore. Besides Otsego County, the canvassing committee also rejected the votes of two other counties, Tioga and Clinton; both were small and were perceived to lean in favor of Governor Clinton. In both cases, someone other than an official deputy of the sheriff delivered the ballots to the secretary of state.

<sup>11</sup> Coincidentally, Van Rensselaer played a pivotal role in another election controversy 32 years later; he likely cast the deciding vote for John Quincy Adams in the House of Representatives to resolve the three-way presidential stand-off in 1824.

not receive the commission until May 11—eight days too late to deliver the ballots.<sup>12</sup> Instead, Smith delivered the votes; but, in the meantime, he had been elected supervisor of Otsego Township. And so, “in the most absurd touch,” writes Alan Taylor, “at the end of the polling Smith, acting as supervisor, sealed the Otsego Township ballot box for transfer to the county sheriff; becoming sheriff, he received the ballot box from himself.”<sup>13</sup> The limited evidence available suggests that Clinton, Rensselaer, and Cooper all schemed to delay the commission on the belief that it would help their preferred candidate. Every actor involved in the appointment process had a direct political stake in the upcoming gubernatorial election, and they all acted accordingly, seeming to put their own interests first. But this malodorous suggestion of partisan interference was negligible compared to the stench that would follow.

From the beginning, Jay supporters distrusted the majority-Clinton canvassing committee, illustrating a deep-seated partisan outlook. By May 20, it was clear that the election would hinge on whether the committee counted Otsego’s votes, and Jay’s legal partner, Robert Troup, was wary. “Out of the 12 canvassers we have but three friends,” Troup warned Jay, “and the leaders of the opposite canvassers are prepared for anything.”<sup>14</sup> Troup assumed that the “friends” of Jay would count the Otsego votes, but he was suspicious

of the “opposite canvassers.” His use of the first-person plural underscored the existence of an “us” versus “them” dichotomy. “Clinton and his worthy adherents (the Livingstons) seem now to be driven to despair,” Troup continued. “All their hopes of success rest upon setting aside votes for you.” He painted Clinton’s “adherents” as self-interested; they would do anything to defeat Jay, using “a mere law quibble” to disfranchise Jay voters. He sarcastically noted that these same Clintonians are the “virtuous protectors of the rights of the people”—the so-called defenders of republicanism.<sup>15</sup> Evidently, Troup was familiar with the basic principles of the Clintonian “adherents”; there was no official party organization, but their principles were well enough known for Troup to mock them. In May, the Jay camp was already stewing with misgivings of Clintonian tactics to tilt the election.<sup>16</sup>

These misgivings erupted once the committee decided the election in Clinton’s favor, and Jay supporters lambasted the canvassers for appearing to put party over country. Sarah Jay wrote to her husband, who was riding circuit, informing him of his loss, highlighting that a majority of the committee was “partizans of Clinton.” She believed the committee’s request for New York’s national senators, Rufus King and Aaron Burr, to weigh in on the controversy was only a mechanism to “cloak” their partisan machinations.<sup>17</sup> In her eyes, Clinton’s election was illegitimate and shameful, as she would rather

**12** The primacy of a commission to this controversy invites a comparison to a far more famous controversy in the next decade: the canonical Supreme Court case *Marbury v. Madison*, 5 U.S. 137 (1803). William Marbury, a last-minute judicial appointee of outgoing President John Adams, sued Secretary of State James Madison for his commission to become a justice of the peace. Madison, following the orders of newly elected Thomas Jefferson, refused. The timing of the delivery of the commission was paramount, because the election of 1800 created a jarring political shift: political power transferred from a Federalist coalition to a Republican one. Jefferson’s refusal to accept Adams’s “midnight appointments” was grounded in a form of partisanship; he represented a different political worldview than Adams and wanted his government to share his, not Adams’s. Politics and partisanship similarly dictated the controversies about the commission in the New York gubernatorial race.

**13** Taylor, *William Cooper’s Town*, 178.

**14** Robert Troup to John Jay, May 20, 1792, in *Correspondence and Public Papers of John Jay*, ed. Henry P. Johnston, 4 vols. (New York: G. P. Putnam’s Sons, 1891), 3:426.

**15** Troup to Jay, May 20, 1792, in *Correspondence of John Jay*, 3:424.

**16** At this point, Clintonians appeared to be less vigilant about potential political malfeasance. After the polls closed, Governor Clinton wrote his brother that “both Parties are sanguine of a Majority.” He believed he had a significant majority in the southern part of the state but reports from the north were less conclusive. “All however is yet uncertain,” Clinton concluded, “& I presume will remain so until the Canvassing is over.” It was clear that the election was close, but Clinton did not outwardly suspect that his opponent’s backers would try to steal the election. George Clinton to James Clinton, May 2, 1792, in Kaminski, *George Clinton*, 212. The Clinton folk may have been less concerned about chicanery because the pro-Clinton legislature had selected the members canvassing committee.

**17** Sarah Livingston Jay to John Jay, June 10, 1792, in *Correspondence of John Jay*, 3:431. Robert Troup agreed: “This reference was understood by us all as intended to procure a cloak for the Canvassers to cover their villainy in rejecting the votes of Otsego.” Robert Troup to John Jay, June 10, 1792, in Kaminski, *George Clinton*, 3:428.

“lose a crown as you have lost the Office contended for, than gain an empire upon the terms Governor Clinton steals into his.”<sup>18</sup> Such anti-party rhetoric extended to the public sphere. A September pamphlet bluntly proclaimed that “the Clintonians are partizans, and their opponents patriots; because the former are for keeping their favorite in office, right or wrong, and the latter are for having him in rightfully and constitutionally, or not at all.”<sup>19</sup> To be a partisan meant to subvert the will of the people and support one’s candidate no matter the legality; “partisan” was a slur, the antithesis of a “patriot.” Jay supporters lamented the role that a noxious party scheme played in deciding the election.

In the newspaper discourse, too, Jay voters depicted partisanship as a destabilizing force. They charged that the self-interested partisans on the canvassing committee threatened the entire political system. “This is not,” a newspaper writer declared, “as the tools of party would persuade you, a mere temporary evil [...]. It is a serious and lasting mischief,” for it was an attack on the right of the people to choose their leader.<sup>20</sup> Parties did not just dictate the election outcome; they seemed likely to inflict lasting damage by minimizing the severity of a legitimate republican crisis, losing sight of the public interest. “The day that a Governor connects himself with a party,” another Federalist wrote, he “becomes the cats-paw of base and designing men. He observes every thing through a [...] partial medium: His ears estranged to the truth, are assailed for ever with the importunate tales of sycophants and furious zealots, whose private interests, or resentments, govern all their conduct.”<sup>21</sup> Parties sacrificed virtue for “private interests,” turning a statesman into the puppet of “designing men.” Partisanship threatened to destroy the virtuous republican system by introducing the poison of self-interest. In the heightened discourse of 1792, parties loomed as toxic forces, and they seemed to be wreaking damage on New York’s institutions.

This charge, however, flowed in both directions; Clintonians alleged that the Jay contingent was guilty of acting in dangerous, partisan ways. Rumors swirled that Judge Cooper coerced ineligible electors in Otsego to vote for Jay. Echoing the conspiratorial language of Jay supporters, one Clintonian writer intimated “designs of the blackest dye” in Otsego.<sup>22</sup> Thomas Jefferson seemed to agree. Cooper was, he told James Monroe, “the Bashaw of Otsego, and furious partisan of Jay.”<sup>23</sup> In Jefferson’s view, Cooper was an all-powerful, un-American figure who would do anything to help his candidate; a “bashaw” or “pasha” refers to a high-ranking official in Turkey or North Africa—nations that were hardly praised by Americans at the time for their transparent political processes.<sup>24</sup> Jefferson claimed that Cooper held up the new sheriff’s commission because the “ex-sheriff [was] strongly in favor of Jay, and the new one neutral,” and that the “greater part” of votes in Otsego “were the votes of persons unqualified.”<sup>25</sup> A Republican gathering in New York echoed Jefferson’s accusations, warning that “a dangerous party is forming within this state.” The canvassers were “patriotic & independent,” immune to the “menaces of an angry and disappointed faction.”<sup>26</sup> The Republicans used the same partisan-versus-patriot dichotomy as the Federalists. In the frenzied summer of 1792, seemingly politicians from all sides of the political spectrum agreed that a reckless party was endangering the state by pursuing its base and selfish interests.

The partisan New York election highlighted a concurrent trend of ossifying partisanship in national politics. National leaders approached the Clinton-Jay race in the context of their parties’ national strategies and goals. Jefferson expressed concern to Madison at the nature of Clinton’s victory, “apprehend[ing] that the cause of republicanism will suffer, and it’s votaries be thrown into schism by embarking it in support of this man and for what? to draw over the Antifederal-

<sup>18</sup> Sarah Livingston Jay to John Jay, June 10, 1792, in *ibid.*, 3:431.

<sup>19</sup> “Plain Sense,” “The Rights of Suffrage,” Sept. 10, 1792 (Hudson: Ashbel Stoddard, 1792), 6, 15.

<sup>20</sup> “Brutus,” “To the People,” *The New-York Daily Advertiser*, June 19, 1792.

<sup>21</sup> *Hudson Gazette*, July 19, 1792.

<sup>22</sup> “Cato,” *The New-York Journal, & Patriotic Register*, June 20, 1792.

<sup>23</sup> Thomas Jefferson to James Monroe, June 23, 1792, in *The Papers of Thomas Jefferson Digital Edition*, ed. John Catanzariti, 42 vols. (Charlottesville: University of Virginia Press, Rotunda, 2008-2018), vol. 24.

<sup>24</sup> “Bashaw,” *Merriam-Webster*, 2018.

<sup>25</sup> Thomas Jefferson to Monroe, June 23, 1792, in *The Papers of Thomas Jefferson*, vol. 24.

<sup>26</sup> *The New-York Journal, & Patriotic Register*, July 18, 1792.

ists, who are not numerous enough to be worth drawing over.”<sup>27</sup> Supporting Clinton seemed to jeopardize the Jeffersonians’ grand plans. At the time, Clinton’s name was being floated for the upcoming vice-presidential election, so Jefferson’s logic was calculating. He was weighing whether the support of the “Antifederalists” was “worth” a potential division of the “votaries” of his Republican creed. Even though Jefferson attacked Cooper for being a “furious partisan,” his own political thinking betrayed a similar mindset.

It is important to note that partisanship meant more than inane bickering; at both the national and state level, party labels carried ideological meaning, and the election between Clinton and Jay featured real, substantive policy differences. Slavery was one key issue; though a slaveowner himself, Jay helped found the New York State Society for Promoting the Manumission of Slaves in 1785, favoring gradual, compensated emancipation. Clinton, by contrast, opposed manumission outright. Some historians, in fact, have suggested that Jay’s largest electoral obstacle was his association with abolition.<sup>28</sup> Other salient election issues included the incumbent’s sale of public lands and associated scandals, as New Yorkers went to the polls in the midst of a bursting of speculative bubbles.<sup>29</sup> Meanwhile, national issues seeped into state politics, as voters perceived the gubernatorial race in part as a referendum on the national Federalist platform dominated by Alexander Hamilton’s proposals to establish a national bank and assume state debt. According to Alfred Young, national and state issues “mixed and overlapped”; this indicates that voters connected parties to policies.<sup>30</sup> As two different worldviews coalesced nationally, it was clear that the partisan battle raging in New York would have real, policy-level consequences.

New York’s 1792 election unleashed a degree of party conflict that seemed to course through every response and perspective, prone to what Alexander Hamilton later called “the utmost keenness to party animosity.”<sup>31</sup> Just as Madison forewarned in *Federalist* No. 10, partisanship and faction had produced “insta-

bility, injustice, and confusion.”<sup>32</sup> The New York election substantiated premonitions that pervasive partisanship would tear the nation asunder and exposed just how powerful partisan affiliations had become in shaping the political landscape. In fact, these intensifying divisions extended to disagreements about the nature of republicanism itself.

## "THE VITAL PRINCIPLE OF GOVERNMENT": THE CRISIS OF REPUBLICANISM

T

HE “PARTY ANIMOSITY” of the 1792 affair was so alarming because it embroiled the baseline principle of republican government. This was not as the founders foresaw their project. “If a faction consists of less than a majority,” James Madison wrote in *Federalist* No. 10, “relief is supplied by the republican principle, which enables the majority to defeat its sinister views by regular vote.”<sup>33</sup> Republicanism would help to *cure* the problem of faction. But Madison’s theory seemed to explode in New York in 1792, because no one agreed whether the vote was “regular” and valid. The gubernatorial election put the abstract principle of republicanism to the test. Each side advanced legitimate arguments that their position best supported the principles and values of republican government. As the leaders and citizens negotiated the fundamental meaning of the country’s governmental framework, impassioned defenses of the republican process from both political camps threatened to spill over into an irreconcilable and perhaps violent conflict.

**27** Thomas Jefferson to James Madison, June 21, 1792, in *The Papers of Thomas Jefferson*, vol. 24.

**28** Kaminski, *George Clinton*, 205; Stahr, *John Jay*, 283.

**29** Young, *The Democratic Republicans*, 298.

**30** Young, *The Democratic Republicans*, 277.

**31** Alexander Hamilton, “The Defence No. 1,” July 22, 1795, in *Alexander Hamilton: Writings*, ed. Joanne B. Freeman (New York: Library of America, 2001), 846.

**32** Madison, “*Federalist* No. 10.”

**33** Madison, “*Federalist* No. 10.”

For advocates of Jay, the canvassing committee's decision violated the principal right of self-government, the power of the people to choose their leaders. "The people in framing this [state constitution]," William Duer, a Federalist supporting Jay, wrote, "have reserved to the freemen and freeholders of the state, the right of choosing [sic] the Legislative Branches, and the two principal executive officers of government at certain state periods." Suffrage was hardwired into the constitution and was "the vital principle of government, by which it *lives, moves, and has its being*.—Not even an express act of the legislature can deprive the people of this inestimable right."<sup>34</sup> The right to vote was the lifeblood of the republic. The system could only exist as long as this right was preserved, and therefore, even the constitutionally elected legislature could not interfere with it. The republican argument of Jay's supporters was simple: Suffrage is sacred.

In a sense, Clinton supporters agreed, but they stressed that counting the questionable Otsego ballots would have undermined the sanctity of suffrage elsewhere. A meeting of Clinton supporters in New York City in mid-July passed a set of resolutions that endorsed the canvass committee's decision on republican grounds. Since "the ballots of the county of Otsego [were] obtained by illegal influence, and [were] illegally returned, a destruction of them tended, in its consequences, to preserve inviolate the right of suffrage in other parts of the state."<sup>35</sup> If the committee accepted ballots that were the product of corruption, then corruption would taint the entire balloting system. The committee, therefore, deserved "the sincere and grateful thanks, of every friend to a free, unbiased, and uncorrupted election."<sup>36</sup> The source of the tensions in New York was not a disagreement over dueling principles; it was a disagreement over how to embody a single, shared principle. Precisely because suffrage was so important to *all* New Yorkers

as the fundamental right of republican government, disputes about its proper execution between supporters of Jay and Clinton sparked heated rhetoric and vicious political conflict.

In June and July, pro-Jay activism in defense of suffrage surged. In Otsego, a group of citizens demanded in a newspaper that the legislature "restore us to our RIGHTS OF CITIZENSHIP" and urged printers across the state to publish their declarations.<sup>37</sup> On June 30, the citizens of Lansingburgh gathered to greet Jay on his return from riding circuit in New England. These "free men" expressed their "sincere regret and resentment" at the "wanton violation of our most sacred and inestimable privileges, in arbitrarily disfranchising whole towns and counties of their suffrages."<sup>38</sup> Similarly, an Albany committee affirmed that "as free and independant [sic] citizens, we know no authority but what is derived from the voice of a majority of the people."<sup>39</sup> "The question," added one newspaper, "is no longer, whether Clinton or Jay shall rule? but whether the people or the *canvassers* shall make your governor?"<sup>40</sup> This populist rhetoric universalized and magnified the stakes of the election controversy. The issue was not about who would hold office, but *how* officeholders would be selected. Would the people rule, or not? Jay supporters loosely echoed Jeffersonian rhetoric, embracing their identity as "free and independant men" and portraying themselves as a virtuous, oppressed majority of people. Ultimately, the election prompted a chorus of Jay proponents to reaffirm the basic, fundamental principle of self-government, that an honest majority should overrule the whims of a self-serving cabal.

Given the importance of suffrage to the republican system, even some victorious pro-Clinton Republicans were uneasy with the circumstances of his reelection. Jefferson expressed his disquiet to Madison: "It does not seem possible to defend Clinton as a just or disinterested man if he does not decline

**34** "Gracchus" [William Duer], "Otsego Election," *New York Daily Gazette*, June 12, 1792.

**35** *New-York Journal and Patriotic Register*, July 18, 1792.

**36** *Ibid.*

**37** *Albany Gazette*, June 25, 1792. It is worth noting that on the same page Otsego voters made an appeal to "every friend of freedom," there was an advertisement offering a ten-dollar reward for the return of an escaped 25-year-old slave. For those who were not considered "freemen and freeholders," the rhetoric of republicanism rang hollow.

**38** Lansingburgh Committee to John Jay, June 30, 1792, in *Correspondence of John Jay*, 3:435-36.

**39** Albany Committee to John Jay, July 2, 1792 in *ibid.*, 3:438-39.

**40** "Brutus," "To the People," *New-York Daily Advertiser*, June 19, 1792.



John Jay, 1794. By Gilbert Stuart [3]

the office [...].”<sup>41</sup> In a letter to Monroe, he added that “retain[ing] the office when it is probable the majority was against him is dishonorable.”<sup>42</sup> In New York, Clinton ally Robert R. Livingston agreed. “I find the determination of the canvassers occasions much uneasiness,” Livingston wrote his brother. “I confess I could have wished that all the votes had been counted whatever might have been the event.”<sup>43</sup> Jeffersonians were particularly torn because their entire program centered on a defense of republican rights against the attacks of Hamiltonian “monarchs.” Historian Alfred Young captured this irony in his book, *The Democratic Republicans of New York*, titling his chapter on the Clinton-Jay dispute “Federalists as Democrats.”

He argued that the Federalist embrace of suffrage rights spurred the development of the Republican movement in the state, which celebrated the “common folk.”<sup>44</sup> The 1792 governor’s race therefore pitted New York Republican champion George Clinton against his party’s guiding principle.

In other ways, however, Republicans defended their support for Clinton on the basis of legitimate republican principles. Judge William Cooper was a prime target. *The New-York Journal* devoted a full page to a series of affidavits of Otsego voters with stories of Cooper’s intimidation and fraud. Benajah Church, an Otsego native, witnessed “Cooper lay hold of several persons by the arm, in order to induce them to vote, when, in fact, it appeared they had no inclination to do so.”<sup>45</sup> A different memorandum charged that “Cooper also mentioned, that if he heard any person speak in favor of Governor Clinton, he should take a fire brand and put his barn on fire.”<sup>46</sup> Supporters of the republican project had reason to doubt whether the Otsego voters were truly practicing republican government, or whether a rogue figure was abusing the system for his own purposes. The decision of the compiler of this piece to write under the name “Candidus” underscored the suggestion that the Jay camp’s “republicanism” was impure and dishonest.

Further, Clintonians contended that Jay supporters at large, and not just Cooper, were engaging in demagoguery, the chief threat to any republican system. In response to William Duer’s editorial, two writers penned letters in the *Daily Advertiser* the following week accusing him of sowing discord for his personal gain. “[T]he yeomanry of the country,” the writer raged, “will not be gulled by false pretences [sic] (that their liberties are abused, and their privileges trampled upon) into associations subversive of the peace, happiness and prosperity of the state, to answer the purposes of a factious junto, led by a demagogue ever restless and uneasy in every station.”<sup>47</sup>

**41** Thomas Jefferson to James Madison, June 21, 1792, in *The Papers of Thomas Jefferson*, vol. 24.

**42** Thomas Jefferson to James Monroe, June 23, 1792, in *ibid.*, vol. 24.

**43** Robert R. Livingston to Edward Livingston, June 19, 1792, quoted in *The Papers of Alexander Hamilton Digital Edition*, ed. Harold Syrett, 27 vols. (Charlottesville: University of Virginia Press, Rotunda, 2011), vol. 11. See Alexander Hamilton to John Adams, June 25, 1792, in *ibid.*

**44** Young, *The Democratic Republicans*, 303, 323.

**45** *New-York Journal, & Patriotic Register*, June 16, 1792.

**46** *Ibid.*

**47** “E.G.,” *New-York Daily Advertiser*, June 19, 1792.

The Republicans who sided with Clinton were thus the true defenders of the “yeomanry,” for they supported tranquility and order as opposed to the Jay partisans, who incited discord. Complaints that the canvassing committee violated republican principles were “false,” intended to dupe the common folk into joining the cause of a power-hungry demagogue.

In painting Jay-ites as a self-interested faction, Republicans sought to reclaim the mantle of the common man. Another writer, “A Friend to Order,” took a similar stance by claiming that Duer’s editorial was too legalistic and abstruse for the common people. The “men of plain understanding” would side with the canvass committee, for they could not follow “the meanders of legal controversy”; they were “unperverted by professional obliquities, and good moral characters supported by the solid pillars of *Christian beliefs*.<sup>48</sup> To this writer, the Jay partisans were employing legal “sophistry” and professional expertise in order to confuse and delude the populace. True republicanism was about “confidence” in fellow citizens, virtue, and “Christian beliefs.” These writers aimed to undercut the claim that Jay’s cause championed the rights of the people, painting Jay supporters as demagogues. Clinton and Jay supporters alike, therefore, argued that they represented the people, and that their opponents did not. While Jay backers stressed that their candidate won the support of a majority of the people, Clintonians rebutted that such arguments were designed to hoodwink common folk with legal obfuscations.

Many Clinton sympathizers echoed these criticisms, asserting that pro-Jay appeals to republican values were specious. In mid-July, a “large and respectable number of citizens” gathered at Corre’s Hotel in New York and passed resolutions decrying the “dangerous party” that, “under the plausible pretext of applying to the legislature for redress of a supposed violation committed on the rights of suffrage,” was actually seeking “to disgust the people against the government, and to subvert the constitution the-

reof.”<sup>49</sup> Members of the Jay faction were demagogues, flattering the people with promises to preserve their rights in order to destroy them. The true republican heroes were the pro-Clinton canvassers, who remained “uninfluenced by the interested opinions of seven lawyers which were obtruded upon them.”<sup>50</sup> From the Clinton perspective, the lawyers who argued Jay’s cause were out-of-touch and self-interested, part of a greedy faction plotting to disrupt the lawful processes of election administration.

This divisive rhetoric and polarization signaled that New York was at risk of a violent explosion. As early as June 13, Robert Troup wrote to Jay noting the “great ferment in the City.” People, he cautioned, were “determined not to let the matter pass over in silence.”<sup>51</sup> On at least one occasion, a literal shot was fired; an argument between two political figures in a tavern prompted one to challenge the other to a duel.<sup>52</sup> A pamphlet writer went even further, explicitly invoking the possibility of a revolution: “There are firm bands of patriots, ready for action, at the sound of the trumpet of freedom, with leaders to direct them, who are experienced both in the field and in the cabinet.” The “action” could extend to the “field”; this could be an armed revolt. “We are on the brink of a revolution, which will probably shake the state to its centre, and if there should be a danger, it will be to those only who oppose it.”<sup>53</sup> This Jay sympathizer directly threatened those who opposed him. The specter of physical violence was no abstract threat. The “bands of patriots” of 1776 had successfully carried out a revolution against a world power, and their example loomed large. More recently, war veteran and farmer Daniel Shays led an armed rebellion against the state of Massachusetts in the winter of 1786–87, seeking to rally farmers in the countryside to revolt against the regressive tax system; and the passage of the excise tax on whiskey in 1791 incited protests and revolts on the frontier that eventually led to President George Washington leading federal troops himself to quell the insurrec-

**48** “A Friend to Order,” *New-York Daily Advertiser*, June 19, 1792.

**49** *The New-York Journal, & Patriotic Register*, July 18, 1792

**50** Ibid. For more pro-Clinton rhetoric centering on republican values, see “The Republican No. 1,” *The New-York Journal, & Patriotic Register*, Aug. 25, 1792.

**51** Robert Troup to John Jay, June 13, 1792 in *Correspondence of John Jay*, 3:434.

**52** Benjamin Walker to Alexander Hamilton, July 12, 1792, in *The Papers of Alexander Hamilton*, vol. 12.

**53** “Plain Sense,” “The Rights of Suffrage,” Sept. 10, 1792 (Hudson: Ashbel Stoddard, 1792), 16.

tion in 1794.<sup>54</sup> The state was thus in a crisis, not just because a partisan conflict had divided the political community in two, but because those camps believed that their counterpart was fundamentally hostile to the system of government. Both sides' fervent defenses of republican government threatened to destroy the very system they cherished. And so, at this critical moment, the nation's leading figures waded into the conflict and offered their advice on how to keep the system they had created afloat.

## "TO RENDER HIM ODIOSUS": PARTY ACTIVISM AND THE PRESERVATION OF THE REPUBLIC

W

ITH NEW YORK foundering amid crippling partisan conflict and clashing stances on the nature of republicanism, the election had provoked an existential crisis. What next? As Sarah Jay told her husband, “[Senator Rufus] King says he thinks Clinton as lawfully Governor of Connecticut as of New York but he knows of no redress.”<sup>55</sup> The constitution itself offered no resolu-

tion, and the ballots were destroyed.<sup>56</sup> Yet a precedent of complete inaction would be damaging as well; if, as King believed, Clinton was a completely illegitimate governor, then the people's claim to a free, self-governing society would be vacuous. At this crossroads, John Jay, Alexander Hamilton, Robert Troup, King, and other Federalist actors charted a middle course that both championed the republican right of suffrage and preserved an orderly and peaceful process of governance to avert a constitutional showdown. And the primary tool of their middle course was none other than the cause of the crisis in the first place: partisanship.

In the summer of 1792, many Jay-ites expressed their support for pursuing extraconstitutional means to nullify the election result, but the Federalist leadership almost uniformly rejected the propriety of resorting to “first principles.” The two commonly proposed “modes of redress” both relied on the state legislature: Either it would void the election itself, or it would call a convention through which the people could invalidate the committee’s decision.<sup>57</sup> Echoing the concerns of many, Rufus King wrote to Hamilton with urgency: “I do not clearly see the prudence of an appeal to the People.”<sup>58</sup> He was, after all, a Federalist; talk of resorting to the people was far more common in the Jeffersonian vocabulary.<sup>59</sup> There was also a pragmatic concern about the efficacy of a convention: would Clinton surrender the post? “But Mr. Clinton is in fact Governor,” King stressed, “and though he may not be free from anxieties & Doubts, he will not willingly relinquish the Office—the majority, and a very great one are now against him—should he persist, and the sword be drawn, he must go to the wall—but this my dear Sir, is a dreadful alternative.”<sup>60</sup> King envisioned a standoff between the people and the governor, and his

**54** See Leonard L. Richards, *Shays's Rebellion: The American Revolution's Final Battle* (Philadelphia: University of Pennsylvania Press, 2014) and Thomas P. Slaughter, *The Whiskey Rebellion: Frontier Epilogue to the American Revolution* (New York: Oxford University Press, 1988).

**55** Sarah Livingston Jay to John Jay, June 10, 1792, in *Correspondence of John Jay*, 3:433.

**56** The Federalist New York State Assemblyman Josiah Ogden Hoffman, who would become the attorney general, raised in one letter the possibility of a “quo warranto”—a writ used in court to challenge the legitimacy of an office-holder’s title. No one seems to have pursued this option, and scholars have not found other examples of proposals to resolve the crisis through the courts. Hoffman himself was reluctant to challenge the authority of the canvassing committee. See Foley, “The Founders’ *Bush v. Gore*,” 31–32.

**57** “Plain Sense,” “The Rights of Suffrage,” Sept. 10, 1792 (Hudson: Ashbel Stoddard, 1792), 19.

**58** Rufus King to Alexander Hamilton, July 10, 1792, in *The Papers of Alexander Hamilton*, vol. 12.

**59** Jefferson, for instance, believed that each generation had the right and power to construct a new constitution for itself; and he even embraced violent revolution to the extent that it protected and preserved liberty. See, for instance, Thomas Jefferson to Abigail Adams, Feb. 22, 1787, and Thomas Jefferson to James Madison, Sept. 6, 1789, in *Thomas Jefferson: Writings*, ed. Merrill D. Peterson (New York: Library of America, 1984), 889–90, 959–64.

**60** Rufus King to Alexander Hamilton, July 10, 1792, in *The Papers of Alexander Hamilton*, vol. 12.

halting writing indicates the extent to which he shuddered at the violent implications. Prolonged discord would erode “confidence in the security of our Government”; going forward, any time a dispute arose, “first principles” could be invoked and the entire system would be on the precipice of destruction.<sup>61</sup> For the Federalists, direct appeals to the people to resolve the crisis did more harm than good, in both the short- and long-term, to the fragile system of republican government.

This restrained response stemmed directly from the example that John Jay himself set. As he told the citizens of Lansingburgh, “every event is to be regretted that tends to introduce discord and complaint.” But he did not feebly acquiesce to the decision either; with guarded language, he aligned himself with the cause of republicanism and suffrage. “The people of the State know the value of their rights,” Jay asserted, “and there is reason to hope that the efforts of every virtuous citizen to assert and secure them will be no less distinguished by temper and moderation, than by constancy and zeal.”<sup>62</sup> Jay adopted the language of republican rights and celebrated the people’s efforts to protect them; he just wanted them to act in a responsible manner. For Jay, preserving republican government was about both principles—“the value of their rights”—and process—“temper and moderation.” Others agreed. A district court judge from Rhode Island wrote to Jay praising his “delicate, prudent, and cautious manner [...]. We had better fail—having done all that faithful citizens and guardians of the laws ought to do, then proceed by methods disgraceful to a good cause.”<sup>63</sup> For the Federalists, process was pivotal. It was better to “fail”—for Clinton to remain governor—than to unleash a torrent of violence, revolution, and confusion.

But even if the Federalists would “fail” to install Jay as governor, they understood that the controversy could help them in other ways—and simultaneously avoid a destabilizing, radical response. “I have not, as you will imagine, been inattentive to your political squabble,” Alexander Hamilton wrote Rufus King. He

agreed that Jay was the rightful governor, but he feared that a “ferment” of opposition could produce uncontrollable consequences. “Tis not to be forgotten that the opposers [sic] of Clinton are the real friends to order & good Government; and that it will ill become them to give an example of the controversy.”<sup>64</sup> Hamilton, like King, dreaded a violent conflagration. But he had explicitly partisan calculations in mind as well. He identified the “opposers of Clinton” as one political group with certain shared characteristics in contrast, implicitly, with Clinton’s supporters. The contest between Jay and Clinton was, at its root, a partisan contest, and Hamilton did not want the Jay-ites’ response to undermine their claim to being the party of “order & good Government.” “Some folks are talking of Conventions and the Bayonet,” Hamilton continued. “But the case will justify neither a resort to first principles nor to violence.”<sup>65</sup> Amendments to the constitution and impeachment of canvassers were possible remedies, but anything more would be too dangerous—not just for society as a whole, but for the reputation and image of the Federalist party.

Furthermore, Hamilton explicitly believed that the “opposers of Clinton” could use gubernatorial controversy to their advantage. In his letter to King, he noted, “it will answer good purposes to keep alive within proper bounds the public indignation.”<sup>66</sup> Hamilton did not want Jay supporters to stay silent; he wanted to maintain “public indignation.” The “good purposes” of maintaining popular dissatisfaction with the election decision presumably included principled reasons, but there was also a political motivation behind Hamilton’s words. In a follow-up letter to King, Hamilton reiterated his desire “that a spirit of dissatisfaction within proper bounds should be kept alive; and this for National purposes, as well as from a detestation of their principles and conduct.”<sup>67</sup> Hamilton recognized that there was an instrumental, partisan use of the “indignation” that the controversy had fomented—specifically with regard to the “National”

**61** Ibid. King specifically anticipated such an electoral dispute in presidential elections, and eight years later he proved prescient in the protracted resolution of the tie in 1800.

**62** John Jay’s Reply to the Lansingburgh Committee, June 30, 1792, in *Correspondence of John Jay*, 3:437.

**63** Henry Marchant to John Jay, Aug. 14, 1792, in *Correspondence of John Jay*, 3:445.

**64** Alexander Hamilton to Rufus King, June 28, 1792, in *The Papers of Alexander Hamilton*, vol. 11.

**65** Ibid.

**66** Ibid.

**67** Alexander Hamilton to Rufus King, July 25, 1792, in *ibid.*, vol. 12.

election for vice president, which would pit Clinton against John Adams.<sup>68</sup> He viewed the state-level matter with the angle of national party politics in mind, even as he urged a nonviolent and moderate response.

Indeed, critics of the canvassing committee did just what Hamilton desired: They channeled their fury into public denunciations of Clintonians. Hamilton did not formally instruct his backers on how to respond, but they converged around the belief that doing nothing was not an option. “If we tamely submit to this flagrant attack upon our rights,” Robert Troup wrote to Jay on June 13, “we deserve to be hewers of wood and drawers and drawers of water to the abandoned despots who claim to be our masters.”<sup>69</sup> In Lansingburgh, a committee of citizens employed nearly identical language, “trust[ing] the sacred flame of liberty is not so far extinguished in the bosoms of Americans as tamely to submit to wear the shackles of slavery, without at least a struggle to shake them off.”<sup>70</sup> Though the rhetoric was grandiose, it suggested that speech itself was a just and proper response. “[A]t least a struggle” to resist the anti-republican decision was sufficient to avert “submission”—and thus slavery. To preserve the “sacred flame of liberty,” the fire needed to be stoked and fanned; yet it did not necessarily need to burn anything. Similarly, an editorialist denounced violence but grasped the need to act “when the dearest rights of man are wantonly attacked.” In such a case, “silence in him, who has a tongue to speak, becomes a crime.” He urged aggrieved men to “boldly assert your rights,” assemble together, and “freely communicate your sentiments.”<sup>71</sup> The only safe bulwark against the despotism of the canvassers’ decision, according to Jay supporters, was public outrage and activism.

This campaign in the public sphere emerged as an alternative to more aggressive and radical solutions to the crisis of republicanism. At the end of August, Robert Troup wrote to Hamilton, first calling the

canvassers’ decision “wicked & abominable” and “subversive of the most sacred right that can be enjoyed under any government.” He, too, believed that “to submit to it” would render republicanism meaningless. However, Troup never aimed to actually change the outcome. “My object,” he admitted, “has been to make a strong impression upon the public mind of the deep corruption of Clinton & his party and thus to render him odious. We have pretty well succeeded in this object & I trust our sucess [sic] will be more complete.”<sup>72</sup> All along, Troup claimed, he simply hoped to foster resentment at Clinton and his cronies. He refused to quickly “submit” to the canvassers’ decision not because he sought to nullify the election, but because he intended to use the perceived corruption as political fodder to stain the Republican party. And, Troup boasted, “we”—his party’s team—largely succeeded; the completion of their success, presumably, would be the defeat of Clinton in the vice-presidential election in the fall. The partisan advantage that Jay-ites gained from their anti-Clinton rhetoric, then, served as a consolation for their decision not to pursue an aggressive plot to reverse the canvassers’ decision.

It was partisanship, therefore, that enabled Federalists like Troup to redirect their indignation in such a way as to preserve stable institutions. “I have no apprehension that we shall endanger the political ship,” Troup concluded to Hamilton. “It is the interest of us all that she should be kept in her present course with a fair wind &c. Be not therefore uneasy—but at the same [time] do not forget that allowances should be made for the keen anguish we suffer from the wound we have received.”<sup>73</sup> The 1792 election threatened to throw the nation off course—to send a wave of violence and disorder crashing down on a tottering and untested boat that had set sail just fifteen years prior. The Federalists, though they had good reason to be angry, did not want to jump ship. To regain stability, without passive sub-

**68** Hamilton’s partisan opponents—the supporters of Clinton for vice president—likewise employed this partisan lens in their response to the New York election. Monroe anticipated that the dispute, which was “not flattering” to Clinton, would help the “adversary party.” Though Monroe acknowledged Clinton’s blemishes, he underscored that the Jeffersonians ought to support Clinton because he was “a center of the republican party in that State.” James Monroe to Thomas Jefferson, July 17, 1792 in *The Papers of Thomas Jefferson*, vol. 24. See also Kline and Ryan, eds., *Political Correspondence of Aaron Burr*, 1:137.

**69** Robert Troup to John Jay, June 13, 1792, in *Correspondence of John Jay*, 3:434.

**70** Lansingburgh Committee to John Jay, June 30, 1792, in *ibid.*, 3:436.

**71** “Brutus,” “To the People,” *New-York Daily Advertiser*, June 19, 1792.

**72** Robert Troup to Alexander Hamilton, Aug. 25, 1792, in *The Papers of Alexander Hamilton*, vol. 12.

**73** *Ibid.*

mission to the recent turbulence, they employed partisanship—a conscious effort to make Clinton odious. By working hard to muster discontent, Federalists would make sure that the Clintonians lost the next election, whose stakes were even higher. The existence of parties, however loosely organized, enabled them to reject more radical alternatives, and instead, invest in the very process and system that had just betrayed them.

## CONCLUSION: IT IS A GREAT POINT GAINED

**T**HE NEXT ELECTION, of course, also involved Clinton. The culmination of the partisan efforts of Hamilton and the Federalists was the vice-presidential race in the fall of 1792. John Adams defeated Clinton 77 to 50 in the electoral college, and Hamilton's and Jay's polite style could not mask their glee.<sup>74</sup> The historian John Kaminski has tied the loss to the irreparable damage the New York dispute wrought on Clinton's reputation, claiming it "ruined his chances for the vice presidency."<sup>75</sup> On December 18, Hamilton wrote to Jay that "the success of the vice-president is as great a source of satisfaction, as that of Mr. Clinton would have been of mortification and pain to me."<sup>76</sup> The next day, Jay replied, "rejoic[ing] with you in the re-election of Mr. Adams. It has relieved my mind from much inquietude. It is a great point gained; but the unceasing industry and arts of the Anties render perseverance, union, and constant efforts necessary."<sup>77</sup> Beneath his self-restraint, John Jay, too, was a political animal. He had been extremely concerned about Clinton defeating Adams, and he distrusted the "Anties," his term for the pro-Clinton party of opposition. The world of 1792 was a partisan world, even for Jay. It was a world in which rival fac-

tions practiced "industry and arts" destructive of good government; it was a world in which, even after a major victory, perseverance and constant efforts were necessary to resist the opposing side.

And yet, despite the apparent cynicism at the end of the tumultuous year, this partisan mindset—one of points gained and lost, of winning teams and losing teams—had very likely *saved* the stability of the state, and perhaps the Union itself. It was this system, while still forming and very much fluid, that created a third option between complete submission to alleged anti-republican practices and utter violence and chaos. To keep the "political ship" on course, anger was channeled into institutions and processes by which committed citizens could work *within* the system to change it. For supporters of Jay, those institutions failed in 1792; Clintonians, meanwhile, worried that such animated criticism of institutions would derail their efficacy and legitimacy. Both sides valued and tried to preserve the political process, even as they vigorously disputed how to do that. It was, of course, still incumbent upon the lawmakers to put the institutions they preserved to good use; the Shays' and Whiskey Rebellions both stemmed from the perception that government was unresponsive to people's wishes and unable to provide for their needs. People became willing to give up on the system—and indeed to violently oppose it—when they lost confidence in its ability to function effectively.

The New York imbroglio demonstrated the vulnerabilities of a partisan, republican system, which remain as pressing today as ever. American government remains an experiment, susceptible to hyper-partisanship, demagoguery, and election disputes, the same elements that provoked such a crazed political environment in 1792. Then and now, republican government rests on nothing more and nothing less than the faith of the people in the *process* of government. Jay and the Federalists, as the losers in 1792, did much to actualize that faith. By focusing on the next election, on how to rally public opinion against one's political opponents without devolving into recklessness, the inequities and injustice of the 1792 debacle could be accepted and set aside—but clearly not forgotten. ♦

**74** Moreover, the Federalists gained control of the state assembly in the next elections and turned "that body into a political machine which reduced Clinton's power to a minimum." Monaghan, *John Jay: Defender of Liberty*, 340.

**75** Kaminski, *George Clinton*, 217.

**76** Alexander Hamilton to John Jay, Dec. 18, 1792, in *Correspondence of John Jay*, 3:451-52.

**77** John Jay to Alexander Hamilton, Dec. 19, 1792, in *ibid.*, 3:453.

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