PRESIDENTS, PARTIES AND THE CONSTITUTION OF THE PEOPLE:
RECONSIDERING THE ORIGINS AND DEVELOPMENT OF THE
RHETORICAL EXECUTIVE

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ABSTRACT OF THE DISSERTATION

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Reconsidering the Origins and Development of the Rhetorical Executive

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This dissertation research focuses on broad questions of democratic practice and institutional design by way of examining the origins and development of presidential rhetoric. I challenge some of the reigning assumptions about the rise of popular executive leadership in America by showing Twentieth Century practice not to be completely innovative, but to stem from the interest of the modern executive in a rhetorical defense of its interests, as anticipates in the executive theory of Machiavelli and Hobbes. I also make the argument for Twentieth Century continuity with earlier presidential behavior toward public opinion by a natural tension between constitutionalism and theories of partisanship that stretches from Bolingbroke to Jefferson, and beyond.
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Chapter One: Introduction

Rhetoric in the Defense of Reason: Public Opinion and the Institution of the Modern Executive

In the well-governing of opinions consisteth the well-governing of men’s actions.
—Hobbes, Leviathan, XVIII

It is certainly permissible to think that personal power gains much from the confusion created between Prince and people, whereas if the distinction is well marked, the people is far more vigilant…the initiative in modern time has fallen to the executive, who is now misnamed.

--Bertrand De Jouvenel, The Principate

In recent years, the study of presidential rhetoric and its historical development has come upon the scene as the latest chapter in a much older debate centering around distinctions between the formal and informal powers of the American Chief Executive. This debate, in turn, was prompted by the unprecedented expansion and use of the executive branch by Franklin D. Roosevelt. Behavioral interpretations of presidential power called into question the adequacy of formal-Constitutional interpretations and attempted to capture the new, extra-constitutinal realities of presidential government. Legislative agenda-setting, personal persuasion and power-brokering, and the management of public opinion loomed larger than ever before in the successful performance of presidential responsibilities. As some presidential scholars, such as James MacGregor Burns, began to appreciate, and even to champion, the modern, informal presidency as the new, energetic force needed to bring together the centripetal politics of

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the burgeoning federal bureaucracy,² others started to question this embrace of charismatic executive administration. This new, personal presidency was viewed by some as a betrayal of true constitutional democracy, and an unwarranted encroachment on the legislative branch. Others indicated that, in the long run, informal power was no power at all, and only led to the illusion of strength and an ineffective executive.

Jeffrey Tulis’s *The Rhetorical Presidency*, following on James Caesar’s *Presidential Selection*,³ brought to the forefront of presidential studies the incompatibility of modern presidential appeals to public opinion with Constitutional forms and the intention of the founders. With Caesar, he placed the blame for this presidential innovation on Woodrow Wilson, pointing to Wilson’s extensive and well-documented scholarly apology for a new era of presidential leadership, buttressed by extensive use of popular rhetoric.⁴ To prove his case, Tulis documents the relative absence of such direct appeals to the people among nineteenth century presidents, and concludes that Wilson presided over a “transformation” of the presidency that sprung wholly from his doctrine of presidential “interpretation” of public opinion, wherein the president stood at the head of the people, divining their true interests and converting those interests into a presidentially-directed legislative agenda. Tulis’s thesis is designed to counter the thought introduced by early twentieth century progressives who would see direct appeals to the people as a natural or logical evolution in presidential politics, the product of some kind of Hamiltonian “genetic code.” While I am sympathetic with Tulis’s concern with


⁴ Caesar (1979), however, is more careful to note as well the departures from the founding intentions made by both Jefferson and Van Buren.
unhealthy patterns of presidential leadership developed in the Progressive era, I think that his theory of the genesis of executive rhetoric is too narrowly focused, and thus cuts off from view many of the historical and theoretical complexities regarding the development and future of presidential appeals to public opinion.

Over the past decade, several scholars have begun to offer some alternative accounts of rhetorical development among U.S. presidents. Richard Ellis’s edited volume, Speaking to the People⁵ suggests a few challenges: (1) Constitutional design provides for an independently elected executive of the people (emphasis on Morris and Wilson) who will be capable of resisting legislative tyranny and of promoting a policy agenda; (2) Andrew Jackson’s administration is proof of 19th century recognition of presidential policy mandates and a rejection of the 18th century view of presidential election based on individual character rather than policy program; (3) historical evidence shows that 19th century presidents used the party and the party press as a regular means of influencing public opinion; (4) a clear transition in rhetoric begins to develop around 1877 as presidential candidates begin appealing to swing voters by emphasizing ideology rather than party loyalty, a White House press corps develops under McKinley, and TR’s rhetorical style and relationship with the press through his second term completes the transition to a rhetorical presidency. The Bimes and Skowronek’s piece in this volume, which emphasizes parts of the Wilson corpus that Tulis does not account for, establishes Wilson’s credentials as a conservative attempting to preserve old patterns, rather than a radical transformer. These essays begin to make the case that the potential for a rhetorical relationship with the people is not foreign to the Constitutional design, and that

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the presidential interest in public opinion is a story of continuing development through the nineteenth century, reaching its maturity, so to speak, in TR and continuing into Woodrow Wilson’s administration.

Other recent scholarship, such as Michael Korzi’s, *A Seat of Popular Leadership*, and Milkis and Landy’s *Presidential Greatness*, emphasize the effect of the nineteenth century party system on presidential popular leadership. Rather than seeing “two constitutional presidencies,” that of the founders versus that of Woodrow Wilson, one recognizes in nineteenth century practice a “third way.”6 Within the confines of democratic, party accountability to party principle and ideology, presidents were plebiscitary and powerful, yet restrained. If one narrates the story of the pre-modern president in this manner, one is forced to consider that the forms of presidential leadership in this period were sustained not by founding-era doctrine but by a constitutional counterrevolution of sorts that was intended to check the more excessive possibilities of the original founding design. Rather than to be impressed by the abiding strength of founding doctrine in the nineteenth century, we should take notice of the fact that this period of relatively reserved popular leadership style is an extra-constitutional departure.

In making the case that the American executive’s turn to popular, policy-oriented rhetoric around the turn of the 20th century arises out of the internal logic of that institution rather than from a completely innovative turn away from its intended purposes, one must broaden the context in which one views the framers of the executive

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office. One certainly should, on the face of it, assume that those who met in Philadelphia in the summer of 1787 had no intention of unleashing a demagogue or a democrat into the Constitutional scheme. Rather, we see a clear intention amongst the framers to proscribe demagogic behavior in the office of the President. Indeed, in the face of objections to the office by Anti-Federalists and others, the defenders of the institution take great pains to show that presidents will not behave in such ways, that they will not come to resemble the popular, demagogic Caesars of antiquity. Yet, despite their stated intentions, their careful constitutionalism, and their hopeful defenses of the office, the partisans of the “energetic executive” that won the day in Philadelphia drank deeply from the springs of a broader tradition: they are heirs of Machiavelli’s modern executive. The “unintended” rhetorical behavior of 20th century presidents may be more precisely a case of the “unforeseen” working out of an intended institutional dynamic or purpose, or of less dominant descriptions of executive potential that were obscured by more dominant apologies for the publicly reserved nature of the office. I believe that the founders did, indeed seek to create an office that would resist the excesses of democracy, protect the constitutional and legal order against momentary popular whims of the people and stand as a tribune of sorts: one above the fray, ready to protect the unity and constitutional foundations of the political order. But the founders never formally proscribed the

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7 Caesar, Presidential Selection, and Tulis, The Rhetorical Presidency.
8 Tulis, responding to Nichols’s argument that the rhetorical executive arises out of a sort of “genetic code” of institutional design, concedes that the doctrine of certain founders may be outstripped by actual structural features of the Constitution: “It can be argued that the founders created an office that, by virtue of its place in the system, inclined its occupants toward popular leadership. Thus one could strengthen Nichols’s case by arguing that popular leadership is an almost ineluctable consequence of other commitments made by the founding generation, whether or not those implications were understood by the founders themselves. It is in this sense that the rhetorical presidency may have been built into the constitution’s “genetic code.” Jeffrey K. Tulis, “Reflections on the Rhetorical Presidency in American Political Development,” in Ellis, ed., Speaking to the People, 214.
president’s power of speech. It is a possibility, then, that the chief executive could, without betraying the intentions of the framers, use rhetoric and appeal to opinion to preserve the political order, to protect rights and to stem the tide of radical democracy; in short, to use opinion formation as a conservative force true to the spirit of the rationalistic foundations of American constitutionalism and its uneasy inclusion of the Machiavellian executive.

In order to get at this possibility with more clarity, it is important to establish what are, exactly, the purposes of the modern executive. We can glean from the broader theoretical landscape the institutional logic of the modern executive in which the American presidency shares, and from this determine if a turn to rhetorical strategies is warranted by the internal logic of the institution (its interest) under certain conditions. In this sense, a founding-era bias against popular presidential rhetoric is just that: a momentary bias of a particular era, liable to be outstripped by the more lasting logic of the institution selected by the political actors of that era, and the tradition in which it shares. We know from accounts of the Constitutional proceedings in Philadelphia that the future behavior of the presidency was indeed an open question, that no institution was more ambiguously framed and more widely mistrusted.9 Alexander Hamilton, himself the most ardent defender of the energetic executive warned of its unpredictable behavior. As to the charge circulating about the proposed executive that it was inconsistent with republican government, Hamilton could only answer that the proponents of the institution could only hope that it was not, for it was necessary nonetheless.10 Founding intentions for the institution as to the president’s rhetorical behavior, while historically meaningful

10 See Federalist #70.
and powerful in setting behavioral precedent, are not the end of the story. The founders knew, and none better than those most closely allied with the idea of the energetic executive, that the executive they adopted would be capable of great flexibility and virtuosity in pursuit of its own logic of modern governance and statecraft. The institution’s flexibility extended, even in the imagination of some founders, to the prospect of unity and power generated by a popular relationship to the multitude. James Wilson, at the Pennsylvania ratifying convention, proclaimed that, “The President, sir, will not be a stranger to our country, to our laws, or to our wishes. He will, under this Constitution, be placed in office as the President of the Union, and will be chosen in such a manner that he may be justly styled the man of the people.”

George Mason, speaking at the Constitutional Convention, mirrors Wilson’s insight, yet from a more pessimistic vantage: “We are not indeed constituting a British Government, but a more dangerous monarchy, an elective one.” For the logic of modern republicanism and its relationship to public opinion and rhetoric, one must turn to the founder of modern executive theory, Machiavelli, and to his heirs, Hobbes, Locke and Montesquieu (to name a few in the line of succession that leads to Hamilton and Publius).

13 Forrest McDonald makes the case that Machiavelli and Hobbes were very influential to American founding thought, even if indirectly. Both were widely read in the English speaking world, even to the vulgar. “A Farmer,” probably John Francis Mercer, recognized Machiavelli as a teacher of great discernment, criticized by both tyrants and republicans because he was not properly understood. “He was studied by most of the political thinkers whom Americans read, and thus they felt his influence indirectly,” says McDonald. Sir Walter Raleigh and Francis Bacon, for instance, were both disciples of Machiavelli. One specific concept that had direct influence on founding debate, out of Machiavelli’s Discourses, was that a constitutional republic contained naturally competing factions of the rich and the people that needed to be balanced constitutionally. Gouverneur Morris’s proposal at the Constitutional Convention that each class be given a branch of Congress reflects the influence of Machiavelli’s thought. “Machiavelli’s maxim that every republic, from time to time, must purge itself of inevitable corruption by making a revolutionary return to founding principles” was also cited approvingly by the founding generation. Because of the way Machiavelli formulated his theories, however, Americans were more apt to adopt his thought through the
Briefly, the characteristics of the American executive that follow from the theoretical tradition of the modern executive are (1) the unitary (single) number of the office, (2) the prerogative (to use Locke’s term) or supra-legal role it plays in confronting crisis or legislative shortcomings, (3) its place as the ultimate insurer of physical security and order for the regime, and (4) the maximization of any resources that might contribute to this security, whether it be political unity or economic strength, or whatever necessity may require. To be sure, these characteristics and their purposes, as delineated by Hamilton in Federalist 67 through 77, are integrally intertwined. The unitary number of the office supplies the executive with the strength of speed and decisive action and relieves him of the burden of deliberation characteristic of legislatures or councils. The role of the executive is further defined in contrast to the law and the legislature by its responsibility for guaranteeing within the political order an agent that may act decisively upon the inevitable instances to which law does not speak or speak clearly. This prerogative judgment is an invitation to the officeholder’s virtue and statesmanship. In this way, the executive is particularly suited to crisis politics. Finally, the number and the prerogative of the executive are such that the executive is fit to preserve the state. The particularly modern feature of the modern executive is that it takes its shape from the conquest of nature, rather than from some set of virtues said to be prescribed by the natural order or by God or scriptures, however they may have been defined in classical, Christian or Renaissance-humanist terms. The responsibilities and conduct of the modern executive are defined by a call to defend the state from the physical insecurity that never thought of others who were to “dilute the mix,” as McDonald says. As for Hobbes, his thinking had “penetrated the minds of Americans more pervasively than Americans knew or would have found it politic to admit. Forrest McDonald, The American Presidency: An Intellectual History (Lawrence: University Press of Kansas, 1994) 39-44.
ceases to threaten it to some degree or other. Powers must be granted to the executive accordingly. But, as the amount of power needed to confront a potential crisis is uncertain, the executive must, theoretically, have unlimited power. In a constitutional or mixed regime, however, efforts are made to limit the reach of the executive, especially in times of “normal” politics. Nevertheless, the claim of the executive, despite whatever limits the legislature or public opinion put on him, is to the maximum power required to meet the maximum possible threat to the state’s security and prosperity. That is what it means to employ a modern executive. The executive is present to ensure the core requisites of modern man in modern politics: bodily security and material prosperity. These, it is hoped, will lead to liberty.

The question arises, then, as to what power is needed to maximize security and prosperity. The resources of power are numerous, and vary according to the regime. The chief goal of executive power is to maintain the ability to effectively wage war. This, in turn, is greatly dependent on the prosperity of the regime. The prosperity of the regime and the ability of the regime to effectively wage war often rest on the politics of the social order, the unified will of the political community. There is, then, the possibility of a constant bargain of sorts between the executive and the legislature and between the executive and public opinion. Legislatures and the public give power and support to executives in exchange for security and prosperity. The executive’s path to the power required to perform his institutional purpose often lies in the unity of public opinion. As we see in the work of Machiavelli and Hobbes, such unity may often come easily, flowing from the traditions of a long-established and stable political regime. But the political unity required for the achievement of security and prosperity may occasionally
require intervention. An executive’s concern to affect opinion is not, then, always a case of irrational or partisan demagoguery, though there may inevitably arise differences over the right path to security. Wise or rational execution of government, Machiavelli and Hobbes argue, relies on management of public opinion.

Niccolo Machiavelli’s *Prince* marks a critical moment in political thought that reverberates far into the practice and philosophy of modern statecraft. His bold rejection of classical and medieval standards of governance established a new foundation for modern politics. From his thought springs the end of the modern republic: a powerful, secure and prosperous state grounded in the harnessed strength of its populace; and the chief agent for this end: the single, cunning executive. For him the glory of the state is the glory of the prince, and so, the skill of the prince is set on making a glorious state. There lay in the way to this glory, however, several obstacles. A ruler’s commitment to Christian and philosophical virtues will result in a slavish pursuit of the unreal, a pursuit of virtue that is bound to fail in a world of vice. A chief companion to these ancient ways is a respect for law, and its supremacy over judgment and leadership. In Machiavelli’s new definition of virtue, a prince must be freed from the bonds of law and be liberated to respond with cunning and speed to the constantly emerging challenges to the security and unity of the political order. Success in affairs of state requires that there exist an individual prince with complete freedom of action to perform with speed where deliberation is too slow, and to act with craft and cunning where law and procedure have not foreseen their own limitations.

Another way of framing Machiavelli’s break from classical, Aristotelian modes of thought is by looking to his attitude toward nature. Rather than a pattern for the just, the
good or the virtuous, nature becomes an unpredictable, looming force threatening at every turn to dash into pieces the plans of men. Rather than a beneficent ideal, it is an object of conquest. The forces of nature and history, or fortuna, as Machiavelli calls them, hem in the range of human choice and possibility. Given this limited scope of opportunity, the virtuous leader must maximize his creativity, vision and latitude for choice if he is to secure his chief end: the power and glory of the state. Freed from the burden of executing heavenly edicts or the directives of the law, the modern executive is empowered to use any means that necessity dictates. As Harvey Mansfield states, Machiavelli’s modern executive “will execute the decrees of natural necessity.”

One sees in The Prince a study of leadership in a multitude of circumstances, each calling not for a single set of moral rules for behavior, but for an almost limitless variation of responses to circumstance in the interest of ordering the state. The free hand of the virtuous leader is the key to securing the best political order. As he advises in Chapter 15 of the Prince, “Hence it is necessary for a Prince who wishes to maintain himself, to learn to be able not to be good, or use goodness and abstain from using it according to the commands of circumstance.” In a world of evil men, the good man will not succeed; or, the good man must embrace immorality to effect goodness.

A central theme in Machiavelli’s “new modes and orders” is the skill of winning support of the people. In the Machiavellian calculus, of course, fear, not love, is the true basis of support and political stability. However, fear comes in many forms, some more and some less direct. Harsh and cruel acts such as public executions may engender fear, but the rhetorical celebration of martial virtues and imperial greatness is also a means of

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connecting the citizen to the “natural necessity” or fear that the Prince obeys himself. Physical force and rhetorical force are both important means to securing the people and tying them to the greatest end: the glory of the state. Machiavelli explores two essential regime types, principalities and republics; and in each fear must be called upon in different ways. In the republic, examined in Machiavelli’s *Discourses on Livy*, the statesman may foster long-standing traditions that rule the people from the inside out. Order and unity are preserved out of habit and civic virtue. In principalities, examined in Machiavelli’s *Prince*, the people must be courted by fear and by spectacles of the prince’s power over life and death, such as public executions of political enemies. Disordered and tumultuous regimes call for more drastic measures.

**Machiavelli and the people**

We see Machiavelli’s concern with opinion in three main areas: the identification of the people as a “resource” of power, the need for consolidation of power in the face of competing or lesser elites, and his concern with an array of means to stability and/or legitimacy that may operate in lieu of coercion, or as its complement. Overlying these three areas of concern is Machiavelli’s overarching concern for the overthrow of “inflexible,” idealistic Christian and humanist rhetoric and ideology. Religious opinion may be encouraged instrumentally, but it is by its essence anathema to the strength of the state and the power of the prince who preserves the state.

For Machiavelli, government must appeal to the people: they should feel that they are being ruled by their consent, that they are willing participants in the projects and taxes
of the state.\textsuperscript{15} Mansfield identifies this as Machiavelli’s concept of “indirect government:” “An appeal to the people is not aimed at their good nature or impartiality. It is rather the means of involving them in the necessities of government they would much rather ignore.”\textsuperscript{16} In Machiavelli’s calculus, the coercive necessities of government should be muted as much as possible since a willing citizen is much easier to rule than an unwilling one. Of course, coercive force must show itself occasionally in order to remind the people of its necessity, but then it should be done swiftly and suddenly. In other words, the state’s executions inspire the greatest awe and pose the least threat to the executive’s popularity when they are not meted out over an extended period of time. The prince’s power is born both of awe and fear on the one hand, and a sense of participation in, or tacit consent for, the ends of the state on the other. Emphasis on either of these two strategies absent the other yields what are often taken in political theory to be competing characterizations of Machiavelli. On the one side he is Machiavelli the civic republican; on the other he is Machiavelli the realist “teacher of evil.” The key to Machiavelli, however, is the marriage of these two elements. The consolidation and preservation of power is sometimes best achieved through the instrumental use of civic virtue, civil religion, and republican rhetoric.

The Machiavellian appeal to the people is also based on the power that “the many,” or the multitude, represent. Locke’s republican principle, rooted in the physical power of a numerical majority, shares in this logic. While the many are not capable of ruling, their favor must be courted in order that challenges to power might be averted and that momentary hard times might not bring undue criticism of the prince. Machiavelli

\textsuperscript{15} Mansfield, \textit{Taming the Prince}, 141-142.  
\textsuperscript{16} Mansfield, \textit{Taming the Prince}, 140.
writes: “It is necessary for the prince to possess the friendship of the people; otherwise, he has no resource in times of adversity.”

Popularity also has its benefits with reference to competing political elites. The prince must maintain a delicate balance between his relationship to the people on the one hand and his relationship to the nobility on the other. Security in this regard is directly related to popularity: “It is very difficult to conspire against one who has a great reputation.” When given the choice of basing one’s power in the nobles or in the many, Machiavelli recommends the many:

He who becomes prince by help of the nobility has greater difficulty in maintaining his power than he who is raised by the populous, for he is surrounded by those who think themselves his equals, and is thus unable to direct or command as he pleases. But one who is raised to leadership by popular favor finds himself alone, and has no one, or very few, who are not ready to obey him.”

This logic of the one and the many has many a reprise in modern republican thought, most notably in 16th and 17th century British political thought. Distinctions in Bolingbroke and other anti-partisan thinkers between country and court parties hinge on characterizations of the disabling corruption of the scheming court nobles and the relatively virtuous alignment of the many with the wider ends of state. A numerically broad republican basis of power is a surer footing for power than the competing claims of favor-seekers. Bertrand de Jouvenel, in his classic treatise, Power, describes this phenomenon as “logical” to the advancement of state authority: “Mark this well: by its

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18 Machiavelli, 67.
19 Machiavelli, 36.
own inner logic the same impulse embarks Power on two courses—the diminution of social inequality, and the raising and centralizing of public authority."\textsuperscript{21}

Of course, the genealogical line of the American executive from Machiavelli to Hamilton and his fellow partisans of the energetic executive is modified by important contributions from other thinkers. The concept of the modern executive is passed through the thought of other important political writers such as Hobbes and Locke, who, as Harvey Mansfield has shown, “tame,” or institutionally contain, Machiavelli’s prince in several ways. At a foundational level, though, these thinkers accept Machiavelli’s presuppositions concerning the limitations of law and the need for skillful ingenuity in preserving a political order in the face of cruel and arbitrary nature. At bottom, for these modern theorists, the state must have the potential power within it to withstand whatever threat may arise to its security. And as the threats posed by fortune or nature are unlimited and open-ended, those who embrace the modern executive embrace an element within their politics, which is likewise unlimited and open-ended in its potential. As Mansfield writes, “All authorities on the topic confirm that no law or system can actually ensure the behavior it summons without depending on an executive who is at least in part outside the law and not explained by the system.”\textsuperscript{22} In this sense, an examination of the formal system of which the executive is a part cannot tell us all there is to know about the potential behavior of the executive. Under normal circumstance the executive may look like its constitutional self, but in times of crisis (temporary and permanent) or social upheaval it has the potential to take new paths. It is unfair, partisans of the modern executive would say, to call these departures unconstitutional. By accepting the energetic

\textsuperscript{22} Mansfield, \textit{Taming the Prince}, 297.
executive into the system from the start, the founders of the regime have made a choice to accept the logic and ends of the modern executive. They have accepted Machiavelli’s standard of power, security and unity, and have provided an effective means to those ends.

**Thomas Hobbes: rhetoric to end all rhetoric**

Hobbes shares in Machiavelli’s concern for unity and power, yet seeks to remove the arbitrary, prideful prince from his formula for order. In Hobbes’s thought “God made Kings for the People, and not People for Kings.” An order dependent on spectacles of sudden and captivating executions drops out of Hobbes’s more systematized concept of execution. Fear as a motivating factor to obedience and loyalty is not so external as it is in Machiavelli’s thought. In his system, all subjects of the regime participate in and consent to the acts of the sovereign by virtue of their individual obedience to the law of nature. The fear that motivated individuals in a state of nature must be reconstructed conventionally in civilized society so that people act reasonably and in their own best interest with regard to obeying a representative, though absolute, sovereign. The power of the king, for instance, is not the power of an outside force acting upon them, but a representation of their own natural desire for maximum security and liberty. The greatest loyalty to self resides in one’s loyalty to the sovereign. Conversely, the sovereign who seeks to maintain authority and loyalty must truly represent the most basic interests of his subjects by acting to secure them. The sovereign’s actions are dictated by the demands of nature, or what might be called “necessity;” the subject’s obedience to the sovereign is then obedience to necessity, not to arbitrary will. This Hobbesian balance between

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23 From Dialogue, see Mansfield, *Taming the Prince*, 166.
subject and sovereign is established when both the executive and the people obey the law of nature, which, in the main, is doing what fear dictates. The achievement of this balance lays the groundwork for a prosperous, peaceful and virtuous society in which private judgment is surrendered to the public reason of the sovereign.24

Hobbes’s regime is based on a concept of duty and it is important, then, that the people understand the foundation of their duty to the state. This achievement is particularly daunting in Hobbes’s view, in light of the nature of civilized society. Unlike the state of nature, in a political society men do not constantly have before them the motivation of ever-present insecurity or the fear of violent death. In civilized society they are exposed to reasons, doctrines and arguments that are prone to obscure or confuse the influence of the law of nature and its more rational call to security and order. Men forget the source of their true security in the distractions of vanity and reputation, or the impractical pursuit of religious dogma. Once order has been established and the cultivation of the arts and sciences becomes possible, Hobbes’s thesis goes, the rule of brute force gives way to opinion-based authority.25 Physical warfare yields to doctrinal warfare and the rule of ideas and the intellectuals. The chief weapon of this warfare is language: the crafting of words into reasons. The world of language poses numerous threats to right action and the law of nature. Words are slippery, and in the wrong hands can be made to mean almost anything. They are at the mercy of those individuals most able to twist and shape them: poets, lawyers, preachers and politicians. In The Elements, Hobbes bemoans the fact that while speech is the very power that lifted man above the

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beasts by allowing the advancement of science through the invention of names and knowledge, it is also the faculty by which we “multiply one untruth by another,” exceeding the beasts in error as much as in science.”  

Those rhetoricians who produce and define language cannot be trusted to reason or teach in a way conducive to proper obedience to the sovereign. Reason can only be trusted when it is motivated by fear. But the reasoning of these public teachers and intellectuals, according to Hobbes’s anthropology, cannot but be motivated by their individual claims to rule: their private interests. The private or factional interests of those who propound doctrines and ideologies constantly put the interest of the public in jeopardy. “The sole rationale behind theological doctrines,” Hobbes writes in his Behemoth, “is to redirect towards the clergy obedience due to the Crown.” This threat forces Hobbes to consider the importance of opinion in politics, as well as the influence of opinion-makers in positions of power, especially legislative power. The duty of the citizen to the sovereign (and thereby themselves) is threatened by the rhetoric of “private” interests.

Hobbes’s formal answer to this difficulty is that the sovereign should be absolute and indivisible. The legislative power and the privately-motivated rhetorical claims to governance that it engenders should not be allowed to exist independent of the sovereign. This both demonstrates the permanently critical relationship that the executive has toward the legislative and anticipates such developments in executive theory as Locke’s recognition of a prerogative power for the constitutional executive and the eventual effort by the American framers to wed the executive to the legislature by means of shared

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26 BL Harl. MS 4235 fo.23 from Skinner, Reason and Rhetoric, 293.
powers (such as the veto) in the American Constitution. The interest of the executive, or sovereign, in Hobbes’s terms is challenged by the dynamic of a legislature. Firstly, because they have no part in the administration of government, they lack both the knowledge and interest of the one responsible for the execution of government. Secondly, legislatures foster factional, parochial and even private claims. They are hotbeds for personal political ambition and stages for divisive rhetoric. As Hobbes observed first-hand in the famous Parliaments of the 17th century, legislatures may tend to breed demagogues, and demagoguery can lead to disorder. But while Hobbes’s formal ideal may be a regime without an independent legislature, his critique of the politicians, clergy and lawyers, presages an inherent interest by the modern executive in counteracting the influence of private claims in favor of the claims of public necessity and the political good of the whole nation.

Another aspect of Hobbes’s theory that is germane to this point is the way he joins power and right. We may often think of Hobbes as a theorist of power plain and simple, but this is only half of the picture. He is equally a theorist of right and legitimate authority. For him power and right must be aligned, or else power is illegitimate and bound to fail because of its misalignment with the interest of the public. While in his early writings, such as *De Cive* and *The Elements*, he may have presented the relationship of power and right as axiomatic, a pure, unalterable reality, his later work, especially *Behemoth*, takes the politics of disorder into account and attempts to account for the ways that legitimate authority may be dismantled. The chief culprit, he finds, is the manipulation of opinion. The ramparts to the stronghold of right are guarded by

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28 Mansfield, *Taming the Prince*, 164-165. (See the footnote.)
opinion and those who control opinion are most able and most likely to disjoin power and right. So while the rationalist in Hobbes rejects demagoguery and rhetoric, he finds that reason may require a rhetorical defense of its own.\textsuperscript{30} To use the analogy of the 20\textsuperscript{th} century progressive’s paradoxical hope of a “war to end all wars,” Hobbes seeks, in a certain way, a rhetoric to end all rhetoric. As Skinner describes, Hobbes’s eventual view, “even if it is possible to argue deductively about moral and political principles, our arguments will never be persuasive unless we enforce them with the arts of eloquence.”\textsuperscript{31}

We witness similar insights from other contemporaries of Hobbes. Francis Bacon, in Book 2 of *The Advancement of Learning* posits that, “eloquence is needed to wrestle the imagination away from its focus on affections toward a focus on reason.” For Bacon, as well as Hobbes, rhetoric is inferior to wisdom and science, but as Bacon notes, “with people it is more mighty.”\textsuperscript{32}

Hobbes’s defense of the sovereign’s right and the people’s duty, set as it is in the chaos of civil war fueled by preaching and the disruptive pronouncements of a rebellious parliament, confronts head-on the problem of rhetoric and popular opinion. In many senses, Hobbes’s philosophy resembles Plato’s in its struggle against “mere opinion” on behalf of reason. In opposition to classical Greek thought, however, he rejects the notion that there is no reason without speech. Rather, in Hobbes’s earlier thought, speech and rhetoric are opposed to reason. Political speech cannot achieve the exactness of scientific principles of statecraft. Law must conform to scientific principles and should be protected


\textsuperscript{31} Skinner, *Reason and Rhetoric*, 15, see as well pages 1-15 for an outline of Hobbes’s evolution and eventual tempering of his rationalism with classical-humanist insights.

\textsuperscript{32} Skinner, 90.
from the polluting and corrupting influences of rhetoric. Scientific procedures are self-evident and require no persuasion. Hobbes’s strikingly sparse and methodical language and style in his early political works reflects his stern faith in self-evident science and his rejection of classical-humanist principles of argument and civic speech (such as Cicero’s observation, shared by Tudor humanists, that “Wisdom itself is silent and powerless to speak…wisdom without eloquence cannot do the least bit of good for cities.”). This early Hobbes position is strikingly similar to the grounds for the bias of the American framers against demagogues and for institutional buffers against momentary waves of mass opinion. But Hobbes demonstrates that from a foundational conviction identical to the founders, there is room for an embrace of rhetoric: not an embrace on Ciceronian or classical grounds, but one on enlightenment grounds, consistent with the ends of the modern executive. Holding true to his convictions about the dangers of rhetoric and the need for a scientific basis for politics, he moderates his earlier intolerance for rhetoric, coming to view it as an ally of his rational-scientific politics in the battle against the newest face of political disorder and demagoguery and a precursor to the coming reality of ideology and mass opinion: the preacher.33

As with Machiavelli he is wary of the influence of Christian and classical-humanist teaching on civic life. Christian rhetoric and ideology reinforce traditions and commonplaces inimical to the ability of the ruler to preserve the state. In the case of Hobbes, though, writing more than a century later than Machiavelli, the world has been re-shaped by the Protestant Reformation, an arguably proto-democratic movement that

33 I agree with Garsten on his reading of Skinner, that Hobbes’s turn back to humanist rhetoric is not a turn back to the humanist tradition, but a use of humanist-styled techniques for a new purpose. Garsten, 28-31.
amplifies the central Hobbesian political problem of individuals as judges in their own right. The civilized world is not only open to disruption by intellectuals and their dogmas; now each and every person has potentially become, by way of the “priesthood of all believers” and the proliferation of preaching, an intellectual in their own right. In this sense Hobbes is the first major theorist to deal seriously with mass opinion as we experience it today. Like Luther and Calvin, he is concerned with bringing order to the centripetal forces unleashed by the Reformation and its radical potential. For Hobbes, the key to reigning in the disorder wrought by the social and political forces of the Reformation was a rhetorical counter-offensive of sorts. Persuasion and rhetoric on the side of revolution and radicalism should be met by public persuasion on behalf of reason and rightful authority. In the face of disruptive rhetoric, the security and prosperity of the state should not be left undefended.

For Hobbes, norms and beliefs are tantamount to physical force in politics. Even apart from the backing of the sword, they motivate men to action. They are causes with very real effects. Hobbes frequently parades before his reader examples of how reality is often controlled by the unreal and how historical events are shaped by the pursuit of irrational ends. Standing in the way of political order and peace, then, is the proliferation of diverse norms or ideologies that claim the allegiance of persons or groups and redirect the actions of citizens toward private interests. This highlights a particularly important aspect of the interest of the modern executive. The state of opinion, in as far as it directs citizens away from key common purposes, is a threat to the ends of security and prosperity that the modern executive, by definition, is meant to defend. Partisanship and


35 Holmes’s introduction in *Behemoth*, xiv-xv.
appeals to group interests are, for similar reasons, inimical to the purposes of the executive. Free debate, an open press and the publication of various religious doctrines, in as far as any of these touch upon politics, threaten the freedom of action and the power of the sovereign to secure the public good. These freedoms allow for the establishment of external standards of judgment and sources of authority. The promotion of various doctrines in print or from the pulpit is a sure source of factions that, by definition, defies the interest of the executive in unity and the security that it provides.

Brian Garsten’s analysis of Hobbesian rhetoric in *Saving Persuasion* identifies in Hobbes’s political thought a rationalist-modernist function for rhetoric and, further, links it to the debate over sovereignty and public opinion amongst the American founders. Though Hobbes prefers the dynamic action of Caesar Augustus to the rhetorical leadership of Cicero, Garsten explains, there is an implied function for rhetoric in Hobbes’s critique. “He emphasized mistakes that had been made by mishandling matters of public perception and implied a managerial task for rhetoric when arguing about Augustus’s skill.” In “A Discourse on the Beginning of Tacitus,” Hobbes notes that “though violence cannot last, yet the effects of it may; and that which is gotten violently, may be afterwards possessed quietly, and constantly.” Augustus is praised by Hobbes for reinforcing his authority with rhetoric: “And now having power over the bodies of the people, he goes about to obtain it over their minds, and wills, which is both the noblest and surest command of all other.” Rhetoric is thus re-purposed in the service of the reason of state, from its earlier classical-humanist role to a more manipulative function of reinforcing the rule of the sovereign.

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Garsten’s application of Hobbes’s thesis to the American founding is very helpful in identifying important divergences of thought, particularly between Madison and Hamilton. Counter to Hobbes, Madison sees the alienation of private judgment as nonnegotiable. All citizens should be able to retain their right to judge. Factions and interests should be allowed to flourish and demagoguery tolerated in the factional, localized politics of a federal system. The constitutional structure of representation provides for a representative scheme that will yield a coherent, deliberated outcome without forcing anyone to alienate their judgment to a sovereign.37 Hamilton, following the Hobbesian trajectory, notably prefers a unified sovereignty to stand against the twin dangers of factionalism and class jealousy. This logic for public appeal is picked up once again by presidents in the Progressive era, following the re-making of the sovereignty question in the aftermath of the Civil War and the push for a national union that weakened some of the long-standing reverence for federalism.

This distinction between Madison and Hamilton looms quite large in their debate over the power of the American presidency in the 1790s. Among his many objections to Washington’s Neutrality Proclamation of 1793 was the claim that by assuming such a broad grant of powers in the executive clause, the president completely sidesteps the legitimately collected and refined will of the nation as represented in the legislature. In Helvidius I, a journalistic response to Hamilton’s defense of Washington, he wrote, “To say then that the power of making treaties which are confessedly laws, belongs naturally to the department which is to execute laws, is to say, that the executive department naturally includes a legislative power. In theory this is an absurdity—in practice a

37 In this Garsten parts ways with Wolin (“Vices of the Political System”), who emphasizes the anti-democratic possibilities of constitutionalism and the need to “modify the sovereignty” to avoid the extremes of absolute rule and small republic demagoguery. Garsten, 202-203.
tyranny.” Demonstrating a distinctly American theory of representation, he finds Locke’s and Montesquieu’s theories to be “warped” by a fondness for the British model of government. Locke’s chapter on prerogative upon which Hamilton defends the administration’s policy, is evidence of a philosophy “clouded by the royalism of an Englishman.”  

The representative function of the president that dominates and defines the Progressive view of the office in the early 20th century shares in the Hamiltonian view of sovereignty while transgressing the Madisonian ideal. The assumption of this role by presidents developed gradually over the course of the 19th century as its benefits were learned and its temptations beckoned in the growth of democratic nationalism, economic complexity and federal administrative function. The tool of rhetoric in the hands of the modern American executive would become an aid to the maintenance of public acceptance for an increasingly active, distant and complex government. As political commentator Bertrand De Jouvenel observed about the evolution of executive power from the 19th into the 20th century: “as the executive becomes more active, it becomes more personalized.”

Conclusions

Given the attention that is paid to public opinion by Machiavelli and Hobbes, the earliest progenitors of our modern executive theory, what can be said on behalf of the case for an endemic institutional interest in popular rhetoric on the part of the American executive? Can we identify the American president’s turn toward rhetorical appeals on behalf of specific policies, foreign treaties and pending legislation as an institutionally

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38 Alexander Hamilton and James Madison, Letters of Pacificus and Helvidius (1845) with the Letters of Americanus (Delmar, New York: Scholars’ Facsimiles and Reprints, 1976) 57, 56.
natural or logical means to ensure the core interests and responsibilities of the executive? 
Or should we see this turn-of-the-century development as a demagogic innovation, 
foreign to the intentions of the office, as Caesar and Tulis would argue?

There are obviously many questions not addressed here that would help us further 
along in deciding this debate. First, there are questions of how the earliest executive 
theory of Machiavelli and Hobbes is translated and passed on through Locke and 
Montesquieu to those who argued on behalf of the energetic executive of the American 
Constitution: Hamilton, Wilson and Morris, to name a few. How are the key dynamics of 
this institution directed and contained within the institutional structure of the Constitution 
of 1787? It is also important to consider the political development of the American 
presidency: to account for the many postures of presidents toward public opinion and 
their reasons for abstaining from direct popular appeal in the nineteenth century and 
engaging in more active rhetoric in the twentieth. How do the strategies of the 
Jeffersonians and the founders of the party system to further contain executive power re- 
define the possibilities of presidential popular appeal? Do their attempts to confine it 
through the extra-constitutional and informal strategies of party paradoxically arm the 
executive with new weapons of popular impact?

As for the core, bedrock principles there are several that are established by 
Machiavelli and Hobbes and passed on through the American institution: (1) allegiance 
and a feeling of obligation and duty to the regime are sources of power to the prince or 
sovereign; (2) while the threat of the sword is necessary for governance, the willing 
support of the public is a much safer and preferable source of stability; (3) institutionally 
speaking, the executive inherently mistrusts and looks to minimize private or factional
claims to political power in the interest of maximizing the unity of the public in pursuit of
the public goods of security and prosperity; and (4) that while tradition and a regular
system of law is often the best means to the end of political unity and an ordered regime,
the prince or sovereign must, in the interest of re-establishing such an order, address the
sources of factional opinion and religious doctrine (the two are often one thing for
Hobbes and Machiavelli). Beyond these principles, Hobbes’s own intellectual
development on the matter of reason and rhetoric exemplifies that the mistrust of
demagoguery that was present in the debate of the American framers over the presidency
is not inconsistent with a conservative, centralizing rhetorical strategy that seeks to guard
an ordered political state against disordered, divisive or radical class politics. Preserving
this kind of order in a state hurtling from a federal-constitutional republic toward a state
transformed by democratic politics and habits, and after that an industrial reorganization
of American life, would seem to call forth this seemingly democratic rhetorical strategy
from the American executive. As the mediating institutions and political parties that
ordered the political life of the early American republic disappeared or were transformed
by urbanization and bureaucratic centralization, and as the nation entered an age of
discordant mass opinion, it would seem that the purposes of the modern executive,
bequeathed to the office by Machiavelli and Hobbes and passed on through Hamilton and
his allies could be served by a “rhetorical presidency.”

Following on the argument here about the logic of the modern executive, Chapter
Two examines the debates between the American founders at the time of the
Constitutional Convention over the nature of executive power and its connections to
public opinion. There are two main poles to their arguments. At the one end, they
envision the federal executive as an antidote to the type of inefficient administration seen in the legislature-dominated state governments. The whims of popular will and the demagogic speeches that swept these legislatures to and fro were to be avoided in the design of the new government. A unitary executive, institutionally removed from momentary shifts in opinion, and anticipated to be of a character national rather than parochial, would have some electoral independence and breathing room to administer the government wisely. In this sense, he was meant to be an anti-demagogue. At the other pole of presidential logic coming out of the founding philosophy was the dynamic of republican power generation. Wilson and Hamilton subscribed closely to the thought of British historian William Temple who posited that power, “arising from Strength, is always in those that are governed, who are many…[Authority,] arising from Opinion, is in those that govern, who are few.” Republican government was strong because it was built, as a pyramid, on a wide base. Toward this end, several of the founders worked to establish the authority and prestige of the presidency by allowing his election to be independent of the legislature. His direct responsibility to the public was to allow him to both claim credit and to incur blame for his administration. Even envisioned as a “man of the people” and a protector of the powerless, he was to be a popular focal point and source of strength and unity through a link to the many.

Discussed in Chapter Three is the development of the first important bridge to presidential popular leadership, the Jeffersonian opposition movement and the subsequent reaction of the Hamiltonian Federalists to it. The myth or ideal of a non-partisan

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president and a mechanistic constitution is betrayed by the almost immediate rise of important differences over presidential powers, the influence of presidential popularity in the representative design of the legislature, and other inherent differences of philosophy over the design of the governing document. Perceived failures or betrayals of the system in practice give rise to the strategy of organized opinion formation through collective action. Being careful to couch their partisanship in terms of a temporary measure to combat a momentary corruption, each side in the fierce struggle over the meaning of American republicanism in the 1790s holds out hope for a relatively homogeneous state of opinion. Yet even as they hold out this hope, they begin to acknowledge the dynamics of opinion and political debate that will inevitably require active engagement of public opinion leadership.

Jefferson’s presidency and subsequent party leadership, discussed in Chapter Four, illustrate very early tendencies in the presidency both to coordinate the activities of the legislature and the party, and to actively pursue the legitimacy of administration practices through the engagement of public opinion. Here the Jeffersonian-inspired distrust of executive power meets the Hamiltonian-inspired project of bringing greater and greater authority to the central government. Though Jefferson embraced a formal interpretation of the Constitution, his instinct to go off the page into informal uses of the office and outright breaches of constitutional limits, were inspired by a deeper belief in the ongoing struggle between leaders that “cherished the people” and those that did not. Prerogative, partisanship and informal leadership were all fair game in seeking to maintain the republican balance between these permanent and universal causes of political corruption and disunity.
Though it would seem that the “era of good feelings” presided over by the Monroe administration would bring the nation closest to its ideal of non-partisan unity celebrated in Washington’s Farewell Address, Jefferson and his heir, Van Buren, would characterize it as a cover for the resurgence of Federalists aligned with “monarchical” and “consolidationist” interests. As discussed in the latter part of Chapter Four, Jefferson realizes that the defense of his vision of federalism and self-government, his vision of the Constitution, would require continued, organized defense. And it is in this spirit that he encourages Martin Van Buren to take up the battle and re-engage the partisan fight and to re-constitute the nation through the institution of the Democratic-Republican Party.

In Chapter Five, I discuss Van Buren’s philosophy of party and the system of competitive parties, and detail its impact on the rhetorical behavior of nineteenth century presidents. The two-party system is envisioned as a means for vigilance that makes clear the distinctions between those that pretend to represent the public will. It also allows a federal, decentralized structure of party leaders to hold their officeholders, including the President, in check. The party system thus reduces the personal and independent nature of the office. Presidents in this system are less apt to speak for themselves and, while intensely interested in public opinion, less apt to engage in direct appeals. Van Buren’s system thus interrupts or redirects some of the constitutional dynamics that left presidents in an unmediated relationship with the people. Progressives would have to challenge this containment of leadership in order to establish a more personal and independent presidential relationship to the people.

Chapter Six identifies the turn to the active and personal model of presidential opinion leadership as part of a general conservative movement to establish a bureaucratic
national order in the face of radical challenges to the modernizing state, appeals to old Jacksonian populism and new movements of radical labor and farmers. The threat of disorder and “irrational” leadership seen by many leaders in the leadership and rhetoric of figures like William Jennings Bryan and Eugene V. Debs, gives rise to a rhetorical counter-movement in which the populist style is taken up by progressive presidents Theodore Roosevelt and Woodrow Wilson. Inspired by the Hamiltonian potential for a unified, national administrative state released by the efforts of Abraham Lincoln and his recognition of the nation’s destiny as a consolidated whole, both men look to carry this project forward against what they perceive to be ideological and organizational roadblocks to its success. Utilizing the connection established between the president and the people in the Constitutional tradition, as well as the informal or extra-Constitutional powers developed by the president’s historical bond with the party and its democratic tradition, they endeavor to regain a greater amount of executive independence from and assertion of power over party in order to meet the demands laid upon the president by the rise of modern industrial and international politics. Important to their project of establishing legitimate authority in their office for national projects is the defusing of class tensions through the assertion of traditionalist and nationalist rhetoric in the pursuit of policies and beliefs that would assuage the growing tension between labor and capital and between the common American and the new class of great wealth. Their conservative engagement of a democratic form, while seemingly anathema to the vision of the Constitutional order set forth by the framers, is shown to be quite in keeping with the chief ends of the modern executive assigned by those framers to the office of the President of the United States of America.
Chapter Two


“As a general marches at the head of his troops,” so should wise politicians, “march at the head of affairs, insomuch that they ought not to wait the event to know what measures to take, but the measures which they have taken ought to produce the event.”

--Notes on the First Philippic of Demosthenes, from Col. Alexander Hamilton’s NY Artillery pay book¹

Power, “arising from Strength, is always in those that are governed, who are many.” Authority, “arising from Opinion, is in those that govern, who are few.”

--William Temple, Works²

Neither the Constitution nor the framers of the Constitution speak of the American chief executive as an office of rhetorical politics; neither do they seek in any direct manner to proscribe the use of appeals to public opinion. What they do bequeath to the Presidency, however, is a particular set of political and institutional interests and relationships that when activated or pursued may result in the practice of direct popular appeals or other, less direct means to the end of unified public opinion. This is not to say that the President has a formal interest in rhetoric, but that engagement in such popular arts can be a natural or logical outgrowth of the design of the office and its place within the American political system. Periods of great rhetorical activity and of rhetorical inactivity can both be explained in terms of the strategic pursuit of political power in the

² Quoted in Forest McDonald, The American Presidency, 51-52. Temple was very influential in the thought of both Alexander Hamilton and James Wilson. Temple writes of the example of the Roundheads during the restoration of Charles II in 1660: they had a great army and ample revenue, but had lost the support of opinion. Hamilton makes reference to this in his “First Report on Public Credit.”
service of Constitutionally-determined ends: the protection of the public good by means of the interdependent dynamics of unity, security and prosperity. That is not to say that popular rhetoric cannot be pursued foolishly or recklessly, or in a manner that subverts the Constitution. Direct appeals to the public do not come without risk to the formal Constitutional system. Dependence on the momentary emotions of the people can be a source of weakness and a means of progressive erosion of independent executive power.³

So then, under what circumstances might we say that engagement in direct popular appeals is consistent with the ends of American executive power?

Formal powers, chances of re-election and the execution of certain presidential responsibilities are all potentially strengthened by the state of public opinion, and therefore call forth the potential strategy of public appeal. The Chief Executive will always have an interest in steering opinion or having it steered by surrogates. Many means are available for doing this: the taking of or refraining from formal public action, displays of personal virtue, symbolic statements or actions, the rhetoric of agents speaking on one’s behalf, or direct rhetorical appeals. American chief executives have employed all of these means to one degree or another since the beginning of the republic. Direct appeals, however, came with more frequency in the twentieth century. A high-risk strategy early in the republic’s history, it rapidly became politically more acceptable for presidents to use it in pursuit of their constitutional responsibilities and the political interests given to them by their formal institutional constraints. I will argue that the means of influencing public opinion vary in type and frequency depending on the potential payoff of such strategies. Early in the republic’s history we encounter

³ Jeffrey K. Tulis, The Rhetorical Presidency. As Tulis explains, excessive dependence on public opinion inhibits the President’s ability to perform his Constitutional role as a relatively independent institutional actor designed to be resistant to erratic popular opinion for the sake of administrative stability.
“patrician” presidents whose reputations as “fathers” or founders allowed them a special relationship to the public. These men could afford to be less partisan and to influence opinion by way of their personal example and the public import of their administrative choices. Early presidents were also concerned centrally with establishing core constitutional understandings and with the working out of those understandings by establishing precedents for future governments. Speech was naturally “constitutional” in this era because the major political debates of the day bore heavily on disputed interpretations of a young American constitution. Federal politics were for the most part constitutional politics. Presidents were also not yet in a position of power and centrality equal to that realized in the twentieth century. As Stephen Skowronek describes it, the American state, up until the late nineteenth century, was chiefly “a state of courts and parties,” administered loosely and locally. Hamilton’s vision of an advanced, administrative, commercial republic had not yet come to fruition. In this phase of American politics direct appeals from the chief federal officer make very little sense; assertion of his place as a national leader was an especially controversial proposition. The political culture was still organized around local centers of power, and presidents were, to a great extent, the servants of political parties, the political product of a coalition of regional interests. Bold federal action and presidential independence in this period of political development was, for the most part, neither possible nor acceptable unless couched in terms of expanding the territory of the nation that would remain under a decentralized administration. In the absence of strong nationalism and the

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5 Louisiana Purchase, Indian removal, war with Mexico in Texas could all be promoted without offending the sensibilities of nineteenth century democracy and its embrace of federalism and local control.
programmatic, administrative state, both the license and the need for direct appeals were absent as well. But just as the trajectory of constitutional ends was directed, in the long run, toward the administrative state and a national identity, so is the strategy of rhetorical appeal made politically possible by the formal dynamics set in place for the American Chief Executive. The founders gave us an institution that would foster a certain kind of people and that people, in turn, has contributed to the kind of President we have come to experience.

Both Hamilton’s hopes and fears are instructive on this point. As will be discussed below, Hamilton was certain that, because of the enhanced administrative potential given to the Constitution of 1787, public opinion would evolve toward a warmth for the republic and its federal government. Its ability to order commerce and security would, in time, outstrip that of the individual states, and make believers out of even the sternest Anti-Federalist. On this score, he was quite prophetic. But his prophetic hope was accompanied by a prophetic fear. He saw in the democratic spirit of the people a danger, in its taste for local self-governme nt and fear of central administration an Achilles heel. He sought in vain at Philadelphia to insulate the executive from public opinion to the extent that he thought necessary. Though like-minded presidentialists at the convention had some success at achieving relative institutional independence, Hamilton knew that to separate public opinion from administrative execution something like a lifetime appointment would be necessary. And so he died despairing of the fragility of the republic and its exposure to democratic opinion. Though he would defend the

Such democratic nationalism, while it indeed paved the way for a strengthened executive and the growth of fealty for the nation as opposed to one’s state, was enacted in the spirit of Jeffersonian principle.
compromise achieved at the convention and promote a way of thinking about it that would favor his vision of government, he was not pleased with the result.

The office that we are left with is, then, one that has opportunities for independence and statesmanship, for virtuosity and freedom, but is also drawn back toward a continual management of its relationship toward public opinion. As it shares power with legislative institutions yet more exposed to public opinion, it must also calculate the benefits and dangers of engagement in opinion leadership. In order to make sense of the appearance of rhetorical appeals by American presidents, we must examine the ends toward which executive power is directed, and the relationships that the Constitution establishes between the president and the people vis a vis the other branches of government. In doing this, we encounter here two main questions: what constitutional ends in particular are served by engaging in the leadership of public opinion, and what particular contextual circumstances make such appeals potentially worthwhile? To answer the first question we must explore how the founders constituted the office of the president and its relationship to the people. The answer to the second question lies in an examination of the political development of the United States in the years leading up to the Progressive era in which we observe the expansion of presidential rhetoric and the development of a political context amenable to its use and potentially consistent with executive ends.

**Energy, independence and responsibility**

It is a remarkable thing to observe, when studying the creation of the American Presidency, the diversity of intentions and understandings that surround the text agreed
upon at Philadelphia and in the state ratifying conventions. Assent to the document was, of course, not unanimous, but among those who backed the document, there are a number of aspirational narratives of the future of the executive office and of those who would occupy it. There is no single, unified version of how the presidential dynamics set in motion by the Constitution would or should play out. To be sure, these diverse aspirations or hopes for the development of the institution revolve around a solid core of agreed upon institutional arrangements whose mechanics signify principles upon which there was much agreement. Nevertheless, we find men like Madison and Hamilton promoting the institution under a shared pen in 1787 and engaging in a fierce battle over the nature of the same office less than a decade later in their Pacificus-Helvidius debates. Elitists and democrats alike are found to agree upon the framework of the Presidency, yet with far different expectations of how the occupants of that office would exercise their powers. The institution’s famed ambivalence and formal ambiguities, of course, provide much room for this compromise of political visions. We must be careful, then, when we speak of intention or design. Intentions can have a way of shaping the development of an institution all by themselves, but some intentions tend to be more closely aligned with the

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6 In his *Presidents and the People*, see Mel Laracey’s chapter, “Just whose Constitution Is It Anyway,” he emphasizes the wide disparities of thought amongst founders on the meaning of the constitution. There was a group of much more conservative “classical republicans” who were quite elitist and assumed that government should be run by an elite class over a silent democracy. There is also a revolutionary strain of democratic egalitarianism that worried some of the framers of the constitution. Property and class interest had to be protected against these radicals in the state legislatures. A less radical divergence arises in the reaction of Madison and Jefferson to Hamilton’s actions in the Washington administration. (See Mel Laracey, *The Presidents and the People: The Story of Going Public* (College Station: Texas A&M University Press, 2002).) I would emphasize as well that Van Buren should be seen as an important anti-elitist thinker in constitutional thought and that his work to establish a mass-based party system represents an important interpretation of the Constitution’s tendency to be taken advantage of by elites whose natural abilities to organize and finance campaigns threatened to throw the constitutional system out of balance. James Caesar’s *Presidential Selection* is instructive on this point. There are also varying models of Anti-Federalist thought. Some Anti-Federalists stressed the importance of a central executive figure as a safeguard against a potentially aristocratic federal legislature. The people would need a rallying point. See Landy and Milkis, 22.
political nature of the institution itself and are thereby borne out in practice as the institution matures. Individuals of differing levels of talent who would come to occupy the presidency, and within similar formal parameters, would seek to define the institution by their own vision of the state and of American democracy. They are both carried along by the momentum of the institution and actors upon it. Though they may play the same themes over and over, their interpretations and level of skill on the instrument are diverse.

When we look to the design of the institution we notice certain features of the office accomplishing overlapping purposes. Independent election, for example, allows for energy and dispatch, while simultaneously making the president responsible to and dependent on the people. Such an arrangement invites freedom of action on one hand and a qualified limitation from the electorate on the other. We see various delegates to the convention agreeing to support particular facets of the executive for divergent reasons, with divergent expectations of how the document would shape presidential behavior. As Sheldon Wolin notes, it was the words and not necessarily the meaning of the words that were agreed upon. As historical observers, we must then take the words seriously as they are, apart from the various motives and intentions of the framing period; but we must also not lose sight of the insight that can be gained from the analysis and expectations of those contemporary with the document. These varied visions for presidential behavior provide clues to understanding the potential range of behaviors open to the chief executive. The intervening history of the institution can then be analyzed in light of both these disparate intentions and the internal logic (where it is logical) of the Constitution itself.

The President as Anti-Demagogue and Protector of Reason

As the time came for the delegates at Philadelphia to consider the design of the executive, a consideration foremost in their thoughts was the failure in most state governments at the time to achieve stable administration. Legislative dominance, a valued feature in the design of most state constitutions around the time of the Revolution had, in time, shown its true colors: exposure to erratic currents of opinion, inadequate mechanisms for being held responsible, and, following from these factors, a lack of effective and steady administration. John Marshall, looking retrospectively at the situation, remarked, “In the state governments generally no principle had been introduced which could resist the wild projects of the moment, give the people an opportunity to reflect, and allow the good sense of the nation time for exertion.” The problem of public opinion in this context was characterized by demagoguery in the legislature that marked state politics in the early republic as, to use Hobbes’s language, “an aristocracy of orators.” Coincident with this problem was the inability of the electorate to hold responsible or identify particularly those who were to blame for the mismanagement of public affairs: legislative acts, by nature group decisions, allow room for politicians to shift blame and to escape public scrutiny. The turn to an executive-centered administration (as was seen as successful in New York) was intended, in no small part, to combat the demagoguery that reigned in legislative administrations.

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9 As Thach observes in his most important volume on the creation of the presidency, “We have seen how it was only by slow degrees that the leaders in political life in America were brought to a point where they were willing to grant this doctrine full play in the organization of their executives, to abandon the concept that sovereignty and legislative power are identical, to deny that there is preeminence of the
One sees throughout the convention and ratifying debates repeated characterizations of the legislature as the home of schemers, sycophants and anti-democratic aristocrats capable of pulling the wool over the eyes of the people. James Wilson argued characteristically during the convention that election of the chief magistrate independent of the legislature was crucial if the president were to “stand the mediator between the intrigues and sinister views of the representatives and the general liberties and interests of the people.”\(^{10}\) Governor Morris, also speaking in favor of election independent of the legislature, warned that if election were to be determined by the legislature the president would be the “tool of a faction, of some leading demagogue in the legislature.”\(^{11}\) Hamilton frames the issue similarly in Federalist 71 amidst his discussion of the length of presidential terms in office and the manner of presidential election. There he contends for the role of the president as guardian of the people’s interests and of right reason. Though the people “commonly intend the PUBLIC GOOD,” Hamilton argues, they are often led astray by common politicians, by the type of men who tend to inhabit the legislatures. The “deliberate sense of the community” can be achieved only if the administration of affairs is insulated from the “wiles of parasites and sycophants, by the snares of the ambitious, the avaricious, the desperate, by the artifices of men who possess their confidence more than they deserve it.”\(^{12}\) Here, again, the promise of an independent and unitary executive is contrasted to the dangers of department whose function is legislative as compared with the other two. But when Wilson wrote into the report of the committee of detail the sentence, “the executive power of the United States shall be vested in a single person,” it marked the final abandonment of the concept of the omnipotence of the legislature, and the substitution therefore of the characteristically American doctrine of coordinate departments.” Thach, 166-167.

12 The Federalist Papers, #71
administration by a factious, potentially demagogic legislature, capable itself of marshalling public opinion.

The worry over legislative tyranny, whether from a fear of radical democracy or a fear of aristocratic legislative dominance, is very apparent in the convention debates on July 21, 1787, during which was discussed the wisdom of arming the executive with a veto. Here it is clear that independent election is not considered to be a sufficiently ample safeguard against the encroachment of the legislature on the executive. As Madison famously states here, “Experience in all of the states had evinced a powerful tendency in the Legislature to absorb all power into its vortex. This was the real source of danger to the American Constitutions; and suggested the necessity of giving every defensive authority to the other departments that was consistent with republican principles.”\(^\text{13}\) In Madison’s view, the executive would be no match for the legislature in a popular forum. There is not so much a worry here about Caesarism as there is about rational administration being able to go forward without the impediment of momentary, factional public opinion. Morris here concurs in “thinking the public liberty in greatest danger from legislative usurpations than from any other source.”\(^\text{14}\) James Wilson, the central architect of the American Chief Executive at Philadelphia, begins from this posture as well, insisting that legislative tyranny is most to be feared, not kingly tyranny. “The prejudices against the Executive,” Wilson argues, “resulted from a misapplication of the adage that the parliament was the palladium of liberty.”\(^\text{15}\)

\(^{13}\) Ketcham, The Anti-Federalist Papers, 121.

\(^{14}\) Morris echoes this sentiment later in the convention in his remarks of August 15 when he warns of the possibility of a legislative faction capable of stirring up public resentment.

The veto itself is envisioned not only as an ultimate safeguard against the passage of harmful legislation, but also as a means to subvert the demagogic abuses that were to be expected of the legislators themselves.\textsuperscript{16} Even George Mason, an Anti-Federalist with great reservations about the extent of executive power sought in the Wilson plan, comes to the side of the executive in its function as a counterweight to legislative demagoguery. As Madison notes, “He observed that the defense of the Executive was not the sole object of the Revisionary Power. He expected even greater advantages from it…It would have the effect not only of hindering the final passage of such laws; but would discourage demagogues from attempting to get them passed.”\textsuperscript{17} Over and over again, amongst proponents of the Constitution as well as the Anti-Federalists, the fear of demagoguery is focused not on the executive, but on the legislature. Deeply entwined with this fear, in both the ranks of the Federalists and Anti-Federalists is a consideration of class. According to Cecelia Kenyon, the Anti-Federalists feared that the relatively small size of the House of Representatives militated against the election of representatives from the common class of men, yielding a House rife with “aristocrats, war heroes and demagogues.”\textsuperscript{18} In the logic of the founding generation, the President must be able to contend with and overcome the narrow or base economic interests common to the class of men seeking wealth and position in politics. Without the proper defenses against these interests, administration becomes both inefficient and illegitimate. In Madison’s famous formulation, factions are allowed to flourish under this Constitution, but their parochial

\textsuperscript{16} Federalist 73 makes two arguments in favor of the executive veto: protection of the office itself from legislative encroachment and the prevention of bad laws. The negative is “calculated to guard the community against the effects of faction, precipitancy, or of any impulse unfriendly to the public good, which may happen to influence a majority of the body. (418)

\textsuperscript{17} Farrand, vol. ii., 78; Thach, 171-172.

ambitions will be checked at various points. In this manner the true will of the people, the public good, will be achieved. One of the roles of the Chief Executive in this formulation is to resist the “aristocrats, war heroes and demagogues” that are freely allowed to flourish in the federal governing scheme. Though we may call the persuasion of the public and, indirectly, the legislature, an informal power of the president, it clearly meets the criteria for fulfilling this important Constitutional end. It is when the use of this informal power is directed at other, less clearly Constitutional ends that concerns arise as to the impropriety of presidential leadership of public opinion. As many of the framers had learned from Machiavelli and other commentators on republicanism in the modern era, the republican state has a keen interest in balancing the claims of the wealthy and of the many.19 Images of a “Patriot King,” and later, under William Pitt, a “patriot prime minister” had abounded in the political imagination of the eighteenth century, seeking in the rule of a virtuous individual, escape from the short-sighted and corrupt schemes and policies of an interested few, or “court” party. The American President was to be an institutional guarantor of the overarching, general good, of reason itself, over and against the claims of irrational faction.20 Just who the president was to protect “reason” or the public good from would become itself a crucial point of debate as national politics took shape at the start of the republic. Some would point at the money interest and the “stock-jobbers,” while others would finger the dangerous claims of Jeffersonian democracy. The ancient and perennial drama of the one, the few and the many would take its American form.

19 Forest McDonald, The American Presidency, 41-42
20 Ketcham, Presidents Above Party, 56-60.
In just these two areas of presidential design, election independent of the legislature and the veto power, we observe in the explanations given by the delegates certain theoretical roles being shaped for future presidents. First is the Chief Executive’s place in the American system as the guardian of rational, legitimate administration. Serving at the pleasure of the formally constituted electorate and not the legislature, he is given the freedom to be a critic of what we might now call “special interests” and the powerful legislative leaders who might have the influence to carry the public and the legislature into schemes that would not serve the interest of the whole republic. He is the anti-demagogue, both in terms of his ability to pre-empt demagogic strategies in the legislature with the veto threat and by way of standing apart from the legislators themselves and the interests they represent by virtue of their formal (parochial-local) means of election. We see here also envisioned the role of the president as anti-oligarch, the hope of the majority or the general will over and against the classes of ambitious men who are expected to populate and influence the legislature. Gouverneur Morris, one of the most important proponents of the successful Wilson plan at Philadelphia, envisions starkly the apposition of the executive to the legislature, clearly stressing the President’s role as protector of the people from the “opulent” classes: “One great object of the Executive is to control the Legislature. The Legislature will continually seek to aggrandize and perpetuate itself; and will seize those critical moments produced by war, invasion or convulsion for that purpose. It is necessary then that the Executive Magistrate should be the guardian of the people, even of the lower classes, against Legislative tyranny, against the Great and the wealthy who in the course of things will necessarily

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21 See Ross Baker’s *House and Senate* on the interest given to the two branches of the legislature by their size and electoral composition.
compose the Legislative body... The Executive therefore ought to be so constituted as to be the great protector of the Mass of the people."²² Though an elite himself, he is distinguished from the lesser aristocrats of the legislature both by electoral interest and by the potential for great, virtuous acts of statesmanship offered to those great men, those fame-loving, ambitious politicians who were thought likely to inhabit the office.²³

He is, indeed, to quite a few framers, envisioned as a man of the people, not simply in literal reference to his election by the nation as a whole, but also in his potential for opposing the interests of the wealthy in favor of the less well-protected and less well-organized classes. The particular range of powers assigned to the president is defended, in many cases, on their ability to be judged well by the common voter. Following from his strict adherence to a concept of executive responsibility, Madison stood on the side of presidential appointment of judges against those who favored Senate appointment. Judicial appointments, he argues, are a matter for the people, not the individual states, to judge. In like manner, Morris defends the kinds of powers given to the president with assurances that they are the kinds of responsibilities of which the people will judge well. As Commander-in-Chief and the appointer of federal judges he is performing duties of which the public at large can make fairly accurate judgments: they know when they are well secured physically and when their rights have not been trampled upon. To connect the people to this office by means of regular election is then justified. Though some, like Hamilton, saw the electoral college as a filter of popular will, Morris, Wilson and others saw this manner of election as one that connected the people to the office, doing little to buffer popular choice. “By being the man of the people,” Wilson states, “he is invested;

²² July 17, 19 in Ketcham’s The Anti-Federalist Papers.
²³ See Publius and Mansfield, Taming the Prince.
by continuing to be the man of the people, his investiture will be voluntarily, and
cheerfully renewed.”24 In Charles Thach, Jr.’s classic argument establishing that the
Philadelphia Convention witnessed a crucial shift from executive responsibility to the
legislature to “executive as representative of and responsible to the people,” he makes the
claim that the concepts of popular election and president as the “one great national
representative” cannot be claimed as modern innovations.25 As David Nichols
characterizes this view in the Philadelphia Convention, “the president’s power was from
and in the service of the people.”26

The Four-Year Term

Closely related to the issue of responsibility to and judgment by the people, is the
issue of the president’s term in office. Of course, many alternatives were contemplated,
from constitutional monarchs and life terms to four or six year terms, with or without
limitations on the number of terms served. But the final compromise, four-year terms
with indefinite tenure, had particular significance for the shaping of the relationship
between the voting public and the president. In the calculus of the framers, terms of
service and their limits are tools for channeling the ambitious interests of politicians, and
their choices in these matters signal to us the patterns of electoral behavior that the
framers sought to imprint on future tenants of these positions. As stated earlier, what the
manner of the president’s election (the electoral college) signified differed amongst the

25 Thach, 167-169.
(Amherst, Massachusetts: University of Massachusetts Press, 1998) 27. Nichols emphatically argues that
the “Constitution leads naturally to both the administrative state and the rhetorical presidency” like a
“genetic code.” See page 33.
founders. Those with an elitist bent hoped it would insulate the president from popular will; other, more democratically minded framers figured it would not. Clearly, one purpose that the electoral college has served is to ensure that candidates for the office could not build their electoral coalition on one distinct region of the country. The South was not to be (and but for the Civil War period has not been) ignored by successful presidential candidates. In this way the electoral college does not reflect directly popular choice, but this limitation on direct translation of popular choice does not match the degree of impact envisioned by the elitist camp at Philadelphia. To put it one way, the electoral college injects a dose of federalism into what is essentially a choice by the mass electorate of their national representative.

The issue of the length of term, then, is a question of how the president is to relate to the electorate thus constituted: how often will they bring judgment to bear on the officeholder and how long does its occupant have to make a case for the continued trust of the nation? Hamilton discusses these dynamics at length in Federalist 71 and 72. We have already seen how Hamilton describes the office as the locus of “cool and sedate reflection” amidst a sea of politicians who are more often inclined toward possessing the public trust at the cost of misleading them, or following the current of opinion at the cost of the public good itself. He contrasts these politicians to the statesmen who will be shaped by the specific political and electoral nature of the institution of the presidency.

27 "There are some who would be inclined to regard the servile pliancy of the executive to a prevailing current, either in the community or in the legislature, as its best recommendation. But such men entertain very crude notions, as well of the purposes for which government was instituted, as of the true means by which the public happiness may be promoted. The republican principle demands that the deliberate sense of the community should govern the conduct of those to whom they intrust the management of their affairs; but it does not require an unqualified complaisance to every sudden breeze of passion, or to every transient impulse which the people may receive from the arts of men who flatter their prejudices to betray their interests. It is a just observation that the people commonly intend the PUBLIC GOOD. This often applies to their very errors. But their good sense would despise the adulator who should pretend that they always
In Hamilton’s terms, the Chief Magistrate will not be a seeker after the people’s confidence, but one who “deserves” it. The occupant of the executive office will be one who draws on a reservoir of trust in order to safely act in opposition to momentary public opinion. “When occasions present themselves in which the interests of the people are at variance with their inclinations,” Hamilton argues in Federalist 71, “it is the duty of the persons whom they have appointed to be the guardians of those interests to withstand the temporary delusion in order to give them time and opportunity for more cool and sedate reflection.” This “guardian” acts not only out of duty, but also out of “courage and magnanimity.” The public is not surprised when he opposes their whims; they expect this of him: it is the role he plays. His behavior is not cost free, however. If it did not endanger him politically, it would not require courage and magnanimity. The political capital that he has to spend here comes from one of two sources: the respect that the people have for the place of the institution in the constitutional design, and whatever faith the public has in the reputation and character of the person himself.

Of course, the relative security of the four-year term aids the executive in his exercise of virtue, but has its limits. As re-election nears, fewer chances can be taken with the public trust. Nevertheless, the record of his achievements in office early in the term may provide him with yet more capital, or, as Hamilton calls it, “fortitude:”

reason right about the means of promoting it. They know from experience that they sometimes err; and the wonder is that they so seldom err as they do, beset as they continually are by the wiles of parasites and sycophants, by the snares of the ambitious, the avaricious, the desperate, by the artifices of men who possess their confidence more than they deserve it, and of those who seek to possess rather than deserve it. When occasions present themselves in which the interests of the people are at variance with their inclinations, it is the duty of the persons whom they have appointed to be the guardians of those interests to withstand the temporary delusion in order to give them time and opportunity for more cool and sedate reflection. Instances might be cited in which a conduct of this kind has saved the people from very fatal consequences of their own mistakes, and has procured lasting monuments of their gratitude to the men who had courage and magnanimity enough to serve them at the peril of their displeasure. (#71, 409-410)
Though it be probable that, as he approached the moment when the public were, by a new election, to signify their sense of his conduct, his confidence, and with it his firmness, would decline; yet both the one and the other would derive support from the opportunities which his previous continuance in the station had afforded him, of establishing himself in the esteem and good will of his constituents. He might, then, hazard with safety, in proportion to the proofs he had given of his wisdom and integrity, and the title he had acquired to the respect and attachment of his fellow citizens.\textsuperscript{28}

The ability of the Chief Executive to act boldly and decisively is generously provided for in the Constitutional framework, but one of its limits is here seen clearly. Public confidence must always be in view for the officeholder, especially when an election is not far off.\textsuperscript{29} As Hamilton envisions the dynamics of presidential public opinion, an impressive execution of measures and a benign store of personal goodwill must be banked or saved up as a resource for taking unpopular or late-term actions. The expectation here is that public trust in the person in office will be a major factor. The contrast Hamilton draws between the power of the British Parliament and the American public is illustrative of this dynamic. Here in Federalist 71 he compares the power of the Parliament of merely assenting or dissenting to the King’s tax measures to the power of the American electorate to assent or dissent to the continuation of a president in office: “If a Parliament can reign in a King by a simple power of a negative, surely the American president will be more hemmed in by the prospect of a pending election.” Hamilton’s rhetoric is a bit tricky here. On one hand he is clearly right: removal from office is the ultimate loss of power. However, while in office he is not judged or held back measure by measure. Rather, the people must accept or reject the whole man, the whole program: the net effect of his administration. This fact makes him potentially more powerful than a

\textsuperscript{28} Federalist 71

\textsuperscript{29} To this it can be added the attention that Presidents must give to the affect of their measures on the success of their Congressional partisans during mid-term elections.
king. A President has great latitude to act and to go against momentary popular will as long as, at the end of the term, the voting public remains confident of his ability to secure them in general. Presidents seek general assent, not particular assent.

Though it is clear from his own remarks to the convention and in comments elsewhere that he was a proponent of much longer terms, Hamilton argues here that the time horizon of a four-year term will be sufficient for proving out the wisdom of the actions taken by the Chief Executive. This time horizon would give the President enough space to be reasonably confident that “there would be time enough before [the end of the term] arrived to make the community sensible of the propriety of the measures he might incline to pursue.” At the very least, this consideration of “proofs,” and the “sense of the community,” along with the attention paid to the value of reputation, underscores the executive’s deep, natural interest in the opinion of the American people. It is quite obvious that the best of all possible worlds for a president is to have been bequeathed by the public a bank of trust and respect large enough to allow for a relationship to the people in which he does not have to explain himself or sell his decisions to the nation. But there is certainly no guarantee that the community might have a fair sense of his measures by the time election day arrives, especially in the case of late term measures of a complex nature. Without resort to public appeal, even if only indirect, energetic and consistent administration might be stymied by electoral ambition late in a presidential term. Looking ahead to the future development of the presidency, it must be asked how new historical contexts might affect the calculus of political reputation by presidents. The transition to a party system in the nineteenth century might work to insulate presidents from opinion by connecting them to a party of long-term principle, while the extension of

30 Federalist 71, 411.
time horizons on the visible outcomes of complex policy decisions regarding economic and finance policy in the late nineteenth and early twentieth century might put more pressure on chief executives to make arguments for their measures. Add to this as well the increasing occurrence of prerogative in the nineteenth and twentieth centuries and the need to justify such extensions of power to the public, especially when the prerogative taken is unpopular or unsuccessful. One might also add to the complicating factors the eventual necessity in federal policy for long range budget planning and its impact on the ability of the president to govern. Expenditure of monies in the future for a policy to be administered at a later date does not allow the voting public a retrospective judgment of the president based on concrete results. The public or the legislature must be convinced prospectively of the intentions of the administration. Acceptance by the public of such budgets is a function of trust and/or persuasion. As one moves away from the model of the great leader, imbued with unquestionable public trust, whose administration is front-loaded with great stores of political capital (such as may be embodied in our history by the likes of perhaps only George Washington), the reliance upon prospective public persuasion, and even upon the building of public support of particular measures, grows. The formula of retrospective judgment on presidential action-apart-from-words becomes complicated in a host of ways.

It can be argued that in the absence of great public trust or reputation, a Chief Executive should be content with small measures and everyday administration of

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31 Neustadt’s contention that presidential politics at mid-century were continually and permanently “crisis” politics challenges the idea that the four-year term gives the executive sufficient isolation from public opinion and time for the public to deliberately judge the outcomes of presidential decisions. See Neustadt, Presidential Power.
Congressional directives. The times as well as the man limit the scope of the projects that can be accomplished. Yet, while it is certainly true that the avenues to presidential glory are not always open, and that some presidents have consciously and dutifully played the role of Chief Clerk, the formal and political logic that Wilson and Morris gave to the institution and the vision given to its use by Hamilton (both as Publius and Secretary of the Treasury), give to the office an urgency for proactive leadership and an appetite for great achievements, or, as Stephen Skowronek has characterized the urge: “creative destruction.” An institution of Modernism, given its engine by the likes of Machiavelli and Hobbes, it follows the ends of security and prosperity: ends that, by definition, have no limit. The conquest of nature and of chance is a job never done. The public who, as Hamilton points out, “commonly intend the PUBLIC GOOD,” finds its highest aspirations for its most basic instincts met in the powerful potential and energy of the President of the United States. That is why Hamilton had such faith in the future of the federal government and its destiny to eclipse the weak and parochial localism represented by the interest of the states in their own autonomy. Affection for the nation and the national government would grow inevitably out of its ability to deliver, by various means, security and prosperity. The President is well placed, boasts Hamilton in Federalist #70, “to secure their privileges and interests.” The president and the people are thus vitally linked. He is tethered to their will in a general sense: they are given the opportunity to pass judgment on the sum of his character or the sum of his actions (and

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33 Skowronek, The Politics Presidents Make.
34 Hamilton in Fed. 27 and Madison in Fed. 46 find confidence in the likelihood that the “better administration” of the national government will attach Americans more strongly to the federal government.
35 Federalist #70.
the reasons he has given for those yet to bear visible fruit). He functions as a representative, in general, of the constant and timeless desire of the American people for security and prosperity, or for the “pursuit of happiness” (to update the vision beyond Hobbes and towards Jefferson). He is given his powers in the Philadelphia Convention with an eye toward what the people could judge. The decision to choose a unitary executive is made, as well, in consideration of making the Chief Executive responsible to the people. The framers knew from their experience in state governments that legislatures are places where blame and credit are hard to assign. A single executive could not blame his action on another politician. The officer assigned the powers that the people could judge would be given the independence from Congress that would make such judgment possible. All this adds up to a special relationship between the President and the people, described in Federalist #70 as “due dependence on the people and a due responsibility.”

There is also an important sense in which the founders’ vision of the modern republic and its executive extended beyond the basic Machiavellian strategy of securing the obedience and favor of the multitude. They aimed at a higher mark that would potentially guarantee an even greater yield of greatness for the state: true attachment to the government. James Wilson, for one, argued against a plural executive and for a unitary presidency on the basis of its potential for unifying the country. The new nation would need a focal point, and what more natural than its President. Wilson thought that reason alone, the rational instinct for security, was not a sufficient glue for a stable

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36 Federalist #70.
society. Affection, added to reason, was a better formula.\textsuperscript{37} The Federalist Papers speak throughout of the attraction of effective administration. Federalist 17 refers to this as a “great cement of society.” As Harvey Mansfield remarks, Publius has in mind a people attached to, not simply obedient to, their government. The superior performance of the national government in the future will win over the affections of the people from their parochial affections in a transformation that will add both power and authority to its rule. As Mansfield explains,

Publius displays the concern of modern theorists for an effective executive, but in his own way. Contrary to what Machiavelli says, the people will be impressed more by steady administration than by sensational examples: and contrary to Hobbes, Locke and the republicans, the people’s consent to obey is not effective enough. They must like their government, rather merely obey it, if it is to be effective. And they will like it more for its good administration than because it is derived from their consent. Publius elevates the modern demand for results to a requirement of good performance. Thus the Machiavellian “effectual truth” by which government is judged need not require or excuse criminal deeds. The stage is set for a new kind of responsibility in executives –constitutional and republican.\textsuperscript{38}

The American Presidency is well suited by its powers and by its nature as a unitary head of government, to draw the affections of the people.

The importance of having a true focal point of administration which could be credited or blamed by the “community” extended, importantly into the debate in the First Congress over removals of executive officers. The defense of presidential ownership of the removal power by Madison and his colleagues follows along the lines of the logic of the election of the Chief Executive independent of Congress. If all executive agents were answerable to one person for their conduct, then the public would not be left to wonder

\textsuperscript{37} Wilson’s concern to add more than raw reason to the basis of public affection leads to his proposal in the Convention to make the executive unitary (June 1: opposed the Virginia Plan’s design to institute an executive committee. As Beer observes, this concept does not contradict Madison and Hamilton’s federal theory, but supplements it.

\textsuperscript{38} Harvey Mansfield, \textit{Taming the Prince}, 250-51.
who to find guilty of mismanagement or who to praise for successful measures. Madison explains it this way:

It is one of the most prominent features of the Constitution, a principle that pervades the whole system, that there should be the highest possible degree of responsibility in all the executive officers thereof; any thing, therefore, which tends to lessen this responsibility, is contrary to its spirit and intention, and, unless it is saddled upon us expressly by the letter of that work, I shall oppose the admission of it into any act of the Legislature. Now, if the heads of the executive departments are subjected to removal by the President alone, we have in him security for the good behavior of the officer. If he does not conform to the judgment of the president in doing the executive duties of his office, he can be displaced. This makes him responsible to the great executive power, and makes the President responsible to the public for the conduct of the person he has nominated and appointed to aid him in the administration of his department.  

A visible, independent and unitary executive is, in Madison’s terms, an accountable executive. Additional institutional measures to tether the President to the Congress, while seemingly a prudent safeguard against dangerous independence, is really an invitation for deception and mischief. What would in actuality tie down the executive would be what Madison would call “the great chain of dependence” linking executive responsibility to the judgment of the community as a whole and through its representatives in Congress:

If the President should possess alone the power of removal from office, those who are employed in the execution of the law will be in their proper situation, and the chain of dependence be preserved; the lowest officers, the middle grade, and the highest, will depend, as they ought on the President, and the President on the community. The chain of dependence therefore terminates in the supreme body, namely in the people, who will possess, besides, in aid of their original power the decisive engine of impeachment.

Madison, who in later years would come to be a vocal critic of presidential prerogative and the Hamiltonian vision of the presidency, was a staunch defender of what he and

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other delegates to the Constitutional Convention had called the “chain of responsibility” that linked the American electorate to the President. Because the sole legitimate grounding of government authority lay for him in the reason of the community, an unbroken chain of responsibility had to be extended, by formal institutional measures, all the way to the Chief Executive. Presidential prerogative of the kind taken by Washington with his Neutrality Proclamation, was a breach of this chain.41

Madison later turned to the political party as a means by which presidential responsibility could be ensured against such ad lib transgressions of legislative will. Hamilton’s interpretation was, of course, more expansive, allowing for prerogative as a natural, beneficent and indelible component of the modern executive employed in the American constitution. The extent to which the connection of the American people to their President was to be one of restraint or one of empowerment would depend on its own political tastes and virtues. Would they be organized for vigilance first and foremost, or be content to be led by a leader equipped to bring them security and prosperity? In whichever direction they would tend, the people would nevertheless be inextricably linked to the President by means of its constitutional design and the beliefs that accompanied it. The President would be both accountable to and empowered by the consent of the governed in an ongoing bargain for legitimacy and power that would often entail an appeal to public opinion.

41 Samuel Beer, To Make a Nation: The Rediscovery of American Federalism (Cambridge, Massachusetts: The Belknap Press of Harvard University Press, 1993). Beer links Madisonian theory to a type of higher, fundamental law. “Indeed, the people were trusted with this ultimate authority because it was inferred that the scale and diversity of the extended republic would direct its will toward ‘justice and the general good.’” The will of the people formulated in this way cannot be arbitrary, and it is thus able to stand as an absolute basis of law.
Chapter Three
Of Patriot Kings and Patriot Parties:
Unity, Opposition and the Republican Logic of Going Public, 1789-1800

We are not indeed constituting a British Government, but a more dangerous monarchy, an elective one.

-George Mason at the Constitutional Convention¹

The President, sir, will not be a stranger to our country, to our laws, or to our wishes. He will, under this Constitution, be placed in office as the President of the Union, and will be chosen in such a manner that he may be justly styled the man of the people.

-James Wilson, at the Pennsylvania ratifying convention²

The journey toward presidential popular leadership began, despite serious misgivings about partisanship and a popular executive, early in the development of the republic. The story of the Jeffersonian opposition movement, formed as a defense against the “loose construction” of Hamilton and those that came to be known as the Federalists, is the story of the necessity of partisan leadership that arises out of philosophical difference over basic principles of politics. The journey of Jefferson, Madison and a host of their comrades towards a provisional acceptance of partisanship in the defense of principle, and the necessity of collective action for the formation of a principled community in a representative government, began in motion the primordial forces of informal development that set the stage for the rise of presidential popular leadership. Set in motion by their efforts, as well, is the organized, ironically partisan, claim against partisanship taken up by those who, in the defense of “loose construction” of presidential

¹ Farrand, 1:99; Pious, 27.
² Pious, 39.
powers, wished to prevent the coalescence of an informal body of democratic partisans capable of limiting their vision of executive leadership and governmental consolidation.

The popular potential of the presidency has been envisioned as both a danger and a boon to republican government. On one hand, it represents the threat of personal government, of popular faction and power out of control, thereby standing beyond law and threatening to the survival of a balanced constitution. On the other, it promises, among other things, a firm and broad foundation for the great shared purposes of national advancement and the common good. In an important sense, these characterizations are like two sides of a coin. Behind the positive potential of the one lies the danger of the other. Great power for nation-building and energetic leadership in the hands of one is a threat to liberty and order in the hands of another; or, more troubling still, both simultaneously. This debate over popular executive leadership, as it presented itself after 1789, revolved mainly around competing visions of the Constitution and how it would shape the future of the republic. The founding generation was quite cognizant of the interdependence of the constitution and society, between the government and the virtues and opinions of the public. Approaches to presidential politics, rhetorical or otherwise, were driven by beliefs about how the government would shape the community.

In this way, one must understand that every “formal” constitution is linked inescapably to an “informal” constitution, namely, the constitution of the people or the society. Leaders must continually interpret the meaning of their “formal” actions in terms of their social consequences, not the least of which are the consequent reactions of

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3 The analogy of a pyramid, taken from the writing of DeLolme, was often employed to illustrate the strength and structure of modern republican government. The import of DeLolme in the thought of the founders is discussed at length in McDonald, 61-66.
the society toward government itself. Where discretionary power is greatest, there informality and interpretation play the greatest potential role. The patrician presidents who assumed office in the early republic engaged the text of the constitution and the society from a variety of subtexts: visions of political society that extended beyond the Constitution itself. As is still true of politics today, it was these overarching philosophies that were the occasions for rhetorical and partisan leadership. The Constitution, which had been a compromise between their visions, was hoped to bring a stable and balanced political and social order, and even a more unified one. However, doubts remained as to the sufficiency of the document itself. American republicanism, it seemed, would not be self-executing: it would require supports beyond law. The question lurking behind the politics of the early republic went to the heart of American Constitutional theory, as well of modern procedural ideals. Could the modern project of republicanism be self-executing by the application of procedure and adherence to natural law, or was it in need of special leadership and forays into public opinion to reform or revive republican identity, citizenship and virtue. Where the constitution itself could not supply the mechanisms of character formation and public spiritedness, or, conversely, could not prevent on its own a slide into civic entropy, it would need to be complemented

4 Washington, John Adams, Jefferson, Madison, Monroe and John Quincy Adams, all generally considered “pre-party” presidents have been commonly referred to as “patrician” so as to distinguish this period of “founder” presidents from later executives.

5 Tulis introduces the concept of a “second constitution” when describing Woodrow Wilson’s new theory of constitutional government, that which employs plebiscitary rhetoric. Apart from questions of whether or not Wilson is the true inaugurator of a new age or not, I would argue that the flexible informality or discretion built into the office establishes a continual “second” or shadow constitution that competes with, even while trying to preserve, the first

6 Along these lines, the advice given by Bimes and Skowronek is very insightful: “Taking our history whole, the problems that figure so prominently in current assessments of modern practice will not be so readily traced to [Woodrow] Wilson, nor will the Constitution be so well insulated as a source of alternative ideals. The path to the present begins at the beginning.” Bimes and Skowronek, “Woodrow Wilson’s Critique of Popular Leadership: Reassessing the Modern-Traditional Divide,” Speaking to the People, ed. Richard J. Ellis (Amherst, Massachusetts: University of Massachusetts Press, 1998) 161.
by leadership, among other political and non-political institutions. These supports it would require for its own interest and the interest of its ends: security and prosperity, and the public order and liberty necessary to attain those primary ends. “Strict” and “loose” constructionists both would turn, even while the signatures on the document were drying, to political strategies they thought conducive to the maintenance or creation of a republic partial to “strict” or “loose” construction. 7 Both would fight their political battle in the name of the Constitution, read as they believed it should be. This variety of sentiment is reflected well in the remarks of Republican congressman Nicholson during House proceedings on the notably partisan repeal of the Judiciary Act of 1801:

   It is this undue influence of the executive power of the government that we wish to reduce; it is this influence that we wish to confine within its proper limits, in order to prevent the government from taking that course which most republican governments have heretofore taken; to prevent it from arriving at the goal where the spirit of republicanism is lost and monarchy commences….When we attempt to correct these errors, let us not be told that we are about to prostrate the Constitution. The Constitution is as dear to us as to our adversaries, and we will go as far to support it. It is by repairing the breaches that we mean to save it, and to set it on a firm and lasting foundation, that shall resist the attacks of its enemies and defy the encroachments of ambition. 8

Here the question of “which Constitution?” and “which presidency?” is thrown, as it inevitably must, into the realm of political debate and partisan struggle.

   The interests of strict construction and the continuation of a decentralized state would seem to be favored by a turn to political centralization and organized partisanship. The interests of loose construction and national consolidation would, conversely, seem to

7 Just as Lincoln reasoned that, once allowed to exist in a new territory, slavery and its accompanying constitutional politics would be sure to create a particular kind of American, so the partisans of the 1790s and their heirs justified their political strategies on the basis of cultivating particular kinds of Americans with particular kinds of visions of the Constitution.

fare better in an arena of decentralized politics, in which the natural allies of centralized state power would have little natural opposition. However, in the presence of formed opposition and a state of opinion that opposed consolidation, partisans of loose construction would have to fight the idea of partisanship and political centralization with the tools of partisanship: organization and rhetoric.

Three prominent attitudes toward presidential power

The advocates of energetic executive leadership and British-styled prerogative, referred to often as presidentialists or nationalists, included such figures as Gouverneur Morris, James Wilson, and Alexander Hamilton. Their vision for the presidency, though modified for the sake of compromise, was reflected most strongly in the final plan of government. Broadly speaking, their hopes had been for a chief executive with sufficiently flexible, open-ended, unenumerated powers, a president independent from the legislature, and a national federation with generous enumerated powers, all resulting in a vigorous central government. This central government would outstrip the various entrenched centers of local power, leading to an expansive, commercial republic on the scale of Great Britain and other European powers. Decentralized government and old loyalties to governments close to home were to be key obstacles in achieving their dream of a great commercial commonwealth. Their vision for achieving these conditions is illustrated plainly in Morris’s bold statement at the Federal convention: “State

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9 While I mean to distinguish these general tendencies of thought, by no means do I wish to separate them radically from each other. They are, in most cases differences along a common spectrum. Important differences exist among members of the same grouping, as well, but I mean to outline politically meaningful tendencies or groupings of thought.

10 Though in many ways a silent partner, George Washington should be counted among this group. As president of the Constitutional Convention he refrained from almost all debate, but was a behind the scenes advocate for the powerful, less democratically accountable executive. See Marc Landy and Sidney M. Milkis, Presidential Greatness, 12-20.
attachment and State importance have been the bane of this country! We cannot annihilate them, but we may, perhaps, take out the teeth of the serpents.”¹¹ Though caricatured during the ratification debates and well into the party battles of the early nineteenth century as “Tories” or “monarchists,” these men spoke within the tradition of Whig republicanism. The project of establishing a political economy, a military establishment and an administrative state capable of producing broad and expanding wealth, security and happiness, was not necessarily an aristocratic vision.¹² Founders as diverse as Benjamin Franklin, James Wilson and Alexander Hamilton emphasized the advantages of an alliance between energetic government, capitalism and republicanism. In contrast to those who sought a more limited executive or a more decentralized government, these men were more hopeful that the potential for the development of an economic empire contained in the plan of the constitution was not destined to destroy liberty and republican virtue, but rather to re-cast the republican vision on a grander scale. Alexander Hamilton, in Federalist 17, ties effective administration to republican ends by confidently predicting that the competent performance and effectiveness of the future government will soon win the hearts of the people away from state loyalty and give them affection for the national government. In an even more elaborate vision of commercial republicanism, James Wilson, erecting a theoretical bridge between Jeffersonian democracy and Hamiltonian nationalism, declared in his writings that “he was for raising the federal pyramid to a considerable altitude, and for that reason wished

¹² Some in this nationalist group, such as Morris, did express admiration for monarchy openly and did envision the benefits of an aristocracy approvingly.
to give it as broad a base as possible.” Wilson and many of his nationalist colleagues interpreted the blessings of liberty as largely material in nature. The new constitutional system, based in individual rights, is conceived, as Appleby observes, as “the democratization of material well-being.” In this “commonwealth for increase” model, not only would affection for the government grow as it delivered prosperity, but, in a reciprocal manner, the power to deliver this increase would be augmented as affection for the social union grew as well. As Samuel Beer notes, Wilson’s advocacy of a unitary over a plural executive was motivated in large part by his belief that the president would be a natural focal point for the nation’s affections.

At the other end of the spectrum were those, like Patrick Henry, who asked, “Cannot people be happy under a mild as well as an energetic government?” Henry, along with his Anti-Federalist brethren, saw in the design of the new executive the seed of despotism. The energy and shared legislative powers of the executive that promised such prosperity and greatness for nationalists like Wilson and Hamilton was no less than a ticket to servitude to the Anti-Federalists. “You are not to inquire,” Henry continued at the Virginia ratifying convention, “how your trade may be increased, nor how you are to become a great and powerful people, but how your liberties can be secured.” These founders represented more faithfully the tropes of classical republicanism employed by the “paranoid” school of Whig thought that distrusted power and its corruptions wherever

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13 Farrand, Records, May 31; see discussion in Samuel Beer’s To Make a Nation, 341-353.
15 Beer, 360. Wilson’s concern to add more than raw reason to the basis of public affection leads to his proposal in the Convention to make the executive unitary (June 1: opposed the Virginia Plan’s design to institute an executive committee. As Beer observes, this concept does not contradict Madison and Hamilton’s federal theory, but supplements it.
they gathered. Ideological and stylistic descendants of libertarian-minded eighteenth century opposition or country party writers, theirs was the voice of men like Alexander Pope, Jonathan Swift, John Gay and the political publicists John Trenchard and Thomas Gordon (writing as Cato). They were highly critical of the commercial spirit and its power to destroy important social and civic virtues. The acceptance of economic self-interest as a foundation for politics and public virtue was seen as ruinous to patriotic leadership and the pursuit of the common good. The American executive was to many Anti-Federalists indicative of a politics that accepted vice and corruption as its engine. It traded the simple liberty of a balanced constitution for the enticements of military power and commercial empire. This is not to say that these founders were averse to the modern anthropology of self-preservation and individual acquisitiveness, or even that they were opposed to economic expansion, per se. These “men of little faith,” as Cecilia Kenyon has aptly named them, were, however, very skeptical of the idea that power, once centralized or set free of strict boundaries, could remain free of corruption and eventual temptation to tyranny and oligarchy.

Several important founders fall somewhere in between these two ends of the spectrum. Thomas Jefferson and James Madison, the most important representatives of this type, embrace a vision of nationalism that is more cautious than Hamilton and

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17 McDonald 54-55.
18 For an extended discussion of this school of thought and its literary battle against the commercial modernity, see Ralph Ketcham, Presidents Above Party, chapter 3: “Ancients and Moderns in the Age of Pope and Swift,” 29-50. Also note McDonald, 55.
19 Anti-Federalist, George Clinton, writing in 1787 under the pen name, “Cato,” feared that the lack of explicit limits on executive power would lead to “great power connected with ambition, luxury and flattery…[and] as readily produce a Caesar, Caligula, Nero, and Domitian in America as in the Roman Empire.” See Ketcham, 181 for citation.
Wilson and more conscious of the potential dangers of executive power and its likely alliance with oligarchic corruption and the loss of liberty. This group of founders accepted the project of nation building or, at least, as Madison called it, “a more extended sphere of policy,” but only on terms that were thought to preserve a republican society and the virtues that emanated from such a community. They are cautious proponents of the new constitutional order. Madison’s defense of the executive, for instance, is far from wholehearted: “the executive department is very justly regarded as the source of danger and watched with all the jealousy which a zeal for liberty ought to inspire.” In accepting the new constitution, the country would be playing with fire, but the benefits, given the safeguards built into the constitution, promised to outweigh its dangers. A “zeal for liberty” within the hearts of the American public would be the greatest protection against overreaching executive measures. Reflecting a posture common to both Madisonian and Jeffersonian thought, one delegate to the North Carolina ratifying convention declared, “The only real security of liberty in any country, is the jealousy and circumspection of the people themselves.” Indeed, much of the impetus behind the Jeffersonian revolution in the 1790s and beyond was the honest fear that the Hamiltonian use of the constitution and its accompanying economic system, would corrupt the virtue of the people, thus destroying the conditions for liberty and bring, in the end, a kind of monarchical or oligarchic tyranny. Elite leadership of republican opinion, though seemingly inconsistent with the ideal of a self-reliant, vigilant citizen, would be looked upon as a

21 Madison, Federalist #7.
22 Riccards, 43, quoting Publius. (locate which #) Riccards notes that, “In one sense, it is ironic to see Madison defending the new government as a federal and not a national one, since he is the driving force behind the original Virginia Plan.” Madison had very little zeal for the document but given the choice between it and the Articles of Confederation, it was clearly the better option.
necessary counter measure to the rapidly developing factional minority of “paper interests” growing up around the Hamiltonian economic plan. The open-ended nature of the American Constitutional executive had left room for the Federalists to exploit it for their vision of the republic. The counter-measure of the Jeffersonian-Republicans would be to exploit the open-ended power of organized public opinion to stand watch over the executive’s attempts at consolidation.

Yet, while Madison and Jefferson agreed about the importance of vigilance in the cause of general liberty, they came at the problem of maintaining liberty with competing instincts. Madison, the consummate constitution-builder and formal balancer of interests, met an unsettling ally in Jefferson, the advocate of frequent rebellion. In a famous exchange of letters between the two, Jefferson wrote that no society “can make a perpetual constitution, or even a perpetual law.” A constitution in force for longer than a generation, he thought, was an imposition on right. 24 Madison, anxious to find ways to maintain long-term balance, was troubled by the mutability of this radical doctrine. Such an expectation placed a heavy burden of unrest on succeeding generations. Tacit consent to laws set down in preceding generation, as Locke had taught, was not an unjust imposition, but a blessing. 25 Still, Jefferson thought it crucial that those who governed should sense the imminent ability of the society to rebel: “what country can preserve its liberties, if their rulers are not warned from time to time that their people preserve the spirit of resistance?” 26

Key to the preservation of a society that had the appetite for vigilance was the survival of a chiefly agrarian economy, uncorrupted by the kind of

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25 Madison to Jefferson, February 4, 1790. (see Young)
26 Jefferson to Colonel William Smith, November 13, 1787, Writings, 911.
society that formed around banking and large-scale manufacturing. Watchfulness for one’s property is what fueled a care for liberty, and when the republic was populated with employees rather than landholders, liberty was endangered. A constitutionally-bound, energetic government could be turned to the ends of maintaining these conditions.27

The unity imperative and the unsettling reality of opposition

Common to all three of these groups was a theoretical reverence for unity in government and an accompanying distaste for factional politics.28 This anti-partisan bias had several different sources, historical and philosophical. Though a small minority of English writers wrote approvingly of parties, for the most part, the English experience of parties in the seventeenth and early eighteenth centuries was unpleasant to recall. As Hofstadter notes, “Party was associated with painfully deep and unbridgeable differences in national politics, with religious bigotry and clerical animus, with treason and the threat of foreign invasion, with instability and dangers to liberty.”29 Reflecting on the link of parties to corruption and the abuse of political rhetoric for personal gain, Jonathan Swift defined party as “the madness of many, for the gain of the few.”30 The “madness” of the English upheavals issued forth new philosophies of the common good that attempted to remove the “religious question,” or the politics of ultimate ends, from politics. The hope here was that under the direction of a commonly accessible natural law, political ends could be safely and harmoniously homogenized. Reflecting the new zeal for

27 Witness Jefferson’s expansive use of powers in his Louisiana Purchase and the embargo. Also see Madison’s theories on international trade and the ability of a strong nation to protect its “specialized” agrarian economy (inspired by Adam Smith) in Pangle, 98-104.
29 Hofstadter, 12.
30 Jonathan Swift, Thoughts on Various Subjects, 1727, according to Hofstadter, 2.
enlightenment truth in politics, Virginia Republican activist, John Taylor, wrote that, “Truth is a thing, not of divisibility into conflicting parts, but of unity, hence both sides cannot be right.” In the context of this vision, the “self-evident” truths of Lockean natural law could be enacted objectively within the Constitutional framework. All that was required was a “band of patriots” who divined the “national good” without reference to personal interest.\(^31\)

An important intellectual influence in this regard was Henry St. John, Lord Bolingbroke. An English Tory of great literary importance in the era of early eighteenth century Walpolean government, he had penned two very influential essays whose maxims had given voice to a vision of politics important to the founding generation. His “A Dissertation upon Parties” and “Idea of a Patriot King” laid out ideals of political reform centered around the elimination of party spirit and its relationship to a virtuous, uncorrupted patriot monarch. According to Bolingbroke and many of his contemporaries, the partisan infighting of recent British politics had brought a corruption of political virtue and a state of affairs contrary to the public good. “Parties,” wrote Bolinbroke, “even before they degenerate into absolute factions, are still numbers of men associated together for certain purposes and certain interests, which are not…those of the community.”\(^32\) Partisanship had excused the principle of private self-interest in political leadership, and the king’s participation in this politics by means of court patronage had left the nation weakened and despoiled by the politics of intrigue and personal profit. These wealthy interests could not reform the nation, and the people, with their social

\(^32\) Ketcham, Presidents Above Party, 60.
institutions, were incapable of saving themselves, as well. In terms remarkably at odds with Madison’s argumentation in Federalist 10 for the benefit of factions counteracting factions, he predicted that, “To preserve liberty by new laws and new schemes of government whilst the corruption of a people continues and grows is absolutely impossible.” Salvation had to come from outside the current system: the only hope lay in the rise of an enlightened “patriot king.”33 This king would find his true, legitimate power in the approval of the people for his preservation of their liberty and prosperity. “The good of the people, he wrote, “is the ultimate and true end of government.”34 This monarch for the people would govern to eliminate parties, by pursuit of both enlightened policy and enlightened people. “The head of a state, Bolingbroke preached, “is responsible for the moral health of the body politic.”35

Bolingbroke’s patriot king is not a religious reformer, however. He is, in a sense, the active antidote to the madness of the lawyers and preachers of the Hobbesian nightmare of disordered English politics. He is a preacher king, presiding as an exemplar of enlightened statesmanship, ruling on behalf of the people’s true interests: interests to be found quite objectively in the tenets of reason and natural law. For Bolingbroke, the issue between revelation and reason was dead, resolved in the peace of 1688-89. This left open the path to a society of objective, self-evident truths, unhindered by reference to

33 (Though the founding-era presidents would seek to apply this model to an elective executive, Bolingbroke’s plan rested on the economic and political independence of a hereditary monarch. Elective monarchies led, he believed to faction and intrigue. A further problem arises here: how is there to be found such a great leader; where, like Patrick Henry, we might ask, will we find a “race of Washingtons?” If we answer that it is too unrealistic to rely on the appearance of such great men, then we cross into the territory of Burke’s rationale for party. Absent a steady supply of statesmen, a party of principled gentlemen is a wise alternative. See Harvey C. Mansfield’s Statesmanship and Party Government: A Study of Burke and Bolingbroke (Chicago: University of Chicago Press, 1965) for a fully fleshed out version of this argument.
34 Ketcham, Presidents Above Party, 61.
35 Ketcham, Presidents Above Party, 61.
philosophy or dogma.\textsuperscript{36} Bolingbroke’s acceptance of religious toleration reflects his optimism in the promise of human nature to recognize and accept enlightened rule. With philosophy and religious dogma, the ultimate roots of partisanship, cleared away, a virtuous leader guided by natural law could shepherd his people into a prosperous new commonwealth where “concord will appear, brooding peace and prosperity on the happy land, joy sitting in every face, content in every heart, a people unoppressed, undisturbed, unalarmed, busy to improve their private property and the public stock.”\textsuperscript{37}

As with other prominent commonwealth writers of his era, such as James Harrington, Bolingbroke held important the distinction between the “country party” and the “court party.” The court party, comprised of government ministers and other political types, partook of patronage and stood to gain personally by the proceedings of government, they were thus corrupted and unable to see clearly the true common good. The country party was that part of the nation, presumably a great majority, who stood outside the immediate conduct of affairs and whose interests were naturally allied to policies of national prosperity and common interest. Presaging a prevalent view among presidents like Jefferson and Monroe, Bolingbroke remarked that “A party, thus constituted, is improperly called party; it is the nation, speaking and acting in the discourse and conduct of particular men.”\textsuperscript{38} The true interests of the king are not found in the court party. A wise monarch will align himself with the country party, whose desires, under a free constitution, are bound to prevail. A popular, enlightened ruler,

\textsuperscript{36} Mansfield, \textit{Statesmanship}, 49. For an extended discussion of the implications of this view for Bolingbroke and for the party principle, see Harvey Mansfield’s brilliantly argued study of Burke and Bolingbroke and its importance for the establishment of opposition parties, \textit{Statesmanship and Party Government}.

\textsuperscript{37} Ketcham, \textit{Presidents Above Party}, 66.

\textsuperscript{38} Mansfield, \textit{Statesmanship}, 47.
makes the union of liberty and great national endeavors possible. But there is, as Mansfield notes, a sense in Bolingbroke’s philosophy, that:

[T]he coexistence of the court and country parties is normal, for there are always men of ambition eager to serve themselves in a court party, and until now there have been untaught monarchs ready to employ them. When the constitution is in a healthy condition, it is without parties; but the constitution in its present spirit has endemic susceptibility to the formation of a court party, and the interests of the nation must be frequently called to life as the country party.

Here is found a basis for a special kind of partisanship and reform appeal that will be taken up again and again in the course of American political development, and especially in the self-conception of Jeffersonian partisans. An appeal is made by a partisan elite or a reformist-populist executive, in the name of the majority and the national interest over and above a corrupt minority. As here, the need for this appeal is greater in times of constitutional imbalance than in times of steady, consensus administration. In Bolingbroke’s view, when the virtue of the nation is at risk, it requires an advocate-king who realizes that the true power of the nation and the executive itself is in the fulfillment of the self-evident desires of the country party. Mere legal balances will not suffice in these times.

So, while partisanship and faction were decried in the politics of the patrician era presidents, there was a sense that public opinion, and with it, public virtue had to be protected and managed by popular political elites. Additionally, there was the problem of the elective chief executive. The public choice of a president itself would rely on the public identification of a candidate with a particular vision for the public good. This would raise the stakes both for the candidate himself and the political elites of varying parties. Amidst competing visions of the public good and its relationship to energetic executive government, there would be a competition of elites to identify the sources of
corruption to the voting public. The check of faction against faction, leading to a quiet deliberation of representative elites within the halls of government envisioned by Madison in Federalist 10 was still a revered concept, but other means to unity beckoned and were ready at hand in the early republic. One need look only as far as America’s patriot president, who, in his famous farewell speech, urged that faction could be quieted by “force of public opinion to mitigate and assuage it.”

**The Washington administration**

Given these three genres of thought on the uses and limits of executive power in a modern, liberal republic, the first generation of American presidents faced a difficult task of interpreting, in their formal and informal behavior, the institutional charge outlined for them in the founding document. The Federalists, along with some moderate Jeffersonian-Republicans in government, had set themselves the task of establishing precedents of presidential strength and independence. Furthermore, Alexander Hamilton, Secretary of the Treasury under Washington, had made it his goal to establish the country on a firm economic footing. The establishment of a National Bank and a solid system of public credit would cement the loyalty of economic elites to the goals of building a central administrative state. Washington gave Hamilton a great deal of room to operate, and by his inveterate initiative, he became something of a prime minister figure in his role of recommending policy and providing leadership to legislative allies. Setting aside the eventual acceptance of Hamiltonian economic policy, his measures ran counter to

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40 Jack Rakove: “Once the government was launched, Hamilton did not allow the rhetoric of 1788 to constrain his sense of the possible uses of the formal power and the informal political initiative of the executive.” (Rakove, *Original Meanings*, 287, 350) (37)
prevailing opinion and aroused suspicion among Jeffersonians and former Anti-Federalists. Public sentiment was still wary of central power and steeped in traditional republican expectations. Martin Van Buren records, in his history of parties, that from among the united men of the revolution, there was yet a difference of opinion on the wisdom of central or executive power. While “the masses,” following “the creed of the Declaration of Independence,” held utter disrespect for this kind of power, a few maintained opinions favorable to the reconstruction of executive power on the British model. Though the Anti-Federalists had suffered from “disorganization and some tactical mistakes,” Van Buren notes, their fears and concerns continued to imbue the politics of the early republic with significant and lasting differences of opinion.

Hamilton’s problem (and thus Washington’s as well) was that of laying the groundwork for energetic administration in a political culture quite resistant to his ends. He faced a task of great paradox as well: to safeguard the measures of the Washington administration in the arena of public opinion. This arena of engagement, however, was one from which he had hoped the president would be more independent. Hamilton’s preference was for a chief magistrate able to be far removed from the contest of opinion. Yet, while he emphasizes in the Federalist the president’s role as a check on opinion, he registers his disappointment with the design of the office in other venues. Hamilton’s notes for his speech before the federal convention register his core belief on the relationship between the executive and the tides of opinion: “There ought to be a principle in the government capable of resisting the popular current.” The problem with an elective executive,

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41 Van Buren, Political Parties, 30. Furthermore, Hamilton was known to have approved highly of the British model, “with its corruptions,” implying that the presence of a self-interested “court” class was a necessary element in the practical ability of the government to operate.
however, is that, “No periodical duration will come up to this.” In the Federalist we see Hamilton making the best of an institutional arrangement that he finds significantly lacking. In his speech notes, Hamilton tellingly refers to the president as “a democratic chief magistrate.” Though his very conservative opinions played a strategic role at the convention for making other presidentialists seem moderate by comparison, he viewed the result of the Convention to be in large part, a failure. He did maintain hope, however, Van Buren records, that short of converting to the British system, the republican form of the US could be made workable, “and to this end he strove vigorously.” Hamilton’s ideal of steady administration relies on a stable and consistent state of opinion, to which the aforementioned Jeffersonian democratic ideals of frequent revolution, as well as the electoral design of the presidency itself posed a great challenge.

A consummate and untiring politician, however, Hamilton worked within the opinion framework given him and used the great power of General Washington’s reputation to his advantage. The tremendous political capital enjoyed by the first president allowed him a lot of room to maneuver, despite the state of prevailing opinion. But Hamilton did not content himself with the cover that this gave him; he used the reputation of Washington to push his agenda further along. Though Washington had sought political balance in his cabinet appointments and downplayed any accusations of favoritism, he clearly deferred regularly to his Treasury Secretary in most matters of

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42 Van Buren, Political Parties, 77-78. This sentiment echoes Bolingbroke’s concern that an elective monarchy will not suit the ends of a Patriot King, given that this opens him up to the vagaries of partisan battle and politics.

43 Van Buren, Political Parties, 74-77. Referencing a speech Madison recorded at the convention, Van Buren notes: “Speaking of the executive, he said: “As to the executive it seemed to be admitted that no good one could be established on republican principles. Was not this giving up the merits of the question, for can there be a good government without a good executive? The English model was the only good one on the subject. The hereditary interest of the king was so interwoven with those of the nation, and his personal emolument so great that he was placed above the danger of being corrupted from abroad.”
major import. Though he endeavored to find some common ground between Secretary of State Jefferson and Hamilton, and sought the counsel of James Madison in the House early in his administration, Washington did not, in the end, conceive of Hamilton’s view of executive power as being incompatible with the Constitution. Jefferson, though able to assert some moderating influence within the cabinet, was continually frustrated by Hamilton’s influence and resigned his post in the government. Hamilton “made it his business,” Van Buren emphasizes, “on all fitting occasions to publish and advocate [his views on government policy], believing them to be right, and to the last moment of his life confidently expecting that they would become, at no distant day, the general sentiment of the country.”

Hamilton was a great partisan on behalf of the anti-partisan presidential republic. He was a steadfast defender of administration policies and their underlying doctrine in the press, both as an author and as an advocate of Federalist party journalism. The Federalist Gazette of the United States, begun by Hamilton, became the mouthpiece of the incumbent administration. According to Hamilton, “the first thing in all great operations of such a government as ours is to secure the opinion of the people.”

To this end, there is also evidence of his political management of George Washington’s image for purposes of consolidating opinion and preventing the popularity of Jeffersonian sentiments. In what Van Buren refers to as an “electioneering” strategy Hamilton, in a letter to Washington, suggested, as a counter to the threat of the spread of the pro-France opinions in the U.S., wrote: “Among the ideas that have passed through my mind for this purpose, I have asked myself whether it might not be expedient for you

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44 Riccards, A Republic, If You Can Keep It.
45 Van Buren, Political Parties, 72-77
to make a circuit through Virginia and North Carolina under some pretense of health, &c. This would call forth addresses, public dinners, &c., which would give an opportunity of expressing sentiments in answers, toasts, &c., which would throw the weight of your character into the scale of the government, and revive enthusiasm for your person which might be turned into the right channel."  

The image of Washington had worked to soften opposition to executive power at the federal convention, and it would continue to work to shield Hamilton’s efforts to strengthen the national government from undue public opposition.

As for Washington’s own part, great care was taken to strike an appropriate republican pose. During his first term, he nearly took for granted the almost absolute trust of the public in his leadership, though he was cautious to maintain this trust by avoiding offenses against popular republican sensibilities. Counter to urgings by John Adams, among others, he rebuffed the suggestion that he adopt a style of address “essential” to “strong government.” The proposal in the Senate that he be called “His Highness the President of the United States and protector of their Liberties” was set aside by Washington, at the urging of James Madison for the more humble “President of the United States.” His daily schedule, as well, was modified to strike a balance between proper sensitivity to the people’s interests and proper distance from undue popular influence.

Washington established two occasions a week when any respectably dressed person could without introduction, invitation, or any prearrangement, be ushered into his presence. One was the president’s “levee,” for men only, every Tuesday from three to four. The other was Martha’s tea party, for men and women, held on Friday evenings. Washington would also stage dinners on Thursdays at four o’clock in the afternoon.

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47 Van Buren, Political Parties, 103.
To avoid any charges of favoritism or any contests for invitations, only officials and their families would be asked to the dinners, and these in an orderly system of rotation.49

In attending to such matters, Milkis and Nelson note, “he revealed his great sensitivity to the importance of attaining public support and respect for the presidency through activities that, no matter how mundane, were of great symbolic importance.”50

Washington saw the advantage and duty of uniting the new and, as yet unstable, political nation by means of the strength of his unimpeachable character. Part of this strategy was to embark on public tours to “see and be seen.” He conducted one tour through New England and one through the South, giving speeches and attending ceremonial events. These tours have been downplayed by commentators like Jeffrey Tulis as having no relationship to later forms of presidential rhetoric in the Twentieth Century or to “partisan” motives. However, the ends of Washington’s tour strategy, to bring support to the purposes of his administration by using the public (broadly rhetorical) weight of his personage to counteract the existing and potential criticisms of his presidency, reflect core institutional ends common to presidents acting in a consciously partisan mode. The character of Washington’s presidency was unique in presidential history: it was to his great advantage that he had no need to struggle for public trust. His only struggle in this regard was not to lose the trust and political capital with which he had begun his presidency. Additionally, Washington presided over a deeply divided and volatile political nation, both within and without his administration. Even if he had been comfortable with a partisan manner of speech, such a strategy would

50 Milkis and Nelson, 70.
have been dangerous and counterproductive to his chief political end: wedding the people to the new, united government and its controversial Federalist policies. Because he received such public deference, he could assume a deferential politics of unity unlike those that followed. While the Patriot King ideal of an historic hero rising above the corruptions of factional politics would continue to inspire presidential behavior throughout the patrician period, and even beyond, no other president would enjoy the historic conditions that would allow for this posture. The politics of general deference to local and national patriotic elites that had been assumed by most in the drafting of the constitution and the ratification debates that followed, was rapidly passing.\(^{51}\)

It should not be underestimated how much anti-partisan language can be used in a partisan manner. “No one can doubt, says Richard Hofstadter, “that by the end of his administration Washington’s role had become that of a committed partisan, indispensable to his party, eminently usable, as Hamilton saw, and, as Hamilton said of him after his death, ‘an Aegis very essential to me.’” Hofstadter notes that contemporary historians, having acknowledged Washington’s partisanship, differ on the point of how conscious he was of it. Joseph Charles, in The Origins of the American Party System, seeing that the more Washington indulged in partisanship the more alacrity he expressed for parties, finds that, “he is to be blamed not for allying himself with a party but for not knowing that he had done so, and for denouncing those opposed to his party as opposed to the government.” Other historians, Hofstadter indicates, emphasize that Washington was too able a politician not to realize that appeals against party, especially in such a venue as his

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\(^{51}\) Sharp, 85, 141. Also see discussion in Hofstadter.
Farewell Address, delivered on the eve of an election, were not partisan acts, or that he was being used as a front for Hamilton.\textsuperscript{52}

Washington’s Farewell Address, well known for its injunctions against foreign entanglements is, in its own political context, more notable for its domestic concerns for the state of opposition. It reflects his unwillingness to accept the concept of opposition to government policy as being consonant with loyalty to the Constitution. Washington had maintained throughout his administration that he stood above party and that his policies were motivated only by patriotic, nonpartisan motives. He was observed to be very sensitive to the state of his popularity and any tarnishing of his legendary image. During one cabinet meeting amidst the Genet affair in 1793, Riccards reports, an associate showed him the latest attack upon him in the \textit{National Gazette}, a Republican political journal: “Suddenly, the president’s anger exploded as he denounced the “rascal Freneau” and cried out that he would rather be dead than be president. He went on and dared anyone to single out one selfish act promulgated by him while in office, and then he finally sputtered and dismissed his cabinet.”\textsuperscript{53} Washington’s entire presidential career was marked by anxiety over growing partisanship. The Farewell Address exhibited his combination of anti-partisan language with partisan activity. Hofstadter outlines the motives of this paradoxical pronouncement:

\textsuperscript{52} Richard Hofstadter, 98-99. In a letter to Jefferson amidst the Neutrality Proclamation debate, Madison wrote: “I am extremely afraid that the President may not be sufficiently aware of the snares that may be laid for his good intentions by men whose politics at bottom are very different from his own...An assumption of prerogatives not clearly found in the Constitution and having the appearance of being copied from the Monarchical model, will beget animadversion equally mortifying to him and disadvantageous to the Government.” Hunt, Writings of James Madison, 6:132. See brief discussion of Washington’s “high order” partisanship in Landy and Milkis, 37-39.

\textsuperscript{53} Riccards, 158. Throughout Riccards close account of the Washington administration, it is seen that Washington was apt to send close political relations on missions to measure public sentiment toward his policies (Attorney General Randolph went on a tour of the South to appertain public feeling toward the neutrality proclamation) and toward himself (in reference to re-election).
It was…in itself a partisan act, much resented by the opposition. Washington had remained under pressure to remain president for a third term, and by delaying this announcement of his unavailability until September, 19, 1796, only weeks before a national election was scheduled, he had materially hampered the Republican forces, rapidly marshalling themselves behind Jefferson, in their effort to mount a campaign. The partisanship of the Farewell Address is the more evident when we recall that the central passage warning against parties was drafted by Hamilton.54

Some commentators, such as Jeffrey Tulis, are at pains to present the Farewell Address as an exemplar of “deliberative speech,” delivered in a written mode, “without any ceremony.” To so radically de-emphasize the partisan mode of speech here is to anachronistically fall into the same intellectual confusion that befell Washington and his contemporaries; it is to say that they spoke better than they acted. For while they engaged in partisan politics for the common good, (making their actions seem to themselves non-“factional”), they had not yet found a comfortable resting-place for opposition politics. To accept, as Tulis does, Washington’s language as covering or mitigating “partisan differences,” is to wish for something that may have been wished for, but was never present or possible in American politics: a state of mass deference to elites, in a system free of public opposition to government.55

The core of Washington’s speech is a direct attack on the idea of opposition, and foreshadows the Alien and Sedition acts that allowed for prosecution of opposition newspapers in the late 1790s.

All obstructions to the execution of the Laws, all combinations and associations, under whatever plausible character, with the real design to direct, controll, counteract, or awe the regular deliberation and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency. They serve to organize faction and give it an artificial and extraordinary force—to put, in place of the delegated will of the Nation, the will of a party;--often a small but artful and enterprising minority of

54 Hofstadter, 96.
55 Tulis, The Rhetorical Presidency, 68.
the community;-- and, according to the alternate triumphs of different parties, to make
the public administration the mirror of the ill-concerted and incongruous projects of
faction, rather than the organ of consistent and wholesome plans digested by common
councils, and modified by mutual interests.

As Hamilton, the author of this speech, knew, the Federalist party project of making the
Constitution in their image and according to their plan of society, required that opposition
parties be silenced. An active republican vigilance and an active party of opposition
within the current political culture would result in the failure of the nationalists and
presidentialists. Party and public debate would favor executive limitation.

**Jeffersonian opposition and the purpose of partisan rhetoric**

A distinct rationale for partisan leadership and management of public opinion was
developed early in the Washington administration, following disappointment by
Republicans in the willingness of popularly elected congresses to go along with economic
legislation proposed by Treasury Secretary Hamilton to establish a system of banking and
credit. Jefferson and other key Republicans were worried that the first two congresses
did not represent accurately the true republican sentiments of their constituents. By
supporting Hamilton and the administrations policies, they had broken trust with the
people. Already, hopes that the Madisonian electoral instruments of collecting the will of
the nation had failed. They had succumbed both to the self-interest of the legislators
themselves and the “aegis” of Washington’s own influence on public opinion. In
response, Jefferson, Madison, Taylor and other important opponents of Hamilton began
to devise a political strategy that would prevent the same from happening to the Third
Congress. They began to develop a plan for insuring an “accurate” representation of
public opinion in the elections of 1792.\textsuperscript{56} “Jefferson and his colleagues, Sharp observes, “began to move from a position that held that the people’s basic republican virtue would rouse them to defeat self-interested, anti-republican legislators to one that held that elite leadership would need to play a more active role in soliciting and educating public opinion.”\textsuperscript{57}

Several scholars have noted that the experience of the Virginia opposition in colonial and state politics had taught them to expect a close resemblance between elite and mass opinion. Traditionally, the homogeneous Virginia public had deferred willingly to a landowner aristocracy that was trusted to (and normally did) govern in their interest.\textsuperscript{58} Hamilton’s new measures, the opposition claimed, were introducing the seeds of disunity. They had created a “paper interest” that had become an elite constituency of specific government policies.\textsuperscript{59} A “money impulse” had been substituted for the public good by the constituency created for public credit. This was a classic cry of “corruption” on the model of Bolingbroke’s anti-partisan writings, and it represented the makings of a country party-court party distinction.

According to the constitutional principle, the Republicans opposition held, the people were the proper source of legitimate power. But, how could they exercise this power? How could their actual will be ascertained? In a pamphlet approvingly read and edited by Jefferson and Madison, John Taylor recommended that the people elect members of Congress who shared their interests. This would be made possible by means of “good information:” the “unbiased voice of the electorate acting on “good

\begin{thebibliography}{9}
\bibitem{56} Sharp, 56.
\bibitem{57} Sharp, 60-61.
\bibitem{58} Sharp, 65. Hofstadter notes the same phenomenon in his The Idea of a Party System.
\bibitem{59} Sharp, 62.
\end{thebibliography}
information,” would “correct political abuses, and invent new checks against their repetition.”

Around the same time, James Monroe, echoed the need for a new strategy for public opinion management. According to Sharp,

An ‘uninformed’ electorate, Monroe suggested, could not always be trusted to elect the good, the wise, and those committed to republicanism to public office. Thus, Monroe advised that it was important that the traditional, elitist leadership begin to play a more active role in helping mold public opinion. Any temporizing by this group of leaders, he contended, was particularly hazardous in a society where “the principles of government” depend “on the great mass of the society” who were generally uninformed” and whose opinions were shaped by “those whom they have been long accustomed to look up to as their leaders.”

To a number of increasingly critical Republicans, Washington, in his deference to Hamilton’s policy leadership was not the patriot king they had hoped for. The once untouchable Washington had become, by 1792, the target of criticism in newly established Republican newspapers, such as the National Gazette. The newly bonding opposition movement, led by Madison in the House of Representatives and Jefferson, had begun to take upon itself the mantle of anti-partisan battlers of corruption. Such a movement, Taylor held, should not be called a party, but a “band of patriots:” “They are not contending for the benefit of a party, but for the whole community.” In opposition, they had become what one might call a “patriot party.” In endeavoring to, as they said, “collect the will of the people,” the Republican opposition developed such procedures as petition campaigns, memorials, and open meetings.

It is here, in the face of extra-constitutional political developments and clear factional threats to republican government, that the classic Madisonian model of politics
confronts its original bias against parties and political consolidation. Madison’s early conception of institutional and legislative sanctity and of the delicate balance of powers is challenged to comprehend the linkage between the public sphere, public opinion and institutions. Legitimate republican outcomes required, for Madison, a strict adherence to and construction of the constitutional procedures of elections and governing. He, with Jefferson, feared that factors as diverse as loose construction of presidential powers and shifts in the political-economic constitution of electoral factions could threaten the future complexion of governmental power in America and transform the Constitution into a tool of anti-republican interests. Any number of informal inputs threatened to upset the carefully balanced pluralism of the constitution: partisanship, prerogative, demagoguery, large-scale inequality of wealth, and class politics. The ideal course within this framework is to keep a tight lid on all of these instruments of imbalance.

Madison, a strong defender of the Constitution in the ratification debates and an early critic of Anti-Federalist complaints, in the 1790s began to see that it had become a means to an aristocratic counterrevolution by a minority who believed the people unable to govern themselves.64 Madison did not count himself among the radical wing of democratic opposition, preferring a “refined” version of public opinion to models of representation resembling participatory democracy. He had come to the conviction, however, that the guarantee of liberty and a republican constitutional order lay in a healthy public sphere and a vital system of public opinion and public deliberation. Constitutional government could survive only under conditions of healthy public debate and discourse. It was only then that citizens and their representatives could guarantee the

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64 Saul Cornell, The Other Founders, Anti-Federalism and the Dissenting Tradition in America, 1788-1828, 166-171.
government’s pursuit of the common good. “All power has been traced to public opinion,” he claimed in a National Gazette essay entitled, “Charters.” In another essay, “Public Opinion,” he held that “Whatever facilitates a general intercourse of sentiments, as good roads, domestic commerce, a free press, and particularly a circulation of newspapers through the entire body of the people, and Representatives going from, and returning among every part of them,” was “favorable to liberty.”

As evidenced in his writings and in his active work to establish republican newspapers, Madison looked to shape public opinion so that it would become attached to the principles of constitutionalism and thus be able both to prevent the consolidation of power and to resist a slide back into prejudiced localism. The partisan journalism in which Madison engaged was gauged not to inflame rivalries, but rather to found “one paramount Empire of reason, benevolence and brotherly affection.”

Two potential elements in American politics that, to Madison and other key Republicans, threatened the unity of opinion for the common good were presidential prerogatives and the development of serious class division. Among his many objections to Washington’s Neutrality Proclamation of 1793 was the fact that by assuming such a broad grant of powers in the executive clause, the president completely sidesteps the legitimately collected and refined will of the nation as represented in the legislature. In Helvidius I, a journalistic response to Hamilton’s defense of Washington, he wrote, “To say then that the power of making treaties which are confessedly laws, belongs naturally to the department which is to execute laws, is to say, that the executive department

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naturally includes a legislative power. In theory this is an absurdity—in practice a tyranny.” Demonstrating a distinctly American theory of representation, he finds Locke’s and Montesquieu’s to be “warped” by a fondness for the British model of government. Locke’s chapter on prerogative upon which Hamilton defends the administration’s policy, is evidence of a philosophy “clouded by the royalism of an Englishman.” 67

As concerns about the rise of a paper interest aristocracy mounted, Madison extended his thinking on social pluralism to the context of the 1790s. He had in the Federalist shown a concern for the link between the pluralism of American society and the internal balance of the constitution. Writing in a series of 1792 National Gazette articles, he establishes important principles of social balance and imbalance and their link to the need for or absence of parties and governmental activism. Inequalities of wealth are an important driver of partisanship. If they are allowed to flourish, party must follow. Because factions of this kind are ultimately undesirable, government policy should be designed to reduce and prevent these inequalities. Equality here emerges as a key element of Madison’s thought on parties. Where his thought in the Federalist had been chiefly anti-majoritarian, it is here now chiefly egalitarian. Beyond wise legislation to prevent immoderate inequalities of wealth, Madison recommends that faction be addressed by the art of politicians in “making one party a check on the other, so far as the existence of parties cannot be prevented, nor their views accommodated.” 68

68 Hofstadter, 80-82.
Conclusion

American constitutionalism, and the idea of constitutionalism itself, seeks to reduce the impact of rhetoric and partisanship through the establishment of a system of deliberative representation and legal procedures. Nevertheless, the range of political, economic and social outcomes inherent in the implementation of the agreed upon system of government creates occasions for debate about the fundamental character of the society to be governed. In the particular context of the 1790s, proponents of strict construction and restrained presidential power, found that the lack of an engaged public would be favorable to the proponents of loose construction and national consolidation of power. The majority view of constitutionalism itself required an active defense in the arena of public opinion. Federalist defenders of loose construction, in turn, would admit of the Constitution’s exposure to the arena of political rhetoric and mount their own active defense, though it be styled in such a way as to maintain a public perception of partisanship and political rhetoric that was negative. Federalists knew that the turn to these strategies worked more in the favor of the Republican vision of the Constitution.

The experience of the Republicans in opposition teaches them that their vision of the Constitution and society will require active informal engagement. The early political success of the Federalist vision of the Constitution, despite its divergence with majority opinion, proved to strategists like Madison, Jefferson and Taylor that an active vigilance for strict construction would have to be aggressively inculcated. An awareness of what was at stake in elections was the first step in preventing the establishment of a Federalist foothold on the development of society. It was also important that the society retain a taste for liberty that valued strict constitutionalism. The prevention of economic policies
that would create a people with tastes for loose construction and federal consolidation was a crucial strategy in the battle for public opinion. If one envisions the true tendency of Constitutional development to be Hamiltonian in nature, to favor the growth of national power and executive activism, then one must look upon the Jeffersonian strategy as an unending struggle against the current of modern constitutional and state development. Jefferson at his most pessimistic would hope only to “slow the chains” that threatened liberty and self-government. The success of the opposition strategy in the 1790s and the apparent defeat of Federalism in 1800 would allow him a potentially more lasting victory over the “chains:” the establishment of a Republican political culture, based in the hope of sustaining American exceptionalism and the ascendancy of “country party” rule. If these conditions could be met, there might be little need for active partisan rhetoric. If the threat of national consolidation could not be squelched, however, the active engagement of the Republican “party as nation” would have to continue.
Chapter Four
The Party is the Nation:
The Majoritarian Imperative and the President as Democratic Partisan, 1800-28

If this is not the language of reason, it is that of republicanism….\[T\]o infer the propriety of creating artificial parties, in order to form them into mutual checks, is not less absurd than it would be, in ethics, to say that new vices ought to be promoted, where they would counteract each other, because this use may be made of existing vices.

-James Madison, 1792\(^1\)

The Republicans are the nation.
-Thomas Jefferson, 1810

I consider that party division of Whig and Tory the most wholesome which can exist in any government and well worthy of being nourished to keep out those of a more dangerous character.

-Thomas Jefferson, 1822\(^2\)

In opposition, Jefferson was free to criticize the liberties taken by Washington, Adams and the Federalist legislature, yet in power, he would be shaped by the dynamics of the constitutional design of the executive itself. The exercise of actual power would force Jefferson to be more pragmatic than could be afforded by the relative freedom of opposition. What is more, his principled insistence on the actions of the federal government being connected to the legitimate assent of the people and the states moved him to strengthen the bond between the people and the executive, rather than to weaken it. Moved by republican principle, he would use the powerful flexibility of the institution that his opponents had worked hard to have included in the constitutional system to achieve principled policy ends that transgressed his republicanism in their means. Key to

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\(^2\) Quoted in Ceaser, 111.
both achieving his ends politically and to shaping a political community of republican virtue was the shaping of opinion and sentiment. The precedents of informal coordination and opinion leadership that he set would lay the groundwork for the party system that followed and expand the informal leadership potential of the American Presidency.

**Jefferson in power**

When Jefferson assumed office in 1801, following a most bitterly contested election, he carried with him the philosophy of the opposition. The challenge now would be to shape the ideals of a democratic opposition to the contours of power. The rhetorical and political style of the Federalist presidents had matched their visions of modern republicanism and had served their goals of attempting to shape executive power in a way that would serve that vision. This Federalist party style was distanced from Congressional politics and intrigue (though it found the legislature very willing, at times, to accept its agenda), conservative in policy and assumed a pose above partisanship. It had also conformed to the expectations of the founders in seeing the President as a man who stood above and outside the political fray and derived power and legitimacy from the Constitution and from personal reputation, rather than from a constituency in the public.

Jefferson was, in contrast, more linked to Congress, egalitarian in policy and much more willing to accept and encourage modes of party cooperation. Presidential independence from the people was seen as a dangerous cover for hijacking the Constitution for purposes not intended by the state ratifying conventions that had accepted it. Carried over from the opposition era, and now greatly empowered by control

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3 Riccards, 196. “The Federalist model of the presidency was lost under the rising tide of a strong party system.”
of the presidency and both houses of congress, was the mission to foster and encourage the “true” will of the people. A behind the scenes advocate for the republican cause of a vigilant populous in the opposition days, Jefferson was now assuming a similar role as president. From the vantage of opposition, however, the promotion of vigilance was fraught with much fewer contradictions than from the seat of power. How was one to carry on a fight to form a republican hegemony and neutralize the entrenched Federalist judiciary without violating the norms of power to which you once held others accountable?

In a seemingly paradoxical manner, Jefferson was at once a promoter of executive deference to Congress, and a most active agent of influence on the legislature. Though the Revolution of 1800 had been won by the Republicans, the time of vigilance, for some of the party faithful, was far from over. Edmund Pendleton, an important advisor to all the Virginia presidents, reminded them, in an 1801 essay, “The Danger is Not Over,” that “it is only when great and good men are at the head of a nation that the people can expect to succeed, in forming new barriers to counteract recent encroachments on their rights.”

It was to this end that Jefferson aimed, both by reversing Federalist policies and by working to inculcate and solidify the republican cultural and political creed that would make an assault on the Jeffersonian vision of the Constitution all but impossible.

Policy reversals came quite easily, but the path to a community of harmonious affections was less sure. Jefferson had promised always to yield to “the will of the majority honestly expressed,” which he thought should continuously make law. But the honest expression of their will, as the Republicans had learned in the 1790s, was not a foregone conclusion. Jefferson had frequently referred to the people as being “sick” or

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4 Ketcham, 207-209.
“under a spell” in the time of Federalist ascendancy, their true sentiments distorted by improper representation or fogged by the admixture of Hamiltonian policy with Washingtonian reverence. Now awakened from their enchantment, the work to reform and safeguard their institutions could begin.

In a reversal of Federalist style, Jefferson sought to set a more republican tone in presidential manners and conduct. Out of respect for the popular sentiment, he trimmed back the “monocratic” practices of his predecessors. As Van Buren reports in his history of parties, President Jefferson decided to reserve the fanfare of processions for only the Inaugural. He also discontinued the “monarchical processions” in the case of the state of the union message, and began the precedent of delivering a written address to the Congress. The regal trappings that had accompanied the appearance of previous executives were unnecessary to appropriate public service. Jefferson sought to reduce the unnecessary expenses put toward these events and regalia, so as to put the government on a frugal “Republican” footing.\(^5\) To that end as well, taxes were reduced, the military cut back and the national debt decreased.

“The Engine is the Press”

Ever since 1791, when he, James Madison and Henry Lee had established the National Gazette as the voice of Democratic-Republican opposition, Jefferson had shown heavy reliance on the party press. He continued his reliance during the campaign of 1800 and into his administration, enlisting allies to write articles. “The engine is the press,” he

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5 Van Buren, Political Parties, 2-3. Jefferson’s reasons for distaste for the State of the Union address delivered to Congress are explained by him in the letter to Van Buren (page 429-430). He disliked the monarchical character of the pomp and circumstance (“the pompous cavalcade to the state house on the meeting of Congress, the formal speech from the throne, the procession of Congress as a body to reecho the speech in an answer”) Even the levees are mentioned here as being of un-republican character. There is no reference to demagoguery here. What Jefferson rolls back in formal terms he seems to replace with informal influence.
reminded his allies. The National Intelligencer was established in the capital in 1801 to be an organ of the Jeffersonian party. The paper would serve as an important tool of cohesion for his allies in Congress and would act as a means by which Jefferson could influence Congress for what he saw as republican purposes. In the mode of a “patriot king” rallying the country party to virtuous reformation of the commonwealth, Jefferson was active in promoting what he considered to be the true, permanent interests of the nation. As with Bolingbroke, his partisanship was directed toward the goal of a rational unity of basic public purposes. His entrepreneurial forays into opinion formation were gauged to guarantee the survival and unity of the party that would accomplish this purpose.

Jefferson’s “presidential newspaper,” the National Intelligencer, was a precursor to similar prints used by ante-bellum presidents to promote party cohesion and allow the president an indirect voice in routine party politics. Direct self-promotion was a dangerous strategy in the early nineteenth century, threatened by a cross-fire of Federalist and Jeffersonian party norms. From the Federalist angle, it would be constitutionally inappropriate for the Chief Magistrate to lower himself into the realm of “partisan” speech-making. From the party side it would seem presumptuous for the executive to overshadow the legislature as the voice of the people, and, more, to presume a monarchical posture over a government of very limited ends and diverse local interests.

The National Intelligencer represented one of many links in the chain of Republican newspapers that linked the towns and cities of the United States. The paper was available to subscribers outside of Washington via the postal service, and its articles

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were often reprinted by friendly editors across the country. The paper was well known to be connected to Jefferson and was acknowledged publicly to be so by both Republicans and Federalists. In 1801, Vice President Aaron Burr assured a Massachusetts Republican that the paper could be looked to as a reliable guide to party activists. It had, he wrote, “the countenance and support of the administration,” and the “explanations and of the measures of government and of the motives which produce them, are, I believe, the result of information and advice from high Authority.”

As Laracey has shown in his content analysis of the 1801 National Intelligencer, the paper was used heavily to educate citizens according to a republican manner of society, work, domestic habits and politics. It was also an effective tool for neutralizing the Federalist criticisms of the Republican government and setting straight the record of what had transpired under the Alien and Sedition suppression of the Adams administration. This educational use of the press seen in the 1801 National Intelligencer is consistent with the role of the press envisioned by Madison (noted in Chapter Three) in his National Gazette articles on “Public Opinion,” which called for a general circulation of newspapers for the purpose of creating a national community of republican opinion.

But Jefferson’s paper goes far beyond mere education and defensive rumor-correction. Selected articles on the Embargo and impending hostilities with Britain in Lance Banning’s anthology of the early party struggle, show the paper to be a mechanism for preparing public opinion to accept the newly announced and highly controversial Embargo policy. In a series of December, 1807 articles, appeals to patience, virtue and

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8 Quoted in Laracey, “Promoting Republican Culture,” 5.
solidarity are made. Here, interestingly, the embargo is spun as a governmental response to the “spirit” of the people, when, in fact, this very dubious program of the President’s was rushed through the Congress in the space of a few hours, with very little opportunity for debate.

Is the state of our affairs such that requires this sacrifice? Might not a resort to milder measures do as well? We confidently answer no... In our solemn appeal to the world, it is to silence forever that idle hope that flatters itself with the phantom, either that we are a divided people or that our republican institutions have not energy enough to defend us, much less to inflict serious injury on our enemies.... A crisis calls for some decided step. The national spirit is up... The people having shown their spirit, the season has arrived for the government to sustain, second and direct it.⁹

In obvious reference to the disparate impact of the embargo on Federalist New England, the editorial appeals to the idea that the people are “divided” as an unpatriotic falsehood. Continuing in an effort to sell the policy broadly, the Intelligencer declares, perhaps wishfully, that,

We believe it will be a popular measure with all classes. We are certain that the farmer, the planter, and the mechanic will approve it from the security it offers to the public interests; and if the merchants be as honest and enlightened as we trust they are, they will perceive the indissoluble connection between their solid and permanent prosperity and the general welfare.¹⁰

Federalists, expectedly, were angered not just at the economic dangers of the policy, but also at the administration’s persistent efforts to use the press to turn the public in favor of its policies, marketing the embargo as a safe alternative to a questionably imminent war with Great Britain. One response to these maneuvers came in a letter, published by the Connecticut Courant, “Alarming Information: A Letter from the Hon. Timothy Pickering, a Senator of the United States from the State of Massachusetts, exhibiting to his constituents a view of the imminent danger of an UNNECESSARY and RUINOUS

¹⁰ Banning, 322-23.
WAR, addressed to His Excellency JAMES SULLIVAN, Governor of said state.” In the letter, Pickering identifies the paper with the administration and scolds it for raising the alarm of war amongst the people: “The National Intelligencer (usually considered the executive newspaper) gave the alarm; and it was echoed throughout the United States. War, probable or inevitable war, was the constant theme of the newspapers and of the conversations, as was reported, of persons supposed to be best informed of Executive designs.”

While the “public” to which Jefferson and his colleagues appealed was as yet mainly a political class, and the “contest of opinion” won in 1800 a reflection predominantly of state legislatures choosing electors, the concerted effort to sustain a network of newspapers, linked into the identifiable voice of the administration was laying an important foundation. The issue of legitimating a “government at a distance and of sight,” as Hamilton had put it in Federalist 27, loomed large. The isolation of the new capitol and the as yet limited role of the general government placed a burden on Republicans to empower their leadership by tying it to majority approval. Where Hamilton had seen the problem of government at a distance as an issue of gaining prestige and respect for the new order, Jefferson’s concern was for the ability of the nation to see, judge and approve the acts of their servants in Washington. As James Sterling Young points out, the mass public was, at this point, hardly paying attention to Washington. The grand federal city envisioned by the Federalist planners, was, like the stately and energetic government anticipated by Hamilton, a neglected backwater of dirt roads and swamps, under-funded and cast aside. Jefferson would have little need or

11 Banning, 323-325.
12 Sharp, 243.
opportunity to speak to the people. His immediate audience and first priority was the nascent and fractured Republican party leadership.\textsuperscript{13} His active leadership to build the party would allow the presidency a connection to the states and localities, linking their vigilance to his strength. Hamilton would get his wish for a connection to “government at a distance, but it would come in democratic form. It is to the Jeffersonian era, Young points out, that we look to find the “initiatives in developing those techniques and institutions for arousing popular interest that were the trademark of the Jacksonian movement.”\textsuperscript{14}

\section*{The Paradox of Executive Party Leadership}

“Do not let my name be connected with the business,” became president Jefferson’s advice to colleagues when proposing partisan activities for them to carry out.\textsuperscript{15} While some scholars are tempted to include Jefferson amongst a class of patrician presidents “above party,” it may be more accurate to see him as a president behind party.\textsuperscript{16} To be sure, Jefferson couched his partisanship in careful terms and had good reason even to speak very negatively of parties in public, but these statements must be seen in the context of his own intellectual development through the 1790s and his singular faithfulness to party building during his presidency, and revival of parties in the 1820s.

There was built into the republican opposition movement of the 1790s, a strategic and philosophical dilemma, based in their views on political parties, that would follow

\begin{footnotesize}
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\item \textsuperscript{13} Young, 35.
\item \textsuperscript{14} Young, 36.
\item \textsuperscript{15} Caesar, 100?
\item \textsuperscript{16} Most notably, Ketcham’s, Presidents Above Party, 1984.
\end{itemize}
\end{footnotesize}
them into the nineteenth century. Parties represented disorder in a society, yet they were simultaneously the means to re-establishing order. The need for a party of republican vigilance implied the presence in the political order of a corrupt party, capable of distorting the true and rational interest of the regime. The Constitution itself, Madison admitted, contained elements that, to his regret as a member of the Federal Convention, perennially called forth the temptations to corrupted executive and anti-republican power. “I must own my surprise that such a prerogative should have been exercised,” he wrote in the wake of Washington’s Neutrality Proclamation. “Perhaps I may have not attended to some parts of the Constitution with sufficient care, or may have misapprehended its meaning.”17 The susceptibility of the Constitution to executive aggrandizement matched the ever-present “Tory” interest. If there were, indeed, as Jefferson believed, a permanent and natural partisan division in human nature between Whigs and Tories, only one of which “cherished the people,” there would be a constant need for partisanship. He admitted as much in a 1798 letter to John Taylor when he suggested that, “perhaps this party division is necessary to induce each to watch and relate to the people the proceedings of the other.”18 (In the presence of parties, vigilance was demanded in both directions.) The interest of the people was indeed virtuous and true, almost obvious, when not clouded by demagogues and scheming politicians. But it was eternally susceptible to distraction and confusion and thus had to be kept clearly distinguished in the public mind. “Where the principle of difference is as substantial and as strongly pronounced as between the republicans and the Monocrats of our Country,” he wrote in 1795, “I hold it as honorable to take a firm and decided part, and as immoral to pursue a middle line, as

17 Madison to Jefferson, 13 June 1793, Writings of James Madison, 6:131.
18 Ketcham, Presidents Above Party, 170.
between the parties of Honest men, and Rogues into which every country is divided.”

Where important principles divide parties, it is “immoral” not to take a clear side. The virtue of parties, if they are necessary, is clarity.

In the 1790s the principle of difference was great, but by 1800 the tide had turned. The “monocrats” had been discredited and the government, save for the judiciary, was safely in the hands of that “band of patriots” that had labored so hard to restore it to the people and to the spirit of ’76. Was it possible now, many Republicans wondered, to retreat from the partisanship of the previous decade? The one thing better than a party struggle, it seemed, would be a political culture in which the republicain interest were so clear and so unanimous as not to require the aid of principled partisanship. In this world, a return to a party-less Madisonian pluralism and the calculus of non-principled factionalism of Federalist 10 would be once again safely possible. The petty factional divisions and economic “interests” of Humean-type, those natural to human society and difference, would be balanced in a constitutional framework that would employ the mechanisms of government and the structure of federalism to prevent the illegitimate amassing of power. After all, Madison’s turn to the political centralization of the Republican party, and his wish for the harmonization of public opinion through a wide circulation of newspapers, was aimed at the goal of securing a society safe for the republican version of the Constitution.

The question of the age was whether or not such a general consensus could be established on principle as to eliminate the need for the rhetoric and apparatus of partisanship. Would it be possible to establish society on such a footing as to eliminate

19 Letter to W.B. Giles, December 31, 1795, in Jefferson, Works, 7:43
further causes of distraction from republican principle, to preempt the development of an economic class that would be the natural enemy to the broad interests of the republic and its tastes for self-government? Though they had seen the people “deceived” by Hamilton and the Federalists so recently, many Republicans were not inclined to view the “Revolution of 1800” as a possibly temporary “realignment.” Though we, in retrospect give significance to this peaceful change of regimes, the contemporary contenders were more inclined to see it not as the first of regular alterations, but a climactic and permanent shift that very narrowly escaped the use of military force.\(^{20}\) The 1790s were, in Jefferson’s mind, a strange anomaly for a republican people such as this, and he spoke of the Federalists, even in the midst of the fiercest partisan struggles of the 1790s, as the casters of a temporary “spell” over the public mind. Once deposed, this line of reasoning implied, they would fade away as if by a fixed law of political evolution.

But there was quite a bit of vacillation on this point, which stemmed mainly from varying assessments of the natural strength and resilience of the apparently natural Tory interest in politics. Republicans wondered if America’s exceptional founding and economic trajectory could be managed in such a way as to mute the strength of the commercial, consolidating impulse and thereby, allow for the lowering of political defenses against it. The worry, however, was that in a non-partisan electoral system, the anti-republicans had a distinct advantage. “Trifling as are the numbers of the Anti-republican party,” Jefferson penned in 1795, “there are circumstances which give them an appearance of strength and numbers...their wealth is...greatly superior...They all live in

\(^{20}\) See Sharp, *American Politics in the Early Republic: The New Nation in Crisis*, who recounts the tense days during the House presidential election of 1800. Federalist plots to prevent the ascendancy of Jefferson abounded and preliminary military precautions were taken, and militias called to the ready in both the North and the South, along party and sectional lines. See Ceaser, *Presidential Selection*, for comment on out historical hindsight on the Revolution of 1800.
cities, together, and can act in a body reality and at all times...The agricultural interest is dispersed over a great extent of country [and] have little means of communication with each other." The consolidators were a party without even trying, the republicans, except in as yet unknown exceptional socio-political circumstances, would need leadership and organization.

The result of these competing ideas: first, that of natural and continuous threat of party competition, and second (motivated by a moral distaste for partisanship), that of the possibility of proceeding toward republican hegemony by means of a non-partisan pursuit of consensus, was a two-pronged Jeffersonian strategy. Motivated by a firm belief that Republicans were in dire need of organization and cooperation, president Jefferson carefully urged fellow Republicans to relax their moral misgivings toward collective action, even while pursuing a public strategy of harmony and conciliation with the Federalists and a rhetoric of non-partisanship. At this particular juncture, it was important both to tamp down sectional and partisan fears about Republican hostility and “mob rule,” and to secure the cooperation of Republican leaders who were proud of their independence from party and unwilling to employ the type of oppositional vigor they had shown in under Federalist rule. Jefferson’s history of frustration with his Republican cohorts is notable in an 1811 letter to William Duane:

Some [Congressmen]...think that independence requires them to follow always their own opinion without respect for that of others. This has never been my opinion....The want of this spirit of compromise, or of self-distrust, proudly, but falsely called independence is what gives the federalists victories which they could never obtain....Leave the President to choose his own co-adjutors, to pursue his own measures and support him and them, even if we think we are wiser than they, honester than they are, or possessing more enlarged information of the state of things. If we move in mass, be it ever so circuitously, we shall obtain our object; but if we break into squads, everyone pursuing the path he thinks most

direct, we become an easy conquest….We ought not to schematize on either men or measures.22

In the realm of actual governance and the relationships between politicians, partisanship was an indispensable means; in the realm of broader public opinion, it was better for the establishment of harmonious public opinion and for the project of building trust for Jefferson’s government, that a rhetoric of non-partisan consensus be employed. Both would help to prevent a relapse into Federalist control of the government.

But if Jefferson’s concern for party regularity in legislation and candidate selection was thought to be potentially suspect among the public, it was likewise open to resistance among an important faction of his own party.23 Quid Republicans, led by John Randolph, held firmly to old values of citizen and legislative independence hearkening back to the rhetoric of English opposition writers, and presaging the rallying cries of anti-Jackson Whigs and Anti-masons. “[T]he people ought to exercise their right of election without any undue bias,” Randolph wrote in an open letter, “Public Letter of Protest Against the Caucus,” published in 1808.24 Randolph, a friend to the administration at the start, became severely disenchanted with the president’s constant backdoor intervention into congressional affairs. Randolph, acting as one of the many congressional go-betweens for the White House, had seen first hand Jefferson’s party-building activities

23 Ceaser, 113. Opponents of the caucus, such as the Quid faction, opposed the party organization as a violation of the “democratic process that the founders put in place. It was characterized as an oligarchic tyranny and a violation of the separation of powers. [This critique sounds like the later Whigs and the Progressives, to some extent] “Preexisting bodies of men, and not the people, make the appointment.” Said one Congressman in 1814. (see full quote on p.114) To Jefferson the caucus was bad, but the disease for which it was the cure was worse (election by Congress). We see in Young that the caucus had less and less influence after Jefferson.
and practice of issuing secret dispatches. Having not the stomach for such politics, he quit this service in a fury of anti-partisan disgust:

> I came here prepared to cooperate with the Government in all its measures…[But I soon] found that I might cooperate or be an honest man. I have therefore opposed and will oppose them. Is there an honest man disposed to be the go-between and to carry down secret messages to this House? No. It is because men of character cannot be found to do this business that agents must be got to carry things into effect which men of uncompromised character will not soil their fingers or sully their characters with.25

Cabinet officials, more readily received by a Congress jealous of its independence from the executive, from here forward became the more frequent means for administration missions to the Hill.

Convinced of the need to actively further the republican cause both in government and in the establishment of social mores, Jefferson found himself in a dilemma. As both party leader of a party seeking to hem in presidential power, and President of the whole union, he faced an apparent contradiction of roles. “Our situation is difficult;” he wrote in 1806, “and whatever we do is liable to the criticism of those who represent it awry…If we recommend measures in a public message, it may be said that members are not sent here to obey the mandates of the President, or to register the edicts of a sovereign. If we express opinions in conversation, we have then our…back-door counselors. If we say nothing, ‘we have no opinions, no plans, no cabinet.’”26 On top of this problem of perception, Jefferson’s majoritarian philosophy required him to be faithful to the will of the people, and in order to act legitimately, as their servant, he would have to somehow gain their confidence in order to act. As he explained shortly after leaving office,

25 Quoted in Young, 165.
In a government like ours, it is the duty of the Chief Magistrate, in order to enable himself to do all the good which his station requires, ... to unite in himself the confidence of the whole people. This alone, in any case where the energy of the nation is required, can produce a union of the powers of the whole, and point them in a single direction, as if all constituted but one body and mind.27

The requisite unity of opinion to empower presidential governance was not easily pursued in the present climate of anti-partisanship and resistance to federal and executive power. Jefferson’s power to lead was, paradoxically, undercut by the very ends toward which he was leading.28 His careful framing of the situation illustrates a solution to this problem that explains much of his apparent vacillation on the meaning and practice of partisanship. Writing to a political ally for the purpose of encouraging party unity in a current dispute, he explains that the Republicans are far more than a party; “the Republicans are the nation.”29

Here one observes a reprise of a Bolingbroke-like country party formulation of party as a group of virtuous men acting on behalf of the nation, as its true representative. Maintenance of the party and its purity of principle by act of a president or any other part of the government would be tantamount to serving the nation. One was not serving oneself or some personal interest by serving the party. As Sharp explains, “For Jefferson, Republican hegemony after 1801 was synonymous with the preservation of the Constitution and republicanism. And this explains the often fierce, often intractable, apparently unseemly partisanship exhibited by the Virginian as president—a partisanship that has often been misinterpreted by historians, as simply a betrayal of his earlier

27 Ralph Ketcham, Presidents Above Party, 105-106.
28 See Young’s Washington Community on this point. The negative project of the republican revolution, to reverse the policies of the previous regime, was based on a distrust of politics and federal power. This kind of self-loathing militated against political cohesion and an embrace of vigorous political leadership.
29 Sharp, 278.
principles.” This misunderstanding, Sharp suggests, comes mainly out of a misinterpretation of his motives in foreign policy: motives to maintain Republican hegemony. His confidence in equating party and nation allow him to excuse partisanship in the name of duty to the nation, and bold national activism and presidential leadership are countenanced on grounds of service to the true party of republican virtue. In this formulation, the Constitution exists as a means, not an end in itself. Principled partisanship expands the scope of action allowed to the president. He serves at the will of the people, correctly understood, to guard the nation against a use of the Constitution contrary to that which was intended by the people and representatives of the people that formed it.

This extra-formal approach to the powers of the presidency is exemplified most clearly in Jefferson’s defense of the Louisiana Purchase. In his first inaugural, he had tied his pursuit of a policy agenda to the approval of the nation by means of the election. This “contest of opinion” had been decided, not on the basis of character, as the founders intended, but upon the legitimacy of his policy preferences. The “voice of the nation” had spoken, and its will was license for the direction in which Jefferson would take government. He makes similar reference to the role of elections in a letter to Senator Breckenridge in defense of the constitutionally-suspect Louisiana Purchase: “When the legislative or executive functionaries act unconstitutionally, they are responsible to the people in their elective capacity.” Going “beyond the Constitution” was acceptable when it “advanced the good of the country.” The “metaphysical subtleties” of the Constitution,

30 Sharp, 279. This interpretation of Jefferson’s partisanship, as above, is in contrast to Ketcham’s “above party” approach in some important respects.
he explains, should not prevent the Congress from rejecting the purchase.\(^{32}\) While Jefferson is a champion of constitutionalism and the rule of law, the Constitution itself is not a sacred object. Each generation must shape it to their needs. Acting in their trust, Jefferson sees the prerogative exercised here as an enactment on behalf of the people, liable to their judgment at the polls. The highest duty of the executive, he believed, was not simply to obey the law, but to preserve the nation and “throw himself upon the justice of his country and the rectitude of his motives.”\(^{33}\)

**Amalgamation and the Era of Mixed Feelings**

After Jefferson left the White House there was a marked decline in the strength of the Republican party. In a party uncomfortable in its own skin, he had been a key figure in the effort to hold them together. His back-door politics and dinner table diplomacy in the capitol had made wise allowance for the non-partisan values of his more traditional colleagues, and had the dual purpose of leaving a gracious door open to “republican” Federalists, whom Jefferson described as “mistaken” rather than true believers in the Hamiltonian vision. Republican control of the government, combined with his trust that republican principles existed naturally within the heart of most Americans had allowed him the luxury of a soft sell of the party line: an approach that was well-suited to his soft-spoken style and dislike of public appearances. Jefferson was never inclined, however, to accept the view of other Republicans that the defeat of the Federalists in 1800 had put them in the clear. Two cardinal menaces to republicanism lurked in the background of American politics. The first was the “iron law” of Toryism. Jefferson was not so trusting


\(^{33}\) Ketcham, 172.
that America’s social and economic exceptionalism would carry it beyond a danger that sprang from a place so reliable as the nature of humanity. The second threat to republican solicitude lay within the courts. “The great object of my fear is the federal judiciary. That body, like gravity, ever acting with noiseless foot & unalarming advance, [is] gaining ground step by step….Let the eye of vigilance never be closed.”\textsuperscript{34} The courts were irritatingly resistant to the political reformation that had swept the nation, and its government into the age of democracy. For Jefferson and for Jackson after him, the power of politics and of the popular will embodied in the party was a countervailing force to the untouchable bench. It might even be said that courts were an instigator to partisanship.\textsuperscript{35} Chief Justice John Marshall, Jefferson’s nemesis, described him as,

\begin{quote}
among the most ambitious&, I suspect, among the most unforgiving of men. His great power is over the mass of the people& this power is chiefly acquired by professions of democracy. Every check on the wild impulse of the moment is a check on his own power, & he is unfriendly to the source from which it flows. He looks, of course, with ill will at an independent judiciary.\textsuperscript{36}
\end{quote}

The project of vigilance to protect a strict interpretation of the Constitution that had spawned the Democratic-Republican party of the 1790s, was suddenly mortally threatened by the ascendancy of the Hamiltonian-minded Marshall court.

As unification of the parties proceeded in years following his retirement, Jefferson’s idea of the key virtue of parties, to publicly distinguish Whigs and Tories, or republicans and consolidators, was increasingly threatened. What was to some successful re-establishment of national harmony, was to Jefferson a reason for worry. Monroe’s


\textsuperscript{35} Marbury, McCullough, Dred Scott and even Roe can be seen as decisions that inflamed politics in this way, instigating intense partisan reactions that would have had less divisive effects had they been settled in the legislature, or had not removed a recourse to popular will.

\textsuperscript{36} Simon, 9.
belief in the ability of the Republicans to encompass the whole of American politics parted from Madison and Jefferson’s belief that party division lay permanently within human nature.\textsuperscript{37} Where they sought clarity and honest expression of differences, he sought to smooth over differences in a broad, and now very attenuated, unity. The peacemaker role that Jefferson had assumed as a strategic stopgap, Monroe employed as a true believer. America’s basic homogeneity of class, he believed, set it beyond the inevitability of partisanship. Where even Bolingborke had acknowledged the permanence of court and country divisions, Monroe’s vision was less complicated.\textsuperscript{38}

By the 1820s Jefferson’s thinly-veiled criticisms of Monroe had become frequent. In a letter to Justice William Johnson in June, 1823, he put into perspective the recent amalgamation of the parties:

The original objects of the Federalists were, 1\textsuperscript{st}, to warp our government more to the form and principles of monarchy, and, 2\textsuperscript{nd}, to weaken the barriers of the state governments as coordinate powers. In the first they have been so completely foiled by the universal spirit of the nation that they have abandoned the enterprise, shrunk from the odium of the old appellation, taken to themselves a participation of ours, and under the pseudo-republican mask are now aiming at the second object and, strengthened by unsuspecting or apostate recruits from our ranks, are advancing fast toward an ascendancy. I have been blamed for saying that a prevalence of the doctrines of consolidation would one day call for reformation or revolution. I answer by asking if a single state of the union would have agreed to the Constitution had it given all powers to the general government? If the whole opposition to it did not proceed from the jealousy and fear of every state of being subjected to the other states in matters merely its own? And if there is any reason to believe the states more disposed now than then to acquiesce in this general surrender of all their rights and powers to a consolidated government, once and undivided?\textsuperscript{39}

By 1824, he had begun to confer with Washington newcomer Martin Van Buren on the danger of the new politics. In a letter encouraging Van Buren to re-kindled the party

\textsuperscript{38} Hofstadter, \textit{Idea of a Party System}, 23.
\textsuperscript{39} Banning, 354-55.
battle, he calls the union of the parties “an amalgamation of name, but not of principle. Tories are tories still, by whatever name they may be called.” It was under such circumstances that the worst kind of demagoguery was possible. Politicians under the guise of republicanism, but without the loyalty to a party of principle, would turn to divisive tactics to win support to themselves and even to patently un-republican measures. The 1824 presidential election in the House had marked a desperate nadir in the life of the Republican Party. After the collapse of the congressional caucus that Jefferson had worked so hard to encourage, the party-less assumptions of the founders’ selection system had shown their true weakness. In Van Buren’s assessment,

In the place of two great parties arrayed against each other in a fair and open contest for the establishment of principles in the administration of government which they respectively believed most conducive to the public interest, the country was overrun with personal factions. These having few higher motives for the selection of their candidates or stronger incentives to actions than individual preferences or antipathies, moved the bitter waters of political agitation to their lowest depths.

Undistinguishable in terms of party, candidates were now liable to divide on fractious sectional issues to gain personal advantage. Federalists in sheep’s clothing would advance consolidationist causes in the name of the Republicans. Madison had predicted this as early as 1792: “It will be equally their true policy to weaken their opponents by reviving exploded parties, and taking advantage of all prejudices, local, political, and occupational, that may prevent or disturb a general coalition of sentiments.” It was, for Jefferson, the slavery issue that now posed the greatest demagogic threat.

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40 Van Buren, Political Parties, 436.
41 Van Buren, Political Parties, 5.
42 Madison, “A Candid State of Parties” in Writings, 6:119
43 See Caesar’s discussion of principled and unprincipled demagoguery in his chapter on Jefferson in Presidential Selection. Even morally honorable appeals can be demagoguery if the realization of their vision is dangerous or impossible within the present political or institutional situation, according to Jefferson’s logic.
With Jefferson’s nod of approval following a pilgrimage to Monticello, Van Buren began to lay out plans “to draw anew and…reestablish the old party lines.” If clarity and vigilance were to be regained, the public as well as the party establishment would have to be re-awakened. Even before Van Buren enlisted Jackson as a candidate-spokesman for this revival of Jeffersonian opposition, he began to “go public” from the Senate chamber. As historian Claude Bowers notes,

[H]e was one of the first, if not the first, to take the people outside the halls of Congress into consideration. To create a party without as well as within the Congress, he arranged for the circulation of carefully prepared senatorial speeches for the moulding of public opinion in the byways and in the byways. Thus he was probably responsible for the delivery of the first congressional speeches intended solely for campaign use. 

Van Buren had taken on the mantle of Jefferson in identifying the battle of principle in American politics as one not confined to the formal relationships of institutions. As the threat of popular leadership for corrupt ends increased, it would be all the more necessary to give shape and leadership to a true majority of common interest in shared ends. The floor of the Senate, as with the seat of presidential leadership, was not envisioned as a font of electioneering rhetoric by the founding theory of institutions, yet governing interests that transcended these noble visions were afoot.

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44 Van Buren, 178.
Parties are unknown in despotic countries. They belong to the machinery of free
governments. Through parties public opinion is concentrated and directed. Through
parties, principles are maintained above men. And through parties, men in power are held
to a just responsibility.

-Sen. Charles Sumner, 1860

The crisis must be, and AS FAR AS MY CONSTITUTIONAL AND LEGAL POWERS
AUTHORIZE, will be met with energy and firmness. HENCE THE PROPRIETY OF
THE PUBLIC VOICE BEING HEARD; --AND IT OUGHT NOW TO BE SPOKEN IN
A VOICE OF THUNDER.

-President Andrew Jackson, letter to
James Hamilton on the Nullification crisis
(emphasis original)\(^1\)

**Introduction: Party and the containment of demagogy**

The first six presidents struggled to maintain popular support for both themselves
and for their visions of the constitutional republic, even while attempting to appear as the
impartial and rational executors of national affairs. Their struggle for office and their
fierce battles against the opponents of federalism or republicanism, as was the case,
pulled them into the fray of partisan politics. While some historians may see these men as
“presidents above party,” they were often, as has been shown, fierce partisans, even if
partisans of a peculiar sort that still envisioned an end to partisanship and a *novus ordo
seclorum* in perpetual balance of interests and classes. Long before the hurly burly of
Jacksonian democratic politics, presidents had found themselves in tension with the
founding ideal of a chief executive removed from concern for public opinion and partisan

\(^1\) Bowers, 257.
cares. The stakes were too high and the differences too deep. Leading in an era prior to the advent of universal white male suffrage, they were less inclined to see much advantage in overt identification with a mass party, but they did see great utility in organizing, mobilizing and making principled arguments to a broad base of state and local partisans sympathetic to their vision for the development of the republic. As the age of Jackson and of popular suffrage dawned, however, there arose a class of Jeffersonian-minded partisans for partisanship, who had learned the lesson that a non-partisan regime always gave advantage to the powerful few, with their natural advantage in coordinating policy and drawing public support for celebrity. These men gave rise to a standing, competitive two-party system that would regulate the behavior of presidential candidates and prevent the slide of the non-partisan constitutional system into a state of electoral demagogy.

Given this “external” course correction to the development of the institution of the Presidency, it is important not to confuse the nineteenth century motivation for refraining from frequent, direct popular appeal for a simple continuation of founding principle and attitudes about acceptable presidential behavior. Scholarship that demonstrates the modification of the President’s relationship to public opinion by the nineteenth century party system supports the claim made at the beginning of this project, that there is an innate interest in the modern executive in popular support, especially when linked to popular election. The party system works at once with and against this impulse in the nineteenth century by enabling the President to be linked to a viable majority coalition, while simultaneously being held accountable to those to whom he owes his place: the state and local leaders of that very coalition. Speaking on behalf of oneself or on behalf
of one’s own policies was implicitly anathema to the electoral bargain formed between party and president. While the old founding-era beliefs about presidential popular leadership and deference to Congress continued on side by side with the new party idea, especially in the form of the Whig movement, it was the party system of Van Buren’s Democracy that gave the greatest definition to the forms of the President’s appeals to public opinion. We should not, then, describe their rhetorical behavior in this era simply as a continuation of a founding ideal.

Though the “constitution against parties” agreed upon at Philadelphia may have sought to contain or channel factional politics into a procedural regime structured to produce rationally deliberated outcomes, in its silences and ambiguities it had left several perennial political questions unanswered or not addressed. Additionally, the apparent trajectory of its institutional theory was unacceptable to a vocal though not well organized contingent of leaders who anticipated the concentrations of power that would issue from it. As their fears began to be realized in the first decade of the new republic, an opposition movement formed under the leadership of Madison and Jefferson that would seek to turn the ambiguities and silences of the American constitutional system in favor of its own theories of constitutional government. This task itself was to be accomplished in one of those gray areas of the constitutional plan: informal political leadership. The opening up of this informal bridge to principled leadership through collective action laid the groundwork for an American tradition of principled, majoritarian-minded debate over the interpretation of the constitutional order. The object of electing a President itself became a focal point of informal contention over the nature of American government.
Another area not addressed directly in the text of the Constitution was class, though class was a significant consideration for the framers. There is much to be found about class in reading between the lines. While Madison clearly sought in his theories of electoral design, and even later in his leadership of the Democratic-Republicans, to preempt class conflict in pursuit of a relatively homogeneous republic, Hamilton would seek in its institutional framework the rule of a virtuous commercial class that would serve a deferential nation by delivering to it the bounty of a burgeoning economy consistent with the commercial class’s own interests and ambitions. Both were visions of a society that avoided class conflict, though Madison’s was grounded much more in avoiding extremes of class altogether. In this area as well, differences in theory at the constitutional convention emerged in the practice of politics not long after George Washington took office and the First Congress convened. The silences of the Constitution about party and methods of nomination, Jefferson, Madison and like-minded colleagues observed, seemed to favor not the virtuous representation of the people and their public good, but those of commercial wealth and those in a position to benefit directly from federal policies. Some Anti-Federalists had warned of the dangers of not clearly designating the houses of the bicameral legislature each to a class to take into consideration the most certain eventuality of the rise of the claims of the few against the many and the many against the few. What rose in the place of (but not directly corresponding to) a formal recognition of these natural claims, eventually, were the political parties, characterized by Jefferson in terms of British commonwealth theory as “country” and “court” parties.
Many had acknowledged and even celebrated at Philadelphia and at the ratifying conventions the potential of the President as a “man of the people,” a protector of the helpless, and a focal point for common purpose and strength of unity. Much of this rhetoric, as well, came out of the commonwealth tradition and the ideal of the “patriot king” or patriot prime minister who could rid the nation of destructive, factional self-interest and lead it toward general prosperity and sound government. The king, prime minister, or, in the American case, the President, could act temporarily as a partisan to unseat the wielders of influence “at court” and return the country to its patriotic unity for common purposes of state. The Federalists in 1800 and John Quincy Adams in 1828 had been unseated in favor of Jefferson and Jackson on just such a principle. The President would act for the people against the encroachments of special interest and corruption. The great variation on the “patriot king” theme here, however, is the desire for a nationalism based in local self-government, strong federalism and the limitation of executive power. There is a paradox here, of course, in employing the object to be reformed in the task of reform itself, but the unique location of the Presidency in the constitutional framework and the virtues given it by the framers for responsible, visible leadership at the head of a national constituency made it a focal point for democracy and administrative energy alike.

The particular cause into which the presidency was called in the service of a principled party gave it license to grow in terms of its natural leadership potential, even while it was slowed in its related natural potential for administrative state-building. Within the Van Buren-Jackson party regime it was called to popular leadership, but this popular leadership was only acceptable within the boundaries of dominant beliefs about
the limitation of the state and the dangers of personal rule. Of course, this taste for decentralized government and self-government was not seen by Madison and Jefferson as a state of affairs permanently fixed in the American mind. These were beliefs that had to be nurtured and guarded by institutional practice and leadership of opinion. Van Buren followed in this tradition and set out to stave off a very natural democratic instinct for charismatic leadership and strong government. The result of his efforts was a temporary holding of the line against these impulses in the development of the republic that resulted in a nineteenth century presidency held back from personal demagogy and the building of a regime that would favor the centrality of the federal executive conducive to this demagogy.

Interestingly, the rise of a regular two-party system in the 1820s both constrained and empowered presidential popular leadership. The relative absence of direct popular appeal in this century’s presidential communication, in light of this dynamic, has at least as much to do with the constraints of party-system politics as with the founding-era bias against direct popular appeal. As scholars like Michael Korzi and others have pointed out, there is an important “third way” of presidential popular leadership that complicates the traditional-modern model, or the common practice of classifying the nineteenth and twentieth centuries as radically distinct presidential periods. To be sure, there are some radical differences, but in important ways the party-era presidency forms a bridge from the founding era to the modern era that shares in the popular reserve of the past but prepares the way for the more direct popular connection of the future. As the recurrent

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2 Korzi, Michael J., A Seat of Popular Leadership: The Presidency, Political Parties, and Democratic Government. Korzi identifies a “third way” located between the patrician-founder presidents and the twentieth century progressive-era executives. Following on insights by Landy and Milkis (2000) and historian Joel Silbey, he sees 19th century presidents as both “plebiscitary” and “restrained” by the party system.
Hamiltonian institutional dynamics of consolidation pressed continually to the surface through perennial pressures of geographical expansion, commercial complexity and the electoral interests of presidential candidates in the midst of these nineteenth century transformations, natural economic and institutional pressure to focus power in presidential administration mounted. The constraints of the party system built by Jefferson and Van Buren, however, would channel and contain these pressures and forestall Hamilton’s administrative republic. Presidential scholarship in recent years that has endeavored to complicate the modern-traditional distinction by identifying nineteenth century precursors to twentieth century leadership behavior has laid important groundwork for the kind of argument made here that twentieth century developments in presidential popular leadership and oratory are grounded in an institutional logic present from the beginning, not simply an alien innovation. The recognition in nineteenth century scholarship that the party system effectively constrained presidential behavior gives credence to the hope that there is a sufficient tradition of principle in the American mind to combat the abuse of demagogic presidential leadership.

Consistent in all periods of presidential development is the potential and interest of the office to teach the people and to assist pedagogically in the survival of the Constitution in the face of historical and social change. Many commentators on the Presidency, from Hargrove to Burns, to Landy and Milkis, have acknowledged this characteristic of presidential popular leadership. Implicit in these descriptions of the office as a place of teaching is a rhetorical role that transcends all periods of American political development. From Machiavelli to Hobbes, to the American President, there is

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3 On the particular blend of the realist Machiavellian impulse and the principled Aristotelian impulse in American Presidential leadership, see Erwin C. Hargrove, The President as Leader: Appealing to the Better Angels of our Nature (Lawrence: University Press of Kansas, 1999).
great virtue and power in bringing unity to opinion, especially as new historic challenges redefine and reshape the political culture and challenge previously agreed upon assumptions. As Landy and Milkis argue, “presidents may lead and use rhetoric, but it should wed the people back to the Constitution, even if that means reinterpreting or revitalizing the meaning of the document.” Presidential leadership has an important democratic component, not designed for the flouting of democracy, but to “take the nation to school, to be a teacher of civic responsibility and values.” Presidential greatness, for Landy and Milkis, consists partly in the ability of presidents to use their place as teacher not to take advantage of their democratic connection and institutionally-natural demagogic potential of their office, but to utilize their admittedly paternalistic place to raise citizens who are “independent and responsible, rather than willful and dependent.” The advent of political parties in the nineteenth century helped presidents to achieve this greatness safely and to avoid the pitfalls of unaccountable power and disruptive electoral strategies. Martin Van Buren, the most important architect of the regular two-party system, provided an institutional solution to constitutional deficits recognized by the Jeffersonians and the Anti-Federalists. Without parties, no means to the mobilization of an active citizenry would have existed; there would be no means of linking local communities to national purposes. On top of these difficulties, Landy and Milkis identify the important fact that “Van Buren recognized that the threat of demagogy was endemic to democracy and that the only way to hold would-be dictators in

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4 Landy and Milkis, Presidential Greatness, 3-4
5 Landy and Milkis, Presidential Greatness, 3, 4 and 18. “Parties…are the most important source of democratic presidential accountability.” “Capacity to rule and to be ruled by their party” were sources of greatness. (p.4) Parties “enlarged even as they restrained presidential ambition.” (p.18)
check was to make them beholden to those they could not control." One important implication of Milkis and Landy’s observations is that credit for the limitation of presidential demagoguery in the nineteenth century must be given not simply to a founding dogma against it, but to a party structure that institutionally contained it just as the founder’s institutional structure was showing that it would not.

Dynamics of popular leadership and the origin of the party system

A close reading of the origins, causes and developments of these president-constraining party structures is necessary to identify how leadership dynamics natural to the Constitutional design and to modern executive theory are channeled or contained by nineteenth century institutions and traditions. The emergence of “modern” popular rhetoric can then be understood in terms of the weakening of these constraints amidst new institutional and social developments. The implication of this line of argument is that the lifting of nineteenth century party constraints allows institutional forces that had been submerged to come to the surface and present themselves afresh to the chief executives of the late nineteenth and early twentieth centuries.

It was the competitive party structure that averted disastrous sectional demagoguery, Van Buren reminded his readers, just when “the bitter waters of political agitation [moved] to their lowest depths.” In Van Buren’s telling, Jefferson and Madison had averted the rise of divisive national characters and purely selfish partisanship by maintaining the caucus and party organization. By 1824, however, he was more concerned: “Instead of two great parties arrayed against each other in a fair and open contest for the establishment of principles in the administration of government which

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6 Landy and Milkis, Presidential Greatness, 9,10.
they respectively believed most conducive to the public interest, the country was overrun with personal factions. These having few higher motives for the selection of their candidates or stronger incentives to action than individual preferences or antipathies…”7

Absent the disciplined mediating structure of national parties, the original constitutional arrangement, which assumed non-partisanship, left politics more open to demagogues, not less. The presence of indirect forms of presidential popular leadership and the absence of direct, “demagogic” appeal in the fashion of twentieth century progressivism, was in many ways the result not simply of founding norms, but of informal political safeguards implemented by the founders of the party system. While conventional thinking on parties and partisanship in the founding era had envisioned factionalism only as a centripetal force leading to disunity, a key component of party theory and practice for the Jeffersonians and Jacksonians were the goals of maintaining a modicum of national consensus, and the amelioration of sectionalism. In no institution was this strand of party thought more important than the presidency. The process of selecting a successful presidential candidate demanded a national perspective. The mere fact of sectional strife itself, and the need to legitimately govern in the presence of such division, called for the strategic selection of a candidate that would not appear purely sectional. Van Buren’s call for a politics of principle, presaged by Jefferson, was a practical call for nurturing a broad basis of agreement. Interestingly, the presence of the institution of the presidency itself as an important object of political ambition was itself an agent of national unity. The cooperation necessary to elect someone to the office led early

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nineteenth century political factions to partially subvert their sectionalism for the cause of electing a national candidate.

As James Ceaser has acknowledged in his classic work on presidential development, *Presidential Selection*, the Van Buren leadership model was a break from the founding model, as well as an important innovation upon the Jeffersonian principled partisan model. This “broker-politician” type of the nineteenth century came to be characterized by leaders who could broker compromises and forge consensus. “By admitting partisanship in the form of a coalitional party into the selection process,” Ceaser notes, “it could be said the presidency was being pulled down from its pedestal of independence above the contending factions.”8 This shift in presidential leadership style emerges not simply from a prescriptive agenda for Van Buren’s party system ideal, but from an historical shift signaled by the passing of the Revolutionary generation and the rise of a new generation and class of politicians in its place. Van Buren himself remarked in his *Autobiography* that, “Mr. Monroe was universally regarded as the last class of statesmen to which the country had invariably therefore looked for Presidential candidates.”9 The level of confidence that was granted to the leaders of this now passing generation could not be garnered in the same manner as it had up through the early 1820s. “To restore a medium of executive effectiveness,” Ceaser writes, “the president would have to ‘descend’ to the level of partisanship and perform the tasks that were necessary to cement the allegiance of a partisan following.”10 In this light, it can be seen that, despite the tendency of the scholars who build on Ceaser to narrate the story of

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10 Ceaser, 159.
presidential popular leadership as consistent with founding doctrine throughout the whole of presidential history up to Woodrow Wilson, nineteenth century presidential development departs, or “descends” from the pattern of the framers. We should not, then, describe their rhetorical behavior in this era simply as a continuation of a founding ideal. For while, on the surface, it may appear that nineteenth century presidents were acting in accordance with an earlier standard of independence from popular opinion and popular leadership styles, the logic of their reserve from, and forays into, popular leadership is built on a very different foundation.

Even as presidents were becoming linked more closely to the people, their path to the support of those people was mediated by the demands of a complex confederation of state and local party organizations. As the era of founder (or “patrician”) presidents passed, the prospect of securing presidential candidates of continental reputation, hoped for by the framers of the Constitution, became problematic. Sectional strife, evident from the beginning of the republic and exacerbated by episodic battles over tariffs, war and foreign policy, threatened always to make leaders of legitimately national character a rare commodity. Additionally, the historical and numerical clout of the Old Dominion that had furnished the presidents of the Virginia Dynasty with special electoral advantage had, by the 1820s, run its course. For all the patriotic respect that was lavished on the patrician presidents, politicians in up and coming states and regions were anxious to flex their political muscle and break the Virginia lock on the White House.\footnote{Donald B. Cole, \textit{Martin Van Buren and the American Political System}, Princeton: Princeton University Press, 1984, 33, 46,102-104} The pattern for a successful strategy of overcoming the advantage of entrenched political families and coteries of influential personages was to be found in the broad-based strategy of regular
party organizations modeled by Van Buren and his Albany Regency in New York, along with similar party coalitions in New Hampshire, Tennessee and Virginia.

Van Buren’s competitive party strategy, interestingly, embraced the cause of “the people” long before it embraced universal manhood suffrage. Before universal male suffrage became inevitable in New York politics, Van Buren recognized that the deliberative process of the party caucus he employed so often in building coalitions was a far different animal than the practice of direct, popular election. One of Van Buren’s worries at the New York constitutional convention in 1822 was that general suffrage and direct election were likely, at least in the short run, to favor the famous personages of New York politics over the more representative and more republican party organization men. In statewide New York politics, it also meant giving way to the whims of the populous New York City “mob:” a scenario not likely to favor party organization. Even before the marriage of mass popular opinion to the Jackson movement, the strategy of party regularity and machine coalition building was becoming an effective tool for opposing entrenched elites and those politicians favored by wealth and family influence. The collective action strategy had been employed by Jefferson first to bolster opposition to presidential administrations that threatened to make liberal use of presidential powers, then later to sustain cooperation in Washington to dismantle Federalist party initiatives and assign legitimacy to his own presidency. It was here turned to another, related task in the hands of Martin Van Buren: to sustain a coherent and legitimately national coalition of republican principle in the face of new political realities, not the least of which were democratization and the threat of demagoguery at both the state and national level.

12 Cole, 76-81
State and local party organizations in the Van Buren mold were a force to be reckoned with. Ambitious, middle class men and newly rich men from outside the established families could take their place at the bargaining table by participation in an orderly system of party regularity. Loyal cooperation gave party leaders a meaningful bloc of votes to parley into offices and legislation. Especially strong organizations like the Albany Regency and the Tennessee Junto could even make or break the hopes of a presidential aspirant or an office-seeker positioning for a high cabinet position. Where a non-partisan or one-party system, closer to that envisioned by early constitutional theory, favored wealthy candidates of familiar name, party regularity in a competitive system could bring success to men less graced by family fortune.

One of the paradoxes that Van Buren and later Democrats had to deal with in this regard, was the continuing strength of the “independence,” or anti-party ideal in American political parlance. With its pedigree firmly fixed in the Hamilton-penned Farewell Address of George Washington and the alien nature of parties to the Constitution, candidates eager to challenge Jackson and the Democrats had a ready vocabulary of anti-party rhetoric to employ against the organization. To Van Buren and his colleagues, the interest of the majority was much more faithfully ensured by the mechanism of party. Individual politicians looking to establish their reputation independently were more liable to depart from the people’s interest while gaining their confidence by popularity alone. The “anomalies” of Democratic presidential defeats in

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13 Four major state organizations were on the rise in this period: Ritchie’s Richmond Junto, Van Buren’s Albany Regency, Overton’s Nashville Junto, and Isaac Hill’s Concord Regency. All had strong leadership, all had strong newspaper organ. Each called itself Republican and professed loyalty to Jeffersonian ideals of state rights and limited government. All were willing to employ the aid of Federalists. All four combined in support of Andrew Jackson, and were joined by Calhoun’s South Carolina organization by 1828. Calhoun had admired enviously the connection between these groups as early as 1823. Cole, 97.
the Jacksonian period, were attributable to this strategy: “It is a striking fact in our political history that the sagacious leaders of the Federal party, as well under that name as under others by which it has at different times been known, have always been desirous to bring every usage or plan designed to secure party unity into disrepute with the people, and in proportion to their success in that has been their success in the elections.”\textsuperscript{14} In this paradigm, the potential for abuse of power and unrepresentative leadership is greater under the non-partisan model than it is under that of principled party competition. The progressive turn against parties in the twentieth century would turn this logic on its head by seeking to paint presidents who spoke for themselves, independent of party, as more representative of the will of the majority.

Another benefit of party regularity discovered by Van Buren in New York was the long-term value of principled commitments by party organizations. Candidates free of parties or loyalty to an agreed upon platform were at liberty to select wedge issues at random for personal political gain. One particular practice of this kind that drew Van Buren’s attention was the use of the slavery issue in state level campaigns to inflame voters against New York politicians who allied themselves with pro-slavery politicians in the South, even if not for purposes of supporting slavery. Discipline on principles and platform would reduce the temptation for candidates to pursue individual advantage through finding an issue with passionate appeal to demagogue. Van Buren, along with Thomas Jefferson, saw the “Missouri question” as a dangerous wedge issue to be demagogued for sectional party purposes. Specifically, Van Buren saw his rival, Clinton, in New York doing just that. In his autobiography, he accuses those who opposed slavery in Missouri of seeking to “bring the politics of the slave states and the standing of their

\textsuperscript{14} Van Buren, \textit{Political Parties}, 5.
supporters in the free states into disrepute through inflammatory assaults upon the institution of slavery.”\textsuperscript{15} Abraham Lincoln would have similar complaints about radical abolitionist demagogues who stymied his efforts at political compromise and national unity. Though historians argue over whether Van Buren took up this issue out of concern for his own political fortunes in New York or because of his concern to build a bi-sectional coalition with the Old Republicans of Virginia, it is clear that the practice of making the Missouri question a wedge issue threatened the project of building a national party.\textsuperscript{16} If the Democratic Party was to achieve the important goal of bringing together a national coalition, and in doing so, preventing the rise of independent, anti-party presidential candidates, it would have to invent a new language of nationalism that could speak to North and South.

**The Popular Resonance of Anti-party Ideals**

Democrats had often to defend themselves against charges of corruption and electioneering. In 1840, Whigs introduced a “gag rule” bill in Congress, looking to bar federal and state employees from participating in election campaigns, and to challenge the removal of government employees from office based on party affiliation. In a noteworthy speech on the matter, Democratic congressional leader, Aaron Brown of Tennessee, defended his party’s practices on the basis of historical examples of removal set by Washington, Jefferson and Madison (Madison had voted against a similar gag rule in 1791). Quoting an 1801 letter from Thomas Jefferson to Levi Lincoln (in addition to

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\textsuperscript{15} Cole, 59.  \\
\textsuperscript{16} Cole, 61.
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correspondence between Thomas Pickering and George Washington), Brown sought to convincingly link seemingly new practices to old patterns of partisan politics:

I had foreseen, years ago, that the first Republican President who should come into office after all the places in the Government had become exclusively occupied by Federalists, would have a dreadful operation to perform; that the Republicans would consent to a continuation of every thing in Federal hands was not to be expected, because neither just nor politic. On him was then to devolve the office of an executioner—that of lopping off. ¹⁷

As with earlier attempts at “gag rules” and official limitations on partisan speech, such as the Alien and Sedition Acts of the late 1790s, there was continuing resonance within American electoral politics for arguments against party. Andrew Jackson’s sometimes overbearing use of the presidency in the name of the Democratic party did not help matters. Though his celebrity status was in many ways inconsistent with Van Buren’s party ideal against ambitious demagogues, Whigs and Anti-Masons alike made much political hay out of linking “King Andrew” with Van Buren’s Democracy. The National Democratic Party, soon after dubbed the “Whig” party was comprised of a diverse coalition whose common ground lay in not much more than dislike for Andrew Jackson. The strange bedfellows that were the Whigs and Anti-Masons took aim at Jackson’s Democracy and its underlying organizational philosophy from very different perspectives, each with a distinct critique of party and party executives. Anti-Masons, on the one hand, were anti-elite, viewing Jackson suspiciously as a symbol of corrupt collusion that challenged the ideal independence and individual character in executive politics. It was an affront to the Anti-Masons that a candidate or a voter should have to align themselves with or put themselves under the authority of a party. Theirs was a naïve

¹⁷ Brown’s Speeches, Nashville: John L. Marling and Co., 1854, 16.
sense that hearkened back to a time before mass parties in America: a populist notion that
denied the need for collective action and saw it as an affront to individual choice.
Supposedly akin to secret societies, parties removed politics from the eye of the public.\textsuperscript{18}
The larger part of the Whig coalition, on the other hand, attacked parties from a very
different vantage. As with the Anti-Masons, these Whigs wanted to ignore the
Tocquevillian wisdom of association. They were averse to the realities of teamwork and
dictation of orders by party leaders. It was a deeply held belief among these National
Republican leaders, Michael Holt explains, “that educated gentlemen such as they, men
of demonstrated talent, experience, and breadth of vision, had a right and duty to rule.
They clung to an eighteenth century version of republicanism that stressed government
by an insulated elite on behalf of the public good, rather than other republican values like
self-government, equal rights, and liberty.”\textsuperscript{19} It seems strange that a movement favoring
hierarchical and aristocratic rule should find common cause with one so anti-aristocratic.
Yet when considered further, it is telling of the dynamics of democratic leadership.
Whigs were well aware that the success of Van Buren’s party model threatened the
freedom of action given to elites. It made them accountable when they preferred a politics
of independent, supposedly virtuous politicians. What is most fascinating is that these
very Whigs could sell this idea to the American voter and to the Anti-Masons as a return
of their government from slavery to a party tyranny ruled by a president-king. What they
were aiming for in actuality was to trade a party-accountable elite for an unaccountable
elite, or at least an elite that was accountable only in the most general, deferential terms.

\textsuperscript{19} Holt, 14.
In Whig rhetoric, salvation from Jackson’s tyranny rested in the hands of the people.\textsuperscript{20} This strategy looked to reestablish the pre-party purity of the people and their independent, elite representatives, but in a manner that attempted to shift the focus away from the “elite” reality onto the populist cry for political salvation at the voting booth.

It is interesting to note that the ideal of the unmediated relationship of elected official to independent citizens still holds its appeal today, as candidates often seek to run their campaigns without much reference to party affiliation. This, of course, is the logic that the reformers of the Progressive era brought to their rhetoric of democracy through direct primaries and other mechanisms that sought to weaken party leadership. Presidents Theodore Roosevelt and Woodrow Wilson both would seek to re-establish the governance of a virtuous few by moving toward a more “direct” form of democracy, less mediated and controlled by party, and more open to individual charismatic popular appeals.

Van Buren’s conception of democracy, though technically “oligarchic” in terms of Michel’s “iron law,” envisioned the centralization and regularity of political leadership as a move against aristocracy. For him, it was often the unmediated connection of independent candidates to the voters that favored the deception of the people in a democratic system. It is noteworthy to recognize how Van Buren handles the issue of direct election in his days as a state-level politician. Foreshadowing Jacksonian principles, he argued at the New York constitutional convention for gubernatorial appointment powers of local justices of the peace over and against direct local election. “That power,” he argued, “would be put in the hands of the executive, not for himself, but to secure to the majority of the people that control and influence…to which they are

\textsuperscript{20} Holt, 30.
justly entitled.” In this formulation, the governor acts as the agent of the party even as the party acts as the agent of the people.\footnote{Cole, 73-82.} The farmers and the simple laboring classes would find greater protection under a strong party than they would left to themselves to choose among a host of independent “celebrity” candidates. As has been identified by John Cassais and others, Van Buren had a Rousseauean conception of representation in this regard. For the will of the people to be effectively represented in government, it would require the unity that party could bring. Speaking of Van Buren’s New York Democratic Party, Cassais writes, “While it possessed a legislative majority [it] would rule, protecting the common man from his own enemies, and, in a Rousseauan way, from his own folly.”\footnote{See discussion of Van Buren’s party philosophy and of John Cassais’s contribution to his Rousseauan understanding in Sidney Milkis, “Political Parties, the Constitution.”} Although the Democratic Party in the 1830s and 1840s would pursue a course of decentralizing reforms that would open more offices to direct election at the state and local levels, it consistently sought, by means of political centralization and democratic nationalism, to link (admittedly weakened) federal authority with the people at the state and local levels.

Party organizations provided extra-constitutional checks on the exercise of power, establishing a decentralized network of politicians that not only linked localities to national government, but severely constrained this government as well. When presidents spoke, they spoke as delegates of a collection of decentralized party organizations and as defenders of their platform, not as a detached trustee acting as national head of an energetic administrative organization. To speak independently or to propose a legislative agenda would be to betray the aim of parties in this period to preserve a decentralized state. Minus the presence of and desire for an energetic, centralized federal bureaucratic
apparatus, there is little place for direct presidential appeal on the scale of twentieth century practice. With the party system dictating a “state of courts and parties,” the bureaucratic potential and thus the demagogic potential of the President was to be restrained. As Bensel has observed, the early rise of a party system in the United States delayed the onset of a complex administrative bureaucracy, while in Europe, where such parties came on the scene much later, national bureaucracy took hold earlier and matured more rapidly.

U.S. presidents were channeled institutionally and philosophically, especially in the Democratic Party, to speak and lead toward the end of self-government and a highly Jeffersonian vision of the American state. The original project of the American political party, to stand guard as a protector of local self-government, and to exist as an active shaper and interpreter of Constitutional opinion over and against the Hamiltonian school, allowed an Anti-Federalist understanding of politics to be wedded to the Jeffersonian-Madisonian vision of a republican Constitution.

In other words, Madison’s vision for a “republic of common sentiment,” as discussed in Chapter Three, would be built upon the foundation of a confederation of state and local political organizations. Parties built in this manner function as a countervailing force against the pull of the Constitutional design “against parties” and toward independent, national bureaucracy. The trajectory taken by the Jeffersonian opposition movement against the Federalists, James Piereson argues, “developed in America the tension between party politics, on the one hand, and governmental centralization and bureaucracy on the

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23 Stephen Skowronek, Building a New American State.
25 Milkis, 173, in Friends and Citizens for a discussion of the historical juxtaposition of central administration and party in American politics.
other.”

Political organization and centralized leadership structures allow for the achievement of democratic legitimacy even while functioning to limit the “consolidation” of federal power. The progressive era presidents would employ direct and charismatic appeal in an effort to release the nation from these old doctrines of party and decentralization. In order to pursue the freedom and independence of action of presidents in the spirit of the pre-party constitutional era, they would turn toward a popular rhetoric of anti-partisanship, or at least of a modified partisanship that left the modern executive less accountable to party leaders and the nineteenth century doctrines that they represented. Corruption of parties on a wide scale had made them the symbol of what parties had been built to confront in the first place: special interest.

This, in turn, would leave open the avenue of the Washingtonian model of leadership that had maintained its strength over the years. The ambivalent ideal of the “patriot king” standing above party to purify the republic from the weakening influence of the interested few, turned by Jefferson toward a party coalition of “the nation” versus Federalism, could now be turned against the troubled vestiges of the Democratic Party legacy. All this could be accomplished even while speaking, as Woodrow Wilson would, in traditional Jeffersonian terms.

In the nineteenth century party structure the Chief Executive role is transformed in various ways. Rather than the independent agent overseeing a professional national bureaucracy, the president becomes the agent and representation of a party. As the head of a coalition, his electoral and policy interests are modified from the formal model

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26 Piereson, “Party Government,” 51; To be sure, bureaucracy grew throughout the Jacksonian period. It had, however, a democratic cast. It was not the kind of administration by experts envisioned by JQ Adams and the earlier Federalists. It was built for and staffed by the common man. See, on this point, James A. Morone’s, The Democratic Wish (New Haven: Yale University Press, 1998) 87-96.

27 See Chapter 6 on Wilson’s undermining of Jeffersonian principle with Jeffersonian language.
envisioned in the 1780s. While formally, the nation as a whole is indeed the constituency of the president, he is loyal to the program and principles of those responsible for his nomination. The electoral basis of a continental reputation is substituted by a grant of confidence from a multi-regional coalition of party organizations. As a career member of a party, he is himself a partisan, despite the habit of 19th century presidents of maintaining the pretense of non-partisanship after being nominated to the office.

Any interpretation of presidential rhetoric and popular leadership in this period must be done in the light of this reality. It is a mistake to flatten out nineteenth century presidential development into an unbroken continuum of rhetorical behavior. The presidency in this period, as Ceaser has clearly acknowledged, has “descended” to a mode of partisanship. He has also become, in Michael Korzi’s words, “irreducibly ideological,” the defender of a platform, if not a full-fledged vision of American civic life. The electoral dynamics of achieving a nationally coherent coalition of voters has, by this time, re-defined, or at least brought a more clear understanding to the realities of the Constitutional design for selecting presidents. The very existence of the party system in the Jefferson-Van Buren framework has temporarily limited the trajectory of state development, and with it, the development of independent presidential power. By means of the deliberate and thoughtful actions taken against this trajectory by the Jeffersonians, and after them the men of the Van Buren school and the Jacksonians, the presidency is strengthened in such a way as to be a force for its own limitation. That is, the presidency grows in powerful ways with respect to its democratic potential and its national leadership, even while its power is generated by a movement for decentralization and self-government. The irony of nineteenth century presidential development is that the
strength that the institution gains in its informal democratic connection nourishes the very muscles that equip it for the transition to popular leadership for bureaucratic centralization.28

**Jacksonian Populism and the Transformation of Presidential Leadership**

It is easy to characterize the presidential leadership style of the Jacksonian era as distinctly different from that of the preceding Jeffersonian era. One sees Jefferson as a consensus builder and a cautious behind-the-scenes leader. He is keenly aware of the paradox involved in using the office of the president as an active advocate of an anti-Hamiltonian agenda. His inconsistency in embracing party seems to be evidence of his discomfort with the extension of partisanship. To the proponents of the party system in America he is a Moses, leading the young democracy through the dessert, yet failing in important ways to bring it to the promised land of democratic partisanship. It would be left to Van Buren to act the part of the conquering Joshua. Yet, as I have tried to show in Chapters Three and Four, the essence of the Jeffersonian project, first in opposition and then in power, was to raise up a countervailing power to the Hamiltonian trajectory of constitutional development. This essential debate over competing uses of the constitution complicated the vision for presidential leadership reflected in the account of Publius. It can even be said, as I have argued, that attacks on partisanship and partisan presidents could be used to defend particular visions of politics and society. It is in this regard that Jacksonian-era presidential leadership has a close kinship with Jeffersonian models and ideas. Indeed, Jefferson’s heirs look much different in important respects, but they are

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28 Landy and Milkis: “The party system made the executive accountable to a collective organization with a past and a future—to a national institution that enlarged even as it restrained presidential ambition.”
adapting key elements of the Jeffersonian strategy to new economic and political realities.

The principled populism of the Democratic party in the nineteenth century and the ability of the president to engage in it, is founded in an idea “discovered” by Madison and the Jeffersonian opposition, that informal political organization formed a key component of establishing a countervailing power to the “corrupt” uses of good institutions. The rhetoric of speaking or acting as a representative of “the people” in the Jacksonian era, depends on a particular definition of “the people.” What is meant is “the good people, the people of the Democratic party over and against the corrupt or aristocratic enemies of local self-government and liberty.” In this sense the Jacksonians are indebted to Jefferson’s understanding of a virtuous country party and his formulation: “the party is the nation.” Absent this formulation, the president pretending to representation of “all the people” or of the nation simply, loses the moral foundation implied by this school of thought for being a representative, rather than the servant of a constitutional duty plain and simple.

For presidents in the Jacksonian mold, the license for breaking out of the patterns of behavior originally imagined for presidents was the understanding that other officeholders, even while pretending to behave in a non-partisan manner, were actively subverting federalism or local liberties in favor of some other particular view of nationhood or liberty. Jackson, in particular, was clear about his role as representative of the people against the other branches of the federal government. Both the Congress and the federal bench came under direct attack, belying Jackson’s lack of pretense about the sanctity or purity of those institutions. Just as Jefferson and Marshall had clearly sensed
that their battle was not so much the balancing of disinterested governmental interests as it was that of countervailing ideological forces, so would Jackson and the presidents that followed in the 19th century party model see themselves.

Another inheritance of Jefferson’s approach to partisanship was the pedagogical project of building and maintaining a party movement that valued republicanism. Just as Madison and Jefferson had sought to foster a people that valued a strict interpretation of the constitution and a taste for vigilant citizenship, so the Jacksonian-era presidents would act as agents of party cohesion. Even as presidents were limited by party, they acted upon the party as shapers of both principles and coalitions. Jefferson’s initiatives to nourish a party press and to establish an administration newspaper continued as key tactics in the battle for the hearts and minds of the party, both elite and mass.

Yet another element of Jeffersonian leadership that continued to grow in the Jacksonian period was the role of the President and his agents in the cabinet and in the press, to pressure and lobby congress for the sake of party cohesion and the carrying of administration and party measures. Presidents of this era were not simply agents of the party coalition that brought them to office, but were active, forward-looking builders of future coalitions. Their ability to govern as the head of a party would be increasingly challenged, however, by the intractability of the territorial slavery question.29

Though Andrew Jackson should not be considered the typical model of presidential leadership in the 19th century, he modeled many of the popular leadership trends and rhetorical strategies that would be practiced to one degree or another by the presidents of that era. Jackson was particularly critical of the capacity of the House of

Representatives to betray the will of the people. The controversy arising over the “corrupt bargain” of 1824 had solidified in the public mind the potential for their will to be thwarted by the corruption of an “aristocratic” few. In his First Inaugural, Jackson claimed a mandate for electoral reform and suggested a new paradigm for the popular leadership of the Chief Executive. The president, he argued in essence, could represent the people where Congress had failed and would continue to fail. The language of a president representing the people in the face of entrenched special interest would come to mark the “populist” leadership style and rhetoric of Democratic presidents in the antebellum period. Terri Bimes makes this incisive comparison of the Jeffersonian context with the Jacksonian: “Whereas Jefferson had submerged his claim of popular authority within a broader message about deference to Congress, Jackson stakes out a more unencumbered power base, one that was clearly critical of the representative nature of Congress.”

Jackson’s move here is consistent with Van Buren’s earlier logic in the New York constitutional convention of 1822. Just as Van Buren sought to consolidate more power in the governor because of his ability to be controlled by or linked visibly to the majority party, so here Jackson calls the supposedly more representative body the less faithful to the people’s will. (One cannot help project this logic forward to the language of Reform and Progressive-era executives.) One must also recall that the birth of the Jeffersonian-Republican party itself, and its mission to correct the processes of communication of the popular will to the government arose out of Madison’s and Jefferson’s critique of the legislature. As detailed in Chapter Three, the passage of Hamilton’s “money bills” triggered the movement to bring the legislature to account and that culminated in the election of Jefferson in 1800.

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30 Terri Bimes. Diss., 72 and discussion of “populist” leadership model preceding this quote, 66-72.
The paradox or irony of Jackson’s leadership was that the active use of federal power, especially from presidential quarters, was anathema to the core faith of his Jefferson-inspired following. Just as Jefferson had done in 1800 in seeking to link the distant actions of his Washington government to the agreement of local and state political communities, Jackson sought to clearly legitimize his bold vetoes and power plays by linking himself to the people’s will. He clearly described himself as a “representative” of the majority. This is almost a necessary rhetorical move in the universe of Jacksonian thought. Only as a defender of the people’s liberty against an encroaching government could such bold leadership by an American president be brooked. Jackson claimed to have a clear understanding of popular sentiment and to act on its behalf. He felt so secure in his understanding of common sentiment that he was comfortable in opposing both the deliberated conclusions of Congress and the prevailing direction of public opinion. These “irregular expressions of public opinion,” he explained, “are of necessity attended with some doubt as to their accuracy.” Notwithstanding these apparent evidences of the popular will, he considered his course of action as “approved by the great body of the people.”  

In clear evidence of his understanding of himself as the representative of a principled party (even still, to some extent, the principled party) Jackson justifies his actions taken against acts of Congress early in his presidency. To him, these so-called majorities of legislators were “majorities founded not on the identity of conviction, but on combinations of small minorities entered into for the purpose of mutual assistance in measures which resting solely on their own merits, could never be carried.”

32 Thorpe, 118. Also see discussion in Bimes, 66-72.
countervailing potential of the Chief Executive as interpreter and representative of opinion. As in 1791, it is a defect in the representative function of the legislature that calls forth the claim of the President to bring order or justice to the government. Reminiscent of Machiavelli’s conception of the executive as a safeguard against the shortcomings of legislation and lawmaking bodies and as a guarantor of unified purpose, Jackson’s leadership is a paradoxical blend of Machiavellian means and Jeffersonian ends.

Involved in this role as well was the instruction of opinion for the purpose of building majorities that would reach the standard of legislating on the basis of overarching merit, not simply that of short-term “mutual assistance.” The mechanics of Constitutional government, as well as the vagaries of party politics called for active external leadership and direction. Besides the practice of using veto messages and other official communications to instruct the public and the party, Jackson and his successors looked to the party press as agents of coalition maintenance. A thriving legacy of the Hamilton-Jefferson conflicts of the 1790s, all presidents from Jefferson through Buchanan maintained an official or semi-official administration newspaper. For Jackson and other antebellum presidents, these party newspapers were a key part of their strategy to build party cohesion both nationally and among members of their party in the legislature. According to Laracey, this phenomenon reached its peak in the Jackson and Polk administrations, with what he refers to as “presidential newspapers.” These organs

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33 Korzi notes that the veto was not so much an independent choice to tame the legislature as it was a tool to defend party principles to which they had pledged loyalty. Korzi, 28.
34 See Melvin Laracey, Presidents and the People: The Partisan Story of Going Public, College Station: Texas A&M Press, 2002, as well as Korzi, A Seat of Popular Leadership.
35 Whig and Democratic presidents alike availed themselves of this strategy. John Tyler, for instance, tasked cabinet secretary Daniel Webster to write a series of articles for his administration’s paper, the National Intelligencer, when the Whig coalition around an important piece of administration-backed banking legislation was falling apart. (Holt, 129-131.)
were “established and heavily subsidized by the presidents as a venue to attack their opponents and announce and defend their public policy positions. Both Jackson and Polk felt so strongly about the importance of this weapon that they met daily with the papers’ editors to plot their media strategies and hone their messages.”

James Polk was so confident in his ability to influence opinion and his role as a crafter of opinion coalitions that when opposition to the Mexican War loomed in the legislature, he declared that, “if I am not sustained by Congress I will fearlessly appeal to the people.” Finding himself in an era fraught with the threat of a disintegrating party coalition, Polk used every means at his disposal for cementing and maintaining the Democratic base. Active lobbying of Congress by him and his cabinet, and close management of his own newspaper are clear evidences of the institution’s natural interest in opinion formation and policy initiatives. In the nineteenth century, however, the presidents directed their efforts at opinion formation at the party itself rather than the nation as a whole. The president’s destiny was tied to the fortunes of his party, so that is where his efforts were aimed. Polk, for instance, insisted on an editor of his own choosing for the *Globe* (Democratic) newspaper so that “the whole party would be United, and I would have a bright prospect of having a successful administration.” Not satisfied that the existing newspaper would function to this effect, he then established the *Union* newspaper as the administration’s organ, which he utilized actively to discipline the party’s thinking and to counteract recalcitrant Democrats in Congress, even writing editorials himself to be used by the editor.

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36 Laracey, 8.
37 Polk, Diary 2:347, in Korzi, 134.
38 Korzi, 134-136.
Adherence to Van Buren’s model of “principles above men” seems to have empowered the Democratic presidents to take active leadership roles. Because parties were generally seen as devices by which the people could control their government and their president, active leadership to build the party and to pursue the success of its platform and principles was not associated with personalistic power plays or constitutionally unsound practice, though Whigs would try, somewhat hypocritically, to characterize it this way. Whigs attacked the idea of party wholesale, and narrated Jackson’s bold leadership as tyrannical. But Whig presidents themselves found it difficult to hold together coalitions that were based simply on individual policy initiatives, rather than overarching principles.39 It was because Democratic presidents acted within a framework that ostensibly held them to account, in which party loyalty was highly valued, that they were empowered beyond constitutional clerkship.40 Of course, as the North-South Jackson coalition began to fall apart as the slavery issue challenged key components of how some viewed party principles, it became more difficult for presidents to exercise effective control. Highly factional parties made even the presidential patronage power a less effective means of exercising leadership than before.

The Democracy in Eclipse and the Rise of a New Majority

Party strife increased into the 1850s as local and state contests degenerated more and more into appeals to passion. The sectional demagoguery that Van Buren, and Jefferson and Washington before him, had feared had become more pronounced and party unity was hard to come by. The ease with which new parties could form, even if

39 Holt, 32.
40 Korzi, 51-53.
only at the local and state level, proved a constant challenge to the sustained dominance of any party. The Whig party had learned this lesson the hard way, as its brief life as a major party came to an abrupt end in the wake of new party successes in the late 1840s and early 1850s of groups like the Know Nothings, the Republicans, and other, sectional parties. The fluidity with which parties could rise and fall in the mid-nineteenth century produced yet another challenge or limitation to the rise of national, modern-styled presidential leadership. Presidents had constantly to swim upstream against the current of local electoral dynamics. The interest of congressmen and state legislators in building local constituencies on sometimes very parochial grounds competed with the interest of the president in achieving a multi-sectional coalition of electors. Not until ballot reforms in the late nineteenth century stabilized this fluid dynamic of third parties could presidents hope to appeal to more consistent national coalitions.41

Under the pressures of sectionalism and the fallout of Kansas-Nebraska and the Dred Scott decision, The Democratic Party could not be sustained and it lost its claim to “democracy” as it thwarted the will of the growing majority of frustrated anti-slavery voters. This caused dissension in Washington as party consensus and legislative consensus was difficult to manage. Presidents had a hard time managing the patronage with such a centripetal party dynamic. As a result, Pierce and Buchanan were weak.42 Republicans capitalized on the internal struggles of the factious Democracy in 1860 by pulling away enough border state voters to form a presidential coalition. Bold rhetoric that reached for an overarching national principle, though much needed, was nearly impossible. The party’s ability to unify a national majority in place of president’s having

42 Franklin Nichols, 4-10; Holt, 80-81.
to accomplish this on their own merit, now crumbling, left presidential governance, as well as national governance at a crisis point. Somehow, by blood or statesmanship, a new consensus was needed.

Both Lincoln’s rhetoric and his approach to party-building were shaped by a concern to build a viable bi-sectional presidential coalition. His push for the Union party strategy drove him to seek broad national appeal even while the Confederate states were not a viable part of his voting bloc. The anticipated importance of border states, then, later, Southern states, drove him towards a rhetoric that would re-define and re-build a principled party coalition, reaching past the shrill tones of sectional abolitionism. This strategy made Lincoln sensitive to more than just radical sentiment. He consistently looked ahead, likely informed by the lessons of ever-shifting presidential coalitions learned in the 1830s, 40s and 50s, to ensuring a new coalition after the war: one that would be more than a Northern party. Electoral logic remains nationally focused for presidents, but the parties were having a hard time maintaining a coherent vision or ideology.43 Washington politics descended into pure patronage-giving and, post-Lincoln, even jettisoned presidential leadership itself. 44

It is quite conceivable to view Lincoln as a precursor to presidents like Cleveland, TR and Wilson, who strike a more independent posture in their party leadership. Lincoln

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43 Congress has local constitutency and relatively little interest in the national coalition that Lincoln was looking to nourish.
44 The logic of the executive is to somehow dislodge the patronage from the Senate and legislators and restore the balance of power. If the system is looking for order, it will also favor a focal point for forming majorities. Thus ensues the civil service reforms against the efforts to weaken the presidency with the Tenure of Office Act. Andrew Johnson is acting as though the era of Jacksonian party leadership still functions, even though it has shifted by the mid-1850s to a hyper-local logic. The Van Buren logic is thus weakened. Institutionally, the response to heterogeneous opinion and the ascendancy of the Senate is to pursue an independent path of opinion leadership (See Korzi and Bimes on Cleveland, also Ambar on leadership of governors in late 19th century.)
stands apart from this group with respect to his lack of identification with civil service reform and the identification of strong leadership with a reform agenda. In this respect he is more “old school” in his acceptance of the patronage system. He, like the presidents of the succeeding five decades, confronts a political scenario that is hyper-local and in want of a unifying logic. While the war would settle the slavery and sovereignty question that eventually decimated the hard-won yet tentative unity of the Democracy, it would leave a coalitional vacuum in its wake. The Lincoln model for addressing this splintering, ideological and sectional political landscape is at once retrospective and prophetic. He is consistent with Democratic party tradition in his active and bold initiative in party-building to achieve a viable electoral coalition. He is of a later mold in that he is willing to accept the challenge of a dysfunctional and erratic coalitional environment as an outsider to his own party. As Salmon P. Chase recorded in his diary not long into the Lincoln’s presidency: he “has already separated himself from the great body of the party which elected him.”\(^{45}\) Holt’s account of Lincoln’s coalitional logic shows that he was hard at work building a party, even if not his own: “Building the Union party rather than balancing factions within the existing Republican party determined Lincoln’s cabinet selections throughout his presidency.”\(^{46}\) He walked a tightrope with this strategy, to be sure. Too close an identification with the Republican leadership would poison his appeal to border state moderates and Northern Democrats and a too friendly position toward the rebel South would jeopardize his current base. His famously brilliant formulations of a mythically recovered nationalism and his language of brotherhood and moderation toward the South are markers not only of his brilliant statesmanship in a military crisis,

but of his clever use of the institution of the presidency as a place from which to craft a party coalition upon which the affairs of the nation could move forward.

It seems that there were two paths to be taken in the hyper-local and strident environment of the late 1850s and 1860s: the path of continued decentralization of political will and the practice of party politics without much reference to common guiding principles, or the re-making of a strong consensus centered in a principled presidential coalition. Lincoln had accomplished the Herculean task of providing a moral narrative to make the latter path at least temporarily workable. Though it is not readily clear why Lincoln discontinued the practice of using a presidential newspaper to create party unity, it seems apparent that given his project of reaching for a coalition that would reach beyond the sectionally limited Republican Party, he would divorce himself from some of the habits of his predecessors. As a wartime president he would have the distinct opportunity to communicate through his actions. The nation’s focus was ever on him at such a time of high drama, and he stood apart from his party in ways that his predecessors could not have. He foreshadowed, in this sense, the leadership of later, twentieth century presidents in his posture as a persona reaching beyond party.

A telling record of his efforts at winning opinion to himself is a little known effort of his to personalize his presidency and to create sympathy for his policies. From May 1861 through January 1865, presidential secretary, William O. Stoddard was given permission by Lincoln to write 120 weekly dispatches from the White House for the New York Examiner. The dispatches, published under the pseudonym “Illinois,” provided constant updates on the proceedings of the administration from the point of view of one near the president. Stoddard’s journalism captures the moods and hopes of the president
in great detail, from personal grief to military triumph. Sympathetic eyewitness reports of Lincoln’s interaction with generals, politicians and citizens, as well as reporting on the Washington scene that reflected on subjects like the president’s military strategy and his policy of introducing black troops in the army, all contributed toward positive publicity. Historian Michael Burlingame observes that these dispatches are much in keeping with Lincoln’s assiduous pursuit of good press. In the twenty-five years leading up to his presidency, Lincoln “had contributed hundreds of anonymous and pseudonymous pieces to the Springfield Illinois State Journal. In 1857 he had drafted an agreement that brought him and six others into a financial partnership to fund the circulation of The Missouri Democrat in southern and central Illinois. In 1859 he himself secretly bought a Springfield paper, the Illinois Staats-Zeitung, which was to aid in supporting the Republican cause. Finally, as president he appointed early in his term scores of Republican journalists to key positions and urged his friend John W. Forney, “to establish the Daily Morning Chronicle in Washington to support his administration.47

Lincoln’s successor, Andrew Johnson, though he shared many of Lincoln’s goals for a new post-war coalition, was not his match in eloquence or political wit. His failure to walk the fine line that Lincoln managed left him isolated from the party rather in command of it. Andrew Jackson Johnson, anachronistically behaving like his namesake, “King Andrew,” would find his attempts to remake the old Democracy in the new post-war reality a dead letter. His willingness to publicly and boldly betray the Republicans by offering patronage spoils not to the victors, as had been party practice since the Jackson administration, but to “rebels,” exacerbated his attempts to bring a new party coalition

out of the ashes of civil warfare. His bold appeals to the people over the heads of Congress and criticism of individual legislators were devoid of the power of party backing that had made presidential leadership in the Jacksonian period strong. Johnson’s betrayal was not so much against the founders as against the rules of the party system, and that in a time of Republicans in a mood for vengeance and the destruction of the old Democratic system. Johnson’s appeal to old patterns of decentralization and leniency toward Southern political reintegration flew in the face of virulent partisan patronage strategies that the GOP had been employing to keep jobs out of the hands of Democrats. Republicans in the wartime Congress had been consistently nationalizing positions that had once been controlled by state governments, many of which had fallen into Democratic control in the North. The specter of Johnson giving away all the patronage ground that they had taken from the Democrats was startling. The Tenure of Office Act that the Senate Republicans employed against Johnson was Congress’s means of protecting the patronage from independent presidential control. It would not be until civil service reforms of the late nineteenth and early twentieth century removed this obstacle from presidential power that executive party leadership could be restored.48

Johnson’s impeachment, while encouraged by a series of ill-advised and inflammatory speeches, should not be overly attributed to his breach of founding-era norms for presidential speech.49 Some of the impeachment charges were indeed

48 Sidney M. Milkis and Michael Nelson, The American Presidency: Origins and Development, 1776-1998, 167-170; 173-176. The Tenure of Office Act, originally passed in 1867, stipulated that the President could not remove Senate-confirmed presidential appointees without the approval of the Senate. It was later modified to allow for presidential removal, excepting that the fired officials remain in their positions until the Senate confirm the new appointee.

49 Jeffrey K. Tulis, The Rhetorical Presidency, 87-93. Tulis identifies Johnson as the great exception amongst nineteenth century presidents for his violation of patrician norms. Patrician and partisan norms stood side by side in the nineteenth century, and while Johnson violated both, the reaction to his rhetoric was driven heavily by partisan breaches that were given a solemn, patrician spin in the efforts of
addressed toward the manner of his speech and its danger to the balance of power between the executive and the legislature, but Johnson had offended much more than norms of patrician behavior. Andrew Jackson had been the source of grave challenges to the separation of powers and in a voice not in keeping with earlier presidential decorum. Jackson, however, had been in step with his party and in command of a majority of public opinion. Johnson, on the other hand, had cut himself off from the principles of the men that had supported his election, and thereby was in betrayal of party. As such, he suffered the virulent rage of former comrades against a Benedict Arnold. Just as the Republicans were looking to establish their ascendancy over the Democrats and to prevent the reformation of the Southern bloc of Congress that had prevented national progress in the past, Johnson had attempted to speed up the recognition of Southern delegations in the House, had granted patronage jobs to former rebels and had looked to turn back the clock to a bygone political era.

Reaction to the impeachment charges was quite partisan, but it was widely recognized that their constitutionality was quite thin. The two Republicans on the
Judiciary Committee who opposed impeachment (Chairman Wilson and Mr. Woodbridge), agreed that the President “had disappointed the hopes and expectations of those who placed him in power…He had betrayed their confidence and joined hands with their enemies.” He was “guilty of many wrongs,” but none impeachable offenses. He had been “blind to the necessities of the times and to the demands of a progressive civilization….incapable of appreciating the grand changes which the past six years have wrought he seeks to measure the great events which surround him by the narrow rules which adjusted public affairs before the rebellion and its legitimate consequences had destroyed and established others.” Andrew Johnson is here more an old-timer out of place than a vision of twentieth century plebiscitary presidents to come.

Conclusion

Nineteenth century party development affects the trajectory of presidential popular leadership in two major areas. First, it affirms the Constitutional problem of presidential selection and accepts the necessity of presidential identification with an informal organization for the purposes of establishing reputation and broad legitimacy. In the absence of such a coalitional organization, candidates in the post-founding era would naturally resort to promoting themselves by means of demagogic appeals to sectional interests rather than by appeals to longer-term, cross-sectional principles. It was also feared that without a coalitional organization of principle, candidates to office from smaller states and from middle-class background would be unlikely to attain office. In an

50 House Reports, 40th Congress, 1st session, Testimony, 1195. Quoted from Oberholtzer, 68.
age of growing democratic faith, these limitations were unacceptable, especially to the politicians from smaller states and the middle or new upper class.

The second effect of party development on presidential popular leadership is the informal representative function established by the place of the president as the nominee of a principled party. The implication of competing in a contest of principle is that limitations are placed on the holder of the office in terms of faithfulness to party platforms and campaign pledges. Democratic presidents in the tradition of Jackson are pledged to protect a particular vision of the Constitution that allows for limited centralization, limited Congressional powers and a strict interpretation of presidential power and prerogative. Paradoxically, however, presidents who are agents of this cause are empowered beyond their formal constraints by the acceptance of an ongoing partisan battle. In this battle, it is acknowledged that other formal officeholders are using their positions as judges and legislators to promote an agenda of nationalization, centralization and elite or anti-democratic leadership. Political centralization is pursued in the interest of the popular goal of decentralized state power.

In the Jacksonian period, then, while presidents are actively interested in promoting themselves and their presidential party coalitions, they are constrained rhetorically both by their need to be acceptable to a somewhat diverse majority coalition, and by their commitment to party principles of limited presidential power. Presidents could speak boldly and forthrightly in this period only when challenging the expansion of the government of which they were a part, or when promoting policies that were seen as helpful to continuation of state sovereignty (as with expansionist rhetoric in the South and Southwest).
Rhetoric for greater nationalism would come mainly from the Whig orators on the floor of the Senate and then from Lincoln in the midst of the great crisis of the Civil War. By the time of Lincoln’s ascendancy, the desire for sectional and local political autonomy had run so rampant that effective presidential coalitions were becoming very difficult to manage. The ease with which new state and local parties could form both destroyed the Whig party’s ability to survive as a national coalition and enabled the Republicans to rise. The fluidity of the situation caused even Lincoln, the first presidential representative of the Republican coalition, to turn to yet another party, the Union Party, to sustain himself as a viable national candidate should the border states and some of the South be soon re-integrated into national politics. Foreshadowing presidents of the next generation, like Cleveland, who also had to appeal to fluid and fractured party environment, Lincoln would reach for the language of a new consensus dependent on his ability to personally stand at the head of affairs and produce the events of the time. Van Buren’s party system could hold presidents to account by means of electoral interest, but it also put them in a position to define and manufacture the electoral coalition itself. Just as their ambition might lead them into cooperation with a party and its principles, ambition would urge them to actively improve their political fortunes. In this sense, parties were not a complete negation of the Constitution’s blueprint for presidential behavior, but institutions that came alongside them to modify and limit much of their potential behaviors left undefined in the gray areas of the document. One such important outcome of this relationship was the maintenance of the president’s role in unifying a majority while refraining from self-aggrandizing popular appeal that could focus governance too centrally on the President himself.
Chapter Six
The End of Innocence and the Redefinition of Vigilance:
Speaking to the New American State

[The orator] holds the balance of power. It is the orator, more than ever before, who
influences the course of legislation and directs the destinies of states.¹

Robert M. La Follette, 1905

The form of the Union itself is altered, to the model that was in Hamilton’s thought rather
than to that which Jefferson once held before us…Our ways of life are profoundly
changed since that dawn.²

Woodrow Wilson

Everything seems to combine to increase indefinitely the prerogatives of the central
government.

dé Tocqueville, Democracy in America,
part 4, ch.5

Thus far it has been shown that the movement away from founding era
convictions about the place of the President above the fray of party and removed from the
project of actively shaping public opinion, was an historical process that began in the
1790s, continued with the informal development of the office in the first quarter of the
nineteenth century, and, despite being slowed in some general respects by the Jacksonian
party tradition, continued on in its popular evolution amidst the political and
administrative imperatives faced by presidents thereafter. The turn here to the twentieth
century and the “modern” presidency is thus seen as a continuation, not as a break from,
the institutional logic of the modern executive located within the American constitutional
system. This is not to say that in assuming a role at the head of public opinion, as well as
at the head of Congress or a legislative party, the modern President does not do damage

¹ Kraig, 98.
² Wilson, 427.
to a host of intended constitutional dynamics. Indeed, criticisms of Woodrow Wilson and
Theodore Roosevelt for their abandonment of attention to constitutional forms are well
founded.\textsuperscript{3} Efforts to regain respect for these forms in the aftermath of a century’s
outright flaunting of them are noble and indicate a desire to escape the morass of
twentieth century mass democracy and its captivity to charisma and consequent
temptations away from principled and virtuous leadership.

However, the efforts even of the founding generation itself to contain the
Presidency within the formal parameters envisioned prior to the 1790s were not long
successful. The exigencies of partisanship and political competition would soon take hold
of the republic, and inevitably bring the presidency into its vortex. The discretionary
roles given to presidents as a guarantee of strength and stability became matters of great
partisan debate. The formal constraints placed on the president by the institutional and
electoral design, it was seen from the outset, could be outstripped by an even more
fundamental design element invited into the American constitutional scheme by the
employment of a modern executive. Though Machiavelli’s executive had been adapted
to a constitutional republic, its distinctive flexibility and virtuosity in service of security
and the prosperity and unity that are necessary to that security, were necessarily
preserved.

While nineteenth century party structures were sufficient guarantors of unity
and legitimacy in all but the Civil War years, the revolution in society and in economic
organization of the late nineteenth and early twentieth centuries would call forth the
interest of the modern executive in unity, prosperity and security on a scale larger than
ever before, even to the point of engaging in direct popular appeal as a means to unity

\textsuperscript{3} Mansfield, Ceaser, Bessette, Tulis, etc.
and coordination. As the old decentralized party structure fell under increasing suspicion under the glare of widespread reform movements, and their lack of ability to accomplish industrial age policy coordination began to be questioned by industrial interests, a crisis of legitimacy and economic effectiveness loomed.

The heavy use of popular appeal by Wilson and Roosevelt was not somehow then a strategy developed in a vacuum, but a strategy born out of the developments of the era in which they led. Popular oratory was a means helpful to ends already given to the executive by design, and governors, presidents and national political leaders of all sorts had begun to engage in it to a high degree as the turn of the century approached. The coordination of popular support for the great progress of states in this new age called forth the executive not as a slave to public opinion, but as an active force upon it, one that sought to dismantle all threats to the rise of the new state. Class conflict, parochial regionalism and amateur, decentralized party leadership all threatened the progress of the state toward greater power and prosperity and so had to be quelled. The voice and the moral tone of the Victorian preacher, familiar to the ear of middle class America would be adopted by its presidents in a secular call to unity and reformation of the state.

As to the matter of pinpointing the modern “turn” in popular leadership and presidential behavior, it appears that this development is attributable to two main converging forces. First of all is the mounting pressure on the chief executive and on the federal government itself to take on greater responsibility in national regulatory coordination and in matters of international diplomacy. This presents the President with the field of action wide enough to justify an unapologetic central role. The second major variable is the social, psychological and economic unrest that attended the growth of
nation into a modern state. Deeply held beliefs about American identity and the meaning of democracy were challenged by the new industrial age and its nascent value system. Old-styled Democrats, Populists and labor interests alike dug their heels in against the redefinition of American life and used tried and true democratic oratory to defend their vision. Prophets of the new America, one of bureaucratic science and colossal industry, who had come out of a tradition of anti-Jacksonian critique critical of the informal leadership of populist, Democratic presidents, now enjoined the strategy of their opponents for a new end. Rather than utilizing popular leadership for the defense of a Jeffersonian vision, it would be turned to the uses of a counter-revolution for Hamiltonian ends. The coalescence of national will around the new direction for the state, as Hamilton had anticipated, would come from popular admiration and trust in its beneficence. However, as Hamilton feared, a counter-argument against this national trajectory and the accompanying role of the President in its achievement, had been institutionalized and embedded in the American mind by the efforts of Jefferson, Madison and the Democratic founders of the party system that followed them. TR and Woodrow Wilson would take up the popular democratic forms in the twentieth century now to fight the Jeffersonian vision and to go toe to toe with the orators and party leaders, such as William Jennings Bryan and Eugene Debs, who stood in the way of modern executive purposes and the unity of national will that would undergird them.

As the twentieth century dawned many of the institutional forces and beliefs that had nourished and structured the prior century began to fall under attack. The multifaceted reform movement of the post-Civil War era had begun to actively question the ability of present political and social institutions to face the challenges of a rapidly
changing industrial America. Van Buren’s party system, structured to control ambition and to stave off sectional combat, had come under renewed criticism after the fall of the Confederacy and the rampant corruption of the Grant administration. Rather than being seen as barriers to ambition, parties were now seen as barriers to the rule of virtuous men. Calls for civil service reform in the 1870s grew over decades into wholesale critiques of party government. The system of patronage and local control that had been utilized to tie ambition to principle, and to safeguard local self-government from centralization, was cast now as a system of corrupt machines, run by undesirable elements of society. Loyal identification with parties suffered as a result, as local reform groups and regional and national trade interests began to routinely run specialized, narrow slates of candidates, such as Toledo’s Independents or Chicago’s Municipal Voters’ League, the Grand Army of the Republic or the chamber of commerce ticket. Just as quickly as the old divisions over slavery and territorial expansion had disappeared, leaving the country ostensibly free to be a nation, an amplified heterogeneity exploded upon a scene of new industrial and reform politics. Shaken by the Civil War, the country had lost its innocence in the surprising brutality of the wholesale carnage, and, seemingly, its ideals in the rancorous and corrupt politics that followed in the Johnson-Grant era. Neither a Washington nor a Jackson seemed a suitable fit for this era of Gilded Age politics and no-name presidents. Lincoln’s generous Unionism, with its consensus appeal and its benign acceptance of partisanship seemed to hint a way forward, but perhaps only as an early foreshadowing.

Jefferson and Jeffersonian ideals took a beating in this period as well. According to many Progressive reformers, the ideological and institutional innovations of Jefferson and the Democratic Party had pre-empted the progress toward nationhood and “We the

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People,” with a program of localism and states’ rights. The instinct for equal rights, decentralization and limited government and their identification with true democracy all fell into disrepute under the gaze of most reformers. In their telling, Hamilton, not Jefferson, had been the most forward-looking of the founding generation. His instinct for union, central government, and administrative competency appealed to this reform generation, imbued as they were with a thoroughgoing hope in the techniques of modern government and management to deliver the nation from its apparent feebleness. Theodore Roosevelt’s biography of a great Federalist, *Gouverneur Morris* (1888), was among the many efforts by the reform generation to resurrect a strain of constitutional thought that had been submerged for many decades beneath the “adolescent” and “immature” conceptions of a young Jacksonian America. Even a seemingly orthodox Jefferson-Jackson man like William Jennings Bryan, during the campaign of 1900, was unashamed to call for the nationalization of the railroad system.

The nation was in crisis as it sought to find a way to order itself for the new world of industrialization and international-scale. The period from 1890-1920, that in which the modern, “rhetorical presidency” was born, witnessed a massive overhaul of political conceptions of class, labor, and homogeneous conceptions of political unity. In what Robert Wiebe describes as an approximately thirty-year process of “dissolving the people,” America experienced a transformation of earth-shattering class alignment. “Profound if elusive changes in popular perception—a central reorientation, a new consumer consciousness, a psychic crisis, historians have called it—redefined the terms

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6 Herbert Croly, *The Promise of American Life* (1909) lays out the past and future of reform as he sees it at the end the Roosevelt administration. Also see Goldman, *Rendezvous With Destiny*. 
Where once stood a nation in which people imagined a common destiny and experienced politics in a way integrated with their work, communities and daily life, where, as Tocqueville had observed, the American citizen devoted “half his existence” to the “ceaseless agitation” of public affairs, now stood a nation of individuals distanced from one another by the forces of specialization, urbanization, and widening class and power differences. The mediating institutions Tocqueville had praised for their ability to tame radical individualism and to enable collective action had begun to come apart. In the first quarter of the 20th century, neighborhood, craft and ethnic identities were weakened by modernizing trends that separated work from the rest of one’s life. The rewards of labor were becoming impersonal and private. Prestige came now more from where you worked, not from where you lived or the community or lodge to which you belonged. As the nation “discovered” poverty around the turn of the century, it had become clear that the distance that separated classes could no longer be bridged by regular, day-to-day human relations. Welfare would have to substitute for what could previously be addressed by human contact within communities. New layers of white-collar jobs further distanced individuals formerly bound together by identity in chiefly agrarian and labor-intensive jobs. New hierarchies in government and in the employment marketplace legitimated new patterns of subservience. “By the 1920s,” Wiebe observes, “almost no voices spoke up for the old collective, hurly-burly democracy. Public discussion took an individualized electorate for granted.” Just as Van Buren had faced the crucial challenge of re-orienting the electoral system to accommodate the difficulty of identifying legitimately national presidential candidates,

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7 Robert H. Wiebe, Self-Rule, 162-63.
8 Wiebe, 68 (findTocqueville cite)
9 Wiebe, 113-115, 132, 137
the politicians of the Progressive era had to find a way of speaking to and generating legitimate power from a transformed, individualized electorate. The “chains” of the new economic and social order that Jefferson had foreseen and had pragmatically worked to forestall, had arrived. The old party system and the states’ rights politics that had forestalled the Hamiltonian project of nationalism and commercial expansion had been, for the most part, vanquished.

However, this new atomization of the electorate posed many challenges to the building of legitimate consensus around policy initiatives. More problematic still was the growing need for government intervention in both the domestic regulatory sphere and in the arena of international affairs. The “state of courts and parties” that had handled the business of government up to this time, could no longer meet the demand for regulation and policymaking that faced the government now. Congress itself was becoming a place of specialization and special, atomized interests, as committee government replaced old-style party management. Just as Americans were becoming more distanced from one another, they were being put at a greater distance from a clear understanding of their government. The complexity of modern politics, with its concerns for things like monetary policy and the protection of overseas interests through active diplomacy and projections of force, challenged not only the values of 19th century American politics, but its localized structure of legitimacy and authority as well. As the nation entered the twentieth century, there was a palpable anxiety over the problem of democracy and public opinion in the new world of complex and distanced politics. It was one thing for

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“the people” to govern a chiefly agrarian, decentralized state, it was quite another for an atomized electorate, laden with waves of new immigration, urban poverty and the splintering of organic communities, to judge well their options.

As one looks to understand why the truest purposes of modern executive leadership would yield to a strategy of popular leadership, focused on itself as a source of political unity, rather than on safer and more indirect sources like tradition or party loyalty, it is important to recognize the true crisis of opinion that existed at the time of the ascendancy of the “rhetorical presidency.” It was not only Woodrow Wilson who fretted over the lack of a motivating center in politics. All over, in statehouses and in European parliaments, political orators were rising to the challenge of mass politics. A society re-organized for and by a modern, industrial economy blew out of the water Jefferson’s yeoman farmer ideal and made quaint the New England town meeting, challenging democracy to keep up with specialized knowledge and the multiplication of subservient and dependent relationships in the economy. In their quest to re-establish order within these constraints, Wilson and TR would re-connect the citizen to the nation via a very visible, central link: the Presidency. As founders like James Wilson and Gouverneur Morris had anticipated, the place of the American President as an independent, responsible agent, a “man of the people” and the sole leader with a national constituency, would make him an important psychological means of attachment to the state and its purposes. Presidential popular rhetoric would be a way to bridge the widening gap of legitimacy and knowledge that was beginning to haunt the politics of the new century.

This new situation bred a great deal of thought on public opinion and calls for presidents to lead it. There were two major instincts, or schools of thought that theorized
the problem of public choice and the new contours of the relationship between the leaders and the led. Each illuminates the contextual dynamics of TR’s and Wilson’s desire for a strategy of central opinion formation and the difficulties they faced in balancing charismatic leadership with the sustaining of other order-maintaining institutions, such as parties and local and state governments. One tack taken by Progressive thought was that the American public had to somehow be reconstituted in the modern era so as to yield communities that could once again participate judiciously in the political process. This entailed greater efforts at informing public opinion and equipping citizens for participation. The other, more cynical or “realist” side doubted the capacity of the electorate as it was, to participate helpfully in governing a modern state. The replacement of patronage appointees with professional bureaucrats, for instance, was prized for its emphasis on expertise over “amateur” participation. Of course, these instincts need not be seen as mutually exclusive. Deep cynicism accompanied equally “realist” impulses to build functional national coalitions of consensus for parties, policies or candidates. Active and distant “democratic” government must narrate its activities in an acceptable language. H.L. Mencken insightfully identified in Theodore Roosevelt and many other politicians of this period a “fatalism that showed itself in a cynical and opportunistic politics.” Contempt, not respect, for the American public followed a career of engaging in the rhetorical war to win it over.11 It was a state of affairs that no one seemed to want,

11 “The appearance of such men, of course, is inevitable under a democracy. Consummate showmen, they arrest the wonder of the mob, and so put its suspicions to sleep. What they actually believe is of secondary consequence; the main thing is what they say; even more, the way they say it. Obviously, their activity does a great deal of damage to the democratic theory, for they are standing refutations of the primary doctrine that the common folk choose their leaders wisely. They damage it again in another and more subtle way. That is to say, their ineradicable contempt for the minds they must heat up and bamboozle leads them into a fatalism that shows itself in a cynical and opportunistic politics, a deliberate avoidance of fundamentals. The policy of a democracy thus becomes an eternal improvisation, changing with the private
but that seemed inescapable, nonetheless. In any case, the pressure, even the necessity, of appeal for coordinated national policy was very real for both parties and presidents. An atomized electorate, drawn away from loyal party identification, could be ripe fruit for a more independent-minded and independent-sounding candidates to pick. Oratory, radical or conservative, was pursued as never before as a means of attracting voters to individual politicians and their causes.12

With this “new social order” the problem of political epistemology, or public opinion, arose as never before. Indeed, it is this societal arrangement that spawned the contemporary concepts of “public opinion” as it is referenced in contemporary political science.13 It is the widening of the distance between what people can know and what they need to know that provides the “gap,” so to speak, that is fitted by the study of public opinion and opinion polling. One of the most notable exchanges pertaining to the new challenges of public opinion in democracy is that between journalist and political advisor Walter Lippmann, and social scientist and public intellectual par excellence, John Dewey. In some essential ways, their debate reflects the trajectories present in the Federalist – Antifederalist debate over the proximity of government to the people and to local communities. Lippmann is concerned with the rationality of government decision-making (as Madison was), and suggests plans to inject more intelligence into the policy making process itself while distancing, in some ways, the common individual from participation in decisions about the administration of government. Dewey, on the other

hand, seeks to reconstruct “natural” publics so that they can more effectively engage the political process and express their policy preferences.

**Walter Lippmann and Democratic Realism**

Much of Walter Lippmann’s thought on public opinion and democracy was inspired by his early studies of how distorted conceptions of international politics were communicated to the American public by its newspapers and by its government. Lippmann had witnessed first-hand the use and abuse of news and information by elites when he had served in the American Army propaganda effort in World War I.\(^{14}\) He found contemporary theories of democracy and participation woefully lacking in their understanding of how the average person receives, interprets, and acts upon political information, or news. One of the most influential and widely read of Progressive-era journalists, Lippmann wrote two books, *Public Opinion* (1922) and *The Phantom Public* (1925), which treated directly the problem of public opinion and democracy.

Hearkening back to Plato’s analogy of “The Cave,” he begins his attack on democratic opinion with an epistemological observation: “Looking back we can see how indirectly we know the environment in which nevertheless we live. We can see that the news of it comes to us now fast, now slowly; but that whatever we believe to be a true picture, we treat as if it were the environment itself.”\(^{15}\) We trust the “pictures in our heads.” When we look back to history, he observes, we can see that people have been “in

\(^{14}\) His concern for the dynamics of public opinion leadership reaches farther back than WWI. Lippmann was a strong and constant proponent of Theodore Roosevelt’s new-styled efforts at consolidating opinion for the achievement of progressive policy goals. He was an especially influential voice as an editor at the *New Republic*.

deadly earnest about ludicrous pictures of the world."\textsuperscript{16} This is not to say that we are different from ages before us, but to underline that this is an indelible feature of the human condition. Human beings cannot survive without the aid of an artificially constructed “map.” Fictions, pseudo-environments and stereotypes are all unavoidable epistemological tools for human survival.\textsuperscript{17} Modern politics and society made these conventions even more necessary and more distanced from the “real” world. Access to information of distant objects and forces that affected one’s life was not direct; most people now relied heavily on others, on secondary and tertiary information. Apprehension of the real was distorted by “artificial censorships, the limitations of social and public affairs, the distortion arising because events have to be compressed into very short messages, the difficulty of making a small vocabulary express a complicated world, and finally the fear of facing those facts which would seem to threaten the established routine of men’s lives.\textsuperscript{18} Most importantly, “The world that we have to deal with politically is out of reach, out of sight, out of mind.”\textsuperscript{19}

For Lippmann, the average individual had no way of escaping the cave of their cognitive pseudo-environment, it was only the scientifically-minded elite, or expert that could see stereotypes or cultural perspectives for what they were: approximations or tentative hypotheses. Those who were capable of observing and recording the fate of ideas and theories in the “real” world could determine facts, and dependable rules of action. Such a state of affairs, he rightly observed, had important political ramifications, especially for the logic of turning to more centralized popular leadership from American

\textsuperscript{16} Walter Lippmann, \textit{Public Opinion} (1922).
\textsuperscript{19} Lippmann, \textit{Public Opinion}, 29.
Presidents. Political leaders were well aware of the dynamics of opinion formation, and despite what democratic theorists might believe about public sovereignty and government “by the people,” this knowledge allowed for the “manufacturing of consent.” Ostensibly democratic societies drew legitimacy, stability and mobilization from very non-democratic means. Symbols and slogans signifying nothing or communicating disparate ideas under the guise of consistency were useful tools for bonding a centripetal polity. Consensus rested not on rational agreement or even a consistent set of traditional ideas, but cleverly constructed symbols of agreement. “He who captures the symbols by which the public feeling is for the moment contained, controls by that much the approaches to public policy.” Symbols have a positive function in directing people to a common goal, but “the symbol is also an instrument by which a few can fatten on many, deflect criticism, and seduce men into facing agony for objects they do not understand.” The implications of these observations for the reading of Publius were not lost on Lippmann: “In the crystallizing of common will, there is always an Alexander Hamilton at work.”

The problem with the founders, Lippmann asserts, was that their science and their ideals were in conflict. “Their science told them that politics was an instinct, and that the instinct worked in a limited environment. Their hopes made them insist that all men in a very large government could govern.” The theory of the eighteenth century democracy had never directly confronted the problem of limited knowledge. The founding generation, and generations of democrats to follow, relied heavily (and naively, for

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21 Public Opinion, 165. See also Westbrook.
Lippmann) on the newspaper to connect the citizen to the real world of politics. “This reliance,” Lippmann had observed, “was not founded.”

Given a political epistemology that values scientific truth, or facts, and an assessment of the average citizen as incapable or unable to freely and accurately form opinions, Lippmann offers what amounts to an elitist conception of democracy and public opinion. For him, democratic problems are not soluble by democratic means. Self-government is not possible, for the democratic vision of the omnicompetent citizen, intelligently debating at the New England town meeting was not real.

But then again, people do not value self-governing itself as an end, according to Lippmann. That is only one among a variety of ends. People gladly forego participation for prosperity and rights, and a variety of other pleasures. In the interest of these many ends, Lippmann argues in The Phantom Public, popular participation in public affairs should be held to an absolute minimum. To make the public policy process more rational, the flow of the information to government and from the media needs to be regulated for quality and accuracy. Appeals to a democratic public concerning public policy should not be made in a democratic form; rather, a more careful presentation of the “facts” should be constructed by a permanent government agency. In their role as voters, the people should be properly informed for their limited task of judging procedural issues only. Those who deal with substantive matter, the politicians and bureaucrats, would be free from the irrational constraint of public opinion. Instead, policy could be formulated rationally and scientifically in light of objective studies and reports on the “real” world.

Lippmann’s critique of public opinion and its limitations mirrors closely Hamilton’s concerns about the impact of irrational publics on the course of

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22 Westbrook, p 297.
administration. The judgment of government by the public should be limited to very general assessments of efficacy and procedure. Experts and men of talent should be left with a wide scope of freedom to assess the facts and substance of policy. Given Lippmann’s kinship with a Hamiltonian approach to opinion, it is then interesting to observe that he was a great advocate of the very active popular leadership and executive-centered government pursued in Theodore Roosevelt’s administration and, to a lesser extent, he thought, Woodrow Wilson’s administration. Presidential leadership would have the potential to lift the process of policymaking out of the parochial cacophony of party-dominated legislatures. It is within just such a conceptual frame that TR’s “stewardship” presidency, and Wilson’s conception of himself as one engaged in “interpretation” of American public opinion makes sense. Their leadership approaches, as will be seen below, are premised on a limitation within modern American democracy. Their turn to active strategies of opinion formation are meant to tame, or at least captivate, democracy so that the progress of the nation toward rational economic and foreign policies could proceed unharmed by public irrationality or the public leadership of radical voices. An important concern, as Dewey would illuminate, was whether or not such leadership could be pursued in such a way as to preserve the capacity of the public and its mediating institutions to function democratically and judiciously.

John Dewey and the Formation of “Publics”

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John Dewey joined this debate not in disagreement with Lippmann’s evaluation of the nature of public opinion, but in disagreement with his solutions to the problem. He sought a more democratic, participatory method for resolving the problem of political epistemology. First of all for Dewey, the public interest, by definition, cannot be discovered by elites; it is relative to the public itself within a given cultural-historical context. How, then, is the public interest discovered? Dewey agrees with Lippmann that the public as it is currently organized is unable to see its interest. It is unable to recognize or articulate what it desires. However, it does, for Dewey, have a true interest. The problem lies in finding a way to realize or unlock the expression of this interest. Here is where social science can help.

Aggregate measurements of individual desires are an inaccurate measure for Dewey, because individual preferences are, by definition, not public preferences. Preferences become socially, and hence politically, important when a significant group of individuals express concern for an issue that can only be confronted and solved by public means. Public opinion finds its truest expression and its most reliable confirmation in real political objects. Since publics exist only in the presence of a common difficulty in need of common action, it remains only to recognize and organize the extant publics and their corresponding problems.

The “new era of human relations,” as Woodrow Wilson called the new industrial society of the twentieth century, had created a new public out of its new problems. However, the public had not understood the consequences of this new society. It was not, then, in the position to organize itself. The democratic vigilance that had been prized by Jefferson and the Anti-Federalists, and which they had tried to preserve against the

centralization of the Federalists, had become exceedingly difficult or impossible in the complex industrial society. Unlike his Jeffersonian forebears, Dewey turns to the centralized, bureaucratic state to solve this problem. Not unlike Van Buren and the early promoters of party organization, he realizes the need for some mechanism of cohesion and collective action.

The state, with the aid of social science, could seek to discover the public interest by aiding the public to recognize itself by helping it to organize. The public that Lippmann and the realists railed against so cynically was really not a public at all, but an inchoate public waiting to find identity. The solution was to educate the Great Society to become the Great Community, to develop a shared understanding of the indirect consequences brought about by complex interdependence. The illusion of democracy in the Federalist (and in a great deal of Enlightenment thought) rested on the acceptance of a dubious assumption about the abilities of individual citizens. Dewey urged that we disentangle “faith in the dignity of human nature, the need that every human being rise to his full stature, from the dogma that individuals can of themselves get the knowledge required to render democratic government effective and competent.

Dewey envisioned several methods for bringing the public to a realization of itself. First, social science should be linked with popular media. “Inquiry and publicity” were to replace “secrecy, bias, prejudice, and misrepresentation.” Secondly, public education needed to be radically reformed so as to make citizens more critical of social matters such as politics, history and economics. Finally, Dewey held that the Great Community was not possible without the renewal of local communities.  

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25 Westbrook, 308-310.
26 Westbrook, 310.
27 Westbrook, 313.
publics cannot form the appropriate attachments required for true democracy. Face to
face interaction and personal dialogue are the means to the practical education of
democrats. Such educative participation would “render nugatory the indictment of
democracy drawn on the basis of the ignorance, bias, and levity of the masses.”28
Dewey’s critique of democratic realists is revolutionary in its implications for the study
of public opinion. Added to the question of “What preferences does the public express?”
is the prior question, “What is the public?” It is quite difficult to declare the public
“rational,” as have contemporary commentators like Page and Shapiro, when one may not
yet have considered, in Dewey’s terms, what the “public” really is and if it is yet capable
of expressing anything like its true preferences or needs.

As key observers and theorists of the time period in which we see a major
transition in presidential appeal to public opinion, Dewey and Lippmann provide
important clues to understanding the movement, in this particular period, to a more
plebiscitatory approach. Theodore Roosevelt’s “stewardship” presidency, along with his
other concepts of leadership, and Woodrow Wilson’s “interpretation” logic, however
personal, are examples of an institution expressing itself and its interests in the face of
particular social conditions. However wise or unwise we judge their innovations to be,
whether we judge their approach to the presidency as historically inevitable or not, we
still observe in their behavior paths constitutionally available to tenants of the executive
office in the medium of their particular socio-political circumstances. The success or
failure of these innovations cannot be judged only in terms of original interpretations of
constitutional mechanisms, but also in terms of the changing constitution of the people
who are governed by and shaped by, among other things, the constitutional tradition. Just

as the Van Buren-Jackson system mediated and modified the constitution for its more local and agrarian society, so would Progressive reforms seek to link the constitution to a more mobile, fragmented and transient industrial society.

What Dewey and Lippmann remind us of is that the people to whom presidents speak have changed. Their ability to hear and to understand has changed. Moreover, their ability to express what they want government to do has been compromised by both the new scale and complexity of government and by the sometimes un-humane configurations of modern life. It would not be unrealistic or unfair to ask if there is in some way an ideal society, with citizens of particular virtue to be governed by the Constitution of 1789, but this question begs another. When a society shifts further away from this “ideal,” must not there be great pains taken to mediate the document to this society, assuming that there is a great deal of value in preserving an historic constitution?

The popular rhetoric of modern presidents seems to be related to this dynamic. The fact that the mediating role, for better or for worse, has fallen to the President should not be surprising, and not just for the reasons that Progressive presidents and reformers have given in their apologies for dynamic executive leadership. The modern executive itself, its logic set forth by Machiavelli, its implications fleshed out in the thought of Hobbes and Locke, and its powerful energy set at the center of a constitution of shared powers by the American founders, gives the American Presidency particular virtues useful for bringing order to a disordered polity, especially one defined by the growing specter of international conflict. For all of their departures from founding norms of oratory and institutional propriety, Theodore Roosevelt and Woodrow Wilson engage in an astoundingly conservative project of taming popular democracy and of forestalling
the development of a class conscious society. What is more, they embark upon this project as self-conscious conservators of a Federalist tradition of republicanism, invoking the pantheon of founding conservatives who opposed the burgeoning forces of radical democracy and popular partisanship. Prince-like, they invoke the interests of a powerful state against the oligarch and the masses alike, and curry the support of the many to conquer the advocates of amassed private power. Though Mencken might call them, insightfully, “mob-masters,” they are masters of a peculiar kind. They are champions of democracy, but of a limited kind and in its right place, and they are firm believers in the duty of a few, a class, even, of great men to lead the many and to teach them their interest. They are very consciously disapproving of rabble-rousers like Andrew Jackson and William Jennings Bryan. Indeed, they are even self-consciously the antidote to such “low” mass appeal. They are the voice of the grandeur of the state against those who would pull it down or throw it into disarray. Theirs is a Hobbesian “rhetoric to end rhetoric,” a popular oratory to fight demagoguery. It is in this sense that they accomplish core constitutional and executive purposes, even while speaking “democratically.”

Theodore Roosevelt’s Crusade: A Moral Lust for Order

By the 1890s, British observer James Bryce could proclaim that American presidents were “deemed to represent the people no less than do the members of the legislature. Public opinion governs by and through him no less than them.”29 The representative function of the Chief Executive, contrary to the interpretation of scholars like Jeffrey Tulis, had been accepted in American politics long before the presidencies of

Teddy Roosevelt and Woodrow Wilson’s publication of *Constitutional Government*. Indeed, Congress’s representative role relative to the President’s had been under question from the very beginning of the Jeffersonian opposition movement, and on through the establishment of the president as party leader in the Democratic party of the early nineteenth century. It was the rise of the party that formed the practical bridge to the acceptance of the president’s informal potential. As a partisan against a particular vision of the constitution and society, and for another, he was freed, at least in the eyes of some, to become a representative and an advocate. The inevitability of partisanship called forth the potential within the founder’s design of an informal and representative executive.

The Whigs had resisted this impulse, but by the time of the Republican party’s ascendancy, Lincoln and other ex-Whigs had at least partially embraced this role as a “seat of popular leadership.”  

Additionally, as populism waned and progressivism flourished, Democrats jettisoned much of their more combative anti-statist rhetoric for consensus-oriented, state-building rhetoric. Two elements that had been traditionally separated in nineteenth century party debate had now been linked. The model of the president for the people and against the forces of centralization, brought into practice by Jefferson and later magnified by Jackson, had been linked, perhaps for the first time in Lincoln, to the Hamiltonian and Whig project of modern state and nation building. This made Lincoln an important figure for the leaders of the Progressive era. Roosevelt and Wilson alike held Lincoln in the highest regard and sought, in their own ways, to imitate his example of moderate, state-friendly leadership. According to Herbert Croly, a leading

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30 Korzi’s thesis about the party-era presidents is that president’s took on a loyal, representative role. Korzi, *A Seat of Popular Leadership.*  
31 Terri Bimes dissertation illustrates how the populist model of the Democrats is adapted by the more “consensus-“oriented Republicans in its embrace of presidents as representative figures. Bimes, 138-145.
Progressive apologist for Roosevelt’s reform agenda, Lincoln had prepared the way for a new, mature American democracy that had shed the inconsistencies of the ante-bellum Constitutional order, with its sectional, legal-contractual vision of democracy. Lincoln had prepared his countrymen both morally and intellectually for the way forward, by teaching Northern public opinion the “new and hard truth:”

The Constitution was inadequate to cure the ills it generated. By its authorization of slavery it established an institution whose legality did not prevent it from being anti-national…The Union had become a house divided against itself; and this deep-lying division could not be bridged merely by loyal Constitutionalism or by an anti-national interpretation of democracy….Thus for the first time it was clearly proclaimed by a responsible politician that American nationality was a living principle rather than a legal bond.32

Croly’s interpretation of Lincoln is pregnant with references to the spirit of Roosevelt’s leadership. The core meaning of American nationalism and constitutional purpose has been stripped of its inconsistencies and its legalistic dogmas and made ready for an unfettered pursuit of America’s promise. The ever-present threat of parochialism that the Federalists had combated at the Constitutional Convention in Philadelphia had at last been put to rest, leaving clear the way for the nation to grow in industry and commerce and to take its place in the world. This re-definition of the spirit of the Constitution is painted here as a return, as a recovery. This recovery, however, is a fragile piece of statesmanship. The American democracy is, and has always been, a project of popular rule and of popular opinion. It has always required great leaders to show it its true purpose, to tame its wayward impulses. The Constitution itself, Croly explains, was unpopular, but it was finally accepted by the people after effective arguments were made by great leaders. And just as Lincoln, a man greater than his age, taught the nation, so has Roosevelt cast a vision for the people. As at the beginning, the way ahead now lay in

similar leadership of men making arguments to a reluctant people. One great instinct in the Progressive ear that led its politicians and it presidents toward popular oratory was to somehow dislodge the public from its affections for nineteenth century political dogmas. Personality and charisma at the center of politics, in the executive branches of state and federal government could break the grip of the past that prevented the nation and its administration from realizing the fruits of the industrial and international age, and strengthening and coordinating the society to take hold of its bounty. Security and prosperity, the great objects of the modern executive, were calling forth the President to unify opinion and tame the irrationalities of un-coordinated legislation.

Roosevelt’s oratory, as well as his writing, was motivated by a continual underlying anxiety or distress at the fragility of the American democratic project. The promise of American life, as some of his contemporaries may have thought, was not a guaranteed destiny. The nation “stood at Armageddon,” ready to slide back into chaos, moral degeneracy and barbarism, save for the continual cultivation and exercise of moral will by the American people and its ruling class. Edward A. Ross, social theorist and friend of Roosevelt, who had influence on his ideas of modern society, taught that contemporary fragmented societies bred “moral weakness.” The path to overcoming the “degenerate” tendencies of these societies was to draw upon the “surplus moral energy” of priests, jurists, educators and other leaders to enlighten and inspire citizens. Roosevelt took this top-down approach to heart in his vision for leading a fragmented social order in imminent danger of decay. Tapping into the anxiety of a society with an identity crisis and a fear of the new disordering elements of modernity, he called forth

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33 Croly, 38.
34 Watts, 57.

Though TR was famous for his mastery of the “spellbinding” rhetoric that came to characterize campaigning after 1896 and infamous for his vituperative castigation of enemies on the hustings, he viewed his own popular appeal as having a completely different function from that of orators in the mold of William Jennings Bryan and others in the populist and labor movements. In fact, he viewed his project of popular rhetoric as an antidote to these leaders. On more than one occasion, he compares Debs, Bryan and LaFollette to French mob leaders like Robespierre. In his words, they were the “Bolsheviki crowd” and “the Jacobin club.” In his Chicago Coliseum speech, he equated Bryan and the populists with “the leaders of the Terror of France.” “It is not merely schoolgirls that have hysterics…Very vicious mob-leaders have them at times, and so do well-meaning demagogues when their minds are turned by the applause of men of little intelligence.” In a letter to Henry Cabot Lodge in 1917, where he called LaFollette an inferior version of Robespierre, he expressed worry that leaders like him could provoke an “Armageddon of Labor and Capitol, the merciless conflict of class with class.”

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35 Watts, Sarah, Rough Rider in the White House: Theodore Roosevelt and the Politics of Desire, (Chicago: The University of Chicago Press, 2003) 3. “Although Roosevelt was progressive and optimistic, his political vision encompassed his darker, emotional, antiliberal worldview of men and nations struggling against the forces of evil.” Mark Seltzer describes him as employing relentless melodramas of degeneration and devolution” to mobilize deep-seated anxieties.”
36 Wiebe, Self-Rule, 123.
47 Watts, 63.
38 Roosevelt to Lodge, 12 February 1917, Selections, 2:494
Roosevelt’s aversion to radicalism, or political extremes of any sort, was a pervasive theme of his rhetoric and of his reform. Extracting a lesson for his contemporaries from the Stuart monarchs of the seventeenth century in his 1900 biography of Oliver Cromwell, he highlights the way that extremism is likely to breed a zealous counter-movement: “[T]he extreme zealots who represented the opposite pole of the political and religious world, were themselves, as is ordinarily the case with such extremists, the allies of the forces against which they pretend to fight.” Again pointing a finger at the idealists of his age, he notes that “The good men” of this age sought “practical results,” not “theoretical perfection.” The Cromwell biography, completed near the end of his term as New York governor is rife with commentary on leadership and the limitations placed on it by both historical circumstances and the extremism that vies for the attention of the people against the wise leader. It is at times almost a veiled projection of himself. The frontispiece for the volume, taken from Milton, is a telling testimony for his perspective on leaders of a lower and more demagogic character:

...Yet much remains
To conquer still; Peace hath her victories
No less renowned than War: new foes arise
Threatening to bind our souls with secular chains.
Help us to save free conscience from the paw
Of hireling wolves, whose gospel is their maw.

An interesting paradox in Roosevelt’s politics is his simultaneously harsh judgment of those “unworthy” men who lead by popular oratory and practice of such oratory himself.

As one looks more closely at Roosevelt, the paradox becomes clearer. In a nation that has been transformed by the Jacksonian brand of democracy, with its expectation of

popular rule and partisan language, Roosevelt sought to turn the methods of Jacksonian
democracy against what were to him its most troubling ends. Against the doctrinaire
formulations of Jeffersonian and Jacksonian constitutionalism, as well as the dogmatic
extremes of some segments of the reform movement, he would preach a gospel practical
action, of conduct over and above theory. A telling passage in his Cromwell history
illustrates both his willingness to engage in public rhetorical combat and his comfort with
using the state to squash radical speech:

There is a profitable study for many people of today in the following: “Your
pretended fear lest error should step in is like the man who should keep all the
wine out of the country, lest men should be drunk. It will be found an unwise and
injust jealousy to deprive a man of his natural liberty upon a supposition he may
abuse it. When he doth abuse it, judge. If a man speak foolishly, ye suffer him
gladly, because ye are wise. Stop such a man’s mouth by sound words which
cannot be gainsayed. If he speak to the disturbance of the public peace, Let the
civil magistrate punish him.”40

A tolerance for heterodox positions must exist, up until the point that it endangers the
safety of the public. After that, the state has reason for limiting and punishing. Before
that, “sound words” are the weapon of choice against a demagogue. It is fascinating,
indeed, and quite consistent, that in an age where the issue of control over mass opinion
had risen to such importance, that the concern over censorship and limitation of speech
would arise as well. Both Roosevelt and Wilson were known to have very few qualms
over putting down heterodox ideas by force. “It seems to be forgotten,” Mencken reports,
“that this theory was invented, not by Dr. Wilson, but by Roosevelt.” Roosevelt, like
Wilson after him, “had no room for giving constitutional cover to heretics.”41

40 Theodore Roosevelt, 167.
41 Mencken, 63. Mencken is referencing in particular Roosevelt’s Paterson doctrine, written by
Attorney General Bonaparte, to combat the Paterson anarchists.
It is more helpful, in this light, to look at TR more as anti-democratic and illiberal, or at least as a new kind of democrat. Progressives did not eschew the term “democracy,” but they sought in a multitude of ways to re-define it. Roosevelt’s call for “pure democracy” was an attack on republican democracy as envisioned by the Jeffersonian movement to protect representative institutions and federalism against an ever-expanding state and a loose construction of the Constitution. Ostensibly “democratic” reforms embraced by Roosevelt’s 1912 campaign, such as the direct primary, initiative and referendum, and recall, all focused on bringing the people, en masse, into a more “direct” relationship with their government and their political candidates. The Van Buren logic, that parties would protect the people from the inevitable rise of the most wealthy and ambitious to power, in an electoral system that favored celebrity and the organizational strength of the wealthy, had been turned on its head. Such a “pure democracy” would put a premium once again, on direct control of public opinion by ambitious politicians. For Roosevelt, this brand of democracy would clear the way for the establishment of centralized social control, professional bureaucracy and a healthy nationalism. It would also clear away some of the barriers to strong and virtuous leaders like himself. H.L. Mencken sheds light on this strange combination of democratic rhetoric and ruling-class duty in Roosevelt:

Roosevelt, for all his fluent mastery of democratic counter-words, democratic gestures and all the rest of the armamentarium of the mob-master, had no such faith in his heart of hearts. He didn’t believe in democracy; he believed simply in government. His remedy for all the great pangs and longings of existence was not a dispersion of authority. He was not in favor of unlimited experiment; he was in favor of a rigid control from above, a despotism of inspired prophets and policemen. He was not for democracy as his followers understood democracy, and as it actually is and must be; he was for a paternalism of the true Bismarckian pattern…

42 Roosevelt: An Autopsy, 61.
Another problem with Roosevelt’s vision of democracy, as James Morone points out, is that “the people” of whom he and the New Nationalists spoke were more mythical than concrete. The “real” Americans of the frontier type were not to be found in the immigrant concentrations of the eastern cities, the raging populist farmers of the West or the blacks and poor whites of the South. Roosevelt’s appeal to the middle-class of his era was both an effort to prevent social and political trends from disrupting a classless, Northern European ideal society, and to move that society forward by giving it shape, character and unity for the project of preserving itself in the new age of modern, industrial society.

A foundational characteristic of his rhetorical project was to project a national ethic by the force of his own example of fitness, virility, self-control and other disciplines. As he saw it, the men and boys of America were threatened by the very civilization that they had brought about. They were in danger of being weakened by their lack of proximity to character-building combat and the hard trials of the frontier. Occasions for participation in the life of strength and virtue, “the strenuous life,” had to be consciously created, and a feeling of connection to the body of a great nation, even as mediated through the body and spirit of a great man representing a great nation, was an important psychological step toward cultivating a sense of meaning and strength. Historian Sarah Watts captures the essence of his appeal:

As never before in their history, Americans had identified the nation with the body of its president and believed in his struggles to preserve civilization against the degeneracy and danger. The cult of the cowboy-warrior posed an Anglo-Saxon male with military bearing and full of athletic vigor who rescued, purified, and saved the nation and its men. By politically sanctioning violence and

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43 James A. Morone, 112-115.
bloodletting, the cult invited a generation of Americans to think of their nation as the rightful and proper agent for the unleashing of male energy.\textsuperscript{44}

The feeling of weakness that was felt by the American individual, especially by a growing class of men in the cities, seemed to multiply the urge that Tocqueville identified a few generations earlier, to combine in common cause. In this era, however, the communal fabric of local town life had frustrated even that avenue to participation. A new era of symbolic and emotional participation through common feeling was emerging to fill the void, and Roosevelt was keen to offer himself as a connection to the expanding place of the nation and its government.

Some scholars, in comparisons with Woodrow Wilson, have been wont to paint Roosevelt as the more faithful to founding norms of popular appeal and more as a transitional figure in the move toward the modern presidency, especially in terms of his relative deference to Congressional proceedings. But he was clearly an overwhelming force in shaping the debate and the agenda in the legislature. His frequent emotional appeals to the public were, as well, in a category well removed from founding-era expectations of presidential communication. He was “now and then possibly dangerous,” Blum explains, because he was “not often surpassed in his excursions into hate and his paeans to conformity.” Though more measured during his term as president, his “lust to rule” gave way, Blum concludes, to demagoguery, chauvinism and “a creed akin to fascism” after 1912.\textsuperscript{45} Mencken’s post-mortem critique of Roosevelt’s style captures its essence in characteristically savory prose:

He never stood up to a frank and chivalrous debate. He dragged herrings across the trail. He made seductive faces at the gallery. He capitalized on his enormous talents as an entertainer, his rank as a national hero, his public influence and

\textsuperscript{44} Watts, 238.
\textsuperscript{45} John Morton Blum, The Republican Roosevelt, xi; Watts, 1.
consequence. The two great law-suits in which he was engaged were screaming burlesques upon justice. He tried them in the newspapers before ever they were called; he befogged them with irrelevant issues; his appearances in court were not the appearances of a witness standing on level with other witnesses, but those of a comedian sure of his crowd. He was, in his dealings with concrete men as in his dealings with men in the mass, a charlatan of the very highest skill—and there was in him, it goes without saying, the persuasive charm of the charlatan as well as the daring deviousness, the humanness of naivete as well as the humanness of chicane. He knew how to woo--and not only boobs. He was, for all his ruses and ambuscades, a jolly fellow.46

Even as he employed a very melodramatic and passionate form of popular appeal, and sought consciously, through speech to shape political debates and policy outcomes, he very consciously saw himself as fulfilling the hopes of Hamilton and Morris in a political environment changed by nineteenth century democratic forms and by the social dislocation of the twentieth.

As for his relative deference to the party and to the Congress, Roosevelt faced a very different set of institutional constraints from 1901-1908 than did Wilson in 1913. As Arthur Link reports, Wilson’s ability to stand in such a commanding place over the legislature was aided immensely by three historical factors. First, TR had come before him and had paved the way for acceptance of executive leadership of the agenda. Second, he benefited from a legislative power vacuum created by House rule changes in 1910. The long-standing power of Speaker Joe Cannon to route bills and appoint committees had been stripped, leaving the door open for a new center of legislative leadership. Third, a great number of new Democratic legislators had been seated in 1912, which were very malleable to Wilson’s direction, both due to their dependence on presidential patronage and to their reliance on the administration’s success. It did not hurt matters that the Senate was more anxious for reform even than Wilson. Link adds to

46 Mencken, 62-63.
the list of advantages that fostered Wilson’s opportunity to lead as he did the mood of the Democratic Party in 1912. The party was acutely conscious that it had to emerge from its sectional, agrarian and image to an identity as a truly national party. Wilson’s identity as a newcomer gave him the credentials to lead the Democrats in a new direction.47 All of these factors speak to the possibility of over-estimating Wilson’s innovation in leading Congress relative to Roosevelt.

Institutionally speaking, Roosevelt found himself in a very different set of circumstances, with their own limitations and advantages. The high stakes of the 1896 election between Bryan’s agrarian populism and McKinley’s industrial nationalism, brought huge sums of money to the GOP from business interests intent on avoiding a Bryan presidency. Hannah’s Republican machine matched and then overmatched the rhetorical impact of the talented and relentless Bryan. For all of the historic effort that Bryan put into traveling and speaking, the Hannah-led Republican campaign countered with a record number of leaflets, pamphlets, posters and, most importantly, an army of “spellbinders:” McKinley surrogates who appeared at all kinds of gatherings, workplaces and entertainment venues to deliver short speeches de-bunking Bryan’s “free silver” monetary rhetoric, and making the case for McKinley’s gold standard policy understandable to the masses.48

Hannah’s efforts to elect McKinley, going back as far as 1892, were grounded in a new vision of corporate and labor consensus that purposefully looked to shed the elitist complexion of Eastern establishment. His defeat of Populism would be grounded in a

new kind of popular appeal that combined inflaming a fear of radical passion with a co-
option of labor interests through a vision of peaceful interdependence. As Bathory
describes, “He sensed as well that Bryan’s charisma could be used against him in two
different ways. Bryan’s rhetoric could be cited to promote fear of mass passion and mob
violence, while, at the same time, his personal style and his ability to communicate with
the common man could be adopted and adapted to promote his opponent’s point of
view.” 49 Roosevelt’s leadership style, though path-breaking in many respects, was
anticipated and institutionalized within the GOP prior to his ascendancy to president.
Though Roosevelt sought to be the highly visible master of his party, he was not pursuing
a full-scale re-definition of it. Though in terms of charisma he was larger than his party,
as president he acted within a pre-established trajectory. 50 His more radical posture of
1912 was unsuccessful, in large part, due to the untenable nature of the coalition he
sought to build outside of authentic party boundaries. From 1901-08, he was a man atop
his party; after 1912 he was a celebrity seeking to bridle a momentary movement.

Underlining his place within the party was the manner in which he assumed
office. His ascendancy to the office by means of succession following McKinley’s
assassination, precluded him from claiming, at least until 1905, any kind of personal
mandate. Nevertheless, he set out to accomplish the re-making of the office implied in the

49 Peter Dennis Bathory, “Leadership in the Twentieth Century,” in Peter Dennis Bathory, ed.,
50 Wiebe, The Search for Order, 190. “Roosevelt inherited an office of rising prominence. Those fears
of the nineties which ultimately focused upon the horror Bryan would perpetrate if elected had already
invested the Presidency with a new importance. Significantly, the contributions that had poured in upon
Hanna in 1896 returned again in 1900, establishing a pattern for Republican Presidential campaigns. Once a
man won the nomination he stepped apart from the other candidates. A largely impersonal fund—an
investment in the office—carried him the rest of the way…an ample fund always materialized. In that tacit
fashion, a new definition for the Presidency had already received financial form before Roosevelt’s arrival,
a definition with great potential and sharp limitation.”
vision of government set forth by Hanna and nationalist progressives.\textsuperscript{51} He sought the interrelated goals of becoming the leader of his party, establishing the executive as the predominant operator in national government, and to make the national government itself the dominating force in national affairs. On his way to these goals, he found common cause with national progressive movements and marked numerous men of private corporate power as targets to be disarmed. Relying on a new class of very able and scientifically minded bureaucrats, he established for himself several bases of regulatory power within the administrative apparatus.\textsuperscript{52}

Combining his rhetorical gifts with the new abundance of resources that accompanied the financially re-defined Presidency, he was able to draw the spotlight to his own agenda issues and to force Congressional movement on favored policies. Among the techniques that found a place in his “repertory,” Wiebe describes, were “special conferences, dramatic investigations, public condemnations, and private encouragement. He negotiated with the legislative chieftains through a mixture of implied threats, quiet bargains, and clever flattery…Increasingly the important bills…were drafted in an executive department or cleared there before they were introduced.” His grip on the Congressional agenda was such that he could prevent action on major issue areas that he deemed untouchable. His direct personal interest in a strong and stable Republican party, the necessary and vital means to his influence, caused him to protect its legislative

\textsuperscript{51} Roosevelt also inherited from the McKinley era a presidency that was being lifted out of its submergence in party by the new centrality of foreign affairs. McKinley’s leadership during the Spanish-American War was noted by many observers, including Woodrow Wilson, as a watershed transformation of the office. The media attention given to the war and to McKinley himself during the war was an important education to both TR and Wilson. Milkis and Nelson note that the increased importance of engagement in foreign policy in McKinley’s administration elevated him to a place of national leader rather leader of his party. The American Presidency, Origins and Development, 1776-1998, Washington: CQ Press, 1999, 188-189.

\textsuperscript{52} Wiebe, 190-191.
leaders and its cadre of national operatives, and to limit action on tariffs and the financial system.\textsuperscript{53}

A truly national party, equipped with a permanently coordinated and well-funded central organization, catering to a coalition of interest groups with nationally cross-cutting interests, had allowed for a new mode of presidential governance. The party continued to generate power for its president and to organize a national coalition for electoral purposes as it had throughout the bulk of the nineteenth century, yet now the presidency was set free from the limitations of the nineteenth century model. The president had become freer to generate power by means of personal popularity, and as the spokesman for a broad national party, was not strictly tied to the influence of any one sectional building block of his coalition. Less the product of a convention compromise between regional party factions seeking a faithful representative, the presidential candidate post-McKinley was more the product of a narrative of consensus, manufactured in a complex industrial age to make sense of a diverse and even illogical coalition. More and more, citizens and even interest group leaders, were forced to be believers, on faith in the programmatic scheme of the party nominee. Increasingly, presidents and presidential candidates would have to generate banks of trust and power by converting citizens to believers in far-off and complex schemes of national, bureaucratic policy. Policies, rather than jobs were becoming increasingly the reward of party loyalty, a shift that decimated the participation of the poor and the immigrant.\textsuperscript{54} Roosevelt was able to speak effectively into this new milieu and to convince, by force of personal character and mastery of popular metaphor, a majority of Americans to accept the new compromise.

\textsuperscript{53} Wiebe, 192.
\textsuperscript{54} Wiebe, \textit{Self-Rule}. 
between capital and labor and the new national bureaucracy that it entailed. He was a key force in helping to divorce Americans from those constitutional dogmas that held the nation and its executive back from engaging its full potential in fulfilling the “promise of American life” dreamed of not only by nationalist progressives like Croly, but also in a visionary form centuries earlier by the forefathers of modern executive power, Machiavelli and Hobbes. One hears the echoes of these men in Roosevelt’s passion for conduct and action over inflexible dogmas and theologies. Remarking on the overlapping of two incongruous ages in seventeenth century England, Roosevelt wrote that, “It was also the era in which the old theological theory of the all-importance of dogma came into sharp conflict with the now healthy general belief in the superior importance of conduct.” Victory, the accomplishment of ends, eclipsed the niceties and limitations of principle and means in Roosevelt’s thought.

Rather than viewing TR as the exemplar of a “middle way” of modern presidential leadership, as Tulis suggests, he should be viewed more as an exceedingly adventurous pioneer into the new territory of personal, popular leadership atop a political party. Not only did he take diplomatic matters into his own hands, he also took ownership over the direction of domestic legislation. He made himself the center of attention in a way that would make even Woodrow Wilson blush and consciously directed his speeches and image-marketing to the project of developing an unmediated connection between the common man and himself. Indeed, as will be seen below, Wilson would see TR as exemplar for himself, but not one that had fallen short of the ideal leadership of the people, but one that had gone too far. In any case, both are strikingly similar in their

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instinct to exalt the popular president for the sake of curbing radical voices and bringing unity to a centripetal body politic.

**Woodrow Wilson: Back to the Future of Democratic Statesmanship**

When President Woodrow Wilson addressed the Congress in person to deliver his State of the Union Address in 1913, he broke with a 112-year old tradition, begun by Thomas Jefferson in 1801. Rather than deliver his address personally, Jefferson had a written copy sent to the legislators. The form of address taken by his predecessors, Washington and Adams, resembled too closely the monarchical practice of king-in-parliament. Traditionalist Democrats of 1913 recognized Wilson’s sacrilege for what it was. Senator John Sharp Williams of Mississippi complained, “[I] am sorry to see revived the old Federalistic customs of speeches from the throne…I regret all this cheap and tawdry imitation of English royalty.”

Though Wilson may have had more immediately in mind Gladstone’s example of ministerial oratory recently come of age in England, or Cleveland’s precedent of using the annual gubernatorial address to the New York legislature to set the legislative agenda, the senator’s comments bring into sharp focus two competing conceptions of democratic leadership present at this crossroads of presidential leadership. The one, akin to Federalism and the nineteenth century Whig movement, married a hope in nationalism and state-building to a leadership cadre of virtuous trustees who, like Hamilton, sought to win over the parochial attachments of a democratic people to their more transcendent interests in the glory and security of the modern commercial republic. The other, a republican tradition with Anti-Federalist and

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56 “President’s Visit Nettles Senators.” *New York Times*, April 8, 1913.
57 Wilson, in fact, referred to himself as a “Federalist” throughout his academic career. Instances of this identification occur in his writings from 1889 through 1910, according to Kraig. Kraig, 88.
Jeffersonian roots, favored local and decentralized authority structures, and distrusted the alienation of sovereignty to a distant representative, especially one with executive power. Wilson would see his mission as an attempt to inoculate the transformation of American democracy from the latter to the former with a conservative version of the rhetoric of Jeffersonians, Jacksonians and Populists.

Wilson was as aware as any close observer or historian of his time of the function that public opinion had played all throughout American history. His growing interest, early in the 1890s, in the writings of eighteenth century British theorist and statesman, Edmund Burke, had begun to inform both his assessment and solution to the problem of Gilded Age politics. Burke had taught that changes in law followed organically from the traditions and beliefs of a society, and that any attempts to break into these traditions artificially with rational ideals and philosophical dogmas was a dangerous and ill-conceived act of self-destruction. Political societies could change and adapt in a healthy manner, but only by means of a language that was consistent with its deepest traditions. Wilson readily admitted in his study of the early period of American politics that the Constitution has no safeguard against ideological demagogues. The only hope lay in the raising up of restrained leaders.\textsuperscript{58} In Robert Kraig’s account of Wilson’s intellectual journey of the 1890s, he “hoped discourse aimed at the masses would promote constructive public emotions and sentiments that would be productive to safe progress in the Burkean sense.”\textsuperscript{59} Just as Madison had recognized two hundred years earlier, in his \textit{National Gazette} writings, that respect for the mechanisms and institutions of the Constitution would need to be preserved by leadership of public opinion and the

\textsuperscript{58} Bimes and Skowronek, 146-47.
\textsuperscript{59} Kraig, 87; 81-88. Burke’s “synthesis of immediate rhetorical intention and timeless philosophical implication was inspiring for Wilson in a way that even the best political scholarship was not.”
development of a culture that rejected executive expansion, so Wilson recognized the task of drawing the people to a different pole of constitutional understanding would require a winsome public re-interpretation. As Bryan and others called the people back to an old Jeffersonian understanding of society and its constitution, Wilson would call the people forward to a new one, but with the words and images of the old order. Burke’s instinct for preserving the essence of his audience’s political tradition, while finding within it an appeal to the immediate problems to be solved, would inspire Wilson’s own concept of “interpretation” and “accommodation.” Perhaps too readily pushing aside the fact that most of his historic models of oratory and debate had directed their arguments toward fellow statesmen and legislators, Wilson saw the use of rhetoric as an essential ingredient to American democracy: “It is natural that orators should be the leaders of a self-governing people.”

As with Roosevelt, Wilson feared the populist and radical brands of democratic oratory that he saw in Jackson and his followers, and more immediately, in William Jennings Bryan. By the mid-1890s he had begun to worry about how popular rhetoric was affecting the temper of the democracy. He was especially concerned with Bryan’s 1896 campaign rhetoric, which included his famous “Cross of Gold” speech at Chicago. Distinguishing Bryan’s demagogy from the temperate and statesman-like oratory of Clay and Webster, he began to analyze how the character of political rhetoric shaped the character of its mass audience. Where the rhetoric of the great Whig orators had been national and consensus-oriented, and spoken by leaders who had actual authority to legislate, Bryan’s appeal was divisive and lacked such authority. In lecture notes during this period, he wrote, “What is expedient Speech? “Not that which creates distemper and

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60 Wilson, *Government by Debate*, 239, 270; Kraig, 49-50.
overheats, overmasters the judgment: but that which points out the best means of accommodation and of progress by means of accommodation.” Bimes and Skowronek have shown, as well, that his historical work of the 1890s demonstrates an unwillingness to embrace any forms of popular leadership. Jefferson, Jackson, Johnson and Bryan are all “called to account for their misguided understandings of the leader’s role.”

Wilson’s interpretation of American history reveals a strong identification with the example of leadership portrayed and promoted by Federalists, the pre-Jackson “patrician” presidents, the Whigs, and to some extent, even Van Buren. Rather than a rejection of founding practice, Wilson’s case for authoritative popular leadership finds inspiration in his forebears. In his view, a strong component of oratory had always been a meaningful part of America’s journey toward national purpose. This crucial element of leadership had, however, encountered a tragic pause after the death of Lincoln. As with many of his era, he was frustrated by the corruption, cynicism and lack of purpose that surrounded national politics. A distinctly American and democratic means to the restoration of national purpose would be found in a rebirth or reinvention of oratorical leadership. In this sense, Wilson viewed his own leadership as president, and that of Roosevelt and Cleveland before him, not as a complete innovation in American politics, but a restoration of a form of leadership already seen, but now more consistently centered in the executive.

As he observed, Congress and the presidency in the post-bellum era, he saw a “leaderless government.” Where once there had been a focal point, a rhetorical center of politics, stood now the Gilded Age rejection of presidential leadership, and the scattered

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62 Bimes and Skowronek, 144.
and decentralized system of specialized, backroom committee government in the Congress that retarded the polity’s ability to bring shape and focus to cooperative solutions, and project a clear progressive vision. An assertive chief executive, he believed, would signal “a return to our first models of statesmanship and political custom.” Wilson admired the model of the first six presidents who, he thought, led like prime ministers. As heads of their parties, they directed national purposes and took counsel from a talented cadre of cabinet ministers. This model of statesmanship yielded a unifying effect.

While earlier in his career Wilson had despaired of finding a way within the existing constitutional framework to revitalize national leadership, he began to take heart from a few promising examples. His well-known Congressional Government criticized the founders’ “radical defect” of failing to place sovereign power in any clear place, magistrate or legislature. There remained no clear authority established to determine what should be done. Committee government centered in Congress separated responsibility for execution from the locus of decision and legislation. This made government ineffective. A boss-directed party system held the fragmented government together but reinforced the state of incoherence. Nevertheless, four important models emerged within the space of two decades, that suggested a way forward within the confines of the existing constitutional framework. In the United States, Presidents Cleveland, McKinley and Theodore Roosevelt, and in Britain, Gladstone and other national party leaders, were

64 Wilson, “The Making of the Nation,” 236; see also Skowronek and Bimes, “Woodrow Wilson’s Critique of Popular Leadership: Reassessing the Modern-Traditional Divide,” in Richard J. Ellis, Speaking to the PeopleAmherst: University of Massachusetts Press, endnote 4. Wilson observed that the early presidents were more powerful because of the early centrality of foreign affairs, which he saw as the central purview of the president, and due to the fledgling congress’s undeveloped sense of its prerogatives.

65 Bimes and Skowronek, 135-36.
beginning to enact the kind of authoritative and oratorical leadership that could bring focus to the newly emerging environment of mass politics. Cleveland was the first to bring a glimmer of hope and to suggest a way forward. In an 1897 *Atlantic Monthly* article dedicated to an assessment of the Cleveland presidency, Wilson expressed his admiration at how, during his recent term in office, “politics began at once to centre in the President, waiting for his initiative, and how the air at Washington filled with murmurs against the domineering and usurping temper and practice of the Executive. Power had somehow gone the length of the avenue, and seemed lodged in one man.” This phenomenon was to Wilson not so much an innovation but a return to the first principles of the republic and to the vision of the presidency that had been interrupted by much of nineteenth century practice: “[Cleveland] made policies and altered parties after the fashion of an earlier age in our history.” As a president who made hard, principled choices and stood up to many in his party, “He has been the sort of President the founders had vaguely in mind: more man than partisan; with an independent executive will of his own.” Referencing the pre-party presidential selection scenario as a sort of ideal, Wilson refers to Cleveland as “a President, as it were, by immediate choice from out of the body of the people, as the Constitution has all along appeared to expect.”

Later in the decade, McKinley’s leadership of the Spanish-American War would draw Wilson’s favorable reaction to a broader field of action for the chief executive.

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66 Woodrow Wilson, “Mr. Cleveland as President,” *The Atlantic Monthly* (Vol.79, No.478), March, 1897; see as well Saladin Ambar’s research on Wilson’s executive theory in “An ‘Unconstitutional Governor’: Woodrow Wilson and the People’s Executive, 1885-1913, Saladin M. Ambar, Conference paper, Midwest Political Science Association, April 3-6, 2008, Chicago, IL. Ambar shows that two of Wilson’s contemporaries, governors Bob LaFollette of Wisconsin and Robert Glenn of North Carolina had introduced the in-person address of the legislature to argue for their legislative agendas in 1901 and 1905, respectively.
Remarking in 1907 on the major political transformations of the prior fifty years, Wilson observed that,

For the first twenty-six years that we lived under our federal constitution foreign affairs, the sentiment and policy of nations oversea, dominated our politics, and our Presidents were our leaders. And now the same thing has come about again. Once more it is our place among the nations that we think of; once more our Presidents are our leaders.  

Seeming to follow very closely Hamilton’s interpretation of special presidential ownership over matters of war and diplomacy as laid out in the Helvidius-Pacificus debates of the Washington administration, Wilson would allow himself the most freedom to engage in popular appeal over the heads of Congress in foreign policy. Implied in this assessment of the new age in politics is also a new American mind into which the President could speak in ways that were not possible or admissible for a great part of the nineteenth century. The dogma of federalism and its accompanying shibboleths had to be put away before the American chief executive could even be imagined as the center of leadership: “The scale of our thought is national again.” The President and his advisers, Wilson declared, are the center of American politics, “and we mark their words as we did not till this change came.”

Then, of course, there was Theodore Roosevelt. Though Wilson would eventually come to consider him “the most dangerous man of the age,” he was, in the first decade of the twentieth century, a model for Wilson in many important respects. The time had come, it was clear, where the President could indeed coordinate legislation and make a stand against special interest and the party leaders that stood with them. Roosevelt’s “swing around the circle” in favor of the Hepburn Act was Cleveland-like in

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68 Wilson, *Public Papers*, v. 1, 441.
69 Watts, 1.
its principled stand against fellow Republicans, as well as instructive as to its effective use of presidential popular leadership.  

Wilson did not swallow whole the Roosevelt mystique, however. He found his extravagant rhetoric and his impatience with institutions to be dangerous. His challenge to the sacrosanct place of the courts was reckless and his taste for the expansion of discretionary executive power in the form of commissions and other administrative bodies betrayed the American tradition of law. Reflecting on the Roosevelt administration in a paper entitled “Law or personal power?,” he asked, “Have we given up law? Must we fall back on discretionary executive power? The government of the United States was established to get rid of arbitrary, that is, discretionary executive power.”

Even the popular acceptance of the “Teddy” nickname caused Wilson to worry about the loss of decorum about the executive. His 1907 Constitutional Government accepts the new age ushered in by TR, yet is rife with warnings about its dangerous tendencies. A 1909 address in memory of Abraham Lincoln makes indirect criticism of Roosevelt and projects what is, in contrast, his own manner of leadership:

The most dangerous thing you can have in an age like this is a man who is intense and hot. We have heat enough; what we want is light. Anybody can stir up emotions, but who is master of men enough to take the saddle and guide those awakened emotions? Anybody can cry a nation awake to the necessities of reform, but who shall frame the reform but a man who is cool, who takes his time, who will draw you aside for a jest, who will say: “Yes, but not to-day, to-morrow; let us see the other man and see what he has to say; let us hear everybody, let us know what we are to do...Don’t let us settle this thing by fire but let us settle it by those cool, incandescent lights which show its real nature and color.”

70 Link, 5.  
71 Wilson Public Papers, v.2, 24-31  
72 Bimes and Skowronek, 159.  
73 Wilson, "Abraham Lincoln: A Man of the People," Public Papers, v.1, 100; 83-101
In the end, though, the fleshing out of the institutional possibilities latent in the constitutional structure could honestly be spoken of as benevolent and in keeping with tradition: “If Congress be overborne by [the president], it will be no fault of the makers of the Constitution—it will be from no lack of constitutional power on its part, but only because the president has the nation behind him, and Congress has not.” He could grow “to be as big a man as he can.”74

On the other side of the Atlantic, the face of leadership was changing as well: a fact that suggests again the contextual nature of the turn to executive popular rhetoric at the turn of the century over and above the interpretation of Wilson as the inaugurator of such behavior and the architect of the break with nineteenth century norms. The legendary oratory and debate of the British Parliament, long admired by Wilson, had undergone a transformation. Where once the public followed closely the Parliament’s internal arguments and speeches addressed by individual members to one another, the public’s focus had turned to a new practice: speeches “out-of-doors” delivered by prime ministers and other party leaders directly to the people. The new style of set piece “platform” speeches had overtaken the importance of speeches in parliament in the second half of the nineteenth century. Gladstone and his Conservative counterparts spoke with an authoritative and responsible public voice. In Congressional Government, Wilson had noticed that “British leaders stand before the whole country, in parliament and out of it, as the responsible chiefs of their parties...Their public speeches are their parties’

platforms.”\footnote{Kraig, 61; 103. Public rhetoric by prime minister and opposition leaders even more stigmatized than presidential popular appeal. But, since Gladstone’s Midlothian campaign of 1879-80, it had become well-established.} This shift to platform oratory mirrored in many ways the transition that was taking place in American politics, and would become a model for American presidential leadership.

In his admiration for this late nineteenth century development and for the early patrician presidents, Wilson accepts the joining of partisanship to the constitutional presidency as a strengthening feature of executive leadership insofar as it does not subsume completely the individual virtues of its leaders, and leaves room for executive prerogative in matters of diplomacy and war. The Democratic Party was to Wilson not just an organization to be used for his promotion; it served a rhetorical purpose as well. In 1904 he called for a rejuvenation of the Democratic party by repudiating “populists and radical theorists, contemptuous alike of principle and of experience,” and by reasserting the practices of the historic Democratic party, including states’ rights and limited government. The nation, “as it moves forward in its great material progress, needs and will tolerate no party of discontent or radical experiment; but does need a party of conservative reform acting in the spirit of law and of ancient institutions.”\footnote{Kraig, 124.} Though he would repudiate Jefferson and his too “abstract” ideals, the Democratic Party had, especially as a Southern party, traditional and psychological associations with protecting the rule of law and challenging encroachment from carpetbaggers, corporations and “Yankees.” With his “Burkeian” method of “expedient” rhetoric, he subverts tradition by appealing to tradition. As Kraig highlights in his study of Wilson’s campaign rhetoric of 1912, he uses generously populist imagery and the imagery of the farm and small town
employed by his targets of conservative ridicule: Jefferson, Jackson and Bryan. Here he co-opts the language of the Democracy, but now for chiefly Hamiltonian ends. In his 1912 campaign he speaks of an “ancient time when eager men were captains of industry everywhere, not employees, not looking to a distant city to find out what they might do.”

Looking to leave behind the Jeffersonian tradition and the Democratic tradition of the preceding century he urges, perhaps disingenuously, that “We are either going to recover and put into practice again the ideals of America, or we are going to turn our backs upon them and lose them.” The Democratic party was to be a new bastion of a new conservatism and a much valued connection, in Wilson’s rhetorical strategy, to a living heritage.

In this sense, one might say that Wilson made better use of his political party than did Roosevelt. He recognized the advantage of appearing to act, and, indeed actually acting within the parameters of a long-standing institution. As noted above, Wilson was positioned well to lead his party in 1913 and was favored by many circumstances that led others to practically invite him to take the lead. While this may have led observers to see him as dominating the party and the legislature, the reality is that he was not bent on dominating it in the way that Roosevelt was; rather, he positioned himself to have generous leeway in his leadership. Where Roosevelt spoke of “my policies,” Wilson spoke of “the Senate’s policy.” Where TR had led with a personal claim to power and a personalistic appeal anchored in his nationalist persona, riding the party like a warhorse, Wilson was careful to be seen as passively accepting a grant of power from his fellow

77 Kraig, 127. He is applying his theory of rhetorical expediency, developed in the 1890s, when he references Jeffersonian and Jacksonian tradition. “There was for Wilson an affirmative ethical obligation to discover the most effective means available to lead public opinion in the most constructive directions.” He clothes unprecedented government involvement in the economy with old Jeffersonian language.
Democrats. Roosevelt was undoubtedly constrained by his party and made concessions to these constraints when he had to, as in his concessions to Senate Republicans at the conclusion of the Hepburn legislation. In the end, as Mencken observed in his comparison of TR and Wilson, Wilson was a cleverer exegete of his audience and of his context. Both in 1912 and during the complex public debate over German aggression and military preparedness, TR was impulsive and reckless in contrast to Wilson who always appeared the prudent professor.78

Wilson’s two departures from this approach came, as Daniel Stid has pointed out, only in matters of war and diplomacy. His active efforts to thwart the will of the Congress by means of popular speaking campaigns were seen only in his effort to pass a military preparedness bill and in his famous tour to pass his League of Nations treaty in the Senate. Apart from these two occurrences, he followed closely a policy of “common counsel,” an active, though cooperative practice of working with the members of the legislature from his party to craft legislation.79 Presidential leadership was sorely needed and in the present global context of massive scale and industry, decision-making had to be centered in the presidency and in the counsel of his expert advisors. The best men, the greatest men had to be drawn to the high offices; management by party bosses would no longer do. The key, however, was to find a method of presidential leadership that would steer clear of the Scylla and the Charybdis of American democracy: heated, class-based popular appeal and a distanced, cloaked leadership that signaled an embrace of capital that was harmful to the people. In a notable address to a group of bankers in 1908

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Wilson warned that, “For the first time in the history of America there is a general feeling that issue is now joined, or about to be joined, between the power of accumulated capital and the privileges and opportunities of the masses of the people.” Despite many of the differences between Wilson’s and TR’s approach to the problem of trusts, Wilson’s concern over preventing a radical reaction to capital is identical to Roosevelt’s. Both sought to stand in the widening gap between the two Americas and pull them back together by force of nationalist and consensus-oriented rhetoric, and economic legislation that would restore at least a semblance of communal feeling among the “haves” and “have-nots.” As Wilson continued to the bankers: “The only forces that can save us from the one extreme or the other are those forces of social reunion and social reintegration which every man of station and character and influence in the country can in some degree and within the scope of his own life set afoot.” The threat of socialism and coercive law was imminent: “Voluntary cooperation must forestall the involuntary cooperation which legislators will otherwise seek to bring about by the coercion of law.” For both Wilson and Roosevelt, it was important in this age of massive scale and social dislocation, of traditional communities and attachments torn apart, to establish order by creating trust in the far-off and unexplainable phenomena of national and international economics. A very public appeal was crucial to save faith in the American experiment. One sees the sentiment here in Wilson’s advice to the bankers:

[B]ut we should seek to the discussions of such matters such publicity and such general currency and such simplicity as will enable men of every kind and calling to understand what we are talking about and take an intelligent part in the discussion. We cannot shut ourselves in as experts to our own business. We must open our thoughts to the country at large and serve the general intelligence as well as the general welfare.  

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Wilson and Roosevelt both sought to use the rising importance of the institution of the presidency to bring order to a disordered society and to use a conservative, centralizing rhetoric in such a way as to diffuse what they considered to be dangerous rhetoric. They consciously distinguished their own approach to public appeal from demagogy. Both found comfort in a path suggested by founders like Hamilton, Morris and Wilson, and recognized in the practice of the patrician presidents a brand of partisan speech that spoke against parties and an early necessity in the nation’s history to engage the presidency in the contest of an elective republic over fundamental differences of approach to a written constitution. If the nation were to step further down the path of international politics and participate in the world of unstable markets complex monetary principles, an audible and visible figure would have to coax the people forward reassuringly and speak in a voice commanding enough to drown out the voices of false prophets warning of the new Caesar’s “cross of gold.”
Chapter Seven
Conclusion

It is the business of Power ‘to restrain in adequate measure and to forestall as far as possible this fatal tendency towards that fundamental cleavage of sentiments and interests which results inevitably from the very principle of human development, and which, if it were allowed to follow its natural course unchecked, would end inevitably by blocking social advance.’

Bertrand De Jouvenel, Power ¹

[O]ne way to describe the crisis of legitimacy is to say that the basic features and tendencies of modernity have produced a situation in which the established processes and formal structures of control are at war with the conditions necessary for authority. In this battle, legitimacy is destroyed. Events, institutions, and moral and epistemological ideas which, taken together, constitute modernity have virtually driven humanly meaningful authority and leadership from the field, replacing it with bureaucratic coordination and automatic control processes, supplemented when necessary by ideology and phony charisma.

John Schaar, “Legitimacy in the Modern State” ²

In the spirit of Machiavelli and Hobbes, the Progressive Presidents sought to secure the project of the modern state and its quest for rational administration in a nation of citizens taught to respect that project. The sentiments of the American people were threatening to lag behind what appeared to them to be their objective interests in progress. As scholars like Ceaser and Tulis have shown, their embrace of popular rhetoric in the modern age of American politics betrayed the presidential ideal of their rationalist founding forbears who sought to protect rational and efficient administration from the corruption of democratic politics and its handmaiden, demagogy. But the turn of TR and Wilson to presidential popular rhetoric, in step with other ironies of their age, like “the war to end all wars,” was a strategy designed to use popular leadership to direct the


people back to the project of rational state building and efficient administration. It was, in a sense, demagogy against the demagogues, a rhetorical politics to end rhetorical politics: doomed, of course, to perpetuate presidential popular leadership, but directed to the ends of the rational state, nonetheless. This development in presidential leadership is, then, consistent with a more deeply rooted logic in modern executive theory, even while it violates a preference for avoidance of direct popular rhetoric which respects that same modern executive ideal.

This second-best scenario in which the executive engages in direct popular rhetoric is contextually driven. In an orderly regime, relatively free from deep disputes over foundational political principles and motivated indirectly by means of universally shared respect for traditional or constitutional understandings, the executive can avoid the risk and the limitation of direct appeals. However, when the constitutional order is threatened by class divisions, instability and the questioning of governing methods most in keeping with executive power and the security and prosperity of the state, rhetorical intervention to bring about the alignment of the people’s principles with their “true” interests becomes an attractive strategy. This approach was especially appealing in the face of a multitude of orators who were successfully vying for the hearts and minds of the public. Absent the censorship preferred by thinkers like Hobbes and even attempted by American Federalists under the Alien and Sedition Acts, when others seem to threaten orderly progress and the necessary empowerment of the central executive, it is consistent with the logic of the modern executive to engage directly in the shaping of opinion.

The nineteenth century had given birth to an active form of democratic politics that retained the desire for self-government, the relative autonomy of local and state
politic political communities and a tradition of party governance. When these traditions, forged
in the politics of men like Jefferson, Van Buren and Jackson, began to threaten the
advancement of the modern state and the obvious potential of the American Presidency to
direct such advancement, TR and Wilson engaged the most obvious means of communal
transformation available to them at the turn of the century: a moral-toned rhetoric that
combined the gravity of the Victorian preacher, the popular pedagogy of the Chataqua
circuit and the venerated tropes of Jeffersonian virtue. The new American society of the
industrial age had to be taught to recognize and embrace its “true” interest in the
actualization of the great commercial republic led by virtuous bureaucrats that had been
envisioned by Alexander Hamilton and a host of other founders. It had become more
necessary to the project of advancing a modern state to engage the public directly than to
protect the institution of the Presidency from engagement with irrational public opinion.
The “irrational” or retrograde voices of agrarian populism, radical labor, localism and
partyism had not only led the way in demonstrating the utility of mass democratic appeal,
but they also raised an important challenge to state progress that called forth a
democratically-toned response from Power, as De Jouvenel has famously termed the
historically progressive instinct for the efficiency of central state empowerment.
De Jouvenel, a brilliantly insightful mid-century scholar of the progress of centralization
and its alliance with popular leadership in the modern era, identifies several political
dynamics in modern states that are key to tying together the instincts of modern executive
power with the strategy of popular appeal. Drawing on the insights of Rousseau,
Tocqueville and several other commentators on Power, he observes that while central
power at first seemed threatening to popular government, it was later accepted as
beneficial. Quoting Louis-Napoleon he observes that, “Just as public opinion had demanded the weakening of power, regarding it as hostile, it favored its heightening, having come to regard it as protective and constructive.”

One aspect of this transformation that draws the executive closer to the people is the executive’s position as arbiter between the common people and the powerful few. The people are apt to appeal to state power in an effort to thwart the power of the oligarchs over the people. As I have shown Machiavelli to recommend in Chapter One, the executive sides with the many against the few to establish himself in public opinion and to safely take power from lesser elites and transfer it to the executive. Ironically, the identification of the people with the President that occurred in the nineteenth century under the banner of limiting state centralization, heightened the future potential of this transfer of power to the center in the name of the people in the twentieth century. As industrialists drew the ire of labor, bankers the anger of farmers, and corrupt party officials the contempt of middle class reformers in the late nineteenth century, Presidents had occasion to respond in a way that would heal the rifts in American society while centralizing the power of the executive and increasing its prestige by means of a swelling bureaucracy, increased civil service reform that wrested patronage power from the Senate, and the inauguration of a new era of executive policy initiative.

This increase in frequency and volume of activity that accompanied the modern era of the Presidency and its turn to regular direct appeal is quite consistent according to De Jouvenel’s theory. “As the executive becomes more active,” he posits, “it becomes more personalized.”

3 The Principate, 160.
4 The Principate, 159
the need to maintain the bonds and the mutual affections of the social order, and as initiatives and policies begin to supersede a fairly static order based more in law than in “policies,” the need to narrate, justify and make apologies for the distant and rapid working out of policies mounts. Rhetoric is a much more preferable form of leadership than command, so the increase in federal power had to be justified and sold to the American people for the purpose of legitimacy. An executive mode of governance in the modern era tends toward personal leadership, while a more traditional law-centered order has less need of charisma to bridge the citizen to an understanding and feeling of participation in the projects of the state. One respects the law, whereas the other respects the leader.

The decay of the nineteenth century party system and its relationship to the development of popular executive leadership is also explained by the “laws” of executive power. In De Jouvenel’s historical theory, “a loss of confident contact between the political notables and the people provides two roads to personal power.” These roads have classically been either executive identification with the many, as described above, or executive shielding of the oligarchs against the threats of the many.\(^5\) The parallels of this theory to commonwealth theories of court and country parties, and Jefferson’s understanding of the nature and origin of two-party vigilance, discussed at length in Chapter Three and Four, are abundant. Interestingly, both tendencies appear in the period of transition from the more reserved traditional executive to the popular, modern President. As we have seen, TR and Wilson both, not to mention Cleveland and McKinley before them, play an important role in stepping out forcefully into the public arena in defense of economic and monetary policies that would short-circuit attempts by

\(^5\) The Principate, 176-177.
more radical politicians, in their own parties and without, to advance what they
recognized as popular but unwise measures. Cleveland’s foray into personal politics
against the silver movement in his own party, and McKinley’s Hannah-led campaign to
save the executive branch from Bryan’s monetary policy, both employed techniques of
popular identification with the President and popular, democratic rhetoric to achieve a
defense of the dominant economic structure and its powerful interests. TR and
Roosevelt, though their policies on regulating trusts differed, both acted in like manner to
save the economy from radical solutions by proposing moderate fixes that would mollify
a skeptical public and build trust in the benign enormity of American capitalism. In a
reversal of generations of Jacksonian populism, Hannah devised a formula for protecting
the great industrial interests aligned with his party that would set an example to
Presidents and presidential candidates thereafter. He would prescribe the use of the
populist-toned rhetoric of the “full dinner pail” to promote candidates opposed to populist
policies. Their approach would presage FDR’s arguments to industry to accept
regulation in preferment to a more radical government restructuring of the whole
industrial system by an embittered and desperate public. As broker between the people
and the powerful, wielding regulatory power and the power to persuade the people that
they are being given a Square or a New Deal, they hold the keys to accruing power for
their initiatives. For the twentieth century, we might amend Madison’s dictum on power
to read: “War, between classes or nations, is the nursemaid of executive
aggrandizement.”

As Sidney Milkis observes in his study of FDR and the New Deal, the efforts of
Roosevelt in the 1930s to permanently institutionalize “enlightened” administration and

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6 The “full dinner pail” was a popular McKinley slogan.
programmatic politics over and against a politics of collective partisan claims. 300-01, 309 Such politics isolate and personalize the President as a custodian of bureaucratic programs linked to a vast, decentralized network of interests. Seen as personally responsible for the successes and failures of policies and the economy, he is driven even more into the role of a demagogue, defending, promoting and spinning his decisions to a public accustomed to seeking results from the President alone. The elevation of the person of the President above parties and in a direct relationship to the public, begun in earnest during the presidencies of TR and Wilson, began a process of cutting the executive off from the benefits of a cohesive party regime.7 Without a close identification with party the President is exposed to volatile swings in personal approval. Rather than being seen as part of a coherent party and platform, he is judged day by day, in isolation from the bigger picture of party program and principle. As such politics are perpetuated by presidential aggrandizement, the constitution of the people itself is transformed. Rather than finding their political identity in party, it is founding a great multitude of interest groups and issue networks forming an audience of administrative constituencies. Not only is the President exposed personally to public opinion, but the people to which he speaks are increasingly resistant to collective appeals. Rather than simply being empowered by his personal relationship to the people, he is enslaved by it.

But what of twenty-first century presidential leadership? TR and Wilson were about a project of accruing a new range of powers to the executive and making public arguments for their necessity. Presidents now enjoy a great array of powers that are not necessarily subject to popular support. Even unpopular presidents can use executive

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orders, bureaucratic and regulatory avenues and other unilateral devices to accomplish their objectives. Insulated from democratic deliberation, they are often criticized by the party out of power, but such qualms in opposition turn to eager pursuit of such avenues when in power. Popular rhetoric, more often than not is employed to defend past decisions, made outside of the realm of public scrutiny, that have resulted in scandal or cynicism about presidential motives or ethics. Since the beginning of the Cold War Americans have developed an acceptance of executive secrecy and even executive propaganda, withholding and lying. There is often an implicit understanding that lying or shading the truth is acceptable, that the President does what he needs to do, and we don’t want to know the details. Congress has often done the same, ceding war powers and military discretion, often in times of undeclared war, allowing the President to act without having to be sullied themselves by the encumbrance of conscience or responsibility. We allow the President to do our dirty work and require him to apologize and explain only if we are unfortunate enough to hear about it.

This has led, of course, to a great deal of cynicism about the Presidency and American politics in the post-Vietnam, post-Watergate, post-Iran Contra, post-Lewinsky, post-Abu Ghraib, post-Plame era. In this era of post-modern sensibility, Americans find it hard to be inspired by presidential rhetoric. All arguments are immediately tinged with suspicions of self-serving perspective, ploys for advantage, and carefully planned partisan marketing ploys: labeled recently in shorthand simply as “politics.” There is no politician that can be trusted, and even if there were, few would believe it. The power and the discretion of the Presidency are grown beyond its ability to make itself credible and

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legitimate. Public arguments that are not generally believed or trusted have little power to invest the President with legitimate support for his initiatives. In an ironic turn, the twentieth century development of the Presidency into a lonely office that stands alone and speaks for itself to a society constituted for convenient necessity rather than for communities of vigilance and understanding of its problems, has made the crucial job of maintaining public trust less likely to be accomplished. Presidential independence has outrun its capacity for building cooperative understanding and has fallen victim to the “efficient” society of enlightened administration that it is designed to foster.

Collective responsibility and political-institutional arrangements that foster trust and accountability must be pursued in order for presidential speech to regain credibility. Divided and reduced to individual consumers wandering in a haze of political symbols and doublespeak, the American voter is unlikely to be able to resist the ceding of more and more power to the executive. Constituted as such, the American people invite the President to demagoguery. If Americans cannot form the associations that allow them to participate in publics or parties of common purpose, they lack the vigilance to police such uses of power. Yet if they can achieve such unity of purpose and collective will through responsible parties and other mediating institutions, they make the strategy of presidential demagoguery less attractive.

On balance, the turn to presidential popular leadership on behalf of enlightened administration and greater professional bureaucratic control has left us less democratic and less equipped to understand and participate in the modern state. The likelihood of humanly meaningful leadership and institutional structures that invite trust and participation rather than alienation and cynicism is decreased in a politics that gravitates
toward a distant, charismatic center. We are, nonetheless, not able to disregard what value may come from a better use of an institutional leadership dynamic that appears destined to dominate American politics. A strong Presidency serves the purposes that most Americans have come to desire, for lack of alternate visions of the American community. To prescribe a retreat into the humble rhetorical reticence of yesteryear is unrealistic among a people and a polity constituted as we are. Rousseau, in a famous exchange with D’Alembert on the propriety of introducing the Parisian-style institution of the theater to Geneva, rejected the corruption it would bring to Geneva, while praising the good that it could do in the already corrupt Paris. The virtuous and self-governing citizens of Geneva would find their way of life changed by the culture of the theatre. The Parisians, already given to distraction and spectacle, might find in the theater a teacher and a place of true, though indirect and abstract teaching. Contemporary Americans, like the Parisians of the eighteenth century, are not presently constituted for vigilant, self-government and a meaningful connection to their leaders. Presidential leadership, though paternal by nature, may yet be able to cast a vision for the uses of the security and prosperity that it is designed to bring. We can only hope for leaders who will add to the Machiavellian project an Aristotelian vision of the “best life” in community, and appeal not to our basest instinct, but to the “better angels” of our nature.

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