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978-0-521-86831-0 - Thomas Jefferson and Executive Power

Jeremy D. Bailey

Excerpt

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I

**“The execution of laws is more important
than the making of them”**

Reconciling Executive Power with Democracy

Your Administration, will be quoted by Philosophers, as a model, of profound Wisdom; by Politicians, as weak, superficial, and short-sighted.

John Adams to Thomas Jefferson, 3 July 1813

Mr. Jefferson appears to me to be a man who will embody himself with the house of representatives. By weakoning the office of President he will increase his personal power.

John Marshall to Alexander Hamilton, 1 January 1801

But it is not true as is alleged that he [Jefferson] is an enemy to the power of the Executive, or that he is for confounding all the powers in the House of Rs. It is a fact which I have frequently mentioned that while we were in the administration together he was generally for a large construction of the Executive authority, & not backward to act upon it in cases which coincided with his views.

Alexander Hamilton to James Bayard, 16 January 1801

Historians and philosophers have written countless studies of Jefferson's life and ideas, but few have examined Jefferson's understanding of executive power.¹ So, too, with political scientists: in the issue of *Presidential Studies Quarterly* marking the bicentennial of the United States Constitution, scholars reexamined the presidency as understood by George Washington, James Madison, John Adams, Alexander Hamilton, James Wilson, and Gouverneur

¹ See, for example, Drew R. McCoy, *The Elusive Republic: Political Economy in Jeffersonian America* (Chapel Hill: University of North Carolina Press, 1980); Richard K. Matthews, *The Radical Politics of Thomas Jefferson: A Revisionist View* (Lawrence: University Press of Kansas, 1984); Garrett Ward Sheldon, *The Political Philosophy of Thomas Jefferson* (Baltimore: Johns Hopkins University Press, 1991); and Jean M. Yarbrough, *American Virtues: Thomas Jefferson on the Character of a Free People* (Lawrence: University Press of Kansas, 1998).

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Morris – but not Jefferson.² There is a reason for this omission. Jefferson has been remembered by admirers and critics alike as preferring a weak executive, and partisans of feebleness do not make good subjects for studies of the presidency.

To the extent that scholars have examined Jefferson and the presidency, there is a consensus that he was in principle an enemy of executive power. According to this account, Jefferson had advocated a weak executive before he became president, and although he embraced executive power after he won the presidency, he did so unwillingly. Furthermore, his confession to Madison that he was not a “friend” to “energetic government,” like his First Inaugural’s description of good government as “frugal,” was consistent with his summary of the difference between Federalists and Republicans as the “shade of more or less power to be given to the Executive or Legislative organ.”³ After all, he did not even include his two terms as president when prescribing the inscription for his own tombstone.⁴

The father of this scholarly consensus, of course, is Henry Adams. After documenting Jefferson’s use of power – the Louisiana Purchase, the impeachments of Federalist judges, the arrest and trial of Aaron Burr, and the Embargo – Adams concluded if the difference between Jefferson and his opponents was the amount of power given to the executive it “was hard to see how any President could be more Federalist than Jefferson himself.”⁵ Since Adams’s monumental work, scholars have followed Adams in charging Jefferson with constitutional inconsistencies as well as finding in Jefferson a lesson about the triumph of practice over principle. Under this formulation, Jefferson the president yielded to temptation, proving that the Jeffersonian presidency was impossible.⁶

To be sure, as the quotations by John Adams and John Marshall at the beginning of this chapter show, the consensus on Jefferson and the presidency can accommodate different approaches. Some have followed John

² Thomas E. Cronin, ed., “Origins and Inventions of the American Presidency,” special issue, *Presidential Studies Quarterly* 17 (1987): 226.

³ Jefferson, First Inaugural Address, *TJW*, 494; Jefferson to James Madison, 20 December 1787, *PTJ*, 12:442; Jefferson to Thomas McKean, 24 July 1801, Ford, 8:78.

⁴ Thomas Jefferson, “Epitaph,” *TJW*, 706–7.

⁵ Adams, 354.

⁶ Merrill D. Peterson, *Thomas Jefferson and the New Nation: A Biography* (New York: Oxford University Press, 1970), 775–6; Paul A. Rahe, “Jefferson’s Machiavellian Moment,” in *Reason and Republicanism: Thomas Jefferson’s Legacy of Liberty*, ed. Gary L. McDowell and Sharon L. Noble, 53–84 (Lanham, MD: Rowman and Littlefield, 1997); Sidney M. Milkis and Michael Nelson, *The American Presidency: Origins and Development, 1776–2002*, 4th ed. (Washington, DC: Congressional Quarterly Press, 2003), 102; Garry Wills, *Negro President: Thomas Jefferson and the Slave Power* (Boston: Houghton Mifflin, 2003); and Raymond Tat-alovich and Thomas S. Engeman, *The Presidency and Political Science: Two Hundred Years of Constitutional Debate* (Baltimore: Johns Hopkins University Press, 2003), 36.

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Adams to argue that Jefferson's philosophy of opposition bound the exercise of power and made execution of the laws under his administration impossible.⁷ Others, however, have marveled at Jefferson's party leadership by considering Jefferson's skill at the political art of persuasion, and as a result have confounded John Adams's prediction that future politicians would find Jefferson's methods shortsighted.⁸ Others have emphasized Jefferson's reforms of the presidency to confirm John Marshall's prediction that Jefferson would bring about a shrinking of the office: Jefferson's abolition of presidential levees, conspicuously republican attire, delivery of presidential addresses to Congress in writing rather than in person, and advocacy of the two-term limit confirm Jefferson's suspicion of energy and foreshadow presidential decline under later Jeffersonian presidents.⁹

Only a few scholars have challenged the traditional account. Ralph Ketcham, for instance, wrote that the Jefferson as flexible or hypocritical thesis misunderstands Jefferson's activities as opposition leader: "In that position he had continued to accept *both* radical Whig scorn for imperial government and the idea of the patriot king, and he sought earnestly to find a mode of republican leadership retaining the values of each."¹⁰ So, according to Ketcham, "the real essence of Jefferson's disagreement with the Federalist presidents" was not that Jefferson sought to "to make the office of the president less powerful" but, rather, that "Jefferson sought to make it *more popular*." Similarly, David N. Mayer warns that the dichotomy between a "strong" and a "weak" presidency fails to appreciate Jefferson's concern for constitutional propriety: "Where the Constitution assigned powers exclusively to the president, Jefferson vigorously exercised them; where powers were assigned to or shared with other branches, however, Jefferson preached and exercised restraint."¹¹ And, in an important article, Gary Schmitt found

⁷ Forrest McDonald, *The Presidency of Thomas Jefferson* (Lawrence: University Press of Kansas, 1976), 162; Lance Banning, *The Jeffersonian Persuasion: Evolution of a Party Ideology* (Ithaca, NY: Cornell University Press, 1978), 273–302.

⁸ James Sterling Young, *The Washington Community, 1800–1828* (New York: Columbia Univ. Press, 1966); Robert M. Johnstone Jr., *Jefferson and the Presidency: Leadership in the Young Republic* (Ithaca, NY: Cornell University Press, 1978).

⁹ Clinton Rossiter, *The American Presidency* (New York: Mentor, 1960), 90; Stephen Skowronek, *The Politics Presidents Make: Leadership from John Adams to George Bush* (Cambridge, MA: Harvard University Press, Belknap Press, 1993), 92; Sidney M. Milkis and Michael Nelson, *The American Presidency: Origins and Development 1776–2002*, 4th ed. (Washington, DC: CQ Press, 2003), 107–8; and Joyce Appleby, *Thomas Jefferson* (New York: Times Books, 2003), 32 and 133.

¹⁰ Ralph Ketcham, *Presidents Above Party: The First American Presidency, 1789–1829* (Chapel Hill: University of North Carolina Press, 1984), 106.

¹¹ David N. Mayer, "The Holy Cause of Freedom: The Libertarian Legacy of Thomas Jefferson," in *The Noblest Minds: Fame, Honor, and the American Founding*, ed. Peter McNamara (Lanham, MD: Rowman and Littlefield, 1999), 110.

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that Jefferson did not object to the use of “potentially expansive executive authority” even if he did have qualms about formalizing such power.¹²

If the scholarly minority is correct, then the consensus on Jefferson and the presidency is terribly wrong. If Jefferson was, as Hamilton reported, for a strong executive in the early 1790s, that is, if Jefferson eagerly embraced presidential power rather than being forced to it, then the traditional account has explained Jefferson’s presidency in terms of a contradiction that need not exist. We are forced, then, to ask whether the events of Jefferson’s administrations can be better understood by asking whether Jefferson brought to the office a particular understanding of presidential power. Stepping from the shadow of Henry Adams, we can examine Jefferson’s view of presidential power as Jefferson presented it and with a proper understanding of political time. It is significant, after all, that Hamilton said he preferred Jefferson over Burr because Burr lacked a “theory.”¹³

Two recent bicentennials illustrate the point. The Louisiana Purchase and the Twelfth Amendment, ratified in 1803 and 1804, reconfigured the geographical and political shape of the Union. The first, of course, doubled the size of the country and lessened the likelihood that the European powers would one day be meddlesome neighbors. The second corrected a flaw in presidential selection by requiring members of the Electoral College to “designate” whom they meant to elect as president and as vice president, thus lessening the possibility of an embarrassing stalemate in the House of Representatives. Each was a step in national development: the Purchase, as Abraham Lincoln said, settled the question of acquisition of territory, and the Twelfth Amendment, as John C. Calhoun noted, made it more likely that presidents would represent a national majority.¹⁴ Each violated the Jeffersonian creed by lessening the authority of the individual states: the addition of new territory diluted the power of the existing states, just as the reform of the Electoral College made it less likely that state delegations in the House

¹² When the *Presidential Studies Quarterly* special issue was published as a book, Thomas E. Cronin included Schmitt’s article on Jefferson. Although I encountered Schmitt’s essay after I had developed the argument of this book, and believe it is wrong on several central points, it confirms some of my argument. Gary J. Schmitt, “Thomas Jefferson and the Presidency,” in *Inventing the American Presidency*, ed., Thomas E. Cronin 326–46 (Lawrence: University Press of Kansas, 1989).

¹³ “As to his theory, no mortal can tell what it is.” Hamilton to James Ross, 29 December 1800, *PAH*, 25:280.

¹⁴ Abraham Lincoln “Message to Congress,” 3 December 1861, *Collected Works of Abraham Lincoln*, ed. Roy P. Basler (New Brunswick, NJ: Rutgers University Press, 1953), 5: 48. John C. Calhoun, Disquisition on Government and Discourse on the Constitution and Government of the United States in *Union and Liberty: The Political Philosophy of John C. Calhoun*, ed. Ross M. Lence, (Indianapolis, IN: Liberty Fund, 1992), 109–16, 208–13.

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would choose the president. And each event can be interpreted according to the scholarly consensus. In the case of the Louisiana Purchase, Jefferson doubted its constitutionality and even drafted an amendment giving the government requisite authority yet remained silent with his doubts when the fate of the treaty, what he must have known would be his biggest accomplishment as president, was insecure. So, too, with the Twelfth Amendment: because the amendment guaranteed his own reelection, he could overlook the tension with states' rights. In each case, the opportunity was more important than the principle.

But questions remain. If expediency triumphs over constitutional scruple, why not simply proclaim that the Louisiana Purchase *was* constitutional? More perplexing, if the purchase of Louisiana made the United States safer – and Jefferson believed it did – why not assert its constitutionality on those grounds? And what was so pressing about the Twelfth Amendment? Was there *any* likelihood that Republicans would repeat their miscalculation of 1800, when they gave Jefferson and Burr the same number of electoral votes? Did it matter that Congress debated each at the same time? Was Jefferson paying attention to, even organizing, party strategy? Did Jefferson and his party choose one amendment over the other? Just as we do not yet understand the administration of the third president, we do not yet know all that there is to know about two important events in our political history.

1800 as Revolution in Executive Power

It is well known that Jefferson described his election as a revolution, and that this revolution resulted in the party system, but a recent book is the first to argue that the 1800 brought about a revolution in the presidency. According to Bruce Ackerman, the electoral deadlock between Jefferson and Aaron Burr helped transform the partisan question of who would be president into a larger question about the place of the presidency in the political system.¹⁵ When Republicans argued that more people intended their votes to make Jefferson president, Federalists pointed out that the Constitution provided no such way to gauge such intent. That is, because of the “mistake” of the Framers, the Constitution was ill-equipped for the Republican claim that more people wanted Jefferson to be president than Burr, and it had to be modified to accommodate Jefferson's victory. The election of 1800 could have been resolved differently, with Jefferson presiding over the

¹⁵ Bruce Ackerman, *The Failure of the Founding Fathers: Jefferson, Marshall, and the Rise of Presidential Democracy* (Cambridge, MA: Harvard University Press, Belknap Press, 2005), 36–92.

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Constitutional Convention of 1802, but, because of a few fortunate events, the Constitution of 1787 was preserved, but only in name. In place of a congress of elites, the informal Constitution of 1800 placed popular presidents as leaders of the democratic system. For Ackerman, then, the election in the House was more than a crisis in terms of who would rule, for it was really a constitutional moment that decided whether the presidency should represent the people or whether a technical reading of the law could resolve the crisis without recourse to public opinion. Put differently, Federalists and Republicans pursued the paths that would lead to their own success, but Jefferson's accidental victory transformed the constitutional presidency into the democratic presidency.

Ackerman is right to notice that the debate over the resolution of 1800 changed the way that Americans thought of the presidency, but what he fails to consider is how prepared Jefferson was to exploit this twist of fortune.¹⁶ Although Ackerman masterfully shows that the different strategies of Federalists and Republicans reflected different notions of authority, he does not really say whether Jefferson or others considered the mandate theory of the presidency before 1800. Put differently, he leaves it to the reader to assume that the mandate theory of the presidency was latent in the Republican opposition until the botched election of 1800 forced Republicans to make their partisan case for control of the presidency.

The truth is that by the time Jefferson sought the presidency, he had already devoted much of his efforts to thinking about executive power and constitutionalism. As constitutional reformer, wartime governor of Virginia, delegate to Congress under the Articles of Confederation, ambassador to France, Secretary of State, and opposition leader, Jefferson had devoted over two decades to reconciling the theoretical requirements of constitutional democracy with the practical realities of political life. Because Jefferson was convinced that democratic government required a strong chief executive, he focused his efforts not only on preventing what he believed to be Hamilton's monarchical designs but also on strengthening the presidential office. Consequently, his "Revolution of 1800" was a victory for the democratic principle *and* for a particular doctrine of presidential strength. By bringing his doctrine of presidential power to the presidency in 1800, he meant to connect the presidency to its democratic origins.¹⁷ But this plan for the democratic

¹⁶ Jack N. Rakove observes that the partisan fights over the meaning of the Constitution during the 1790s allowed the parties in 1800 to exploit the Constitution in the way that they did. "The Political Presidency: Discovery and Invention," in *The Revolution of 1800: Democracy, Race, and the New Republic*, ed. James Horn, Jan Ellen Lewis, and Peter S. Onuf (Charlottesville: University of Virginia Press, 2002), 54.

¹⁷ I have chosen to emphasize the word *democratic* in spite of its historical inaccuracy. Jefferson used the word *republican*, and his enemies used *democratic* to criticize him. Nevertheless,

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executive has not received the attention it deserves. Although we know the twists and turns of the election of 1800, and though we know that Jefferson called it a revolution, we do not fully understand why Jefferson believed it was a revolution.¹⁸

In this regard, Bruce Ackerman is right to argue that the Revolution of 1800 was part and parcel of the actual American Founding, but his account of 1800 is flawed because it, like the traditional scholarly account of Jefferson, misunderstands Jefferson's project. The Revolution of 1800 was more than a dangerous-yet-fortunate convergence of partisan politicians who had not yet embraced parties and a Constitution that had ignored parties, because the figurehead of that Revolution had a plan for the presidency. This is not to insist that Jefferson was "consistent," for the simultaneity of the Louisiana Purchase and the Twelfth Amendment forced Jefferson to choose opportunity over consistency. But it is to say that the fullness of this choice has been obscured by generations of scholars who presume that Jefferson wanted a weak presidency. By assuming that Jefferson wanted a presidency other than the one he created, scholars have failed to appreciate Jefferson what attempted to accomplish as politician and lawgiver. Because we do not yet know why Jefferson wanted to be president, it is time that we get around Henry Adams by revisiting Jefferson's understanding of executive power.¹⁹

Alexander Hamilton and Energy in the Executive

Before we turn to Jefferson's understanding of executive power, we should consider Alexander Hamilton's defense of executive energy in *The Federalist*. After a careful buildup, in which the presidency had been only delicately introduced, Hamilton addressed the "idea" that "a vigorous Executive is inconsistent with the genius of republican government." Hamilton

because of confusion arising from twentieth-century scholarship about the *republican* origins of the Constitution, *democratic* conveys the point more clearly today. Because I rely on Jefferson's words, however, I sometimes use *republican*. I do not mean to draw a distinction between the two or between those terms and another, *popular*.

¹⁸ Possible scenarios are explored in James E. Lewis Jr., "What is to Become of Our Government?": The Revolutionary Potential of 1800," and "The Soil Will Be Soaked with Blood": Taking the Revolution of 1800 Seriously," in *Revolution of 1800* (see note 19), 3–29 and 59–86.

¹⁹ Jack N. Rakove reminds us that it is significant that Jefferson allowed himself to be put forward as candidate for president; Bruce Ackerman reveals Jefferson acting behind the scenes as presiding officer of the Senate to bend the Constitution to make his own election possible; and Stephen Skowronek's attention to political time brings into focus Jefferson's attention to the timing of his assumption to the presidency; in Jefferson's calculation, Washington was wise to retire "just as the bubble is bursting" and leave Adams to be blamed for Washington's difficulties. Jack N. Rakove, "The Political Presidency: Discovery and Invention," in *Revolution of 1800* (see note 4), 30–58; Ackerman, *Failure of the Founding Fathers*, 55–76; Skowronek, *Politics Presidents Make*, 65–66.

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admonished the “enlightened well-wishers” of republican government that they should hope that an energetic executive was consistent with republican government, as “Energy in the Executive is a leading character in the definition of good government.” According to Hamilton, an energetic executive was essential to good government in times of emergency as well as during the daily routine of governance. In the first case, energy was necessary to guard “the community against foreign attacks” and to protect property against “irregular and high-handed combinations which sometimes interrupt the ordinary course of justice.” Hamilton’s illustration on this point did not pull punches: the fact that the Roman republic was often “obliged to take refuge in the absolute power of a single man, under the formidable title of Dictator,” to be saved from internal intrigue or external dangers, proved that executive energy was essential to Rome’s very survival. But however necessary executive energy is during times of emergency it is also essential for a “steady administration of the laws.” Here, Hamilton’s argument was straightforward: even during the quiet routine of peace the effective execution of the laws was preferable to ineffective execution. The simplicity of the argument was meant to convince republicans that their preferred form of government would have to be conducive to energy if it was to be a good government. “There can be no need, however, to multiply arguments or examples on this head. A feeble Executive implies a feeble Execution of the government. A feeble execution is but another phrase for a bad execution; and a government ill executed, whatever it may be in theory, must be, in practice, a bad government.” Having forced republicans to choose between their theories and their interest, Hamilton went on to list the ingredients of energy: unity, duration, fixed salary, and competent powers. In the formulation of Madison’s No. 51, in which “the interest of the man has to be connected with the constitutional rights of the place,” the first three might be considered as giving the president the “will” to use the fourth, that is, the powers he would need to execute the office. One of those three, a fixed salary, is straightforward – in order to for the president to have its own will it could not be dependent on another department of government for his pay – but the other two deserve more attention.²⁰

Hamilton’s first two ingredients of energy are unity of office and duration. Unity, as opposed to plurality, offers the president the chance to act with “decision, activity, secrecy, and dispatch,” as there will not be co-presidents or an executive council to leak information or aid the opposition when they disagree with a policy.²¹ Duration in office is linked to the principle that

²⁰ *The Federalist* No. 70, pp. 447–8.

²¹ *The Federalist* No. 70, p. 449.

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“a man will be interested in whatever he possesses, in proportion to the firmness or precariousness of the tenure by which he holds it.”²² Simply put, an adequate time in office with the possibility of reelection was necessary in order to attract and retain men of ability as well as provide presidents the space to carry out “extensive and arduous enterprises for the public benefit” and “dare” to act their “own opinion.”²³ Separately, they embolden the executive to move beyond the “negative merit of not doing harm” and aspire to “the positive merit of doing good.”²⁴ Together, they point to accountability and ensure that executive energy remain republican.

As the following chapters argue, Jefferson’s understanding of executive power came to include the ingredients listed by Hamilton. With Hamilton, Jefferson came to believe that the executive branch could be unified, and therefore energized, by removing the executive council, and Jefferson was among the first to argue for providing the executive with a fixed salary. With regard to duration, Jefferson did not believe that a sitting president should be eligible for reelection, but his case for a term limit presumed that a term limit would strengthen, not enfeeble, the presidential office. And although Jefferson would later disagree with Hamilton concerning the powers of the president, he added the removal power to Hamilton’s list of powers needed by the president: to connect the formal powers of the Constitution to his role as agent of the people, Jefferson placed the hitherto unsettled removal power under the president’s command by attaching it to public opinion. This is not to say that Jefferson was “Hamiltonian,” for Jefferson was suspicious of Hamilton’s attempt to empower the executive branch, but it is to point out how striking it is that, once the Constitution was set in place, Jefferson attempted to make the president, not Congress, the leading agent of democratic change.

The central objective of this book, then, is to present Jefferson’s understanding of executive power, which consisted of three principles. First, the president unifies the will of the nation and thereby embodies it. The source of the president’s claim to embody the will of the nation is his mode of election; because the president is the single nationally elected officer, the president can claim, more than members of Congress, to represent the national will.²⁵

²² *The Federalist* No. 71, p. 457.

²³ *The Federalist* No. 71, pp. 464, 459.

²⁴ *The Federalist* No. 72, p. 463–4.

²⁵ The emphasis here is on the breadth of the electoral base, not its representativeness. To be sure, in almost two thirds of the states presidential Electors were chosen by state legislatures rather than by voters, and suffrage laws varied from state to state. The point, here, is that Jefferson emphasized the national basis for presidential selection. Stanley Elkins and Eric McKittrick, *The Age of Federalism* (New York: Oxford University Press, 1993), 741.

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Because the president must be able to execute that will, it must be surprisingly strong, or energetic. Second, because a constitution can never be adequate for the opportunities and emergencies that will arise, and because the executive is caretaker of the public good, the executive must sometimes act outside the law, or even against it, on behalf of the public good. But the condition for such discretionary action is that the executive “throw himself” on the people for judgment, and, in order to make that judgment as accessible as possible, the executive must avoid broad constructions of the Constitution. Third, in order to provide a standard by which the people can judge executive action, the executive provides “declarations of principle.” Such declarations allow for political change but also preserve constitutional limitations on power by enabling the people to judge executive discretion. Because this book presents this understanding as it unfolded over time, the remainder of this chapter will lay out these three components of Jefferson’s theory of democratic energy.

Executive Unity and Public Opinion

Before he became president, and more than any of his contemporaries, Jefferson spent considerable effort thinking about the connection between public opinion and constitutional change.²⁶ On some occasions, Jefferson went so far as to suggest that constitutions and forms of government were less important than the majority will.²⁷ But, on others, he allowed that the public could be wrong. On the simplest level, he admitted that his “fellow citizens” could be “hood-winked” by “extraordinary combination of circumstances” or by partisan maneuvering, and he characterized the Federalist period as a “storm” of “delusion.”²⁸ More important, he also believed that it was difficult for most people to rise above the horizon of their early education: “I have great confidence in the common sense of mankind in general: but it requires a great deal to get the better of notions which our tutors have instilled into our minds while incapable of questioning them; & to rise superior to antipathies strongly rooted.”²⁹ Accordingly, after he retired from public life, Jefferson founded the University of Virginia, partly because he

²⁶ Declaration of Independence, *TJW*, 19; Jefferson to Patrick Henry, 27 March 1779, *PTJ*, 2:237–45; Jefferson to David Humphreys, 18 March 1789, *PTJ*, 14:676–9; and Jefferson, “Response to the Citizens of Albemarle,” February, 1790, *TJW*, 491.

²⁷ Jefferson to Thomas Pinckney, 30 December 1792, *PTJ*, 24:802–4; Jefferson, *Anas*, in Paul Leicester Ford, ed., *The Works of Thomas Jefferson*, (New York: GP Putnam’s Sons, 1904), 1:249; and Jefferson, “Opinion on the French Treaties,” 28 April 1793, *TJW*, 422–34.

²⁸ Jefferson to John Dickinson, 6 March 1801 and Jefferson to Dr. Joseph Priestley, 21 March, 1801, *TJW*, 1084–6.

²⁹ Jefferson to Jeremiah Moor, 14 August 1800, *PTJ*, 32:102–3; and Jefferson, “Second Inaugural Address,” 4 March 1805, *TJW*, 520.