

# James Sullivan and the Birth of Massachusetts Republicanism

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**Boston College**

**The Graduate School of Arts and Sciences**

**Department of History**

**JAMES SULLIVAN AND THE BIRTH OF  
MASSACHUSETTS REPUBLICANISM**

**a dissertation**

**by**

**JOHN A. DENNEHY**

**submitted in partial fulfillment of the requirements**

**for the degree of**

**Doctor of Philosophy**

**May, 2011**

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2011

## **Abstract:**

The following narrative traces the political lives of James Sullivan, Christopher Gore, Rufus King and John Quincy Adams, four Massachusetts men who were actively involved in the creation of state and national policy during the formative years of the new republic. Their years of public service bridged the critical period between the Revolution and the period of Democratic-Republican dominance. Because they knew each other so well, corresponded with one another on a regular basis, and held so many different state and national government posts, their lives provide an ideal vehicle to explore and better understand the changes that were taking place in post-Revolutionary Massachusetts. Their stories help trace the evolution of Massachusetts from a Federalist stronghold into a legitimate multi-party state firmly committed to the national union.

The primary figure in this study is Sullivan, the oldest of the four men, who was the state's highest ranking Republican leader during much of the Federalist Era. A staunch opponent of the Federalist assumption that government should be in the hands of the natural gentry and ruling class, he spent his adult life promoting equal access to power. After serving as a member of the Massachusetts Provincial Congress from 1774 to 1776, Sullivan was an active participant in the creation of the new state government. He later served as attorney general for seventeen years, from 1790 to 1807, through several Federalist administrations and served as a member of state legislature for many years. He also was a member of the Supreme Judicial Court and, in the final years of his life, governor of the Commonwealth. Because he participated in or observed firsthand the most significant political events of his day, his words also help trace, as few others could, the gradual transformation of Massachusetts from a one party state to a multi-party state. His election as governor in 1807 was clear evidence of the growing strength of the Republican Party in Massachusetts and of the extent to which the emerging national consensus had grown.

Christopher Gore, whose stature and perspective were more deeply rooted in the colonial past, stood in stark personal as well as political contrast to Sullivan. As a conservative Federalist who often served as spokesman for his party during this period, Gore was a major player in the Massachusetts legal community and government between the American Revolution and early years of the nineteenth century. He stubbornly adhered to the aristocratic belief that the government should only be managed by the propertied class and traditional

ruling elite. Where Sullivan was a sentimental moralist who hated everything British, Gore was the stern and unyielding spokesman for the merchant class who seemingly admired everything British. Where Sullivan's father had emigrated from Ireland, the victim of oppressive Penal Laws, Gore's father was a Tory, who fled Boston with the British in March 1776. Though Gore himself supported the Revolution, he was never able to shed, or indeed temper, his attachment to Great Britain in later years. As perhaps the most passionate defender of everything British in the years after the Revolution, Gore's habits and customs reflected the old deferential order and embodied everything Sullivan opposed.

Despite their personal and political differences, Sullivan and Gore shared a close personal friend. Rufus King was a longtime confidant of both men, corresponding with each of them over many years. Though King's habits and background were more similar to those of Gore than Sullivan, he was less rooted in the colonial past than his conservative friend. Though an ardent Federalist, he was respected by men on both sides of the political aisle and served not only as a bridge between the two parties, but as a bridge between the two branches of his own party. It is because he enjoyed such a close personal relationship with Sullivan and Gore, and corresponded with both men on a regular basis, that King provides a unique vehicle to explore the differences between the two parties during this critical period in Massachusetts political history.

The fourth subject of this study is John Quincy Adams. The fiercely independent one-time Federalist, who, though born many years after Gore, King, and Sullivan, became active in politics at a very young age and crossed political paths with all three men on a regular basis. Although born a member of the second generation of political leaders, Quincy Adams identified with the first generation of Revolutionary leaders. He matured early and took part in every critical debate that took place after the ratification of the Constitution. From the beginning, Quincy Adams charted an independent course and played a critical role in the growth of the Republican Party. John Quincy Adams is particularly relevant to this study because *his* political transformation reflected the change in attitude that was taking place in Massachusetts and the country in the early years of the nineteenth century. He represented a commitment to the interests of union over sectional concerns. A strong and independent unionist throughout his life, Quincy Adams eventually came to represent a new global nationalism. In many respects, Quincy Adams was *the* 'transition man' in post-Revolutionary America. The son of a colonial who was very much a product of the deferential society of the eighteenth century, young Adams came to

embrace the principle of majority rule. His elevation to the highest political posts in the country marked the final stage in America's transition from colony to union to nation.

James Sullivan, Christopher Gore and Rufus King each played significant roles in the establishment of constitutional government in Massachusetts and in the United States. Though he was considered a member of the so-called Hancock faction, a group viewed as primarily anti-Constitutionalist, Sullivan was an independent thinker. He would call for greater legal safeguards for the benefit of the more vulnerable and for the end of the practice of multiple office holding which had long been a tool of the ruling elite to maintain power and influence. A vocal proponent of the national government before King, Gore and Hancock, Sullivan had long recognized the importance of strengthening the central government. His embrace of participatory government and of law aimed at protecting all classes of people naturally appealed to a wider audience would continue to contribute to the democratization of Massachusetts politics. With a new national government in place and a new political era begun, Sullivan, King, Gore, and soon Quincy Adams, were uniquely positioned to play significant, if competing, roles in the coming struggle.

This narrative differs from other secondary works on post-colonial Massachusetts in several respects. Firstly, the significant role played by Sullivan in the growth of Republicanism in Massachusetts has been largely overlooked by historians. His persistent calls for equal access to power stood in stark contrast to the views of the Federalists who dominated Massachusetts government in the years after the American Revolution. His active participation in regional politics both during and after the Revolution helped the people of Massachusetts in their transition from colony to state. Furthermore, he was one of the first Massachusetts political leaders to insist on placing the new central government on a sound financial footing. Indeed, his call for a strengthened and sufficiently financed national government predated the efforts of Massachusetts Federalists, including King and Gore. He was, I contend, one of the first political leaders of either party to be considered a true 'nationalist.'

While Quincy Adams' support for Jefferson's Embargo and his conversion to Republicanism have been well documented, this work explores the link between Sullivan and Quincy Adams, and details the critically important role they played in the national debate over how to respond to British aggression towards American shipping and American sailors. Though Gordon Wood and other historians point to the Embargo as the single biggest failure of Jefferson and his Republican supporters, I contend the opposite is true. The Embargo

highlighted the central difference between the two parties, and though it provided Federalists with a temporary victory, it also sowed the seeds of their defeat. The Embargo enabled men like Sullivan and Quincy Adams to clarify one of the central issues of the post-Revolutionary period, ... national honor. Though Paul Goodman correctly points out that Republicanism tapped into the growing sense of nationalism in the country, I carry the discussion further and detail the growing disconnect between the Federalist Party and the American people. Quincy Adams, in particular, articulated the need to announce to the world that the United States would not submit to foreign aggression. Furthermore, his call for a stronger and expanded union, even if it meant a loss of power and prestige for Massachusetts, would soon strike a chord with a growing majority of Americans. Quincy Adams personified the shift in the national mood and represented a new national perspective. When John Quincy Adams left the Federalist Party, many Americans left with him.

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## Introduction

When newly elected President James Monroe named Massachusetts native and former Federalist John Quincy Adams as his secretary of state in the spring of 1817, a significant milestone in the political history of the United States had been reached. While some Republican leaders believed this important position, which had always served as a springboard to the presidency, should have gone to a Southern party loyalist instead of to the independent minded New England diplomat, Monroe's decision reflected the extent to which a national consensus, which had just begun to coalesce a decade earlier, had progressed.

By 1816, Americans had subordinated the notion that state and regional concerns were more important than national goals and embraced the idea that the people had a vested interest in the success of the national government. In addition, Americans were more egalitarian than they had been in the past and no longer deferred to rank and inherited privilege. James Madison spoke of these changes in his first inaugural address, noting how gratifying it was "to witness the increased harmony of opinion which pervades our Union." He referred to a "happy government," "under which every citizen may by his merit obtain the highest trust recognized by the Constitution; which contains within it no cause of discord, none to put at variance one portion of the community with another; a Government which protects every citizen in the full enjoyment of his rights, and is able to protect the nation against injustice from foreign powers." He described America as "one great family with a common interest."<sup>1</sup> While Monroe may have overstated the degree to which Americans were thinking as one, his defeat of Federalist Rufus King a few months earlier did mark the end of the party of Washington and Hamilton as a national force, ushering in a new political era. Only three decades before the election of Monroe, the Federalist Party had been the undisputed national 'Party,' responsible for the creation and ratification of the United States Constitution. Yet, by 1816, it had ceased to exist as a national force.

The seeds of this national consensus, which grew during the first decade of the nineteenth century, were planted and took root in Massachusetts. As the center of Federalist strength and influence throughout the post-Revolutionary period, Massachusetts was also home to a strong Republican element. The arguments and actions of Massachusetts's political leaders in both parties

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<sup>1</sup> Sean Wilentz, ed., *Major Problems in the Early Republic* (Lexington, 1992), 336.

helped shape national debate. It was perhaps inevitable that the most bitter of the exchanges in the debate between Federalists and Republicans would take place in the crucible that was Massachusetts's politics.

After the Revolution, many Federalist leaders in Massachusetts acted on the presumption they were society's natural leaders and should therefore continue to govern as they had in colonial Massachusetts. This anti-democratic attitude, which on its face contradicted the ideals of the American Revolution and ran counter to the actual changes that were taking place in American society, would prove critical to the future of the party. After the war, there were a large number of newcomers who became involved in government. Paul Goodman notes, "Those who had formerly been alienated from established authority were no longer outsiders," and that "in state and nation aspiring newcomers enjoyed public office and civic esteem." He added that "as the party of opportunity, the Democratic-Republicans [hereinafter 'Republicans'] had been the instrument by which restless and ambitious men on the make formed a powerful coalition among those anxious to share more fully in the fruits of self-government."<sup>2</sup> These new 'ambitious men' had little patience for the presumptive arrogance of many Federalist leaders. The two parties were simply operating on different levels, with different views of what American society should stand for and where it was going. As the years passed, many Federalists leaders remained doggedly committed to a culture that no longer existed. As Gordon Wood has observed, "the Federalists actually never thought of themselves as a party; instead they saw themselves as the natural gentry rulers of the society."<sup>3</sup>

Wood has argued that the Revolution "reconstituted what Americans meant by public or state power and about an entirely new kind of popular politics and a new kind of democratic officeholder."<sup>4</sup> Wood asserts that by the early nineteenth century "American society had been radically and thoroughly transformed," in that societal relationships had been decisively altered.<sup>5</sup> He suggested that before the war, America "took for granted that society was and ought to be a hierarchy of ranks and degrees of dependency," but that within a short time, it had been transformed into a republic with millions of "egalitarian minded bustling citizens."<sup>6</sup> Wood observed, "historians have delighted in

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<sup>2</sup> Paul Goodman, *The Democratic-Republicans of Massachusetts: Politics in a Young Republic* (Westport, 1964), 204.

<sup>3</sup> *Ibid.*, 293.

<sup>4</sup> Gordon S. Wood, *The Radicalism of the American Revolution* (New York, 1991), 8.

<sup>5</sup> *Ibid.*, 5.

<sup>6</sup> *Ibid.*, 6.

pointing out that the ‘Era of Good Feeling’ under James Monroe’s administration was filled with bitter factional contention that belied the name people gave to the era.” But, he added, “The title was meaningful to most people because it seemed that earlier party competition and hateful party spirit had indeed finally disappeared.”<sup>7</sup>

The turning point for the Republican Party came during the decade of the 1790s. The passage of the Jay Treaty in 1795 marked the beginning of the end of Federalist dominance not only in the federal government, but in Massachusetts state government as well. Mobilization by Republicans in opposition to the treaty ushered in a period of intense partisan conflict, both nationally and locally, and coincided with the departure of George Washington from the Federal scene. Despite the election of Federalist John Adams to the presidency in 1796, Republican organizations continued to grow as the tone of political debate in the United States deteriorated. After the election of Thomas Jefferson in 1800, political power shifted from New England to the South, the proportional share of Massachusetts power diminished, and party differences grew even more intense and more personal. Over the course of the next ten to fifteen years, a political consensus, centered on a national as opposed to a regional view of interests and goals, slowly but deliberately developed. As the Republican Party came to dominate national debate and national offices, the Federalist Party faded into the background and then disappeared altogether. The defeat of Rufus King in 1816 marked the last time a member of the Federalist Party would compete for the presidency.

The following narrative traces the political lives of four Massachusetts men who were actively involved in the creation of state and national policy during the period when this national consensus took root. Republicans James Sullivan and John Quincy Adams, and Federalists Christopher Gore and Rufus King were major players in Massachusetts politics for much of the period between the Revolution and Quincy Adams’ election as president of the United States in 1824. As attorneys, the four men were linked by profession and by their commitment to law and order during a time of fear and uncertainty. They strongly disagreed, however, on many issues; ranging from matters of representation and how state and national elections should be administered, to whom the national government should ally itself for purposes of trade and commerce. They also disagreed over how the United States government should respond to foreign, and in particular British, interference with American shipping and American seamen, and perhaps most significantly, they differed

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<sup>7</sup> Ibid., 298.

on their level of commitment to union over region when local commercial interests were threatened. The positions taken by each of the four men on these issues can be viewed as markers along the road from colony to union to nation. This is the story of how the growth of Republicanism in Massachusetts coincided with, and indeed contributed to, a growing national consensus.

The primary figure in this study is Sullivan, the oldest of the four men, who was the state's highest ranking Republican leader during much of the Federalist Era. A staunch opponent of the Federalist assumption that government should be in the hands of the natural gentry and ruling class, he spent his adult life promoting equal access to power. Early in his political career, Sullivan jealously guarded local autonomy and defended state's rights against national intrusion. Once he understood the difficulties faced by the new federal government and the dire consequences of inaction, however, he became a staunch advocate for a strong central government and embraced the concept of Union. After serving as a member of the Massachusetts Provincial Congress from 1774 to 1776, Sullivan was an active participant in the creation of the new state government. He later served as attorney general for seventeen years, from 1790 to 1807, through several Federalist administrations and served as a member of state legislature for many years. He also was a member of the Supreme Judicial Court and, in the final years of his life, governor of the Commonwealth for two consecutive one-year terms.

A prolific writer who regularly submitted letters to several newspapers, Sullivan corresponded with state and national leaders of both parties for over forty years. Because he participated in or observed firsthand the most significant political events of his day, his words also help trace, as few others could, the gradual transformation of Massachusetts from a one party state to a multi-party state. His election as governor in 1807 was clear evidence of the growing strength of the Republican Party in Massachusetts and of the extent to which the emerging national consensus had grown.

Christopher Gore, whose stature and perspective were more deeply rooted in the colonial past, stood in stark personal as well as political contrast to Sullivan. As a conservative Federalist who often served as spokesman for his party during this period, Gore was a major player in the Massachusetts legal community and government between the American Revolution and early years of the nineteenth century. After independence had been achieved, he embraced and promoted strong Anglo-American commercial and diplomatic ties and doggedly fought for the interests of Massachusetts merchants and businessmen, who were critically important to the success of the new government. Nonetheless, the lens through which Gore viewed events and

judged policy was much different than that used by Sullivan. Indeed, as the years passed, he stubbornly adhered to the aristocratic belief that the government should only be managed by the propertied class and traditional ruling elite. When circumstances changed and the nation seemed to move in a more egalitarian direction, Gore grew increasingly impatient and frustrated. After the election of James Madison in 1812, Gore's denunciation of Republican policy and his advocacy of Federalist principles and regional concerns grew particularly bitter and even militant, pushing him further and further away from moderate members of his party.

Though Gore was younger than Sullivan by fourteen years, their paths would cross many times in the turbulent years after the Revolution. As attorneys and politicians, Gore and Sullivan challenged one another in the courtroom and at the ballot box. While hotly debating the critical issues of the day in several different newspapers, each was the chief spokesman for his party in the closing years of the eighteenth and the early years of the nineteenth centuries. Furthermore, it was Gore who Sullivan defeated for the governorship in 1807, and after Sullivan's death in 1808 it was Gore who defeated Sullivan's Republican successor in 1809.

Where Sullivan was a sentimental moralist who hated everything British, Gore was the stern and unyielding spokesman for the merchant class who seemingly admired everything British. Where Sullivan's father had emigrated from Ireland, the victim of oppressive Penal Laws, Gore's father was a Tory, who fled Boston with the British in March 1776. Though Gore himself supported the Revolution, he was never able to shed, or indeed temper, his attachment to Great Britain in later years. As perhaps the most passionate defender of everything British in the years after the Revolution, Gore's habits and customs reflected the old deferential order and embodied everything Sullivan opposed.

Despite their personal and political differences, Sullivan and Gore shared a close personal friend. Rufus King was a longtime confidant of both men, corresponding with each of them over many years. It was King to whom Sullivan had first vented his anguish following the death of his first wife, and Gore, a Harvard classmate of King's, remained extremely close to King and his wife for over four decades. Though King's habits and background were more similar to those of Gore than Sullivan, he was less rooted in the colonial past than his arch-conservative friend. He began his political career in Massachusetts and represented the Commonwealth at the Constitutional Convention in 1787, but moved to New York after the Constitution had been ratified. While serving in the United States Senate, he developed strong relationships with and earned the confidence of the nation's leading Federalists,

including George Washington and Alexander Hamilton. Though younger than many Revolutionary leaders, King was by temperament very much a part of the Revolutionary generation, and like many of them never became comfortable with the party system.

Because many who worked with King praised him as amicable and thoughtful, he not only served as a bridge between the two parties, but as a bridge between the two branches of his own party. Though an ardent Federalist, he was respected by men on both sides of the political aisle, as evidenced by his close ties to both Sullivan and Gore, and by the fact that President Thomas Jefferson retained him as Ambassador to Great Britain during the early years of his administration. It is because he enjoyed such a close personal relationship with Sullivan and Gore, and corresponded with both men on a regular basis, that King provides a unique vehicle to explore the differences between the two parties during this critical period in Massachusetts political history. His letters provide an opportunity to see events through the eyes of man with close friends in both camps. Although late in his career King became much less tolerant of Republican policy, his continued high profile role in Federalist Party politics help paint a more complete picture of the growth of the Republican Party and development of a national consensus. Indeed, King was center stage at the exact time in history when the American people decided between the two competing political philosophies.

The fourth subject of this study is John Quincy Adams. The fiercely independent one-time Federalist, who, though born many years after Gore, King, and Sullivan, became active in politics at a very young age and crossed political paths with all three men on a regular basis. Although born a member of the second generation of political leaders, Quincy Adams identified with the first generation of Revolutionary leaders. He matured early and took part in every critical debate that took place after the ratification of the Constitution. From the beginning, Quincy Adams charted an independent course and played a critical role in the growth of the Republican Party, and his elevation to the highest political posts in the country marked the final stage in America's transition from colony to union to nation. Like Sullivan and Gore, Quincy Adams enjoyed a close personal relationship with King, and though he and Sullivan initially had a rocky relationship, they too became good friends. Upon Sullivan's death in 1808, it was Quincy Adams who delivered his eulogy. He did not enjoy as close a relationship with Gore, however, as the two men had very different views on American foreign policy and on the proper role of political parties in setting policy. Their political paths crossed on numerous

occasions over many years and the two men came to dislike one another intensely.

John Quincy Adams is particularly relevant to this study because *his* political transformation reflected the change in attitude that was taking place in Massachusetts and the country in the early years of the nineteenth century. He represented a commitment to the interests of union over sectional concerns. A strong and independent unionist throughout his life, Quincy Adams eventually came to represent a new global nationalism. He saw the world as few others did. His education in Europe and exposure to diverse cultures resulted in a more cosmopolitan perspective that set him apart from other Americans. Viewed by many of his contemporaries as occupying the fringe of national politics, he was, in retrospect, far ahead of his time. Indeed, in many respects, Quincy Adams was *the* 'transition man' in post-Revolutionary America. The son of a colonial who was very much a product of the deferential society of the eighteenth century, young Adams came to embrace the principle of majority rule and later represented the final step in the transition from colony to union to nation. By 1817, much of the nation had begun to catch up with him. President Monroe understood that Quincy Adams was not only a talented diplomat, but also someone who took a global view of policy that coincided with his own. Eight years later, with several diplomatic successes under his belt, Quincy Adams was elected President of the United States.

The lives of James Sullivan, Christopher Gore, Rufus King and John Quincy Adams intersected at several different and significant points during the formative years of the new republic. Their years of public service bridged the critical period between the Revolution and the development of the national consensus and all four played a significant role in shaping the political debate in Massachusetts. Because they knew each other so well, corresponded with one another on a regular basis, and held so many different state and national government posts, their lives, taken together, provide an ideal vehicle to explore and better understand the changes that were taking place in post-Revolutionary Massachusetts. Their stories help trace the evolution of Massachusetts from a Federalist stronghold into a legitimate multi-party state firmly committed to the national union.

This narrative differs from other secondary works on post-colonial Massachusetts in several respects. Firstly, the significant role played by Sullivan in the growth of Republicanism in Massachusetts has been largely overlooked by historians. His persistent calls for equal access to power stood in stark contrast to the views of the Federalists who dominated Massachusetts government in the years after the American Revolution. His active

participation in regional politics both during and after the Revolution helped the people of Massachusetts in their transition from colony to state. Furthermore, he was one of the first Massachusetts political leaders to insist on placing the new central government on a sound financial footing. Indeed, his call for a strengthened and sufficiently financed national government predated the efforts of Massachusetts Federalists, including King and Gore. He was, I contend, one of the first political leaders of either party to be considered a true nationalist.

In addition, while Quincy Adams' support for Jefferson's Embargo and his conversion to Republicanism have been well documented, this work explores the link between Sullivan and Quincy Adams, and details the critically important role they played in the national debate over how to respond to British aggression towards American shipping and American sailors. Though Gordon Wood and other historians point to the Embargo as the single biggest failure of Jefferson and his Republican supporters, I contend the opposite is true. The Embargo highlighted the central difference between the two parties, and though it provided Federalists with a temporary victory, it also sowed the seeds of their defeat. The Embargo enabled men like Sullivan and Quincy Adams to clarify one of the central issues of the post-Revolutionary period, ... national honor. Though Paul Goodman correctly points out that Republicanism tapped into the growing sense of nationalism in the country, I carry the discussion further and detail the growing disconnect between the Federalist Party and the American people. Quincy Adams, in particular, articulated the need to announce to the world that the United States would not submit to foreign aggression. Furthermore, his call for a stronger and expanded union, even if it meant a loss of power and prestige for Massachusetts, would soon strike a chord with a growing majority of Americans. Quincy Adams personified the shift in the national mood and represented a new national perspective. When John Quincy Adams left the Federalist Party, many Americans left with him.



# Chapter I

## Massachusetts During the Revolutionary Era

James Sullivan, Christopher Gore, Rufus King and John Quincy Adams were born in Massachusetts, but the circumstances into which they were born were markedly different. In family origin, political affiliation, and economic status, they came from very different worlds, but each made significant contributions to the development of the commonwealth and the new nation.

### A. Introduction to James Sullivan

On the afternoon of June 6, 1807, James Sullivan was sworn in as governor of the Commonwealth of Massachusetts. The new chief executive, a Republican, had defeated the Federalist candidate Christopher Gore by a large margin, marking the first time the Federalists had been denied the governor's office since the retirement of Samuel Adams in 1797. Sullivan's triumph came one year after the Republicans had taken control of the Massachusetts General Court following years of Federalist domination and seven years after Thomas Jefferson had been swept into the White House. Though the Republicans did not firmly establish their dominance in Massachusetts until many years later, the election of Sullivan to the governor's office in 1807 marked a significant turning point in Massachusetts political history. In his inaugural speech, Sullivan reaffirmed his belief that the power of government should be exerted to give equal advantages to its people, and not "to create wealth or exclusive privileges to any."<sup>8</sup> This sentiment represented a fundamental change in direction. Since the departure of Adams ten years earlier, the office had been controlled by Federalists who were in Sullivan's estimation committed to the idea that government should be run by and for the traditional ruling elite. Sullivan's elevation to the governor's office was both historic and unlikely given his humble beginnings and the fact that he belonged to a political party that had enjoyed little electoral success in Massachusetts.

Born on April 22, 1744, in the town of Berwick, Maine, which was then a part of Massachusetts, James Sullivan was the fourth son of John S. and Margery Sullivan. John had been born in Limerick, Ireland, in 1692, and because he was a Catholic, was denied access to an education in his native land. According to Sullivan biographer, Thomas Amory, John was likely educated on the continent where "several scholarships founded at different seminaries of learning" were

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<sup>8</sup> Paul Goodman, *The Democratic-Republicans of Massachusetts: Politics in a Young Republic* (Westport, 1964), 181.

available. Because life in Ireland offered little promise, Sullivan decided to leave Ireland for the British American colonies. John immigrated in 1723 with a large company of his countrymen and women, including his future wife, then only a child.<sup>9</sup>

Upon his arrival in America, John Sullivan settled in York, in the District of Maine, where he became a respected schoolteacher. After he was married in 1735, he purchased land in the frontier town of Berwick where he lived for over sixty years until his death in 1796, at age 105.<sup>10</sup> He and his young wife had four sons, including John Sullivan who later served as a general in the colonial army during the Revolutionary War, and James, the youngest. Judging from James Sullivan's lifetime of writings, including his support of the Irish Rebellion in 1798, it would appear that he never forgot where his father had come from. It is uncertain, however, as to whether or for how long the elder Sullivan remained a Catholic after his arrival in America. What is known is that his son James became an active member of the Congregationalist Church and became openly critical of the Catholic faith.<sup>11</sup>

Sullivan suffered crippling injuries to both legs as a child, resulting in a permanent disability. His left knee was destroyed when he was ten years old by a "fever sore" that "accidentally got a backward bend by not being supported straight in bed." The injury resulted in one leg being two inches shorter than the other, necessitating the lifelong use of a high-heeled shoe. His other leg was broken when, while cutting down a tree, the tree slipped back from the stump, breaking two bones in the leg and leaving it perforated with splinters. While the surgeons wanted to amputate the leg, Sullivan, believing in his "strong constitution," preferred to take his chances with rehabilitation. Although he recovered from the injury, Sullivan suffered through a long convalescence and was left with a permanent and pronounced limp. He would later claim that but for these injuries, his 5'7" frame would have been 6', like his father, brother and son. In addition to diminishing his physical stature, his injuries also prevented him from serving in the military. Furthermore, it is believed that Sullivan suffered from epilepsy and that while practicing law he suffered many attacks while on circuit, including occasional episodes in court.<sup>12</sup>

As a result of the second injury to his leg, Sullivan was confined to his house for two years. While restricted to bed he read a great deal and pursued his

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<sup>9</sup> Thomas C. Amory, *Life of James Sullivan* (Boston, 1859) I, 7-10.

<sup>10</sup> Amory, *Sullivan*, I, 12.

<sup>11</sup> *Ibid.*, 16.

<sup>12</sup> Amory, *James Sullivan*, I, 21

studies under his father's direction.<sup>13</sup> He decided upon a career in the law like his older brother John. In exchange for the use of the family farm in Berwick as well as half of the produce, the younger John agreed, among other things, to supply his brother James with books, forms, and pleadings and to otherwise assist him in getting started with the law.<sup>14</sup> By the time James joined his brother as a student, John had moved his practice to Durham, New Hampshire. Sullivan family lore referred to a bizarre incident soon after John Sullivan opened his new law office in this frontier town. Allegedly a number of Durham residents took exception to having lawyers in their midst and suggested in no uncertain terms that John Sullivan and his brother James should leave their community. Sullivan said he wouldn't consider leaving and warned that if anyone were disposed to press the matter, he would be ready. The quarrel intensified and townspeople began taking sides, until, incredibly, it was agreed that the matter should be settled by a fistfight. Because John Sullivan was bigger and more athletic than any of his adversaries, however, it was agreed that James would stand in for his older brother. The fight took place, and despite James' size and obvious physical handicap, he defeated his opponent. From that day forward, family legend has it, John Sullivan became an enormously popular and successful citizen in Durham.<sup>15</sup>

James Sullivan began practicing law with his brother in 1765, just as the Stamp Act was being debated throughout the American colonies. He not only developed his legal skills quickly, but also began expressing his opinions on the political questions of the day, taking a strong stand against Parliament and against the use of arbitrary power. While in Durham, Sullivan met and proposed marriage to Mehitable Odiorne, the daughter of William Odiorne, a shipbuilder. It was agreed that the marriage was to be put off for two years while Sullivan established himself as an attorney.<sup>16</sup>

After he was admitted to the bar, Sullivan moved to Georgetown, in the District of Maine. The area was mostly wilderness at the time, with very few inhabitants. When asked later "what on earth could have induced you to settle in such an out of the way place," Sullivan responded that "wishing to break into the world somewhere," he concluded "to assail it at its weakest point."<sup>17</sup> Though he didn't stay in Georgetown long, he did well enough to convince

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<sup>13</sup> Ibid., 20-21.

<sup>14</sup> Charles P. Whittemore, *A General of the Revolution: John Sullivan of New Hampshire* (New York, 1961), 4.

<sup>15</sup> Amory, *Sullivan*, I, 25-26.

<sup>16</sup> Ibid., 27-28.

<sup>17</sup> Ibid., 30.

himself that he could make a living as an attorney, and returned to Durham, New Hampshire. After marrying “Hetty” Odiorne in February 1768, the twenty-four year old Sullivan purchased a home in the busy manufacturing town of Biddeford, Maine, on the Saco River. He quickly developed a reputation as a skilled attorney and built a good practice. He was the first attorney to open his practice in this remote region, as lawyers from larger towns who rode the circuit had previously handled most cases in the Biddeford area. In 1772, the nearby town of Limerick, Maine, in which Sullivan had a share, was settled. Sullivan must have been well regarded by his neighbors as he was permitted to select the name of the town, which he took from the region in Ireland where his father had been born.<sup>18</sup> Later, in 1774, when patriots objecting to the Coercive Acts closed the courts, Sullivan spent a week chopping down trees in Limerick alongside other settlers, to clear land for the new development. By the age of thirty, Sullivan has established himself as one of the most influential men in the District of Maine.”<sup>19</sup>

Besides Sullivan, there were only five other practicing attorneys in the entire province of Maine. They included William Cushing and David Sewall, both of whom would later serve with Sullivan on the bench.<sup>20</sup> There were, however, several attorneys from ‘lower’ Massachusetts who traveled the eastern circuit and spent considerable time in the district of Maine. Over the course of several years, Sullivan entertained and became close friends with several of the leading lawyers of the province, including among others, John Lowell, Jonathan Sewall, James Otis and John Adams.<sup>21</sup> Sullivan often opened his home to his colleagues from Massachusetts. John Adams noted in 1771 that while in Biddeford attending court, Jonathan Sewall and John Lowell stayed at Sullivan’s home and spent the Sabbath with Sullivan. Lowell became a very close friend of Sullivan and remained so for the rest of his life.<sup>22</sup>

As Amory has noted, “professional habits were decidedly convivial,” in the years leading up to the Revolution, “and gentlemen thrown together for several weeks, often under the same roof, were quite disposed to be amused.”<sup>23</sup> They also sought relief from boredom. In a diary entry dated, July 2, 1770, John Adams related that after drinking punch at Sullivan’s home and having dinner at a local tavern he and Sullivan and three other lawyers walked ¼ mile down

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<sup>18</sup> George Folsom, *History of Sacco & Biddeford* (Portland, 1975), 270.

<sup>19</sup> Amory, *Sullivan*, I, 31.

<sup>20</sup> Amory, *Sullivan*, I, 34.

<sup>21</sup> *Ibid.*, 32-33.

<sup>22</sup> *Ibid.*, 34.

<sup>23</sup> *Ibid.*, 35.

to a house on the Saco River to look upon a woman who was rumored to be “at least 110 years of age, some say 115.” Adams noted that since no one was home except the old woman who was then asleep in bed, the five attorneys took turns gazing through the window at the “Object of Horror.” After remaining there for “some time,” Adams recorded that the woman’s daughter returned home and invited the five lawyers into the house to meet her mother.<sup>24</sup>

When they attended court in Maine, the attorneys from ‘lower’ Massachusetts had the opportunity to learn something about the personal lives of their colleagues. In a letter to his wife, Abigail, dated June 29, 1774, for example, John Adams described in detail, and not without a little envy, the various business interests of the Sullivan brothers. He wrote: “There is very little [legal] business here, and David Sewall, David Wyer, John Sullivan and James Sullivan, and Theophilus Bradbury, are the lawyers who attend the inferior courts, and, consequently, conduct the causes at the superior.” He added that John Sullivan, “who is placed at Durham, in New Hampshire, is younger, both in years and practice, than I am,” and that “he began with nothing, but is now said to be worth ten thousand pounds, lawful money;” and “his brother James allows five or six, or perhaps seven, thousand pounds, consisting in houses and lands, notes and mortgages.” He also observed that John “has a fine stream of water, with an excellent corn-mill, saw-mill, fulling-mill, scythe-mill, and others, in all, six mills, which are both his delight and his profit,” and that “as he has earned cash in his business at the bar, he has taken opportunities to purchase the farms of his neighbors, who wanted to sell and move out further into the woods, at an advantageous rate, and in this way has been growing rich.”<sup>25</sup>

With a limited number of cases to handle, an attorney practicing in Biddeford during this period would have had plenty of time to engage in activities not related to the practice of law. John Adams, who had already established himself as one of the leading legal and political lights in the colony, explained that James Sullivan “began with neither learning, books, estate, nor anything but his head and hands, and is now a very popular lawyer, and growing rich very fast, purchasing great farms, and is a justice of the peace and a member of the General Court.”

When the revolutionary struggle began, Sullivan took the side of the “popular party,” and “was among the most active and early in Maine to commit himself

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<sup>24</sup> Butterfield, *Diary of John Adams*, I, 357.

<sup>25</sup> John Adams Papers, June 29, 1774, *Sullivan*, I, 33.

unequivocally in open opposition to the aggressions of Parliament.”<sup>26</sup> In 1774 and 1775, Sullivan was elected to the Massachusetts Provincial Congress where he was assigned to the committee responsible for publishing the actions taken by the second Congress and to prepare an address to the people. It would appear the finished product was substantially the work of Sullivan himself, as the address was similar in tone to many of Sullivan’s writings. It began: “Friends and Fellow-sufferers: When a people, entitled to that freedom which your ancestors have nobly preserved as the richest inheritance of their children, are invaded by the hand of oppression, and trampled on by the merciless feet of tyranny, resistance is so far from being criminal that it becomes the Christian and social duty of each individual.”<sup>27</sup> In addition to serving as moderator and member of the Committee of Public Safety in Biddeford, he also played an active and important role in the Provincial Congress. Among other committee assignments, Sullivan was assigned to confer with the general officers on matters relating to the health of the soldiers, and to determine how best to distribute supplies to the army.<sup>28</sup> At this same time Sullivan was appointed to the court of admiralty in the District of Maine.

In addition to utilizing his legal skills, Judge Sullivan also managed to take an active part in the revolutionary struggle, despite his physical limitations. Following the outbreak of hostilities in Lexington and Concord on April 19, 1775, he was sent to New Hampshire to inform that colony of what had happened and to discuss what steps were being taken in Massachusetts. He also participated in the fortification of Falmouth Harbor and in the raising of troops in Maine. In a letter addressed to the “People of the Massachusetts Bay,” Sullivan voiced his praise for the “grave and noble purpose of the war,” and spoke of the great difficulties that confronted everyone. He blasted the British soldiers for acting like ‘robbers and murderers,’ and “for daring to assault [our] peaceful homes.”<sup>29</sup> Sullivan also was appointed by the Congress to participate in an expedition to Fort Ticonderoga to evaluate and report on the state of that fortress.<sup>30</sup>

After the Provincial Congress was reconstituted as the Provincial Assembly in 1776, Sullivan was elected to that body where he again actively served on several committees. Among his accomplishments were the drafting of laws “for the regulation of the militia, for the commencement and prosecution of

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<sup>26</sup> Ibid., 38.

<sup>27</sup> Amory, *Sullivan*, I, 44.

<sup>28</sup> Ibid., 50.

<sup>29</sup> Box 1, Folder 3, James Sullivan Papers, Massachusetts Historical Society.

<sup>30</sup> Amory, *Sullivan*, I, 50.

civil actions, for the confiscation of estates of refugees and others inimical to their country.”<sup>31</sup> Sullivan’s skill as a legislator and stature as a member of the bar was further rewarded in 1776 with an appointment to the state’s highest court, the Superior Court of the Judicature. Though John Adams and James Warren were also selected by the Council to serve on the court, they declined to serve; Adams being an important member of the Continental Congress and Warren because he was presiding over the state assembly. Sullivan, who was thirty-two years old at the time, would continue to serve on the state’s highest court until 1782.<sup>32</sup>

In addition to serving on the court, Sullivan became one of the colonies most prolific contributors to the local newspapers. At a time when newspapers and pamphlets served as the primary means of communication, Sullivan regularly submitted letters on any number of subjects that impacted the war effort. In October 1776, for example, writing under the name *Americanus*, he spoke of the need to secure foreign assistance if the Americans were to have any chance of defeating Britain. He argued that it would be in the “interest of the American states to depend, under the patronage of Heaven, upon themselves and such alliances as they may be able to come into with foreign states, for security in the enjoyment of those liberties we have an inalienable right to as men and as Christians, and not upon the British King and his Ministers, from whom we have suffered more than might have been expected had we been under the most arbitrary Government in Europe.” Sullivan’s contempt for the British government, which remained with him until the day he died, always seemed to return to the theme of a jealous tyrant unwilling to tolerate American prosperity. He observed, “no people or nation ... could exist in a state of ease and affluence, without becoming the envy of some rapacious despot.” At that time, he stated, “the king and parliament of Great Britain have been fatally persuaded to claim this whole continent, with its three millions of inhabitants, as their own property, and to be at their disposal.”<sup>33</sup>

Sullivan not only condemned British imperial policy, but its defenders in America as well. He branded everyone who opposed independence a “Tory.” In July 1776, writing under the name *Plain Truth*, he advised against treating friends of Britain too leniently, warning that they could “betray us into a fatal neglect.”<sup>34</sup> He warned of subversive activity throughout the war, and in particular of Tory spies who, he alleged, were attending county conventions to

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<sup>31</sup> Ibid., 64.

<sup>32</sup> Ibid., 79.

<sup>33</sup> Box 1, Folder 3, Sullivan Papers, MHS.

<sup>34</sup> Box 1, Folder 15, Sullivan Papers, MHS.

complain of high taxes and otherwise stir up trouble. He referred to them as wolves in sheep's clothing that had to be exposed and rooted out. Referring specifically to a letter written by a man identified as *Walter*, whom he considered a traitor and a "Tory priest," Sullivan warned that such individuals were there to foster dissent and promote opposition to the revolutionary government. Sullivan declared Tories were "the servants and instruments of the tyrant and Satan," and that "they will ever seek to disturb the peace and prosperity of our country, even after peace shall be agreed to and independence acknowledged by Britain." Therefore, he warned, everyone had to guard against "their evil machinations." After all, he added, "A sincere conviction in Tories is never to be expected. They commonly discover themselves, by hypocritical lamentations for the "distress of heavy taxes," and a whining wish "that we were not now as happy as in former days," and by long faces and groaning queries "whether Britain would have laid on us a burden equal to our taxes." These traits, he concluded, were "Tory marks, and they should be noticed by the people, and reproved."<sup>35</sup>

"It is childish," he instructed readers in 1782, "to complain of evils that are unavoidable, ... [particularly when] the crown of independence and glory is in full view before us." He would often return to the familiar and optimistic theme that: "there is not a nation or people in the world that has so great and so glorious a prospect as the United States," and that "all the nations of the world are our natural friends excepting only the British." Therefore, he asked, how could "we complain of the price which we give for such superlative blessings."<sup>36</sup>

In the years after the Revolution, Sullivan continued to participate actively in public affairs. His habit of taking a practical view of events, coupled with his practice of writing about and debating issues of government and public finance, made him an ideal person to help the people of Massachusetts come to terms with the changing political dynamic, as the Commonwealth transitioned from a colony to a state in a federal system of government. Sullivan utilized his legal skills and the political lessons he learned during the war to provide much needed support and encouragement to the new federal government. As the most visible Republican in a state dominated by Federalists, Sullivan initially served as an important voice to those who were reluctant to cede authority to the new national government. Once he heeded the dire warnings of Federal officials, however, Sullivan's advocacy for a properly financed national

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<sup>35</sup> Box 1, Folder 15, Sullivan Papers, MHS.

<sup>36</sup> Box 1, Folder 14, July 18, 1782, Sullivan Papers, MHS.



government was unmatched. Thereafter, his consistent promotion of the union, even when national policy collided with regional concerns, made Sullivan a respected and influential leader during the Jeffersonian Era.

## **B. Introduction to Christopher Gore**

James Sullivan was a studious fourteen year-old learning to live with his deformed legs in a small farming village in the District of Maine when Christopher Gore was born in Boston, in September 1758. Gore's family had deep roots in colonial America. Unlike Sullivan, whose parents had emigrated from Ireland, making James a first generation colonial, Gore's great-great grandparents, John and Rhoda Gore, had immigrated to Massachusetts from Hampshire, England in the 1630's. They settled in Roxbury where they became active members in the Puritan community. Although he started out with only four acres of land, John Gore eventually accumulated 188 acres, making him one of the largest landowners in the community.<sup>37</sup>

In 1710, John's son Obadiah Gore, a carpenter, moved from Roxbury to Boston where there were greater opportunities.<sup>38</sup> Thereafter, Obadiah's son, and Christopher's father, John, became an artisan who specialized in painting coaches and coats of arms for the colony's aristocrats.<sup>39</sup> Although not a rich or powerful man, John Gore had, like his father and grandfather before him, improved his family's position in Boston. The family owned a pew in the Brattle Street Church, and John "held minor offices in government, and he acquired his own shop and other property." He and wife Frances had 13 children, of which Christopher, born on September 21, 1758, was the tenth.<sup>40</sup>

Christopher Gore grew up in Boston at a time when political debate was becoming increasingly bitter and partisan. While Christopher's older brother Samuel joined the Sons of Liberty, his father was an unabashed Tory like most of his customers. John Gore irrevocably aligned himself with the British government in 1774 when he signed an address with 120 other Loyalists in support of former Governor Thomas Hutchinson, following the governor's recall to London.<sup>41</sup> The division in the family was made complete when the elder Gore was obliged to take flight from Boston with the British troops, along with eleven hundred other Loyalists, in March 1776. The General Court listed John Gore as one of the most notorious Loyalists and confiscated his

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<sup>37</sup> Helen R. Pinkney, *Christopher Gore: Federalist of Massachusetts* (Waltham, 1969), 4-5.

<sup>38</sup> Pinkney, *Gore*, 5.

<sup>39</sup> *Ibid.*, 3.

<sup>40</sup> *Ibid.*, 4.

<sup>41</sup> *Ibid.*, 11.

property.<sup>42</sup> Meanwhile, Christopher, not yet eighteen years old and attending Harvard College, remained in Boston with the rest of his family. Shortly after his father's departure and while still in school, Christopher joined the Continental Army as a clerk with an artillery unit. Gore would later be successful in petitioning the General Court for the release of a portion of the confiscated funds and property for the support of himself and his three unmarried sisters.<sup>43</sup>

During his senior year at Harvard in 1778, Gore joined a group of students who regularly met to discuss politics and literature. It was as a member of this group that he first came into contact with several men who would later make names for themselves in law, politics, and medicine. Among them, was Rufus King, a young man with whom Gore had a lifelong friendship. Upon graduation from Harvard, Gore studied law with John Lowell, one of the attorneys who had frequented James Sullivan's home when riding the circuit in the District of Maine in the years leading up to the Revolution. Moreover, and more importantly for Gore, Lowell was a respected and highly influential judge whose family would help shape New England's history for two centuries.<sup>44</sup> Unlike Sullivan, who had to win a fistfight in a backwoods New Hampshire town in order to begin his legal studies, Gore was welcomed into the law office of the one most esteemed men in Boston. Indeed, Gore's relationship with John Lowell would open many doors for the young attorney and provide access to an exclusive club of business and banking leaders. As a member of this select group, Gore would frequently take advantage of numerous business and financial opportunities unavailable to the vast majority of citizens, and his inclusion in this group certainly helped shape his economic and political views in the years to come.

Gore's apprenticeship was shorter than most. Although the Suffolk County Bar usually required three years of study with a member of the bar before a student could practice as an attorney before the court of common pleas, Gore was allowed to plead cases before the Superior Court of Judicature, on which Sullivan served, after only two years of study. After John Lowell presented the necessary recommendations of "ability, achievement, and character," the Suffolk County Bar admitted Gore as a member. He opened an office in State Street and began the practice of law.<sup>45</sup>

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<sup>42</sup> Ibid., 12.

<sup>43</sup> Ibid., 13-14.

<sup>44</sup> Ibid., 14.

<sup>45</sup> Ibid., 15.

Unlike his father who had fled Massachusetts with other Loyalists in 1776, Christopher Gore supported the Revolutionary cause. Like his father, however, who had worked with and catered to the wealthy merchants and ruling elite of Boston, the younger Gore identified with Boston' upper class. His view of the world was shaped largely in this environment of privilege and deference. He embraced the ideals of custom, tradition, stability and order. Although Gore believed in representative government, he also believed that government should be run by men of property and wealth, and/or men who had proven themselves in the world of business, and who had a stake in the success of the government. To that end, after securing his own financial future, Gore entered politics and served as a passionate advocate for the merchant class and ruling elite.

Gore's public career would be defined by his efforts to defend and maintain the old order, to promote regional commercial interests and to oppose any measure that would harm those individuals and business entities that had made Massachusetts prosper for so many decades. As a Federalist, he defended the need for a strong national government and actively promoted the ratification of the Constitution. After Republican candidates began to enjoy more and more electoral success at the national level, however, Gore began to focus his energy on preserving the power of the state government where he and other Federalists continued to exercise power and influence.

### **C. Introduction to Rufus King**

Christopher Gore's good friend and Harvard classmate, Rufus King, was born in Scarborough, Maine, in 1755. His grandfather, John King had emigrated from England shortly after 1700, and settled in Boston. John's son, Richard, was born in 1718, and by 1740, lived in Watertown, Massachusetts. Richard established himself as a trader and worked as a purchasing agent for Ebenezer Thornton, one of the wealthiest merchants in Boston. It was while he was purchasing timber for Thornton in Scarborough, Maine, that Richard King decided to settle in that area. Over the next thirty years, the elder King would not only become a successful merchant, but a successful farmer as well.<sup>46</sup> He eventually owned over three thousand acres of land and became the largest exporter of lumber in Maine, and also one of the wealthiest creditors in the region. On the evening of March 19, 1766, King's home was attacked by a large group of rioters, which included several men who owed him money. Disguised as Indians, and calling themselves 'Sons of Liberty,' they ransacked

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<sup>46</sup> Charles R. King, *The Life and Correspondence of Rufus King* (New York, 1894), I, 1.

and set fire to the house, destroying most of King's private papers, including deeds and notes. Attempts to bring the assailants to justice resulted in years of frustration for King.<sup>47</sup>

Though much of the antagonism towards Richard King stemmed from the fact he was a wealthy creditor, he was also an avowed loyalist. At the time of the tea riots in Boston in 1773 and 1774, King criticized political radicalism. He wrote "Our only safety is in remaining firm to that stock of which we are a branch; and as a prudent man guards against a pestilential air when a plague is in the city, so should we guard against those false patriots ... who advise us to resist, break off, and prevent that grand circulation whereby we are become a great plant, contributing to the strength and glory of the stock." King paid a price for his loyalist leanings. In June 1774, a group of rioters in Scarborough again attacked his home. They forced King to his knees and compelled him to recant his loyalist beliefs. King died nine months later in March 1775, one month before the Battle of Lexington and Concord.<sup>48</sup>

Richard King's son, Rufus, was just shy of his eleventh birthday at the time of the first attack on his home. One year later, at the age of twelve, he began attending the prestigious Byfield Academy in Newburyport. Six years later, in 1773, at the age of eighteen, he was admitted to Harvard College, where he was exposed to the revolutionary political ideas then being debated in Boston. He had only been there a short time when Samuel Langdon was appointed president of Harvard, in July 1774. According to then governor Thomas Hutchinson, Langdon's appointment reflected the growing 'influence of politics on the affairs of the college.'<sup>49</sup> In fact, Langdon joined with Hancock and the other Massachusetts patriots in openly and boldly opposing the British Government, and may well have won the Harvard presidency for that reason.<sup>50</sup> It was into this world that King entered and came of age, together with his fellow classmate and best friend, Christopher Gore.

When King's father died in March 1775, he owned a great deal of land but little cash. King's brother-in-law, Dr. Robert Southgate, settled the estate, sold off land, and advanced money to the young King to complete his education.<sup>51</sup> A few months later, in April 1775, following the battle of Lexington and Concord, King and his classmates were asked to vacate the buildings at Harvard so they could be used to house American troops. Classes were

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<sup>47</sup> Robert Ernst, *Rufus King: American Federalist* (Chapel Hill, 1968), 8-10.

<sup>48</sup> Ernst, *Rufus King*, 12-13.

<sup>49</sup> King, *Rufus King*, I, 3.

<sup>50</sup> Quincy, *History of Harvard*, II, 162.)

<sup>51</sup> *Ibid.*, I, 4.

suspended and King moved to Newburyport where he began expressing his strong views on the subject of the ‘cause.’ In a letter to his brother-in-law, he observed that “[General] Gage has at this period sent out a most scandalously false relation of known facts, and after offering in his poor way safety and protection to every one who shall be so wicked and so abandoned a villain as to desert his country’s cause, he with great appearance of pomp and pious sanctity denounces death and confiscation to every one who shall not comply with his despicable request.” “But,” he added, “America spurns the production of the petty tyrant, and treating it with deserved contempt, stands firm upon the pillars of liberty, immovable as Heaven and determined as fate.”<sup>52</sup> Within a year, King’s best friend’s father would be one of those who accepted Gage’s offer and fled from Boston.

King graduated from Harvard in 1777 and began studying law in Newburyport under the esteemed Theophilus Parsons, who served for many years as Chief Justice of the Massachusetts Supreme Judicial Court. Like his good friend, Gore, King could not have been better situated as he began his legal career. Unlike Sullivan, Gore and King began their legal studies under the best of circumstances and under the guidance of the premier and most financially successful attorneys in the country.<sup>53</sup>

While he studied law, King gave his full support to the patriot cause. During the summer of 1778, a detachment of troops under the command of General Glover, who joined General John Sullivan in an attempt to retake Rhode Island, came through Newburyport. King immediately volunteered to serve and soon became aid-de-camp to Glover.<sup>54</sup> His tenure as a soldier during the Revolution was brief, as he was dismissed soon after the failure of Sullivan’s expedition. One incident, however, did impress upon him the reality of the war. While sitting with General Glover and several other soldiers at the breakfast table in a house more than a mile from the front, firing was heard in the distance. General Glover asked King to mount his horse and find out from where the firing was coming. After King got up from the table, his friend and fellow volunteer, Henry Sherburne, sat down in his vacated chair at the table. As soon as King left the room, a spent cannon ball came crashing through an open window and struck Sherburne, injuring him badly, and necessitating the amputation of his leg.<sup>55</sup> After his brief tenure in the military, King returned to Newburyport and resumed the study of law. He was admitted to the bar in

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<sup>52</sup> Ibid., I, 8.

<sup>53</sup> Ibid., I, 10.

<sup>54</sup> Ibid., I, 11.

<sup>55</sup> Ibid., I, 12.

1780 and soon gained a reputation as an excellent attorney and a particularly gifted speaker.

Although King did not see further wartime action, he followed events closely and didn't hesitate to express his political opinions. In particular, he wrote contemptuously of England's military commanders, noting "their land commanders are debauchers and [are] ambitious of fortunes & pleasure more than fame & the glory of their nation." He further observed that "the immense fortunes which the land & sea commanders have extorted from the wretched defenseless East Indians, have proved a fountain of corruption that has poisoned the British Nation," and that "I think their glory is in the wane & that her naval power is critically situated."<sup>56</sup>

King's politics were very much in line with those of his Harvard classmates and with Parsons, the conservative jurist who served as his legal mentor. These men, who would later be referred to as Federalists, viewed the role of government similarly, as they did the qualifications needed for government leaders. Like Gore, King understood society was comprised of those with property and those without. He was equally certain that only those who were properly educated and financially secure should run government, and saw no contradiction in embracing the idea of a republican form of government run by a prosperous and well-educated elite. Having been born into affluence, King was comfortable with the habits of privilege and deference.

#### **D. Introduction to John Quincy Adams**

John Quincy Adams was born on July 11, 1767, in Braintree, Massachusetts. At the time of his birth, his father John Adams was already a highly respected lawyer and recognized throughout the colony as the author of the "Braintree Instructions," written in 1765, in opposition to the Stamp Act. The Instructions were quickly adopted by forty towns in Massachusetts and played a pivotal role in Parliament's repeal of the Stamp Act in the spring of 1766. The elder Adams was not the only political leader in Quincy Adam's lineage. His great-grand grandfather, Colonel John Quincy, who died on the same day Quincy Adams was christened, had been Braintree's leading citizen when John Adams was a boy, serving as speaker of the Massachusetts Assembly, colonel of the militia, as well as a member of the Governor's Council. Colonel Quincy's impressive home and property, known as 'Mount Wollaston,' had already been a Braintree landmark for decades when John Quincy Adams was

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<sup>56</sup> King to Southgate, September 10, 1779, King, *Rufus King*, I, 30.

born. John and Abigail Adams were paying honor to his memory when they gave their first son his middle name.<sup>57</sup>

It didn't take long for the young Quincy Adams, who was taught to read and write at home, to reveal his uniquely serious and critical personality. Shortly after learning to write, he expressed concern at his progress in a letter to his cousin. He wrote that he "made But veray (sic) little proviciancy(sic) in reading," and suggested that perhaps "to(o) much of my time in play (th)ere is a great Deal of room for me to grow better..."<sup>58</sup> Quincy Adams was only six years old at the time. Shortly thereafter, he began his more formal education. Instead of having their son educated in the town school, John and Abigail Adams had him taught by John's law clerks, and it was prophetic that John Adams would insist that his son be taught French, the language of diplomacy.

Two months after the Revolutionary War began at Lexington and Concord, and a few weeks before his eighth birthday, Quincy Adams and his mother watched the Battle of Bunker Hill from a hilltop near their Braintree home. This event must have had a profound impact on the boy, as he referred to it in vivid detail more than seventy years later. Though very young, he was able to contribute to the revolutionary struggle in his own way, serving as a mail carrier between Boston and Braintree. Quincy Adams was ten years old when he traveled to Europe with his father in February 1778, after the elder Adams had been appointed American Envoy to France. While on board ship, at the direction of his father and with the help of a French army surgeon, he was able to continue his study of the French language.<sup>59</sup> Upon arriving in France, Adams began attending school with the grandson of Benjamin Franklin, who had already been serving as a commissioner in France when Adams arrived.

While in France, Quincy Adams and his father paid a visit to Joshua Johnson, a successful merchant who had decided to settle in France with his large family rather than risk a trip back to the United States in time of war. Twelve year old John Quincy Adams may or may not have been introduced to Johnson's four year old daughter, Catherine, whom he would marry seventeen years later.<sup>60</sup> After returning home briefly to Braintree in late summer 1779, the elder Adams was again asked by the government to return to Paris. This time, he took not only Quincy Adams, but also his younger son Charles. Joining the Adams' on

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<sup>57</sup> David McCullough, *John Adams* (New York, 2001), 30.

<sup>58</sup> Marie B. Hecht, *John Quincy Adams: A Personal History of an Independent Man* (New York, 1972), 9.

<sup>59</sup> Hecht, *John Quincy Adams*, 21.

<sup>60</sup> *Ibid.*, 25.

this trip was Francis Dana, a young Harvard lawyer and former delegate to the Continental Congress, who was assigned to be the secretary to the commission.

While John Adams traveled through Europe, trying to borrow money for the United States government, Quincy Adams began studying at the ancient University of Leyden, one of the most prestigious universities in Europe.<sup>61</sup> Much younger than the other students, the precocious Quincy Adams received private tutoring and attended as many lectures as he wanted. Though lacking a formal curriculum, he enjoyed the life of an independent scholar with access to the leading thinkers in Europe. The elder Adams had in the interim, been appointed Minister to Holland. Then, in 1781, before his fourteenth birthday, Quincy Adams was offered the position of secretary to Francis Dana, who had been assigned to serve as the first United States Minister to Russia. It would be Dana's job to convince Empress Catherine II to recognize the new republic, and he needed someone who could speak French, the language of the Russian court.<sup>62</sup> Dana and his fourteen-year-old assistant traveled over 2,400 miles by land to reach St. Petersburg. Young Quincy Adams spent almost two difficult years away from his family in the cold and isolated Russian capital. Though he would later regret that his education during this time had been haphazard and informal at best, it did provide him with a rare opportunity and a tremendous learning experience.

Quincy Adams was sixteen years old when he left St. Petersburg, spending the next several months traveling alone before being reunited with his father in Holland, in 1783. The elder Adams wrote to his wife that their son had matured incredibly during their separation: "He is grown to a Man of Understanding as well as Stature."<sup>63</sup> John Adams had been successful at gaining Dutch recognition and was referred to as the American Ambassador from the United States. Then, after being directed to help negotiate a treaty with Britain, John Adams took his son to London, leading him on a tour of Buckingham Palace and the Houses of Parliament. As he had in Paris, Quincy Adams also enjoyed going to the theater on a regular basis. His critique of a 1783 performance of Hamlet at the Drury Lane Theater in London, evidenced his sophistication: "I must confess," he wrote in his diary, "I do not think they act Tragedy so well here as in Paris: the Tragedy was not acted, as I expected it would be: there is I think something like affectation; throughout the actors. They lay an emphasis upon almost every word; yet in some places they speak,

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<sup>61</sup> Ibid., 31.

<sup>62</sup> Ibid., 32.

<sup>63</sup> Robert V. Remini, *John Quincy Adams* (New York, 2002), 15.



both too low and too slow.”<sup>64</sup> Day after day, his diary entries referred to visits to bookstores, museums, and lectures, in addition to several different theaters. John Quincy Adams, at sixteen, was very much a European gentleman, and much changed from the ten year old boy who left Braintree, Massachusetts in 1777.

### **E. A New Government in Massachusetts**

While Christopher Gore and Rufus King were beginning their legal careers in Boston, James Sullivan was actively engaged in the debate over the creation of a new state constitution. From 1776 through the end of the war, all but two American states debated and drafted new constitutions. The Commonwealth of Massachusetts was in the forefront of this effort, commencing its constitution making initiative in 1777. The General Court appointed a joint committee comprised of house and council members to prepare a first draft for consideration. Massachusetts was the only state to require the people to ratify the draft constitution, a process that represented a significant step forward in the building of the new republic.

Historian Lawrence Friedman suggests “Constitutionalism answered to a deep-seated need, among members of the articulate public, for formal, outward signs of political legitimacy.”<sup>65</sup> Indeed, not everyone was pleased with the idea of creating a new government, particularly while the country was at war. Sullivan, for example, who was serving on the state’s highest court and had just been re-elected to the Provincial Assembly, wrote from his Biddeford home to Speaker Warren that he was “very uneasy since I heard that you were upon a plan for a new constitution.” In particular, he was concerned that controversial issues could so alienate one side or the other that it would hurt the war effort. “I dread the controversy about the qualifications of electors,” he wrote, “and am apprehensive that, whenever it is determined, let it be in favor of the men of estate, or to give all an equal vote, one party or the other will be disaffected, if not lost.” He insisted, “This is surely no time to make divisions among ourselves.”<sup>66</sup>

Perhaps more than any Massachusetts political leader of the time, Sullivan stressed the importance of unity and argued that all parties must remain focused on the war until the cause was won. Undeterred by Sullivan’s warning, the General Court’s joint committee presented their report in January 1778,

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<sup>64</sup> Diary of John Quincy Adams, I, 197.

<sup>65</sup> Lawrence M. Friedman, *A History of American Law* (New York, 1973), 102.

<sup>66</sup> Amory, *Sullivan*, I, 96.

and submitted it to the voters. Just as Sullivan had feared, the proposed constitution was hotly debated and ultimately rejected by the voters by a large margin. Most notably, the proposed constitution contained a property qualification, which Sullivan opposed. As he would many times later, Sullivan supported the promotion of rights for the common citizen and the idea of universal manhood suffrage.<sup>67</sup> In a letter to Elbridge Gerry two years earlier, he set forth his view on the matter of suffrage:

Every member of Society has a Right to give his Consent to the Laws of the Community or he owes no Obedience to them. This proposition will never be denied by him who has the least acquaintance with true republican principles. And yet a very great number of the people of this Colony have at all times been bound by Laws to which they never were in a Capacity to Consent not having estate worth 40/ per annum & c ... Why a man is supposed to consent to the acts of a Society of which in this respect he is absolutely an Excommunicate, none but a Lawyer well dabbled in the feudal System can tell.<sup>68</sup>

The person who would most influence the drafting of the Massachusetts constitution disagreed with Sullivan on this issue, however. In a letter written to Sullivan after Gerry shared Sullivan's letter with him, John Adams argued that there were certain individuals, including women, children and those without property who didn't have the proper understanding of public affairs to have the vote. In the case of those who were wholly destitute of property, he insisted they were "too dependent upon other men to have a will of their own" and "too little acquainted with public affairs to form a right judgment." He further reasoned that it was appropriate to fix a property limit, just as it is right to set an age requirement. After all, he argued, "you must fix upon some period in life, when the understanding and will of men in general, is fit to be trusted by the public. Will not the same reason justify the state in fixing upon some certain quantity of property, as a qualification?"<sup>69</sup> Though Sullivan lost his initial fight for universal suffrage, he remained actively engaged in the effort to ratify a state constitution.

In February 1778, Sullivan sold his house in Biddeford and moved to Groton, in Middlesex County. It was while he was living in Groton that he was chosen to be that town's representative to the convention that had been called to make

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<sup>67</sup> Ibid.

<sup>68</sup> Sullivan to Gerry, May 6, 1776, Robert Taylor, ed., *Papers of John Adams* (Cambridge, 1979), IV, 212-213.

<sup>69</sup> Taylor, *Papers of John Adams*, IV, 208-213.

another effort at drafting a constitution.<sup>70</sup> Not surprisingly, as soon as the group of approximately 250 convened in Cambridge in September 1779, Sullivan took an active role in the proceedings. In addition to serving on the five-member committee responsible for the drafting of the rules for the convention, he also served on the all-important committee assigned to draft the bill of rights and constitution. The committee agreed that John Adams, perhaps better schooled in political theory than anyone in the country, would write the first draft.<sup>71</sup> Though Adams, who completed his work in late October 1779, before departing for his new assignment as Minister to France, is rightfully credited with being the chief architect of the Massachusetts Constitution, Sullivan played an active and substantive role in the proceedings and his influence was evident. In particular, Articles VI and VII of the Declaration of Rights spoke directly to Sullivan and his republican politics. Article VI stated “No man, nor corporation, or association of men, have any other title to obtain advantages, or particular and exclusive privileges, distinct from those of the community, than what arises from the consideration of services rendered to the public; and this title begin in nature neither hereditary, nor transmissible to children, or descendants, or relations by blood, the idea of a man born a magistrate, lawgiver, or judge, is absurd and unnatural.” Article VII declared “Government is instituted for the common good; for the protection, safety, prosperity and happiness of the people; and not for the profit, honor, or private interest of any one man, family, or class of men ...”

In addition to drafting several resolves relating to the business of the convention, Sullivan served on the committee responsible for making the final revisions to the document and then worked with Samuel Adams on an address to the people. The people of Massachusetts ratified the constitution in 1780.<sup>72</sup> Although the final document contained a property qualification, the proposed constitution was strongly supported by Sullivan. His commitment to hard work and his willingness to compromise made Sullivan the ideal person to serve on such a committee.

After the constitution went into operation in October 1780, the people of Massachusetts selected a chief executive for the first time. The honor went to John Hancock, who was re-elected twelve times thereafter, from 1780-1785, and again from 1787 until his death in 1793. Hancock, the quintessential politician, was, according to historian Paul Goodman, “a master of factional politics,” who “achieved pre-eminence by isolating rivals, cultivating allies,

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<sup>70</sup> Amory, *Sullivan*, I, 106.

<sup>71</sup> *Ibid.*, 107.

<sup>72</sup> *Ibid.*, 108-109.

carefully nurturing personal popularity, and avoiding difficult decisions.”<sup>73</sup> Among the more important allies he would cultivate, Goodman noted, was the “inveterate newspaper polemicist,” and noted judge, James Sullivan.<sup>74</sup> Sullivan soon became one of Hancock’s closest friends as well as key political ally and advisor. As Hancock biographer William Fowler noted, “the person with the most influence” over the governor was Sullivan because he had “keen political instincts and he was well acquainted with the sometimes convoluted nature of Massachusetts politics.”<sup>75</sup> The two men were close friends and political allies for over twenty years. Like Sullivan, Hancock was a man of the people, but unlike Sullivan, he was born into wealth. Goodman argued “Hancock was a master of the art of popularity,” and described the Commonwealth’s first governor as “a punctilious provincial aristocrat glorying in pomp, pageantry, and high born manners,” who “shrewdly added the common touch, providing firewood for the poor in winter and music on the Common in summer.”<sup>76</sup> Sullivan, however, saw him as a genuine defender of the common man and remained loyal to the state’s first governor for the rest of his life.

In the months following the adoption of the Massachusetts constitution, there was much public debate over such philosophical issues as to how government officials should conduct themselves and how citizens should behave in a republican society. To many older patriot leaders like Samuel Adams, Hancock’s rise to power signified the emergence of “a new crew” that had won power by “forming a Coalition of Parties and confounding the Distinction between Whigs and Tories, Virtue & Vice.”<sup>77</sup> Adams was president of the Senate in 1781, and somewhat utopian in his views, given his advocacy of impractical social and political ideals. He wrote a series of articles under the name *Consistent Republican* in which he was critical of the governor for his entertainment expenditures and for his distribution of a large number of justices of the peace. Adams believed the governor was simply looking to gain popularity while turning his eye away from immoral behavior.

Many people, including Sullivan, came to the governor’s defense. Having been a judge for many years and having heard every manner of case, Sullivan would have been witness to the darker side of human nature and understood the legitimacy of competing claims. He respected Hancock’s ability to compromise and to bring people together, just as he had done in the debate over the state

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<sup>73</sup> Goodman, *Democratic-Republicans*, 8.

<sup>74</sup> *Ibid.*, 9.

<sup>75</sup> William M. Fowler, Jr., *The Baron of Beacon Hill: A Biography of John Hancock* (Boston, 1980), 255.

<sup>76</sup> Goodman, *Democratic-Republicans*, 9.

<sup>77</sup> *Ibid.*, 10.

constitution. As a successful politician, he understood the need to make friends and create alliances, and he recognized the importance of compromise. As a businessman in the District of Maine before the war, he also understood the need for progress and creative thinking. In short, Sullivan was a pragmatist who understood what could and could not be expected of elected officials.

Writing under the name *Honest Republican*, Sullivan consistently defended the governor, and, responding to Adams criticism that the governor was spending far too much time entertaining his friends and supporters, suggested that ‘social entertainments were necessary, particularly during difficult times,’ and that it was important for ‘public cheerfulness.’ Sullivan, though somewhat of a prude himself, did agree that “dancing, within reasonable limits, was an innocent diversion, and not to be discouraged,” as Samuel Adams had suggested. More importantly, however, Sullivan believed that such petty criticisms were detrimental to the war effort and counter-productive to the operation of government. After all, Sullivan would contend, they were still at war and it was necessary for all parties to come together and act as one. To that end, Sullivan was somewhat successful in bringing the two old friends and patriots back together. Amory observed that Sullivan’s “relations with both became exceedingly intimate and confidential, and continued uninterrupted while they lived.”<sup>78</sup> Sullivan sympathized with Adams in many respects, but he supported John Hancock as he did no other.

Sullivan further proved his loyalty to Hancock by remaining on the state’s highest court, even when it was financially burdensome to do so. Shortly after his election as governor in the fall of 1780, Hancock issued a proclamation declaring that all persons holding judicial appointments should continue at their posts. Sullivan was still a member of the state’s supreme court – the Supreme Judicial Court, along with Cushing, Sargent, and Sewall.<sup>79</sup> The justices were paid very little, and what pay they did receive was in depreciated paper. In addition, they were obliged to travel a great deal which required further expenditures of their own funds. As a result, Sullivan noted, it was increasingly difficult to serve as a judge during this period unless you were independently wealthy. Nonetheless, he continued to serve on the bench for almost two more years.

In 1782, after the justice’s request that their allowance be increased was denied, Sullivan, “finding the amount decided upon altogether unequal to the increasing demands” upon him, reluctantly submitted his resignation to

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<sup>78</sup> Amory, *Sullivan*, I, 110.

<sup>79</sup> *Ibid.*, 124.

Governor Hancock.<sup>80</sup> Sullivan noted that he had gone into debt because of his service to the Commonwealth, in part because he hadn't been reimbursed for his expenses. In a letter to a friend in 1782, Sullivan spelled out his financial difficulties: "until the last year I have not, since the year 1776, had as much of the government as would pay my traveling expenses, including horse-hire, and for those articles which were unnecessary at home, but absolutely indispensable while going on circuit," and "this has involved me in a debt that cannot be paid with three hundred a year, for I find that the three hundred is not quite equal to two."<sup>81</sup>

Sullivan, however, did not blame the governor for this injustice, but the General Assembly. He observed "those whom I thought to be the active and leading members of the Assembly promised to do us justice, or I should have quitted years before."<sup>82</sup> Clearly frustrated with the lack of financial support from the legislature after several years of service, Sullivan took stock of his precarious financial situation. At the time of his resignation from the bench, Sullivan was almost thirty-eight years old with a growing family to support. He would later explain to his son that he had no choice but to resign from the bench and begin making a living to provide for his family.<sup>83</sup> As further evidence of his apparent frustration, Sullivan also declined to serve as a delegate to the Continental Convention at Philadelphia, a position to which he had been elected. Though he opened an office in Boston and began the full-time practice of law, Sullivan did not remove himself from public life. He actively participated in the growing debate over public finance and the economic issues threatening the life of the new republic.<sup>84</sup>

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<sup>80</sup> *Ibid.*, 126.

<sup>81</sup> *Ibid.*, 128.

<sup>82</sup> *Ibid.*

<sup>83</sup> *Ibid.*, 129.

<sup>84</sup> *Ibid.*, 130.

## Chapter II

### Post War Challenges in Massachusetts

In the years following the ratification of the Massachusetts Constitution, James Sullivan, Christopher Gore, Rufus King, and, eventually and briefly, John Quincy Adams practiced law. All four men also were drawn into politics. Each sought solutions to the republic's pressing political and economic issues, Gore and Sullivan in Massachusetts and King and Quincy Adams with the fledgling national government. Three of the four men would initially steer a traditional and conservative path through several years of debate and controversy over the proper meaning of republican government. The fourth, Sullivan, would emerge from the revolutionary struggle with a much broader, more inclusive, egalitarian view of republicanism.

#### A. Sullivan, Gore and King Adjust

Following his resignation from the Supreme Judicial Court in 1782, Sullivan built his legal practice, but he did not withdraw from public life. In addition to serving in the General Court, where he could make policy, he also published dozens of essays and made regular contributions to the region's newspapers, promoting his views about the cluster of new issues to which independence and the new political order had given rise. As was customary at the time, regular contributors to these newspapers used pen names. These gazettes, which were published weekly, were circulated widely throughout the colonies.<sup>85</sup> No liberty was more widely enjoyed than that of freedom of the press, as it provided an informative and entertaining forum to discuss the critical issues of the day. Sullivan wrote almost daily, and among the names under which he wrote were *Plain Truth*, *Americanus*, *Zenas*, *Honest Republican*, and *Independent Freeholder*. While he lived in Groton, many of his essays appeared in the *Worcester Spy*, whose first editor, Isaiah Thomas, was a good friend of Sullivan's. His articles were also seen in such Boston papers as the *Gazette*, *Independent Chronicle*, and *Evening Post*. In particular, Sullivan was a regular contributor to the *Independent Chronicle*, which was considered 'republican in creed.' He contributed articles to this paper with little interruption for nearly forty years, on religion, politics, law, public finance, municipal reform, and the "habits, manners and morals of the people."<sup>86</sup> These writings not only provide detailed evidence of how well versed Sullivan was in several disciplines, but also may help to explain his future success at the polls in Massachusetts.

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<sup>85</sup> Ibid., 111-112.

<sup>86</sup> Ibid., 113.

Sullivan addressed the issues that people were concerned about, and he spoke with authority. Like an attorney arguing before a jury, Sullivan would methodically lay out his case before giving his closing argument. The majority of his writings revolved around the goals of free, responsive and efficient government. In particular and not surprisingly, given where he had come from, he embraced the promise of freedom and opportunity, and spent his adult life promoting them.<sup>87</sup> Sullivan's reaction to events taking place in Ireland during this period gave some indication as to how he would respond to British acts of aggression against the United States in the coming years. He saw the British as the great threat to freedom and independence throughout the world. His vocal and lifelong support of the Irish cause was certainly consistent with his belief in republican government and freedom of opportunity. Even though Sullivan rejected "Popery," he did not reject the land of his father's birth or the people whom he believed had been under the thumb of British oppression for centuries. In a letter addressed to "The Irish Nation," in 1782, Sullivan, writing under the name *Consideration*, declared, "...every true American is delighted with the rising freedom of Ireland, and ... anticipates her independence and Hibernian sovereignty." He added, "It has ever been a matter of astonishment to the enlightened, that a nation so liberal, so spirited and wise as the Irish should, for multiple ages, be the footstool of a tyrant neighbor." But, he continued, "everything has its time; and the period of Irish bondage seems to be past, the glorious dawn of freedom rises in her political sky. This is a period marked out by providence for great events. America is already independent; and she [waits] for the auspicious hour to arrive, when her gallant sister Ireland shall triumph in the same independence and sovereignty." He concluded his letter with a customary anti-British flourish, observing "it is time that the insolent, the perfidious and cruel tyrant, Britain, should be brought down, and her haughtiness lick the dust; her crimes have reached unto heaven and she hath filled the earth with blood." Now was the time, Sullivan declared, "Providence opened the pearly gate to America, [which had] taken her seat in the temple of liberty." He asked: "shall Ireland pause while the portals are open and her American sister beckons her to come in and join the triumphant circle of the free?"<sup>88</sup>

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<sup>87</sup> Sullivan wrote several books, including: *History of the District of Maine* (8 vols./1795); *History of Land Titles in Massachusetts* (8 vols./1801); *Dissertation on the Constitutional Liberty of the Press in the United States* (1801); *Dissertation on the Suability of the States*; *The Path to Riches, or Dissertation on Banks* (1792); and *History of the Penobscot Indians*. Amory, *Sullivan*, II, 339-340.

<sup>88</sup> *Massachusetts Spy*, August 8, 1782.



As a means of encouraging Americans in their fight against the British, and suggesting to them that they were not alone, Sullivan reminded his readers:

The gallant sons of Ireland have sacrificed rivers of blood in fighting the battles of freemen in every country, and can they suffer their own to remain under the yoke? Shall America again weep for her sister, in British chains, and say, ‘she had not the spirit to be free?’ The blessed opportunity now offers, but the offer may never be repeated.” He encouraged the people of Ireland to do as the Americans had done six years earlier; to “declare yourselves independent, and independent you will be. Britain cannot now oppose it; and the rest of the world are your friends.”<sup>89</sup>

As critical as many Americans were of the British government during these years, few could match the wrath of James Sullivan. He argued, for example, that Britain “considers herself as the rightful mistress of the world, and that the other nations should be subservient to her views and interests,” and that “she has trampled under foot all the laws of god and nature, set honor, justice, truth and humanity at defiance, and by every means of desolation, laid waste and murdered all who have opposed her diabolical will.” He believed that English historians had lied and distorted England’s past and that “the true history of British conduct towards Ireland for many ages, and towards America during this war, will demonstrate the truth of all that is here told of her.”<sup>90</sup>

Sullivan was not only critical of the British Parliament, but of the king himself, suggesting the sovereign had “left no crime uncommitted,” and that “every engine of cruelty and abomination has been by him employed, and seven years of murder and desolation have not satiated this malicious tyrant.” The king, Sullivan argued, “still thirsts for blood and is now exerting every power to detach all other nations from the United States, that he may still [glut] his vengeance in their destruction.”<sup>91</sup>

By 1782, when Sullivan was returning to the practice of law in front of the bench instead of behind it, Christopher Gore had firmly established himself in the Boston legal community. Opening a law office in Boston after the outbreak of war was surprisingly easy for Gore, given the fact that so many of the region’s best lawyers had fled the city with the other Tories. Therefore, it was an ideal time to begin the practice of law, as he received a larger share of

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<sup>89</sup> Box 1, Folder 14, Sullivan Papers, MHS.

<sup>90</sup> Ibid.

<sup>91</sup> Ibid.

the town's business than he otherwise would. The primary focus of Gore's practice was in the area of collection law, representing both local and distant creditors in the collection of debts.

Because of the sharp increase in trade during the war, Gore had certainly chosen an opportune time to begin this type of practice. Despite Britain's blockade, there was a great deal of privateering taking place in and around the ports of Boston, which resulted in general prosperity for area merchants and their legal representatives. In time of war some individuals benefit financially, and the American Revolution was no exception. For the young and well connected Gore, who represented numerous banking and merchant interests, both foreign and domestic, the war years were quite profitable. As his business began to thrive, Gore, writing to a friend and referring to himself in the third person, observed, "...C.G. has more business than he had reason to expect. He has maintained himself very comfortably, has argu'd several causes at the bar, and has been much flatter'd, too much, I fear, for his own happiness."<sup>92</sup>

Once the war had ended, merchants on both sides of the Atlantic quickly looked to reestablish ties and recapture their old customers. British merchants were just as eager to begin trading with Americans again as Americans were to buy British goods. Within a short time, Attorney Gore found himself extremely busy. According to court records, Gore practiced before the Suffolk County Court of Common Pleas and before the Supreme Judicial Court of Massachusetts as often as any other attorney in Boston during this period. He served as legal counsel to many commercial houses in the United States and Great Britain, as well as Massachusetts Loyalists who had fled to Nova Scotia. He represented the London merchant firms of Joy & Hopkins, Blanchard & Lewis, and Bredell & Ward and Hugh Mossman of 'Edinburgh in Great Britain.' His largest account was the British supplier for American importers, Champion & Dickason. In addition to serving as attorney for these businesses, he often served as agent as well, collecting rents, signing deeds, distributing payments and otherwise handling their claims in the United States. Within the United States, Gore did legal and financial work for the firm of Winthrop and Todd of South Carolina.<sup>93</sup> Writing to Rufus King later in the decade, Gore observed that he had a profitable and honorable practice, noting that 'my clients are generally of the class which is able to pay, and I think I can say, without vanity, that my conduct is not dissatisfactory to them.'<sup>94</sup>

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<sup>92</sup> Pinkney, *Gore*, 16.

<sup>93</sup> *Ibid.*, 17.

<sup>94</sup> Gore to King, August 22, 1789, King, I, .

Because Gore had built a good reputation and because of his brother's activities on behalf of the Sons of Liberty, the return of their father to Boston was made possible. Samuel Adams informed Gore that it was "out of 'pure regard' for him," [Christopher] that "he was 'always willing' that John Gore should return to Boston."<sup>95</sup> The elder Gore eventually returned to Boston in 1785, after nine years in exile.<sup>96</sup> In the same year his father returned from England, twenty-six year old Christopher Gore married Rebecca Payne, who came from a distinguished Boston family. Rebecca was descended from the influential Winslow and Amory families; and her father, Edward Payne, was a financial leader in Boston. John Quincy Adams would later remark, "Gore was a 'very fortunate man' who had won remarkable success in his profession and whose family connections had 'been extremely serviceable to him.'"<sup>97</sup>

Like Gore, Rufus King had, since his graduation from Harvard, dedicated himself to the practice of law. In 1783, however, King decided to take a more active role in public affairs. He was elected as Newburyport's representative to the General Court in the spring of that year, and quickly displayed his unique ability to make fast and close friends. King was well liked and highly regarded by men on both sides of the political aisle. The famed patriot, and governor, John Hancock wrote to the young King in close, personal terms, in September 1783. He informed King that he and Mrs. Hancock had visited with King's younger sister who had recently been inoculated for small-pox, and that the Hancock's stayed with the young girl and then brought her back to Boston.<sup>98</sup>

King also developed a close friendship with Sullivan, despite the difference in their age, background and political outlook. The fact that they were both raised in the District of Maine may have served as an initial bond between the two men. More significantly, however, they seemed to share a real love for public policy and a desire to make the government run as efficiently as possible. A source of Sullivan's appeal must have been his seemingly inexhaustible attention and interest in the details of government. King seems to have appreciated Sullivan's knowledge and skill as a legislator and didn't hesitate to seek his counsel. In the coming years, the two men would correspond with one another on a regular basis, sharing not only information about government and policy, but about their personal lives as well. Therefore, unlike Gore, who was still dedicating himself exclusively to the private practice of law at this time, King had become a 'public servant,' establishing friendships with the leading

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<sup>95</sup> Pinkney, *Gore*, 13-14.

<sup>96</sup> *Ibid.*, 12.

<sup>97</sup> *Ibid.*, 18.

<sup>98</sup> Hancock to King, September 30, 1783, King, I, 30.

political figures of the state, and, like Sullivan, completely immersed in the critical political issues of the day.

## **B. State and Federal Finances**

If there was one issue of particular concern to King, Sullivan and other members of the General Court in the early 1780s, it was the dire condition of the state's finances. As King quickly discovered, there was perhaps no person in Massachusetts who wrote as often on the subject of state finances as Sullivan. Whenever the issue of oversight over public funds was being discussed, the always practical and thrifty Sullivan looked for ways to lessen the public tax burden. Not surprisingly, Sullivan had been appointed in July 1782, to serve on a committee to consider "what measures were to be taken to reduce the expenses of government," and to determine the "best method of supplying the public treasury, and reforming the state of finances." The committee's report issued in October of that year offered a bleak though clear picture of the condition of state finances, concluding with the recommendation for "the establishment of customs and imposts as the sole resource remaining for sustaining public credit and meeting the public obligations."<sup>99</sup>

Of more interest to Sullivan, however, was determining where money could be saved and identifying measures that could be adopted to promote greater efficiency in government. Sullivan believed that there were so many people and so many committees involved in managing the state's finances that a great deal of time and money was being wasted.<sup>100</sup> He observed in January 1783, for example, "the mode of conducting our finances has been at every session of the general court, to choose a committee to enquire into the state of the treasury, and to call upon all other persons entrusted with public money or state property, which committee make a report some time in the session – this report, from the nature of things, must have ever been a very imperfect sketch of the business." He suggested that this might have worked in simpler times, but not then, in "our advanced state of national greatness." "So extensive and complicated is the dept. of finances," he added, "that the most enlightened committee of the most consummate legislature cannot comprehend the whole, in the space of a session." By way of example, he noted that almost two years had passed "since the state sustained the loss of about one hundred and fifty thousand pounds, by the neglect of the other states to call in their quota of the continental money!" He warned that the "lethargic state of our department of finance" had to be addressed because the majority of the legislature, for many

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<sup>99</sup> Amory, *Sullivan*, I, 131.

<sup>100</sup> Box 1, Folder 15, Sullivan Papers, MHS.

years, while men of integrity, “suffered our finances to go to ruin,” for lack of energetic spirit. Above all else, he insisted, the public credit had to be restored, and if done correctly, “might save one third of our annual expense.”<sup>101</sup>

To initiate efficiency and credibility, Sullivan supported the idea of having one man oversee the state’s financial department and advocated hiring a professional ‘financier’ to handle this task. A single individual would not only be more accountable, he argued, but also could arrange matters “in one clear, consistent system,” and result in great savings. This individual would have the authority to “investigate all money matters in dispute, and establish by proper voucher the just claims of the state,” and would make an annual report to the General Court on the current state of finances.<sup>102</sup> In addition, because of the complex financial relationship that existed between the state and national governments, Sullivan stressed the importance of being able to present “the accounts of the commonwealth against the United States, and to settle the same.” He insisted that a streamlined financial department headed by a single ‘financier’ would greatly reduce the business of the General Court, resulting in greater savings.

In addition to poor state finances another critical issue facing the General Court as the war was coming to a close was the separation of powers between the state and federal governments. Members of the Massachusetts legislature were accustomed to exercising power with little interference from a central authority. After fighting a war to protect the right to determine their own future, many state leaders were reluctant to cede any of that authority to the new central government. Representatives Sullivan and King were, in 1783, of like mind in this regard. Though they both embraced the concept of union, they were troubled by the growing power given to the national government. Writing under the name *Grotius* in February 1783, Sullivan addressed the question of the federal impost that had recently been passed by Congress. In an often repeated argument, he warned against the danger of placing too much power in the hands of Congress because it failed to appreciate the “deadly mischief which others have so fully discovered: nor do they perceive it to be in each state, a relinquishment of the sovereignty so carefully preserved in the Confederation.” If it was necessary “for the existence of independence of the states that Congress should have this power, why was it not made part of the

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<sup>101</sup> Ibid.

<sup>102</sup> *Massachusetts Spy*, February 13, 1783.

confederation? And why was it not asked of the people, who alone had a right to grant it?”<sup>103</sup>

Sullivan was particularly critical of “scribblers” who, speaking in support of the federal impost, were warning readers of the possibility of having to disband the army, lose credit or otherwise subvert independence if the impost weren’t passed. “It is no wonder,” he declared, that “our General Court, in the anxiety of their minds, surrendered to Congress the sovereignty of the State, and gave one stroke towards subverting the design both of the Confederation and Constitution.” Sullivan could not abide what he considered to be scare tactics and was consistent in his criticism of those who painted such a poor picture of things in order to frighten the General Court into action. Furthermore, as a practical matter, he was not buying the argument that unless the state acted quickly the army would have to disband. “Nearly two years have elapsed since this requisition was made by Congress,” he argued, “and our army is so far from being disbanded, that it is more full, better fed, and better clothed, than they have ever been before.” He was adamant that the state governments retain their sovereignty, arguing “if the General Court have no constitutional power to make a grant to Congress of five percent upon any part of the property of the citizen of this state, it will certainly follow, that they have attempted to surrender the sovereignty of the State to hands where the people have never intended to deposit it.”<sup>104</sup>

Sullivan argued in February 1783, that “the confederation takes [the] place of the Constitution, because by an article in the Declaration of Rights, the people say, that they have all the power as a body, which are not given to the United States in Congress assembled by the confederation.”<sup>105</sup> He added “the confederation declares each State in the union, to be separate, free, sovereign and independent State.” Sullivan didn’t think the Massachusetts General Court could or should relinquish their authority, insisting that the representatives had no more right to give away their authority to a distant Congress, “uncontrollable by the Legislature of this state, over a citizen, or any part of his property, than they have to sell all their constituents as slaves, and the very attempt to do it, determines their power.” With respect to the proposed federal impost, Sullivan declared, “in all these debates, the idea of the want of power to assign over the persons or property of the freemen of Massachusetts, did not occur; for had it been attended to but one moment, the impost act

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<sup>103</sup> Box 1, Folder 15, Sullivan Papers, MHS.

<sup>104</sup> *Boston Gazette*, February 3, 1783.

<sup>105</sup> *Ibid.*

would never have been passed.”<sup>106</sup> While it was certainly appropriate, according to Sullivan, for the *state* to levy imposts for the general welfare, he remained alarmed at the prospect of conceding such a power to Congress, either informally or by implication. If they were to do this, he argued, these powers could be abused or serve as a precedent for their future and perhaps arbitrary extension. As far as Sullivan was concerned, “the people could not well endure any further direct taxation than had been already imposed, but our foreign trade was increasing and returning large profits.” Furthermore, he argued, this method of raising revenue was little different from measures enacted by Parliament, which of course led to the recent “separation.”<sup>107</sup>

The passage of the Impost Act was recognized by Sullivan as a significant turning point in the legal relationship between the national and state governments. In 1783, he believed the legislation contained the “sprouting seeds of vassalage,” because it would “introduce corruption to our Congress, as well as to all parts of each particular government;” and that a similar measure had not only ruined Britain, “but has been the cause of this present war; and also that it changes the complexion of all our government, and it a total departure from the principles we began with.”<sup>108</sup>

By 1784, however, Sullivan would come view things quite differently. The issue of the federal impost continued to dominate public debate, as Congress again asked each state to grant to the federal government a five percent impost to help cover expenses. The most significant problem facing the desperately struggling national government during this period was the enormous debt, which by some estimates exceeded forty two million dollars. Efforts by Congress to raise funds and strengthen the Confederation were repeatedly defeated, as many Americans feared what they perceived to be the danger of an expanded national government. Nonetheless, it was also becoming increasingly clear that without the much-needed funds, Congress could not meet the needs of the general government. Despite this recognition, most state legislatures, including the Massachusetts General Court, were still reluctant to relinquish additional state autonomy, and more particularly, state funds. Sullivan, however, had a change of heart. His concern over the federal impost disappeared and his fear of expanded national authority dissipated. He not only supported the Congressional measure, but also stood out as its strongest advocate in the Massachusetts General Court. He was particularly interested in solving problems associated with public finance. For years he had written

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<sup>106</sup> Ibid.

<sup>107</sup> Amory, *Sullivan*, I, 143.

<sup>108</sup> Box 1, Folder 15, Sullivan Papers, MHS.

about different means to improve financial management in government. He understood the country's finances were by 1784 in perilous shape. This realization coupled with his conviction that Britain was doing everything it could to undermine the American economy, prompted Sullivan's change of heart with respect to the federal impost.

The Massachusetts General Court convened its first of three sessions for the 1784-1785 legislative season on May 26, 1784. A close reading of the Journal of the House of Representatives for this period suggests that Representatives Sullivan and King worked well together. On the issue of the federal impost, however, they now found themselves in different camps. Those who supported the impost were considered friends of the federal government and those who opposed it were considered friends of the state government. Ironically, the leader of the 'federal' cause in the General Court was Sullivan, while "Mr. King led the party ... which opposed the duty and necessity of conceding this impost to the General Congress."<sup>109</sup>

In the first week of June, King was assigned to a three-person committee to consider the legislation and report back to the full House.<sup>110</sup> On the last day of the month and just a week before the session adjourned, however, King and his committee had not made its report. The record suggests that only Sullivan stepped forward to press the matter of the impost. Looking to have the House take up the measure, Sullivan inquired as to whether the Senate had acted on the bill, and also asked to resolve a procedural matter between the House and Senate relating to the bill.<sup>111</sup> A week later, on July 7<sup>th</sup>, just two days before the General Court adjourned for three months, Sullivan requested the Senate to "send down the tax bill," and the matter was soon brought before the full House. Considering the dire needs of the federal government at this time, it is surprising to note the scant time and attention given by the General Court to the impost. The one sentence entry into the Journal recorded only that the three-man committee made their report, and after debate, "the House adhered to their last vote [against] the said bill."<sup>112</sup>

While the House Journal provides no detail of the debate, King did note several years later: "My impression now is that the discussion in the Legislature of Mass., in which I was opposed to Mr. S. [Sullivan] and other distinguished men, was relative to the recommendation of Congress to the several States to grant

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<sup>109</sup> King, *Rufus King*, I, 14.

<sup>110</sup> Journal of House of Representatives, V, 49.

<sup>111</sup> *Ibid.*, 104-106.

<sup>112</sup> *Ibid.*, 121.



them the power to levy for the use of the general Government an impost of 5 pc. on the value of all goods imported into the United States.”<sup>113</sup> Sullivan’s arguments in support of Congress and the impost were elaborated more fully in a lengthy letter written a year later, under the name *Consideration*. He stated that while he was grateful that the United States had achieved independence, he reminded readers that they had only just begun to build their new government and that they were still quite vulnerable. He warned, “we may yet lose all that our blood and treasure have won and *sink into ruin*.” His chief concern was the menacing presence of Great Britain:

We see and feel our situation, and old *tyrant mother Britain* is *goad*ing us and shall we not act with energy! If we mean to be a nation, this is the moment to determine, and to execute. What avails our labored speeches in the legislative assembly, while the national honor is expiring for want of power and energy in continental government. *Britain* means to depreciate us in the ages of the world, and is active to make us a dependent contemptible people and she will effect her purpose, unless we immediately form and execute plans to support public credit.<sup>114</sup>

Because the United States government was weak, trade was down, and the debt was growing, Sullivan insisted that certain steps had to be taken. First, he argued, “all the states must give to Congress ample powers to regulate trade; and to impose duties on all foreign goods imported into the states; likewise all other powers that may be found necessary for an active and firm continental government.” Then, returning to a familiar theme, he insisted that “each state must appoint one able man to conduct its finances; by which means the finances of the respective States would not only be conducted with less expense, and a vast advantage,” and that “a correspondence might be carried on between the Financiers of the States to the benefit of each, and to the great national advantage.” With a metaphorical flourish, Sullivan concluded that “our political situation is like that of a ship at sea, the wind fair, her bottom sound, and nothing wanting but a pilot and some good men to hand the sails; - and shall we *play the game of folly* until our political ship drives on the rocks of *tyranny*, or founders in the quick-sands of *anarchy*.” In order for this nation to flourish, they needed to look out for “rational measures.”<sup>115</sup> Sullivan’s belief that Britain would continue to undermine and insult the United States in the

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<sup>113</sup> King, *Rufus King*, I, 14, note 15, William Coleman, “Sketch of Rufus King,” in *Delaplaine’s Repository*, vol. I, p. 178)

<sup>114</sup> Box 1, Folder 15, Sullivan Papers, MHS.

<sup>115</sup> *Ibid.*

eyes of the world caused him to stress the importance of supporting public credit.

In the face of British aggression and a precarious federal treasury, Sullivan abandoned his earlier defense of state sovereignty and became a strong advocate of a strong national government. In the opening days of the last session of the 1784-1785 legislative season, he again volunteered to serve on a new three- person committee assigned to investigate the question of the impost. The committee's charge revealed the deep hostility with which the national government was perceived.

Whereas it must at all times be necessary for the immediate representatives of a free people, to be particularly acquainted with the expenditures of such monies, as are from time raised upon them by taxes, and this House being not fully acquainted with the manner in which the monies granted to Congress, from time to time are expended, therefore ordered that Mr. Sullivan, Mr. Rowe and Mr. Bourn, be a committee to enquire and state to the House, all the salaries, grants and other expenditures of Congress, exclusive of payments of the national debt.<sup>116</sup>

Massachusetts' passage of the federal impost represented an important political step, but it did not solve the state's financial woes. Because the General Court had been unwilling to levy sufficient taxes to cover wartime expenses, Massachusetts borrowed heavily and issued paper currency. After the war, "fearful of pressing citizens too hard," the legislature postponed new fiscal policies, suspended taxes pledged to the debt in 1782 and 1784, and delayed payment of the principal until after 1785. The result was a huge public debt.<sup>117</sup> Public indebtedness was exacerbated by the post-war collapse of trade. Massachusetts' traders were subject to a mercantile system that barred their ships from the West Indies and placed heavier duties on exports to Britain.<sup>118</sup> As a result, "heavy imports in 1783 put American merchants deeply in debt to their British suppliers; domestic manufacturers, trying to establish small industries, complained of unfair competition; and the distressed in all parts of the state laid blame upon agents of foreign creditors."<sup>119</sup>

Perhaps the most successful of these agents was Christopher Gore. He spoke for many who believed that the elimination of weaker competition would

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<sup>116</sup> Journal of House of Representatives, V, 215. (1/21/85)

<sup>117</sup> Goodman, *Democratic-Republicans*, 10.

<sup>118</sup> *Ibid.*, 11.

<sup>119</sup> Pinkney, *Gore*, 19.

ultimately benefit the economy, when he observed that “many who retail tape & pins, must, as they ought to have done years ago, retire to labor.”<sup>120</sup> The crisis deepened in 1785, touching all segments of the economy and resulting in many business failures. Many urban groups demanded that lawmakers enact restrictive legislation that would shelter them from English imports and force the reopening of English markets.<sup>121</sup> Importers, some of whom were represented by Gore, opposed those merchants who sought such protection.

Sullivan advocated hard work and temperance as the way forward. If people looked closely, he wrote, they would see that “luxury and extravagance” had “long since been tamely suffered to banish industry and frugality from their peaceful seats, and reign with an unbounded sway.” Once Americans were content to wear modest clothes made with their own hands and feed themselves “with the fruit of their own soil and the labor of their own hands,” but recently they had “ignobly sunk into venality and idleness.” People were purchasing “extravagant British goods,” not only at the expense of their country, but also of themselves. “There is as wide [a] difference between liberty and licentiousness, as there is betwixt liberty and the most abject slavery,” he preached.<sup>122</sup> While such a formulation was reminiscent of classical republicanism, Sullivan equated adherence to such traditional values with the attainment of nationalist goals, and national survival. He understood that if the United States were to survive and prosper, the individual states would have to promote and develop local manufacturing and not rely on costly British goods.

Sullivan realized his emphasis on traditional values was but one step toward building a new economy. The United States also had to improve its credit rating and repay its debt. One of the factors contributing to the nation’s poor credit in 1785 was the severe lack of currency. Writing under the name *Americanus* in November 1785, Sullivan responded to the widespread discontent surrounding the scarcity of cash, imploring the people of Massachusetts to create their own wealth and not rely on Britain. In addition to stressing the importance of local manufacturing, he assured the people of Massachusetts that things would get better, and that they should not accept the argument that even if they had cash, they would have to export it to get the goods they needed. The fact was, he insisted, “we never yet have discovered our real wealth.” He observed that Britain had always “discouraged us from all productions,” and

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<sup>120</sup> Goodman, *Democratic-Republicans*, 11.

<sup>121</sup> *Ibid.*

<sup>122</sup> Box 1, Folder 16, Sullivan Papers, MHS.

“even the few manufactures in which we were then allowed, have not as yet been fully renewed.”<sup>123</sup>

According to Sullivan, “industry and manufacture are as sure a source of wealth as mountains of gold,” so “let us not be discouraged, my countrymen, nature has dealt with us a liberal hand; and our natural industry and spirit of enterprise, enable us to improve her bounties.” After setting forth the several natural benefits enjoyed by Americans, and pointing out that the country had every reason “to expect that we shall become a rich and flourishing commercial people,” he nonetheless warned that “it behooves every worthy citizen to contribute his utmost to hasten the desirable period – by encouraging manufactures – discouraging the importation of superfluities – but especially by instructing our constituted guardians to unite our commercial interests, by committing it to the care of the grand council of these states [Congress].” The transformation in Sullivan’s view of Congress was now complete. He declared that “under the direction of that august body our trade will soon be wisely regulated, and our manufactures will increase.” Then, he added, “may we view with the oldest and most flourishing commercial states on the globe,” as “merchants will throng from every coast to our ports – and every nation hail with joy the approach of American ships.”<sup>124</sup>

Sullivan asked the people not to blame the legislators for the existing economic problems, arguing that such conditions were the “necessary effects of a long war;” and that they were “part of the price of our independence, and we ought therefore to endure them with patience.” Sullivan argued that the legislatures of the individual states had it in their power to help solve the problems, “by vesting Congress with power sufficient for the regulation of trade; and this they will undoubtedly do.” He believed they would all realize “that we all have a common interest.” Only then, he added, would we recognize that “our circumstances are not so desperate as we imagine.”<sup>125</sup> As these arguments make clear, Sullivan’s view of Congress and the national government had been completely transformed.

While Sullivan offered suggestions as to how best to deal with the nation’s finances, Rufus King was just beginning his career in Congress. Praised for his intelligence and oratory skills, the two term state legislator was only twenty-nine years old when he was selected by the Massachusetts legislature in November 1784 to serve as one of the delegates to the Continental Congress. Three

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<sup>123</sup> *Massachusetts Spy*, November 24, 1785.

<sup>124</sup> *Ibid.*

<sup>125</sup> *Ibid.*

months after King assumed his new post, John Hancock resigned the governorship of Massachusetts citing poor health. Christopher Gore wrote to King in March 1785 about Hancock's action, noting "the late Governor's resignation was a source of great joy to his opponents & much grief to his friends." Gore added that when Hancock took the floor in House of Representatives to take his leave, "his enemies discovered marks of indecent joy, while his admirers chose to display their sorrow by unmanly blubbering and sycophantic speeches." Gore asked "Who is next to take the chair remains quite problematical," [but] many expect and wish to see Mr. Bowdoin the chief magistrate, while the lovers of Mr. Hancock are warm for the present lieutenant Governor, [Thomas Cushing] supposing that the latter will at any time give way to his quondam Excellency, if, as is expected, he should again desire an election."<sup>126</sup> Cushing completed Hancock's term.

King did not join in the criticism of Hancock. Although they disagreed politically, King remained friends with Hancock, as Sullivan's letter to King makes clear. Although 'their' friend had been ill, Sullivan wrote to King that Hancock's health had improved to the point that Sullivan urged him to go to Congress, expressing his belief that Hancock could be elected president of the Confederation Congress if he served. Hancock responded he would be glad to see his 'old compatriots' and serve his country in any way he could. To ease Hancock's concern over his health, Sullivan suggested to him that the "president's chair [is] the Easiest in the Union for an invalid."<sup>127</sup> Hancock, it would seem, listened to Sullivan, for he was elected to Congress and he did accept the presidency of Congress in the fall of 1785. When Congress convened in November 1785, however, they encountered the same problem in obtaining funds from the states to cover federal expenses. Only seven states, including Massachusetts, had approved the impost requested by Congress the year before. Consequently, it did not go into effect.<sup>128</sup>

The year 1785 was as difficult for the national government as it was for the Massachusetts state government. King's fellow congressman, Elbridge Gerry wrote to King in May urging him to travel to New York and warning him of the sorry state of commerce and noting "eight states only have complied with the recommendation of last year for granting to Congress power to prohibit certain importations & exportations." Expressing his obvious frustration, Gerry added, "the situation of the impost laws you know – the unprosperous condition of commerce, you must have entire information concerning – the

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<sup>126</sup> Gore to King, March 20, 1785, King, I, 81.

<sup>127</sup> King, *Rufus King*, I, 112.

<sup>128</sup> *Ibid.*, 120.

disposition of Congress you cannot be a stranger to – What can be done? Repeated recommendations on the same subject will produce consequences unfavorable to the measures of the Union; and the delays in compliance will be ruinous...”<sup>129</sup> Gerry was imploring King to embrace national needs, just as Sullivan had done the year before. If he hadn’t known the full extent of the financial crisis previously, King, as a member of Congress, was quickly made aware of the almost dire situation.

By 1786, King needed no further persuasion. In April of that year, King wrote Gerry “we are without money or the prospect of it in the Federal Treasury; and the States, many of them, care so little about the Union, that they take no measures to keep a representation in Congress.” He added that “the money borrowed in Europe is exhausted and this very day our Foreign Ministers have it not in their power to receive their salaries for their support.” Furthermore, he suggested, “the people of the States do not know their dangerous situation.” Noting that government troops ‘over the Ohio’ were deserting because they were not being paid,” he asked “can there be no means devised whereby Massachusetts can yield something to the common Treasury? Since the organization of the Board of Treasury, the State has paid *nothing*.” Clearly frustrated, King added, “indeed the State neither pays anything to the federal Treasury, nor supports her delegates,” adding that he had to use his own funds to pay expenses.<sup>130</sup> He concluded: “I can support myself – and freely would do it, if I can serve our country, ... but if a dissolution must come – and dissolve our Government will unless the several States immediately exert themselves in it favor – it behooves every one to withdraw in season to effect, if possible, some sort of personal security.” He gravely concluded, “the greatest danger is near.”<sup>131</sup>

You must know the deranged condition of the confederacy. New York has granted the impost to be paid in paper money & to be collected by officers amenable to & removable by themselves and under regulations formed by their Legislature - This grant you see is a mere name – the consequence is, that Congress not having it in their power to put the impost in operation, no money will come into the federal Treasury. <sup>132</sup>

By June 1786, the situation had worsened. King spoke of the “humiliating condition of the Union,” concluding that “the Treasury *now is literally without a*

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<sup>129</sup> Gerry to King, May 19, 1785, King, I, 98.

<sup>130</sup> King, *Rufus King*, I, 134.

<sup>131</sup> *Ibid.*, 135.

<sup>132</sup> King to Gore, May 14, 1786, King, I, 135.

*penny.*” In fact, the Treasury was unable to give the Secretary of War \$1,000.00 to transport ammunition.<sup>133</sup> With little or no financial support from the states, King looked to alternative means of funding the federal government. Like many of his colleagues, King saw the ‘western territory’ not only as a source of security for the United States, but as a source for much needed federal funds. Talk of subdividing these lands as a means of funding the government had begun in 1784, but little progress had been made. When discussions turned to how these lands would be divided and the conditions under which they would later be admitted as states, the issue of slavery was inevitably raised. In 1784, Congress had rejected language that would have excluded slavery in this territory. When the matter was again discussed in 1785, King made a motion “that there shall be neither slavery nor involuntary servitude in any of the [proposed] states.” The proposal was not adopted.<sup>134</sup> A year later, on May 12, 1786, King, after seconding a motion to expedite the survey of the western lands, also seconded the motion to keep the navigable waters and portages between the lands, “forever free.”

That the navigable waters leading into the Mississippi and the St. Lawrence, and the carrying places between the same, be and are hereby declared to be common highways, and to be forever free, as well to the inhabitants of the said territory, as to the citizens of the United States, and those of any other States that may be admitted into the Confederation without any tax, duty or impost therefore.<sup>135</sup>

This resolution was the precursor to the Northwest Ordinance, passed in 1787, which included the prohibition of slavery in the Northwest Territory. Like many other northern leaders, King looked with scorn at southern support of slavery at the same time they preached the virtues of a free society.

### **C. Sullivan the Progressive**

Writing in 1785, under the name *Consideration*, Sullivan addressed the issue of slavery in an article entitled ‘Out of sight, Out of mind.’ Never hesitant to express his opinion on the most controversial of subjects, he stated “we are often led away by the glittering prospects of accumulating wealth, without enough considering whether a prosecution of our plans will not terminate in the misery of others.” He suggested to his readers “a voyage to Africa for slaves has always appeared to be a plan of this kind.” In a detailed discussion

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<sup>133</sup> King, *Rufus King*, I, 137.

<sup>134</sup> *Ibid.*, 139.

<sup>135</sup> *Ibid.*, 122.

of the horrors of the slave trade and of slavery, Sullivan observed that slaves were being “pursued by men of humane disposition and the most refined sensibility.” He also drew a picture for his readers of how children were separated from their parents and dragged “headlong into despair,” adding that while those who benefited from slavery “may not be present at this melancholy scene, yet they must be considered the sole cause of it.” He concluded by demanding that those who benefited from slavery should be forced to “face these awful scenes as they pass from this world.”<sup>136</sup> In response to news that a slaving voyage to Africa was preparing to leave from Boston, Sullivan wrote in the *Massachusetts Centinel* that “I am unwilling to believe that any citizen of this state, can be so lost to honor and justice, and so dead to every sentiment which animates the free mind, as to be concerned in the vilest injustice and tyranny.” He refused to believe that “so black a deed,” would stain “the soul of a son of liberty.”<sup>137</sup>

In addition to denouncing slavery in the name of liberty, Sullivan also championed the rights of women. As Attorney General he represented Massachusetts in *Martin v. Commonwealth* (1801), a property confiscation case that raised questions about a married woman’s citizenship and her obligations to the state. In April 1775, during the Revolution, Massachusetts had seized the property of William Martin under the state’s confiscation statute, after he and his wife Anna had fled to England. At issue was whether the appellant, James Martin, the son of William and Anna, could reclaim his mother’s statutory share of the property under the presumption that she did not violate the law by abandoning her property. It was Martin’s contention that his mother did not have an obligation to make clear her loyalty to the revolutionary state because she did not have the legal standing to do so. Martin, who was represented by Theophilus Parsons, the leader of the conservative wing of the Federalist Party in Massachusetts, and George Blake, a conservative Republican, argued that the legislature intended to exclude women and children from the confiscation act. They cited English common law, which held “a women is supposed to have acted under the coercion of the husband,” and therefore were regularly excused for acts, otherwise illegal, done with him. In other words, Martin was arguing that his mother could not have acted on her own when she left Massachusetts, since she was obliged to obey her husband. Therefore, they reasoned, she should not be punished with the forfeiture of her share of the property. The two attorneys further argued that while men were considered active members of the commonwealth, women were merely

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<sup>136</sup> *Massachusetts Centinel*, February 5, 1785.

<sup>137</sup> *Massachusetts Centinel*, February 12, 1785.



residents, and that Anna Martin had “no political relation to the state any more than an alien.”<sup>138</sup>

Sullivan and his co-counsel, Daniel Davis, the solicitor general for the Commonwealth, argued that Anna Martin *did* meet the clear terms of the confiscation law in that she had consciously withdrawn from the state, like her husband. Sullivan was furious when counsel for Martin suggested that women were not included in the law because only masculine pronouns were used in the legislation. Sullivan responded that “the same reasoning would go to prove that the constitution of the commonwealth does not extend to women – secures them no rights, no privileges; [because] it has no words in the feminine gender.” According to historian Linda Kerber, Sullivan and Davis, “articulated a case for the politicized married woman,” and shook “loose from traditional assumptions about women’s vulnerability, their incompetence, their distance from the issues of concern to the commonwealth.” She also argued Sullivan raised the level of intensity at the trial, accusing his opponents “of being unfaithful to the intent of revolutionary legislation.” According to Kerber, “for Sullivan and Davis the Revolution had claimed the loyalty of all persons – not only physical service but emotional and mental allegiance as well.” As far as Sullivan was concerned, “women could share in this sort of citizenship, and, they concluded, women could also share in its obligations.”<sup>139</sup>

The Massachusetts Supreme Judicial Court, comprised of four conservative Federalists, agreed with Parsons, and by a vote of 4-0 decided against Sullivan, who was then the Republican candidate for governor. While the court’s decision may not have been motivated by political considerations, the ruling in the case reflected old, English common law interpretation of women’s rights, or more specifically their lack of rights. Sullivan, on the other hand, argued that women had rights and obligations as citizens of the state. While one could argue that Sullivan took the position he did because he was representing a client, the Commonwealth of Massachusetts, Kerber contends that Sullivan’s argument was in accord “with the unusually consistent liberalism which he displayed throughout his career. Believing that society was composed of equal individuals, he spun out the implications of that belief in a wide range of issues as they presented themselves.”<sup>140</sup>

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<sup>138</sup> Linda Kerber, *No Constitutional Right to be Ladies: Women and the Obligations of Citizenship* (New York, 1998), 26.

<sup>139</sup> *Ibid.*

<sup>140</sup> *Ibid.*, 21-23.

To further support her claim that Sullivan “continued to align himself with those who supported various challenges to women’s subordination,” Kerber referred to a 1792 case, in which the town of Northampton refused to allocate funds for the education of girls. Sullivan, she noted, persuaded a jury “that girls had equal rights under the constitution and could not be expelled from school.” Kerber concluded that Sullivan “was a man of the center, but [that] he consistently took some positions that were more progressive than any articulated by John Adams, Thomas Jefferson, and many other contemporaries more famous than he.” She added that he was “willing to follow the principle of government by the consent of the governed where it led; certainly as far as the elimination of property requirements for voting, and, ... up to the boundaries of gender.”<sup>141</sup> In short, Sullivan’s stance on women’s rights was consistent with his long held position on republican government.

#### **D. Quincy Adams Comes of Age**

While Rufus King and James Sullivan were debating issues of public policy, and Christopher Gore continued to build his law practice, John Quincy Adams was coming of age in Europe. He had been away from the United States since 1777, and was, in 1785, living with his sister and parents in Paris. The family lived together in France for almost a year, and during that time Quincy Adams’ diary is filled with numerous references to dinners with, among others, Benjamin Franklin and Thomas Jefferson. The first sentence of his diary entry on January 21, 1785 gives the reader some idea as to the type of people Quincy Adams was seeing on a regular basis: “Paris, Dined at Mr. Jeffersons. Capt. Paul Jones told us the Marquis de la Fayette was arrived.”<sup>142</sup> Young Quincy Adams’ diary also reveals he spent considerable time dining and socializing with the Marquis and Madam de la Fayette over the next several months.

In April 1785, John Adams received word that he had been appointed minister to the Court of St. James. Rather than remain in London as his father’s secretary, it was decided that Quincy Adams would return to the United States to finish his education at Harvard.<sup>143</sup> In anticipation of his trip, Quincy Adams met with La Fayette, who was willing to lend his help to Boston and New England merchants who were interested in exporting their goods to France. Quincy Adams noted in his diary on May 9, 1785 that he had “Walk’d into Paris in the morning, to the Marquis de la Fayette’s; to go with him to Mr.

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<sup>141</sup> Ibid.

<sup>142</sup> Diary of John Quincy Adams, VI, 216.

<sup>143</sup> Hecht, *John Quincy Adams*, 39.

Jefferson's upon the subject, of the Importation of our whale oil."<sup>144</sup> That he would not soon enjoy the company of such luminaries must have been on his mind as he prepared for his trip back to the United States. As it was, Quincy Adams was not looking forward to leaving Paris to begin the life of a student in Massachusetts. He would be leaving a world of activity, excitement and opportunity, and replacing it with a world of relative inactivity. On the morning of May 12<sup>th</sup>, after collecting correspondence from his father, Jefferson, La Fayette, and others, Quincy Adams left his family in Paris and began his long trip home.<sup>145</sup>

Quincy Adams arrived in New York City, which was then the American capital, on July 18, 1785, just after his eighteenth birthday. On the very day of his arrival, with his numerous packets of letters in hand, he was introduced to several government leaders, including Elbridge Gerry and Rufus King, who were then Massachusetts delegates to the Congress.<sup>146</sup> According to Quincy Adams, King was very attentive to his needs and helped him out a great deal. In particular, when Quincy Adams inquired of the Massachusetts delegates if any of them could assist a friend of his from the boat who had his trunk seized by a Customs official, it was King who came to his aid. Quincy Adams recorded that King went with him and the young man to speak with officials from the Customs office.<sup>147</sup> These simple gestures from King to the young Quincy Adams provide a few examples of why it was that so many different people viewed King as a friend. In fact, Quincy Adams spent a considerable amount of time with King over the next several days as he carried out his business and became acclimated to his new surroundings. Quincy Adams left New York in mid August 1785 for his return to trip to Boston.

In all, Quincy Adams had spent seven years in Europe and experienced things that few Americans could have imagined. He had traveled throughout the continent and had seen every major capital in the Old World. He had frequented the worlds most celebrated museums, galleries and theaters, and been educated at some of the finest schools in the world. He mastered the French language and studied several others. He had interacted with all classes of society, including kings and queens, and counted among his friends Thomas Jefferson, Benjamin Franklin, and Marquis de La Fayette. He had even traveled over the Pyrenees Mountains on horseback. John Quincy Adams had also observed firsthand the living conditions in the Old World, providing him with

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<sup>144</sup> Diary of John Quincy Adams, VI, 265.

<sup>145</sup> Diary of John Quincy Adams, VI, 266.

<sup>146</sup> *Ibid.*, 289.

<sup>147</sup> *Ibid.*, 293.

insight that no other American could have possessed. In particular, he was shocked at the condition of the people in Russia and the absence of schools. He wrote to his father that the reason for the lack of schools in the Russian capital, because, “there is nobody here but slaves and princes.”<sup>148</sup>

Incredibly mature for his age, Quincy Adams entered adulthood with a list of experiences few Americans would know in a lifetime, and when he returned ‘home,’ he was in many respects, entering a foreign country. Not surprisingly, by December 21<sup>st</sup>, 1785, after only four months at home, Quincy Adams was becoming increasingly restless, and made the following diary entry: “All day at home. I am often at a great loss, what to say at the end of the day, in this journal, of mine: I would place my thoughts upon persons and things: but persons I do not often see....” and “this scene of perpetual sameness, which does not agree perfectly with my disposition, will not last very long.” Referring to his relatives in Boston with whom he was staying, he added “the family I am in, presents as perfect a scene of happiness, as I ever saw: but it is entirely owing to the disposition of the persons. A life of tranquility is to them a life of bliss. It could not be so to me. Variety is my Theme, and Life to me is like a journey, in which an unbounded plain, looks dull and insipid.”<sup>149</sup> He no doubt missed the exciting life he had enjoyed in Paris. Indeed, depression would haunt Quincy Adams for the rest of his life and his despair was no more evident than when writing in his journal during the final minutes of 1785: “Time steals gradually, and imperceptibly away; so that we are not sensible how important it is to employ it well, until it is gone to far to be retrieved. Moment after moment passes off, and seems as nothing; but when millions of those nothings, have collected into a year, and we see it gone, cruel reflections rushes upon us, and undeceives us of our error.”<sup>150</sup>

After spending several months of independent study in order to satisfy Harvard’s required curriculum, Quincy Adams entered Harvard University as a junior in the spring of 1786. For the next fifteen months, he spent his time reading and studying. It was his intent that upon graduation from Harvard, he would pursue a career in the law. In the same month that the delegates to the Constitutional Convention were completing their work in Philadelphia, John Quincy Adams traveled to Newburyport to begin studying law in the office of Theophilus Parsons, who would later serve as Chief Justice of the Massachusetts Supreme Judicial Court.<sup>151</sup> It had been exactly ten years since

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<sup>148</sup> Hecht, *John Quincy Adams*, 34.

<sup>149</sup> *Diary of John Quincy Adams*, VI, 374.

<sup>150</sup> *Ibid.*, 381.

<sup>151</sup> Remini, *John Quincy Adams*, 20.

Harvard graduate, Rufus King, studied law under Parsons in the same Newburyport office.

As part of his legal studies, Quincy Adams attended court to observe lawyers and judges in action. One of the attorneys he observed was former superior court judge, James Sullivan. Judging from the record, it appears Quincy Adams didn't think much of Sullivan in 1787. He recorded that he had witnessed Sullivan in court, arguing on behalf of a client and insisting to the judge that it was customary in this country to take 'parol,' or word of mouth, evidence in preference to matters of record. Quincy Adams suggested in his diary "this bare-faced falsehood was noticed by all the Court," adding that Judge Cushing shook his head and said "You are totally mistaken Mr. Sullivan." After Sullivan replied, "they [other courts] *have* done so," Cushing said, "then I hope they will never do so again." Quincy Adams concluded "This is not an uncommon practice of Sullivan's; and when the whole Court are thus loudly against him he does not appear in the least abashed, but appears to display a countenance which never knew a blush."<sup>152</sup>

After completing his studies with Parson, Quincy Adams, like Gore, decided to open his law practice in Boston. Unlike Gore, however, who quickly established a thriving practice in the Massachusetts capital, Quincy Adams was not particularly successful, nor happy. He had few clients, little money, and, further adding to his misery, recently terminated a relationship with a young woman from Newburyport. Furthermore, the fact that his office was in a building owned by his father was a constant reminder that he was still relying on his parents for support. These were difficult days for Quincy Adams, who didn't seem to have much interest in the law.<sup>153</sup> He quickly discovered, however, that he enjoyed politics, and soon began to spend much of his time writing articles for newspapers in Massachusetts. In 1791, for example, he published a series of essays entitled "Letters of Publicola" in the *Columbian Centinel*, in which he challenged Thomas Paine who was then calling on the British to follow the French and overthrow their monarchy. Quincy Adams took a staunchly conservative position, arguing against the dangers of demagoguery, and a "rampaging democracy intent on leveling existing distinctions in society by supposing it had the power and therefore the right to do whatever it wished."<sup>154</sup> His conservative views drew praise from Boston Federalists, who, in turn, encouraged him to write more.

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<sup>152</sup> J. Q. Adams, *Writings*, VII, 313.

<sup>153</sup> Remini, *John Quincy Adams*, 22.

<sup>154</sup> *Ibid.*

The essays that followed were not limited to the important political questions of the day. In December 1792, for example, Quincy Adams jumped into the debate over the existence of theaters in Boston. His adversary was Sullivan, whose courtroom tactics so offended Adams a few years earlier. Sullivan, in his capacity as attorney general, had recently written an article explaining why the state government had closed a theater and arrested an actor in the middle of a performance. Sullivan's article, written under the name *Friend of Peace* had recently appeared in the *Independent Chronicle*. According to Sullivan, an effort had been made the previous year to repeal a state law that forbade the construction of theaters. Though the measure failed, a theater, capable of seating 500 people was built and opened in August 1792. State authorities were unable to find a grand jury to issue an indictment, and so decided to arrest one of the actors, setting off a huge controversy. After reading Sullivan's defense of the government's action, Quincy Adams appears to have been eager to enter the fray, despite his father's earlier warning to his son "not to cross the traitorous Sullivan lest he try to harm his embryo law office." Quincy Adams, writing under the name *Menander*, challenged Sullivan, arguing "In a free government the minority never can be under an obligation to sacrifice their rights to the will of the majority, however expressed." He added, "no obedience is due to an unconstitutional act of the legislature."<sup>155</sup> In his second article on the subject, Quincy Adams made the mistake of charging Governor Hancock with having encouraged people to "unlawfully collect in front of the theater for the purpose of "pulling it down." The charge wasn't true, and the young Adams, prompted by Sullivan and others, was forced to withdraw his accusation.<sup>156</sup>

Despite this initial conflict, Quincy Adams developed over the next few years a begrudging respect for Sullivan. Just as his father had observed almost twenty years earlier in a letter to Abigail, Quincy Adams was impressed with Sullivan's work ethic. In a letter to his father, he observed "Mr. Sullivan does more business I suppose than any four others put together, adding "I shall carefully remember the cautions in one of your letters respecting him; whatever other qualities he may possess, he may safely be taken as a model for industry and activity." He quoted fellow attorney, Parson Clarke, who, on the subject of Sullivan, told Quincy Adams "I believe that man has not a particle of indolence in his nature."<sup>157</sup> He also mentioned to his father that he had learned something from observing Sullivan in court and from his conversations with

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<sup>155</sup> Hecht, *John Quincy Adams*, 70-71.

<sup>156</sup> *Ibid.*, 71.

<sup>157</sup> J. Q. Adams, *Writings*, I, 56. September 21, 1790.

him. He related that once “I was sitting next to him within the bar at Concord,” when “he took from his finger a ring, and pointed to me the motto engraved within the rim. It was ‘Weigh the Consequences.’” He added, “Perhaps the benefit of the admonition may not be lost in its influence upon my conduct towards the man himself. I have no desire to render my self personally obnoxious to him, and I trust I shall always disdain to court his favor.”<sup>158</sup> In the coming years, Quincy Adams would develop a genuine fondness for the man.

Sullivan, Gore, King and Quincy Adams were all revolutionaries and united in their commitment to the law and to constitutional government in which the people were sovereign. They would stand together in defense of the legal profession when it came under attack, largely because they perceived the law as vital to republican stability. But as the struggle over the impost revealed they differed as to how political power could best be distributed among sovereign states and a fledgling national government. Ironically, Sullivan, the future Republican, overcame his opposition to the federalist impost a full year before the Federalist King.

Between the end of the war and the adoption of the new federal constitution, economic challenges would threaten the fragile confederation and highlight the growing differences between the two emerging parties, and these four men. King and Gore were desirous of a more conservative foundation for the new government, and would look to the past for guidance in securing peace, stability and the preservation of the old social order. Sullivan on the other hand, saw an opportunity to effect more fundamental change. He embraced a more sweeping and inclusive brand of republicanism. Quincy Adams, who began his public career as a defender of the old order, would soon begin his slow transition from the party of Gore and King to the party of Sullivan. The four men would be forced to come to terms with disagreements over fundamental national policy questions. These challenges and obstacles set the stage for the emergence of a national consensus, with two of the men firmly on one side and the remaining two on the other.

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<sup>158</sup> Ibid., 57.

## Chapter III

### Ideological Conflicts in Massachusetts

The years after the American Revolution were difficult ones for the people of Massachusetts. In addition to a growing list of economic problems, state leaders confronted social and political upheaval as taxpayers struggled with unforeseen post-war adjustments and disruptions. Repayment of the state's large wartime debt hampered efforts at achieving economic stability and a weakened economy coupled with a scarcity of cash resulted in a large number of judgments and foreclosures. Frustrated and overburdened taxpayers turned their anger against the legal system that administered the collection and enforcement of debt, and in western Massachusetts, an uprising by disaffected farmers provided stark evidence of the states vulnerability to civil unrest.

The inability of the Articles of Confederation to meet the needs of the state and national governments had become increasingly evident and contributed to a growing sense of anxiety and unease in Massachusetts. The political and economic ties that bound the state to the central government were weak and largely incapable of sustaining, let alone encourage, economic growth and the promotion of regional and national goals. While there was widespread recognition that substantive changes needed to be made to the existing Confederation government, there was also considerable disagreement as to the exact nature and extent of those changes and how they would be implemented. Against the backdrop of these challenges was the fact that state and national leaders were still struggling to define the principles that would serve to guide the new republic.

For political leaders in post-war Massachusetts, defining republicanism would prove to be a source of bitter debate and contribute significantly to the formation of political parties. While Sullivan, Gore, King and Quincy Adams each embraced the concept of republican government, they had very different ideas as to how it should work. All four men were united in their defense of the legal system and in their opposition to armed revolt, though they would differ in their level of sympathy for the aggrieved taxpayers and in the measures necessary to restore order. When the time came to enhance the power of the national government, however, the breadth of their ideological divide became apparent. The differences between those who called themselves Federalists and those who would later call themselves Republicans were deeply rooted and reflected a cultural and economic divide that predated the Revolution. The challenge of building and manning a new and expanded national government only magnified their differences.



The words and actions of all four men were reflective of their individual background and revolutionary experiences, and represented legitimate points of common view in Massachusetts. Sullivan would call for greater legal safeguards for the benefit of the more vulnerable and for the end of the practice of multiple office-holding which had long been a tool of the ruling elite to maintain power and influence. His vision for a more participatory and democratized political process was shared by a growing number of anti-Federalists. King and Gore would argue against such dramatic change, defending instead the time tested social hierarchy overseen by men like themselves. They and other Federalists defended the ruling elite and the long established commercial interests as the best means to maintain stability and prosperity. Quincy Adams, who was just beginning his legal practice, would soon emerge as an independent thinker with a foot in both camps.

Ideological conflict in Massachusetts grew steadily in the years after the war, as debate over the meaning of republicanism split the state into two camps. Initially, the disputes were procedural, focused primarily on the manner in which federal offices should be filled, but soon became intensely personal and spilled over into state affairs. By the end of the decade, party politics had become an integral part of the Massachusetts political landscape, and the process of democratization was well underway.

### **A. Legal Profession Under Fire**

While John Quincy Adams was still completing his studies at Harvard, anticipating a career in the law, members of the Massachusetts bar were circling the wagons, united in defense of their profession. If there was one thing on which Sullivan, Gore and King agreed it was the concern they shared over the growing enmity towards lawyers and the law. In the years following the Revolution, Massachusetts's lawyers came under serious attack. If ordinary citizens did not particularly esteem them in the years leading up to the Revolution, it paled in comparison to the animosity encountered by attorneys in the decade after the war. This is not to say that fewer men were choosing the law as a profession. As Van Beck Hall observed in his study of post-Revolutionary Massachusetts, the fraternity of lawyers had grown considerably since the end of the war, and "these rising lawyers defended their newly won positions of power and prestige by organizing professional associations which set standards for admission to the bar and in a few instances even established fees."<sup>159</sup> It was precisely because the legal profession was becoming more

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<sup>159</sup> Van Beck Hall, *Politics Without Parties: Massachusetts, 1780-1791* (Pittsburgh, 1972), 45-46.

professional and more complex that there was a growing disaffection among the people towards the law. In addition, according to legal historian Lawrence Friedman, in the years after the war the common law was looked upon with disfavor as being too English and not suited to a “new and independent country.” Friedman argued that to many Americans, “new democratic states needed new democratic institutions, from top to bottom, including fresh, non-monarchical law.”<sup>160</sup> To make matters worse, for the growing number of debtors in Massachusetts who were forced into court by creditors, their only exposure to the law and lawyers were as frustrated adversaries. It was also well remembered in Massachusetts that many members of the legal profession had been Tories, forced to flee the Commonwealth with the British in 1776.

Not all historians agree, however, that creditors controlled the legal system in Massachusetts and that a large number of debtors faced jail time for failure to pay their debts. Jonathan Chu, for example, has challenged the notion that the legal system in Massachusetts during this period was class biased. In his study of debt litigation in Massachusetts in the spring of 1785, Chu makes the case that far from falling victim to an unfair legal system many debtors actually used legal procedure to their advantage. According to Chu, imprisonment for debt was “relatively infrequent and mild,” in post-Revolutionary Massachusetts.<sup>161</sup> Opportunity for delay was built into Massachusetts’s legal procedure and debtors were not afraid to take advantage of the appeals process in order to delay the payment of their debts. Many debtors would intentionally fail to appear at the lower court trial, and after a default judgment was entered against them they would simply post the nominal fee and appeal the matter to the Supreme Judicial Court. Such a practice, as outlined by Chu, was inexpensive, carried little risk, and, most importantly, gained the debtor several months of additional time. Chu insists “the assumption that debtors necessarily disliked courts and that creditors liked them misreads the dynamics of the tension between the two and overlooks the specific role courts played in solving their respective problems.”<sup>162</sup>

While Chu effectively argues against the assumption that the legal system in Massachusetts was unfairly tilted in favor of creditors, and though he offers evidence that many debtors were able to effectively manipulate the system to their advantage, there remains ample evidence to suggest that a large number of debtors in Massachusetts were becoming increasingly frustrated with the legal

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<sup>160</sup> Lawrence M. Friedman, *A History of American Law* (New York, 1973), 94.

<sup>161</sup> Robert A. Gross, ed., *In Debt to Shays: The Bicentennial of an Agrarian Rebellion* (Charlottesville, 1993), 85.

<sup>162</sup> Gross, *In Debt to Shays*, 97.

system. Anti-lawyer and anti-law sentiment increasingly dominated the news in a state where taxes were high and getting higher, where money was scarce and getting scarcer, and where debts were substantial and coming due.

By the spring of 1786, Sullivan, Gore, King, and other members of the Massachusetts legal community believed that the level of hostility against lawyers and the law had reached a new high. Writing to Elbridge Gerry in May 1786, King was deeply concerned about the attack on lawyers.

I am mortified as a citizen of an enlightened State, by the publications in Boston, of a defamatory petition calling for the abolition of an order or class of men (lawyers) to which I myself belong. The proceedings of several towns in correspondence with these publications, forbode a confusion which virtuous men must deprecate, [and] to what length the authors of the measures intend to extend them I am unable to say.<sup>163</sup>

King was referring to a series of articles initiated on March 9, 1786, in the *Independent Chronicle*. The primary antagonist, who identified himself only as *Honestus*, was widely known to be Benjamin Austin, a Boston merchant and future Republican. In his weekly assault on the legal profession, which lasted well in to the summer, *Honestus* declared “the order of lawyers is not only unnecessary, but dangerous in our Republic; and that unless this body [is] totally abolished, will finally establish an absolute aristocratical jurisdiction.” Insisting that the legal process was far too complex, far too expensive and far too English, he called for a total overhaul of the legal system, beginning with the elimination of attorneys. After all, he asked: “Can the monarchical and aristocratical institutions of England, be consistent with ... republican principles?”<sup>164</sup>

At first, members of the legal profession chose to ignore *Honestus*, perhaps hoping he would tire and go away. He didn't. In the April 13<sup>th</sup> edition of the *Chronicle*, *Honestus* was given the full front page to assail the law and the legal profession. A week later his rhetoric intensified, referring to a particular defender of the legal profession as “a contemptible, lying, wretch,” and suggesting that any such apologist for the ‘order’ was nothing but a “miserable comforter.”<sup>165</sup>

Sullivan publicly challenged *Honestus* [Austin] and defended the legal profession as well as the critically important role played by the law in a republican society.

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<sup>163</sup> Charles R. King, ed., *The Life and Correspondence of Rufus King* (New York, 1894), I, 136.

<sup>164</sup> *Independent Chronicle*, May 4, 1786.

<sup>165</sup> *Independent Chronicle*, April 20, 1786.

Writing under the name *Zenas*, Sullivan provided his readers with a civics lesson and asked for understanding, emphasizing the importance of the legal system and offering an explanation as to why lawyers were necessary. “Knowledge of the law are necessary to every free government,” he declared, and one of the reasons “for the complications of laws in a free state is, the variety of views in which property is considered, for the payment of debts, raising a revenue and the numberless rules necessary to the regulation and transferring immoveable estate in all countries.” Perhaps thinking of his experience in 1765, when he and his brother had been asked to leave Durham, New Hampshire, simply because they were attorneys, Sullivan insisted that laws and lawyers were necessary. Otherwise, he warned, the “tall, brawny bullies would take what they wanted by force.” Without the law, “how would the poor man, the weak man, the widow, and the orphan, be upon an equality in their demand of right, with the opulent, the cunning, and the strong?”<sup>166</sup>

Sullivan was particularly critical of those who he thought were irresponsibly seeking to inflame public opinion against lawyers for public attention or political gain, regardless of party affiliation. Writing under the name *Tully*, Sullivan pointed out “the peoples right to counsel is established by the [Massachusetts] Constitution,” and that the only options are to either repeal the state constitution or annul the laws regulating the privilege. He added: “You [*Honestus*] say you only advised the people to petition, . . . but where is the difference between inviting the people to petition for that which the government cannot grant, and advising them to discontent, commotion, and rebellion?” “An author must be very ignorant of the history of the world,” Sullivan charged, “not to know that petitions to redress real or pretended grievances, have been the foundation, or commencement, of the civil wars, commotions, and revolutions, which have happened in the world.” Petitions were a natural right, acknowledged Sullivan, but he would “utterly condemn and detest the man, who, for the sake of a little applause, will excite the multitude to petition for that which cannot be granted, and of course bring on riots and confusion.” Therefore, in this new republican government, there were limits to what a person could say or do in protest. Finally, Sullivan reminded readers of the legislature’s ability to establish penalties in cases of corruption by lawyers as “a sufficient check upon the abuse of the profession.”<sup>167</sup>

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<sup>166</sup> *Independent Chronicle*, April 27, 1786.

<sup>167</sup> Tully to Honestus/undated, Box 1, Folder 3, Sullivan Papers, MHS.

Sullivan challenged *Honestus* to look “at the Supreme Bench of Justice of this State, as the bulwark of the people’s freedom, at that august tribunal which gives us rank and character in the world, and gives stability and energy to our government – you will see that they were taken from this order [attorneys], which you like a rash inexperienced boy, have unjustifiably attacked, without either strength or cunning.” The courts were the ultimate guarantor of freedom, he insisted, and “barristers and attorneys in this state have checks upon them, and are so peculiarly liable to punishment for fraud and dishonesty,” that the “weakest citizen had the ability to seek redress against them.”

Sullivan’s passionate defense of the law and the legal profession in 1786 was consistent with his commitment to the promises of the Revolution. As far as he was concerned, *Honestus*’s call for doing away with lawyers was demagoguery. He had effectively turned the tables on *Honestus* by arguing that not only were attorneys and the law not the enemies of the common man, but were instead critical allies and guarantors that every citizen would be treated “upon an equality in their demand of right.”<sup>168</sup> While Sullivan appreciated the importance of the law in protecting property rights, he also emphasized that the legal system in a republican society must provide the necessary means to protect the rights of the weak, the poor, and other minority interests, against a rapacious and aggressive wealthy citizenry. This expanded view of the law represented a significant point of departure between men like Sullivan, who would later identify themselves as Republicans, and Federalists like King and Gore.

Although Gore also was worried about the growing anti-lawyer sentiment, he did not publicly challenge *Honestus* or embrace Sullivan’s expansive view of law in a republican society. Gore was content to defend the law and the profession in his private correspondence. As Gore perceived it, the primary purpose of the law was to guarantee the rights and safety of property owners and creditors. He was particularly concerned about how the General Court would react to the appeal of *Honestus* and expressed little hope that the lower house would do the right thing. He told King in June 1786 that “tender bills, acts against lawyers, or more truly against law, now occupy the time of the H. of Reps.”<sup>169</sup> Gore was afraid that the House of Representatives would ride the anti-law tide to attack private property. Where men like Sullivan emphasized the law’s public and political role as a means to protect the interests of the poor, as well as the

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<sup>168</sup> *Independent Chronicle*, May 4, 11, 1786.

<sup>169</sup> King, *Rufus King*, I, 138.

rich, men like Gore focused on the law solely as the means to settle private disputes.

While his path to riches was similar to that taken by other attorneys, Gore had the good fortune to come of age at just the right time and with the connections to firmly establish himself as a member of the elite. Though he would soon enter government service himself, Gore first made a small fortune in the years immediately after the Revolution by buying and selling government securities. During the war, soldiers often had been paid with ‘state certificates.’ Because of the scarcity of cash in the mid 1780’s, many ex-soldiers were compelled to sell their certificates for as little as fifteen cents on the dollar. Speculators, like Gore, purchased these securities with the expectation they would later be paid the face value. For the cost of only \$3,743.00 Gore purchased securities that carried a face value of \$25,000 and paid \$449.22 in interest.<sup>170</sup>

Gore and a handful of speculators prospered in the 1780s, but for many people, these were particularly lean and frustrating years. Economic instability at the state and national level left government leaders searching for solutions. Congress in particular had to contend with a depressed national economy, an empty federal treasury and a dizzying array of restrictions imposed upon them by the Articles of Confederation. One of the most significant deficiencies of the Confederation government was that it gave Congress no authority to regulate foreign trade. Consequently, each state was left to its own devices, often creating policies that conflicted with those of other states. Congressmen, like King, grew increasingly frustrated at their inability to fashion comprehensive solutions to obvious problems, even as the national and state economies continued to worsen.

## **B. Growing Frustration in Massachusetts**

In Massachusetts, a state that relied heavily on foreign trade, the economic outlook was particularly bleak. Benjamin Lincoln’s letter to King in February 1786 made a case for centralized policy making and reflected the time honored Federalist strategy of using governmental power to bolster trade and increase the property of the well-to-do.

We are drained of our cash, [and] that our trade is embarrassed and our finances deranged are truths which will not be denied. The moment, my dear Sir, these questions are asked, what is to be done under these circumstances? How shall our trade be placed upon a respectable

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<sup>170</sup> Helen R. Pinkney, *Christopher Gore: Federalist of Massachusetts 1758-1827* (Waltham, 1969), 19.

footing? How shall the interest of each State be advanced, that of the United States be promoted and their dignity be preserved abroad?<sup>171</sup>

Lincoln suggested the answer to the economic trouble was to give Congress more power. He added, “the United States, as they are called, seem to be little more than a name. They are not really embarked in the same bottom.” The central question, according to Lincoln was “whether Congress shall be vested with full and competent powers to regulate the trade of the United States.” Boston merchants agreed with Lincoln, having petitioned the legislature to direct the state’s delegates in Congress to press for the regulation of foreign trade. Governor Bowdoin agreed with them, but confessed that many other states were still unwilling to cede their authority to Congress.<sup>172</sup>

It was well understood by the ruling elite in Massachusetts that in order to address the many challenges confronting the states, a convention of delegates from each state would have to be called to address the deficiencies of the Articles of Confederation. The Massachusetts General Court had already passed a series of resolutions in July 1785, calling for a federal convention to revise the Confederacy and to reassess the powers of the Congress.<sup>173</sup> The state’s three delegates to Congress, however, which included King, decided to hold off presenting the resolutions, arguing that they understood the sentiments of their colleagues in the Congress and were certain that such a move was premature. The Massachusetts legislature seems to have approved of King’s judgment in the matter, for they re-elected him to Congress in 1786. Gore sent King the news of his re-appointment: “The choice of delegates is concluded,” he said. “The members are Mr. Gorham, Dr. Holten, Mr. Dane and my friend King.” He added that “Sedgwick was not chosen, the clamor against lawyers was so great that they preferred Holten to him.” Perhaps more fatal to Sedgwick’s candidacy was the fact that among a growing number of debtors in the western part of the state, he was a high profile creditor.<sup>174</sup> Maintaining a strong relationship with Congress was important, but the political situation in Massachusetts continued to deteriorate.

Although the General Court postponed funding of the public debt, the scarcity of cash and the lack of local manufacturing were of even greater concern to the people of Massachusetts. Adding to their troubles, the legislature, hoping to discharge the debt over time, decided to levy high real estate and poll taxes,

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<sup>171</sup> Lincoln to King, February 2, 1786, King, I, 156-157.

<sup>172</sup> Lincoln to King, February 2, 1786, King, I, 156-157.

<sup>173</sup> King, *Life and Correspondence*, I, 59.

<sup>174</sup> Gore to King, June 25, 1786, King, I, 138.

payable only in specie, and also sought new revenue from taxation on farm buildings and animals. This strategy would, over the next several months, prompt many western farmers to consider taking unprecedented actions against their government.

In mid-January 1786, Sullivan suffered a personal crisis. His wife Hetty died very suddenly. The speed of her death shocked Sullivan, who, in the weeks and months that followed, withdrew from public life and public debate. As evidence of his close relationship with King, the only extant letter written by Sullivan in the immediate aftermath of his wife's death was to his friend in congress.<sup>175</sup> Meanwhile, King had recently married Mary Alsop, the only child of one of New York's most merchants, John Alsop. Just as they had before the war, political connections and wealth still counted in the new republic. No doubt desirous of seeing his daughter remain in New York, Alsop convinced the young couple to remain in New York.

It was spring before Sullivan emerged from his self-imposed political silence. A clear sign of restored life and confidence was the fact that he began writing essays again. Writing under the name *Consideration*, Sullivan addressed the deepening financial crisis and the scarcity of cash, by drawing upon classical republican advice. He urged the people of Massachusetts to cut back on expenses, to "save money for a rainy day," and warned them to "never listen to the tales of complainers, who talk of nothing but hard times," but do nothing to remedy them. He suggested that every man could live within his income, "and thereby preserve his independence."<sup>176</sup> Sullivan linked the familiar call for industry and economy as a means to "forever triumph over hard times, and disappoint poverty," with patriotism. "The general cry 'that we cannot pay the taxes, and live,'" was absolutely false, he declared, and people who complained about paying taxes were not worthy of freedom, "when so many patriots and heroes laid down their lives to purchase it for their country." In the final analysis, he insisted, "it is impossible to be happy without industry, economy and virtue, and as experience evinces that these are produced by what we call hard times, or the scarcity of money, we certainly ought to be thankful when we see the causes of public happiness operating."<sup>177</sup>

Sullivan's words had little effect on the growing number of frustrated debtors, particularly farmers in the western communities who were suffering unprecedented economic hardship. While Sullivan relied on tired old bromides

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<sup>175</sup> Sullivan to King, January 29, 1786, King, I, 152-153.

<sup>176</sup> Box 1, Folder 16, Sullivan Papers, MHS.

<sup>177</sup> *Massachusetts Centinel* (Boston), April 15, 1786.



to sooth tempers, western farmers were insisting on government intervention, demanding that the General Court, among other things, cut taxes, issue new currency and enact legislation that would suspend suits for debts. As these farmers would soon discover, however, their political influence was minimal at best, victims perhaps of their own reluctance to become active participants in government in the years leading up to their current financial troubles. Indeed, while several factors contributed to the politically volatile environment of the 1780s, perhaps the most significant was the underlying disparity in the exercise of political power.

According to Van Beck Hall, the economic-political dominance of “commercial-cosmopolitan” towns and interests contributed to the violence of 1786-1787. Commercial towns, such as Newburyport, Gloucester, Beverly, Salem, Boston, Newton, Milton, Dedham, New Bedford and Barnstable, among others, containing the wealthiest and well-connected political and commercial leaders dominated political offices in the state. Between 1780-1791, the governor and lieutenant-governor came from one of these communities 100% of the time; that the justices of the Supreme Judicial Court and the president of the senate all came from these towns; that the speaker of the House came from these towns 91% of the time; and that members of the Confederation Congress came from these towns 84% of time, as did 69% of the new national congress and 62% of the Governor’s Council. Men from this same group controlled the state senate and enjoyed considerable influence in the House of Representatives.<sup>178</sup> These political realities, however, also may have reflected the fact that westerners chose not to be active in government until after their economic situation had become untenable in the mid-1780s. In addition, western communities had to contend with the demographic fact that they were still fewer in number than those in eastern urban population centers.

After the decision by the Massachusetts legislature in the summer of 1786 to raise property taxes and to levy taxes on farm buildings and animals, it was simply a matter of time before events came to a head. For the growing number of cash strapped farmers who faced financial ruin, possible imprisonment and loss of their property to public and private creditors looking to enforce their claims, time had run out. In late August, under the leadership of former Continental army officer, Captain Daniel Shays, western farmers forcibly prevented courts in Middlesex and Berkshire Counties from conducting business. They demanded that the General Court, among other things, lower taxes, reduce the cost of state government, simplify the judicial system, curb

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<sup>178</sup> Hall, *Politics Without Parties*, 65-66.

lawyers' fees, and increase the money supply through the issue of state bills of credit.<sup>179</sup>

Most government leaders and members of the legal community were quick to condemn Shays and his followers. King, Gore and Sullivan, for example, condemned the uprising, though they differed as to what the rebellion meant and what could be done to prevent similar violence in the future. While Sullivan was critical of the insurgents, he also expressed sympathy and caution. In a letter to the *Centinel*, he sought to convince the insurgents they were taking the wrong path: "There seems at present to be a general dissatisfaction throughout the state. Whether it is with or without cause, let us not rashly apply a remedy that may prove more fatal than the disease."<sup>180</sup> Sullivan, again relying on familiar republican virtues, suggested that many Americans were too concerned with "luxury and extravagance," and that "if we have honestly involved ourselves either in public or private debts, let us as honestly discharge the obligations we have voluntarily contracted." He complained that many people "seem to think that to enjoy liberty is to live independently of all laws, both divine and human; that each one should have a code of laws written in his own breast, and adapted to his own convenience." He implored them to "Correct your error before the tyrant's herald shall proclaim it too late. Be assured that by your turbulence and sedition you are preparing a yoke for your own necks, and heaping millions of burdens upon those which you now think too grievous to be borne."<sup>181</sup> Sullivan added that "whilst we now have it in our power to show ourselves worthy of the name and privileges of Americans, let us not become a prey to lawless ambition, or the sport of contending powers. Whilst we maintain inviolate our rights and privileges, let us not give our liberty wings to fly away."<sup>182</sup>

Sullivan was certainly not alone among those who later identified themselves as Republicans in his opposition to Shays. The editor of the *Independent Chronicle* declared:

Those who wickedly mean to stir up confusion and destroy our government, will not listen to reason themselves, nor will they, if they can help it, suffer their followers to attend to its voice. But of the rational and dispassionate, who have been led to favor measures which, upon cooler deliberation, they will detest and condemn, I beg leave to

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<sup>179</sup> Pinkney, *Christopher Gore*, 19.

<sup>180</sup> Thomas C. Amory, *Life of James Sullivan* (Boston, 1859), I, 193.

<sup>181</sup> Amory, *Life of Sullivan*, I, 193.

<sup>182</sup> Amory, *Life of Sullivan*, I, 194.

ask, whether they conceive that it is possible to support government without taxes? And whether they can devise a constitution more free, and which pays a greater attention to the sacred rights of mankind, than that under which we live.<sup>183</sup>

*Pacificus*' "Friendly Address to the Insurgents," acknowledged "that we are under pressing burdens, none will deny," but armed revolt is not the answer. "There is only one case that will justify forceable opposition to our Government," *Pacificus* insisted, "and that is when our constitutional rights are invaded, and other means of redress are ineffectual."<sup>184</sup>

Writing to John Adams in London about the uprising, King acknowledged that perhaps the decision by the legislature to press for direct taxes went "beyond what prudence would authorize," and that all taxes, taken together, were far more than Massachusetts's citizens could afford. He remained optimistic, however, and assured Adams that the legislature would take the necessary measures to restore order. "You will see this business greatly magnified and Tories may rejoice, but all will be well."<sup>185</sup> One month later, King expressed "compassion for those ignorant and misguided men, who have thoughtlessly joined in measures unauthorized by their sober reflection," but he warned that state officials should not assume that the insurgents were not receiving aid or council from *external* or foreign sources.<sup>186</sup>

Gore expressed no sympathy for the insurgents, wishing only to see them defeated. He vented his anxiety and frustration in regular letters to King in New York, updating him on reports and rumors of Shays and his "mighty armies" and their continued threats against the courts. Fearful that state legislators would buckle under the pressure, Gore, whose law practice was still focused primarily on 'collections,' was very concerned at what he perceived as the government's inability to protect creditors or quell the growing disorder. He complained of "wise-acre" lawmakers, who were "weak enough to think [that] by sacrificing private contracts," they were somehow supporting public debts. He expressed outrage that lawmakers, particularly in the House, were simply acting out of "disgraceful fear" of western farmers, though he remained confident that the state senate would "for this session at least, stand firm" against "all invasions of our constitutional rights."<sup>187</sup> A few weeks later, Gore wrote to King: "I wish it was generally believed that an attack on property and

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<sup>183</sup> *Independent Chronicle*, September 7, 1786.

<sup>184</sup> *Independent Chronicle*, November 2, 1786.

<sup>185</sup> King to Adams, October 3, 1786, King, I, 190.

<sup>186</sup> King to Gore, November 5, 1786, King, I, 193.

<sup>187</sup> Gore to King, November 7, 1786, King, I, 195.

a subversion of the Government was intended, for so great a languor, so little spirit I never knew.” He insisted that deflation would take care of itself and that the legislature should do nothing in response to the demands of the farmers.<sup>188</sup>

By January 1787, the rebels, who never numbered more than 1200 at any given time, grew more violent. Lacking the institutional mechanism to crush the rebellion, Governor Bowdoin and several Boston businessmen raised money to create a private army to defeat Shays. Though the ‘army’ was later legitimized by the legislature as a state militia, the episode highlighted the inability of state government to quickly and effectively respond to armed threats. The legislature then urged the newly assembled militia under the command of General Benjamin Lincoln to take the necessary measures “for the good name of the commonwealth to prevent effusion of blood and the spread of insurrection to other commonwealths and even danger to the whole confederation.”<sup>189</sup> Within a few weeks, General Lincoln and his army of 4,400 men caught up with Shays and his rebel army in Petersham and quickly defeated the much smaller and largely disorganized force. While most of the rebels scattered, many of its leaders, including Shays, were eventually taken prisoner.

Seventeen year-old James Sullivan, Jr., who had recently graduated from Harvard, was one of the government soldiers who participated in the harsh winter campaign against the rebels. He volunteered for a cavalry company raised by Colonel Hitchbourn to track down Job Shattuck, one of the leading insurgents. During their January march to Petersham, the cavalymen were caught in a severe snowstorm and exposed to bitterly cold conditions. After capturing Shattuck, they then rode non-stop forty-three miles to Boston with their prisoner.<sup>190</sup> It is believed young Sullivan suffered from the effects of prolonged exposure to the bitter cold, for in the early spring he “was attacked with pleurisy,” and died on June 19, 1787. Shaken by his loss, the elder Sullivan held Shattuck responsible for the death of his young son.<sup>191</sup>

Once it became apparent that the rebellion had failed, the government acted with renewed confidence and remarkable speed. When the General Court convened in early February 1787, it acted quickly on Governor Bowdoin’s request for additional troops and additional money to repay the businessmen

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<sup>188</sup> Gore to King, November 26, 1786, King, I, 196.

<sup>189</sup> Journal of the House of Representatives, Massachusetts Archives, 1787, 380.

<sup>190</sup> Amory, *Life of Sullivan*, I, 198.

<sup>191</sup> Amory, *Life of Sullivan*, I, 209, 210.

who helped fund the expedition against Shays, without even determining from where the money would come. The legislature also acted on the governor's request for a Disqualifying Act, limiting the rights of an indeterminate number of Massachusetts citizens who may have participated in or contributed to the uprising. Sullivan expressed concern over the lack of debate: "The General Court goes on with remarkable and astonishing unanimity, as there is no opposition it would be a wonder if the Constitution was strictly adhered to, and yet the critical situation of the Commonwealth requires circumspection in order that good men may not be made enemies to Government." Sullivan worried that "the powers of the Government are so united in the metropolis that it is dangerous even to be silent; a man is accused of rebellion if he does not loudly approve every measure as prudent, necessary, wise and Constitutional." And, "Every countryman who comes in and offers to apologize for his son or brother deluded, is railed at and called a Rebel, ... God knows where all will lead."<sup>192</sup>

King had no such misgivings. Writing to Gerry, he declared "I hope the most extensive and minute attention will now be paid to the eradicating of every seed of insurgency."<sup>193</sup> Writing again a week later, however, he observed that for "punishment to be efficacious [it] should not be extensive," and that "a few and those of the most consequence should be the victims of law." "I am extremely pleased with the proceedings of the General Court," King told Gerry, "they will procure them Honor wherever they are known. Be assured the late exertions of the Commonwealth are viewed in a very respectable light." King expressed "some doubt about the policy of your Bill disqualifying" certain citizens, but he concluded "I am not so competent a Judge as they are who have decided in favor of the measure." Like many Massachusetts leaders, King was just glad that the rebellion had ended.<sup>194</sup>

Despite the fact he had strongly opposed the rebellion, and while his eldest son was still suffering the effects of a disease that would soon take his life, Sullivan took an active part in the defense of several prisoners, both as trial counsel and as a member of the Governor's Council. His two most notable cases were those involving Henry Gale of Worcester, who was accused of taking a leading role in the rebellion, and Jason Parmenter of Bernardston, who had been charged with murder in the death of Jacob Walker.<sup>195</sup> Though Gale was found guilty, Sullivan was ultimately successful in setting aside his penalty. As a

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<sup>192</sup> Sullivan to King, February 25, 1787, *Sullivan*, I, 214.

<sup>193</sup> King to Gore, February 11, 1787, King, I, 201.

<sup>194</sup> King to Gore, February 18, 1787, King, I, 215.

<sup>195</sup> Amory, *Life of Sullivan*, I, 202.

member of the Governor's Council, Sullivan was asked to review petitions for clemency. In was in this capacity that Sullivan recommended that mercy be extended to the insurgents, suggesting that like "many thousands of the people that these unhappy commotions should be settled without further loss of life."

<sup>196</sup> After reviewing the evidence in Parmenter's case, Sullivan argued that "As I do not, and see no necessity of, nor public advantage from, the execution of these people, after all this suffering, and now that the state has sunk into the arms of peace and tranquility, I am clearly of the opinion we should advise his Excellency to grant a full pardon to Jason Parmenter."<sup>197</sup> With the exception of Job Shattuck, the man his son was pursuing when he contracted the illness that would ultimately claim his life, Sullivan's decision to represent rebels was certainly consistent with the arguments he raised against *Honestus* in his defense of the legal profession, and offered further evidence of his commitment to the law and republicanism.

In the weeks and months after the uprising had been suppressed, most Massachusetts political leaders, including Governor Hancock, who had been elected after the treason trials had been conducted but before the sentences were carried out, increasingly shared Sullivan's feeling that enough blood had been shed. Though most of the prisoners were found guilty of participating in the uprising, the legislature granted pardons to everyone who took an oath of allegiance. In June 1788, the governor pardoned Shays and the other leaders of the rebellion who had been found guilty of treason and sentenced to death.

After peace had been restored, Sullivan suggested that what had happened was not so unusual. He argued: "the late unhappy commotions do not fix the character of the people as ungovernable. They arose from an unfortunate concurrence of circumstances, with which all countries in their turns have been afflicted, but which, under free institutions, are attended by consequences peculiarly dangerous and disagreeable." He added that "it must be remembered that we had lately been in resistance to a government long established," and that "taxes of previous years, not heavy when they were granted, upon the sudden contraction of the currency became intolerable."<sup>198</sup>

Gore was not as understanding as Sullivan, nor was he comfortable with the election of several farmers to the General Court in the spring of 1787, including many who had participated in or sympathized with the uprising. As far as Gore was concerned, the democratization of government had gone too

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<sup>196</sup> Amory, *Life of Sullivan*, I, 205.

<sup>197</sup> Amory, *Life of Sullivan*, I, 207.

<sup>198</sup> Amory, *Life of Sullivan*, I, 206.

far. He feared that these farmers would continue their assault on the legal system and creditor rights. He was convinced that property interests must be protected against radicals and to that end he embraced the idea of increasing the power of the federal government.

Gore was not alone in his growing fear of democratization. To many Federalists, Shays Rebellion was a reminder of what could happen when the time honored social order was challenged, and the ‘habit of deference’ discarded. David Hackett Fischer highlights the ‘habit of subordination’ that existed in the old Federalist world, where the “natural rulers of society” were expected to assume leadership roles. Although the elite came to believe in republican government, they also believed it should be governed by the favored class. The Federalists were not anti-democratic, Fischer argues, but they believed certain individuals were better suited to lead than others. “Every man of observation is convinced,” Sedgwick wrote to King in 1787, “that the end of government, security, cannot be attained by the exercise of principles founded on democratic equality.”<sup>199</sup>

King and Gore have been characterized as “young” Federalists, men who stood in contrast to their ‘old school’ colleagues. Though like-minded in their view of government, and though close personal friends, King and Gore had very different talents and very different temperaments. King had more in common with the old-school Federalists, particularly in his commitment to society over the individual. A highly regarded congressman and gifted orator, King felt comfortable working with the older Federalist leaders like Washington, Jay and Hamilton. Gore, on the other hand, represented a new and different breed of Federalist leader with an almost singular commitment to the protection of property rights. Though admittedly a regional figure at this point in his career, Gore would never enjoy the friendship and confidence of Federalist luminaries. He would instead gravitate towards the far more partisan and aggressive conservatives like Timothy Pickering. Gore was, as Fischer observes, ingrained with the old Federalist “insistence upon an open and habitual display of subordination,” but he had a more harsh and aggressive manner that ran counter to the methods of old school Federalists.<sup>200</sup> Whereas King was widely viewed as a gentleman, Gore was seen as combative, embodying the spirit of faction that would come to dominate American politics in the next decade.

Where King felt more comfortable in the halls of Congress, Gore felt more at home in the courtroom. Though both forums were traditional environments

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<sup>199</sup> Sedgwick to King, June 18, 1787, King, I, 223-224.

<sup>200</sup> Fischer, *Revolution of American Conservatism*, 14.

for the ruling elite, they demanded different talents for success. Compromise and conciliation were the accepted means of getting things done in Congress, while in the adversarial world of the courtroom, legal cunning and passionate argument ultimately won the day. Furthermore, as society became more democratized, the courts became the last bulwark in defense of property and creditor rights, and therefore a natural arena for men like Gore. As the country moved closer to a national consensus in the coming years, men like Gore were marginalized in large part because their tone and their methods differed so dramatically from the old school Federalists and the new Republicans.

In the spring of 1787, both old school and new school Federalists were contemplating steps to restore order. In the wake of Shays, there was a growing consensus that the powers of the national government had to be strengthened. When Congress reconvened in February 1787, the central question facing the body was what could be done to address the inherent weakness of the Confederation. Writing to Elbridge Gerry, King declared that “It is most certain that things will not long continue in their present condition, if foreseeing the dangers which hang over us, we do not unite in measures calculated to establish public happiness; I am confident that no man will be able to bear up against calamitous events, which will otherwise force themselves into existence.” He then spoke of the Philadelphia convention. He implored Gerry: “for God’s sake be careful who are the men; the times are becoming critical: a movement of this nature ought to be carefully observed by every member of the Community.”<sup>201</sup> Several months later King spelled out the kind of men he hoped Massachusetts would send to Philadelphia. Delegates should have “good knowledge of the constitutions and various interests of the several states, and of the good and bad qualities of the confederation.” King realized that the time for definitive action had come, “that events [were] hurrying to a crisis,” and that “prudent and sagacious men should be ready to seize the most favorable circumstances to establish a more permanent and vigorous government.”<sup>202</sup>

The prospect of a strong central government was particularly appealing to Gore because he was confident that the government would be built and run by people who thought and acted as he did, and because the Shaysites were becoming more politically active and assuming a larger share of political power in the Massachusetts General Court. Only a strong and vigorous federal government, Gore reasoned, could protect business interests and prevent

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<sup>201</sup> King to Gerry, January 7, 1787, King, I, 200-201.

<sup>202</sup> King to Gerry, February 11, 1787, King, I, 202.



legislation that would ruin the economy, and only the strong exercise of power at the national level, enforcing uniform trade regulations over all states, would salvage the Republic. As an attorney who represented clients engaged in interstate and foreign commerce, Gore understood the importance of creating a system of laws that encouraged commerce among the states and between states and other countries. In addition to the commercial implications of a strengthened union, the actions of Daniel Shays and the subsequent electoral success of his followers completed the transformation of Gore into an avowed nationalist.

Sullivan agreed with the need to call a convention for the purpose of revising the Confederation government. He embraced the idea of creating a constitution to meet the needs of the people. In a lengthy article submitted to the *Centinel*, he declared “it is a matter of the utmost surprise to all people of understanding ... that Americans ... should institute a Congress to superintend their political interests, - by whom alone those interests can at present be promoted, and in whom only they have any pretensions to an union, - and yet deny or neglect to give them the powers necessary to answer the purpose of their institution.” Sullivan didn’t fear giving too much power to Congress, arguing that since “we have adopted the plan of conducting our political affairs by a Congress annually elected by the several states, it is but right, it is but what sound policy would dictate, to grant to that body full and ample powers, constitutionally settled, to conduct the public concerns of the nation without impediment.” As always, Sullivan stated his case clearly and unequivocally, concluding that “if the states are determined to proceed as they have begun, reserve to themselves their absolute sovereignty, and grant Congress only occasional, temporary and interfering powers, we have nothing to expect but that train of ruinous consequences which naturally and unavoidably proceeds from imbecility and disorder.”<sup>203</sup>

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<sup>203</sup> Amory, *Life of Sullivan*, I, 215-217.

## Chapter IV

### A New Federal Government

George Washington wrote to his old friend, Henry Knox, on February 25, 1787, to congratulate his former colleague and the government of Massachusetts on the “happy termination of [Shays] this insurrection.”<sup>204</sup> The former commanding general knew that strong measures would need to be taken at the national level to strengthen the government and restore order and improve the economy. Writing to Knox again on March 8<sup>th</sup>, Washington observed that “I am glad to hear that Congress are about to remove some of the stumbling blocks which lay in the way of the proposed convention.” He added that “a Convention is an expedient I wish to see tried: after which, if the present government is not efficient, conviction of the propriety of a change of it, will disseminate through every rank and class of people and may be brought about in place;” and “which however necessary it may appear in the eyes of the more discerning, my opinion is, that it cannot be effected without great contention, and much confusion.”<sup>205</sup>

#### A. Massachusetts and the United States Constitution

The Constitutional Convention convened on May 25, 1787 in the Pennsylvania State House and Washington was unanimously elected to preside over the gathering. King, who was named as one of the Massachusetts delegates, arrived on the 25<sup>th</sup>, but couldn’t take part in the proceedings until the 28<sup>th</sup> when the rest of his Massachusetts colleagues arrived. Over the next several weeks, he played an active role in the deliberations and was viewed by many as “the most eloquent orator” at the Convention.<sup>206</sup>

Sullivan wrote often to King in Philadelphia, encouraging him in his work and keeping him abreast of Massachusetts news. In the months since Shays and his men had been defeated and captured, peace had been restored and the economy had picked up, Sullivan reported. But, he noted, “all appears to me in vain unless you make the United States a nation.”<sup>207</sup> King also received numerous letters from his good friend and Federalist colleague, Gore. Favoring a medical metaphor, Gore urged action to strengthen the central government: “You, of the federal Convention, must invent some plan to

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<sup>204</sup> John C. Fitzpatrick, ed., *Writings of Washington*, (Washington D.C., 1939), V 29, 169.

<sup>205</sup> Fitzpatrick, *Writings of Washington*, V 29, 171.

<sup>206</sup> King, *Rufus King*, I, 230.

<sup>207</sup> Sullivan to King, June 14, 1787, King, I, 223.

increase the circulation at the heart, and thereby dispense heat and vigor to the extremities – if you do not, we shall descend to anarchy and disgrace.”<sup>208</sup>

Clinton Rossiter labeled King “the champion committeeman of the summer,” who had “turned suddenly, perhaps under the influence of Hamilton, into an enthusiastic, sharp witted, persuasive nationalist.”<sup>209</sup> Though King’s conversion to the nationalist cause may not have been as sudden as Rossiter suggested, the tone of his arguments had taken a dramatic and enthusiastic turn. When discussions turned to the proper role of state governments in relation to foreign powers, King declared that states as political beings “are dumb, for they could not speak to any foreign Sovereign whatever. They were deaf, for they could not hear any propositions from such Sovereign. They had not even the organs or faculties of defense or offence, for they could not of themselves raise troops, or equip vessels, for war.”<sup>210</sup> According to James Madison’s notes, King said he couldn’t understand the attachment to states, and professed amazement “that when a just Government founded on a fair representation of the people of America was within our reach, we should renounce the blessing, from an attachment to the ideal freedom & importance of States.”<sup>211</sup> King had never been so emphatic in his promotion of the national government or so dismissive of the importance of state governments. On June 19, 1787, he declared that “a Union of the states is a union of the men composing them, from whence a national character adheres to the whole,” and argued that “much of their power ought to be taken from” the states.<sup>212</sup> During the extended debate over the interests of large states versus the small states, King observed that he “was fully convinced that the question concerning a difference of interests did not lie where it had hitherto been discussed, between the great & small States; but between the Southern & Eastern.”<sup>213</sup>

Not all the delegates embraced King’s nationalism. The greatest innovation of the convention was the creation of a federal system of government that divided sovereignty between the state and national authorities. Where the national government had jurisdiction, “it could act conclusively and effectively,” while the states retained jurisdiction over large areas of governance.<sup>214</sup> In late July, a committee was assigned to draft a document setting forth all issues on which agreement had been reached over the previous two months. On August 6<sup>th</sup>,

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<sup>208</sup> Gore to King, June 28, 1787, King, I, 227.

<sup>209</sup> Clinton Rossiter, *1787: The Grand Convention* (New York, 1966), 249.

<sup>210</sup> James Madison, ed., *Notes of the Debates in the Federal Convention of 1787* (Athens, Ohio, 1966), 152.

<sup>211</sup> Madison, *Notes*, 228.

<sup>212</sup> Hall, *Politics Without Parties*, 269.

<sup>213</sup> Madison, *Notes*, 261.

<sup>214</sup> Goodman, *Democratic-Republicans*, 21.

the convention accepted the first draft of the Constitution, and then debated the document article by article for the next five weeks until a consensus had been reached. Only three delegates voted against the final product. Despite pleas from Washington and Benjamin Franklin, the three men, Edmund Randolph, George Mason and Elbridge Gerry, apologized but still refused to sign.<sup>215</sup> Every other delegate signed his name to the document on September 17, 1787. Copies of the document were then sent to Congress and to the several states.

Outside Federalist circles, there was a great deal of suspicion and opposition to the proposed constitution in Massachusetts, as the fear of change was widespread. While there was strong support in the predominantly Federalist coastal communities, there was widespread opposition in the central and western counties. Not surprisingly, those who supported the Constitution were those “who were convinced that centralization was essential to promote their welfare.”<sup>216</sup> For conservative members of the legislature, including Sedgwick and Gore, there was evidence of the need for a profound change in government. They hoped the new Constitution would save them from the “wreck” of the current government and prevent a descent into “anarchy and disgrace.”<sup>217</sup>

After reading the Report of the Convention, Sullivan wrote to King on September 23<sup>rd</sup>, congratulating him on his work and incorrectly predicting that the constitution would meet with little opposition in Massachusetts: “Our people expect so much happiness from the doings of the Convention that they stand ready to adopt anything which may be offered; but this is as I think so very unexceptionable that I flatter myself it will meet with no opposition in this State.”<sup>218</sup> “I consider it to be of the highest importance,” Sullivan wrote on the 28<sup>th</sup>, “to have a federal government and should this not be adopted, I should despair of having one excepting it arises from the chance of war.” Sullivan expressed doubt about certain provisions.<sup>219</sup> He believed, for example, that too many concessions had been given the south on the question of slave representation, and he also was concerned that trial by jury was not adequately secured. In addition, he soon joined the chorus calling for the inclusion of a Bill of Rights to the document. Although he was later accused by many of

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<sup>215</sup> Charles Beard, *An Economic Interpretation of the Constitution of the United States* (New York, 1913), 260.

<sup>216</sup> Goodman, *Democratic-Republicans*, 19.

<sup>217</sup> Sedgwick to King, June 18, 1787, Gore to King, June 28, 1787, King, I, 224-226.

<sup>218</sup> Sullivan to King, September 23, 1787, King, I, 259.

<sup>219</sup> Sullivan to King, September 28, 1787, King, I, 259.

being an Anti-Federalist because he continued to challenge specific language in the finished product, Sullivan enthusiastically supported ratification of the Constitution, even if many of his political allies, including Hancock, had their misgivings. Indeed, Sullivan had long been a strong advocate of sufficiently funding the national treasury and understood before many of his Republican colleagues the importance of strengthening the central government.

Like Sullivan, Gore expressed optimism to King that the document would be ratified without difficulty. “The federal plan is well esteemed, and as far as can be deduced from present appearances, the adoption will be easy.”<sup>220</sup> Even as he penned these words, however, opponents were lining up to oppose the proposed constitution. Gore would soon report to King there was considerable opposition to the plan in the western counties, particularly in areas that had supported Shays and his rebels. While some farmers did support the new plan, a large percentage were against the proposed Constitution, and they were joined by many small property holders and those of lesser social and economic status, “either because it would not benefit them or because they believed it held dangers for the country.”<sup>221</sup>

Perhaps recognizing the importance and historical significance of what was about to happen, Gore chose this occasion to enter the world of politics. Although he had always had an interest in politics, he had devoted most of his energy to the private practice of law since graduating from Harvard. At the age of twenty-nine, he sought election as a delegate from Boston at the state convention that would debate and vote on the document produced in Philadelphia. He had some damaging political baggage: his father had been a Tory, forced to leave Boston during the evacuation of 1776; he had a reputation for preferring government run by men of the traditional ruling elite; and his strong post-war ties to British merchants did not endear him to many Bostonians. Unlike many old school Federalists who enjoyed widespread support, Gore’s critics, including Sullivan, saw him as an abrasive elitist.

What Gore had in his favor, however, was that Boston was overwhelmingly Federalist. Indeed, Boston was such a strong Federalist district that Elbridge Gerry, who refused to sign the constitution, was unable to secure a seat at the ratifying convention. Boston electors cast votes for twelve delegates on December 10<sup>th</sup> at Faneuil Hall. James Bowdoin was the top vote getter, with 760, and Hancock was a close second with 751. The other delegates were Thomas Dawes (749), William Phillips (740), Rev. Samuel Stillman (739), Dr.

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<sup>220</sup> Gore to King, October 7, 1787, King, I, 261.

<sup>221</sup> Pinkney, *Christopher Gore*, 22.

Charles Jarvis (714), John Winthrop (661), John Coffin Jones (635), Sam Adams (628), Thomas Russell (610), Caleb Davis (603), and Christopher Gore (517). It was a decidedly Federalist group, with Hancock, Jarvis and Adams the notable exceptions.<sup>222</sup>

Despite being selected as a delegate Gore was not pleased with the voting, complaining to King that he had been singled out and that “falsehoods of every kind,” had been disseminated, and the “lowest and meanest acts of deception made use of to effect their purposes.” Nonetheless, he added, despite being the only delegate [Republicans in attendance] opposed, “I feel as honorably elected as any one of the delegates.”<sup>223</sup> Newspaper accounts of the gathering made no reference to any discord, focusing instead on the seeming unanimity of the group. “It is not in our power to refer to a period when such general unanimity pervaded all ranks of citizens,” the Federalist leaning *Centinel* wrote, noting “no clashing party interests appeared.”<sup>224</sup> “The general unanimity which pervaded all ranks of people in the choice of Delegates for the State Convention,” the *Centinel* carefully observed, “presages, in some degree, a happy result to the deliberations of [the Convention]”<sup>225</sup> The *Chronicle* also cheered the election’s non-partisanship, but was more cautious about predicting the outcome.

Between late September when the proposed Constitution was received in Massachusetts, and early January when the convention was called to order, the people of Massachusetts listened to arguments for and against ratification. The Boston newspapers were the primary outlets for debating the merits of the proposed Constitution. The *Centinel*, which strongly supported the Constitution, printed a mock dialogue between “Mr. Grumble” who offered vague and confused objections to the document, and Mr. Union, who carefully explained the benefits of the Constitution: “Mr. Union” confidently declared that: “It is no wonder, when we consider the horrors of present situation – the decay of our trade and manufacturers – the scarcity of money – the failure of public credit – the distraction of our public affairs – and the distress of individuals, which have all arisen from a want of this very Federal Government – it is no wonder,” the people support it.<sup>226</sup>

In January 1788, just as the ratifying convention was about to begin, James Madison wrote to Governor Edmund Randolph in Virginia about the

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<sup>222</sup> *Boston Gazette* (Boston), December 10, 1787.

<sup>223</sup> Gore to King, December 9, 1787, King, I, 262.

<sup>224</sup> *Massachusetts Centinel*, December 8, 1787.

<sup>225</sup> *Independent Chronicle*, December 13, 1787.

<sup>226</sup> *Massachusetts Centinel*, October 24, 1787.

resistance to the Constitution in Massachusetts. Without revealing the source of his assessment, Madison believed “The opposition proceeds from that part of the people who have a repugnancy in general to good government, to any substantial abridgment of State powers, and a part of whom in Massachusetts are known to aim at confusion, and are suspected of wishing a reversal of the Revolution.”<sup>227</sup>

The opening session of the Massachusetts Ratifying Convention convened on Wednesday, January 9, 1788, at the Old State House in Boston. The following day, because of space limitations, the 364 delegates moved to the Brattle Street Church, but dissatisfied with the acoustics they returned briefly to the Old State House before moving again on January 17 to the Rev. Jeremy Belknap’s Long Lane Meetinghouse. The delegates who attended the Massachusetts ratifying convention represented a cross section of occupational groups including tradesmen, tavern and innkeepers, manufacturers, artisans, doctors, and clergymen. The most heavily represented groups were merchants engaged in interstate and foreign commerce, numbering twenty-three; large landowners identified as ‘gentleman capitalists,’ numbering twenty-eight; lawyers, also numbering twenty-eight; and fifty-two farmers.<sup>228</sup>

It soon became apparent to observers that consensus would be difficult to achieve. King perceived a division along class lines. He told Madison that Gerry’s supporters were men “who are certainly not the most enlightened part of the convention.”<sup>229</sup> Among these men, according to King, there existed “an apprehension that the liberties of the people are in danger,” a fear based on “a distrust of men of property or education. This belief has “a more powerful effect upon the minds of our opponents than any specific objections against the Constitution.”<sup>230</sup> Indeed, despite Gore and Sullivan’s initial projections of an easy victory, at the outset more than two hundred of the delegates likely opposed ratification. Twenty-nine had actually fought alongside Daniel Shays a year earlier.<sup>231</sup> “Had a vote been taken on the adoption of the Constitution as soon as the convention assembled,” Samuel Harding observed, “there can be no question but that it would have been overwhelmingly against the proposed plan.”<sup>232</sup> The *American Herald*, which frequently expressed Hancock’s views,

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<sup>227</sup> *Debates and Proceedings in the Convention of the Commonwealth of Massachusetts Held in the Year 1788* (Boston, 1856), 744-745.

<sup>228</sup> Forrest McDonald, *We the People: The Economic Origins of the Constitution* (Chicago, 1958), .

<sup>229</sup> King to Madison, January 6, 1788, King, I, 313-314.

<sup>230</sup> King to Madison, January 20, 1788, King, I, 314.

<sup>231</sup> McDonald, *We the People*, 183.

<sup>232</sup> Samuel Bannister Harding, *The Contest over the Ratification of the Federal Constitution in the State of Massachusetts* (New York, 1896), 67.

reflected the concerns of this large block of delegates when it urged caution as deliberations began. It warned that if the proposed plan was accepted, “you will subject yourselves to a government where you will be totally unprotected by a Bill of Rights, ... without which no system of government ought to be instituted.” After outlining its specific objections, the *Herald* responded to the argument that the proposed constitution had been drafted by the best minds in the country: “I allow them to be perhaps second to none in the world,” ... but “the greatest men are liable to be mistaken.”<sup>233</sup> Still, the *Centinel* confidently quoted Oliver Ellsworth, the Connecticut Federalist who opened that state’s convention a few days earlier: “The Constitution before us is a complete system of legislative, judicial and executive power. It was designed to supply the defects of the former system; and I believe, upon a full discussion, it will be found calculated to answer the purpose for which it was designed.”<sup>234</sup>

Recognizing that they did not have the votes to ratify when the convention opened, the Constitutionals were publicly patient and deferential to their opponents. With the more experienced, confident and better-educated delegates in their corner, the Constitutionals managed the convention with skill and efficiency, confident that if they educated the Constitution’s opponents they could win the day. A review of the proceedings on January 15<sup>th</sup> provides an example as to how the Constitutionals managed to control the debate. King opened the proceedings with a review of the subject of elections, arguing that debate should focus on the general principles contained in the Constitution. Judge Francis Dana followed King and several leading Federalist merchants, including George Cabot, John C. Jones, William Pearson and Nathaniel Gorham, spoke in favor of the proposed Constitution. Federalist clergyman, John Carnes and attorney Theophilus Parsons rounded out the Constitutionalist speakers.<sup>235</sup>

Although the Constitutionals controlled the debate, King grew increasingly frustrated. On January 27<sup>th</sup>, he reported to Madison that while “a very large proportion of the good sense and property of this State” were well represented by the “friends of the Constitution,” they had the difficult “task not only of answering, but also of stating and bringing forward the objections of their opponents.” He added that “the opposition complains that the Lawyers, Judges, Clergymen, Merchants and men of education are all in favor of the Constitution – and that for that reason they appear to be able to make worse appear the better cause. But they say, ‘if we had men of this description on our

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<sup>233</sup> *American Herald* (Boston), January 14, 1788.

<sup>234</sup> *Massachusetts Centinel*, January 16, 1788.

<sup>235</sup> *Boston Gazette*, January 28, 1788.



side, we should alarm the people with the imperfections of the Constitution.” “These objections are not directed against any part of the Constitution,” King told Madison, “but their opposition seems to arise from an opinion that is immovable, that some injury is plotted against them – that the system is the production of the rich and ambitious, that they discover its operations and that the consequence will be the establishment of two orders in the Society, one comprehending the opulent and the great, the other the poor and illiterate.”<sup>236</sup> King may have had Amos Singletary in mind when he penned these words. Singletary, a grist and sawmill operator from Sutton, Massachusetts, had been particularly vocal the previous week, insisting that “shifty” lawyers were attempting to force the Constitution down the throats of the poor. Singletary declared he “did not understand what [the] gentlemen meant by Congress guaranteeing a republican form of government.” He “wished they would not play round the subject with their fine stories, like a fox round a trap, but [instead] come to it. Why don’t they say that Congress will guarantee our State Constitution.” King responded in frustration that even if the state Constitution were guaranteed by the United States, the gentleman from Sutton would find it a greater defect because it would have precluded the State from making amendments.<sup>237</sup>

The anti-Constitutionalist Singletary spoke again on the morning of the 25<sup>th</sup> about the power of Congress to raise money, declaring that Americans had fought the British in 1775 “because they clamed a right to tax us and bind us in all cases whatever.” He added:

And does not this Constitution do the same? Does it not take away all we have, all our property? Does it not lay all taxes, duties, imposts and excises? And what more have we to give? ... These lawyers, and men of learning, and moneyed men, that talk so finely, and gloss over matters so smoothly, to make us, poor illiterate people, swallow down the pill, expect to get into Congress themselves; they expect to be the managers of this Constitution, and get all the power and all the money into their own hands, and then they will swallow up all us little folks, like the great leviathan, Mr. President; yes, just as the whale swallowed up Jonah.<sup>238</sup>

Theophilus Parsons responded to Singletary by declaring simply that “no compositions which men can pen, could be formed, but what would be liable

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<sup>236</sup> King to Madison, January 27, 1788, King, I, 316-317.

<sup>237</sup> White, *Debates*, 202.

<sup>238</sup> White, *Debates*, 203.

to the same charge.”<sup>239</sup> King added that the new government would be more responsive to the people than the old. “The introduction to this Constitution is in these words: ‘We, the People.’ The language of the Confederation is ‘We, the States.’ The latter is a mere Federal government of states. Those, therefore, that assemble under it have no power to make laws to apply to the individuals of the States confederated; and the attempts to make laws for collective societies, necessarily leave a discretion to comply with them or not.” And, insisted King, “In no instance have there been so frequent deviations from first principles, as in neglect or refusal to comply with the requisitions of general governments for the collection of moneys.”<sup>240</sup>

Gore, who also spoke on the subject, reminded the delegates “the Congress of the United States is to be chosen, either mediately or immediately, by the people. They can impose no burdens but what they participate in, in common with their fellow citizens.” In response to the opposition’s charge that Congressmen would act improperly because Roman magistrates in ancient republics often usurped power, Gore replied: “Some gentlemen suppose it is unsafe and unnecessary to vest the proposed government with authority to ‘lay and collect taxes, duties, imposts and excises.’ Let us strip the subject of every thing that is foreign, and refrain from likening it with governments which in their nature and administration have no affinity; and we shall soon see that it is not only safe, but indispensably necessary to our peace and dignity, to vest the Congress with the[se] powers.” He insisted the new government must be given the resources to fund the necessary functions and exigencies of government.<sup>241</sup> “If gentlemen would be candid,” he later said, “and not consider that wherever Congress may possibly abuse power, that they certainly will, there would be no difficulty in the minds of any in adopting the proposed Constitution.”<sup>242</sup>

The Constitutionals knew that argument alone would not carry the day and they worked hard to bring popular Governor Hancock into their fold. With the delegates split, Hancock had been reluctant to choose sides or antagonize either group. When Hancock finally took the president’s chair at the convention, King became optimistic that the convention would finish its work successfully within a week. “If Mr. Hancock does not disappoint our present expectations,” he wrote, “our wishes will be gratified; but his character is not entirely free from a portion of caprice. This however is confidential.”<sup>243</sup>

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<sup>239</sup> White, *Debates*, 204.

<sup>240</sup> White, *Debates*, 154.

<sup>241</sup> White, *Debates*, 164-166.

<sup>242</sup> White, *Debates*, 215.

<sup>243</sup> King to Madison, January 30, 1788, King, I, 317-318.

Hancock made a grand entrance. He was carried up the aisle in a chair with his feet wrapped in bandages.<sup>244</sup> He apologized to the assembly for not being able to participate earlier, and declared it was “his earnest desire that the convention adopt the proposed Constitution,” with a few amendments to satisfy the great diversity of opinion.<sup>245</sup> After Hancock spoke, Samuel Adams rose to support him, acknowledging that “I have had my doubts of this Constitution – I could not digest every part of it, as readily as some gentlemen.” But, he said, the governor’s proposal “will have a tendency to remove such doubts. A proposal, of this sort, coming from Massachusetts, from her importance, will have its weight.”<sup>246</sup>

On February 6, 1788, the convention ratified the Constitution by a vote of 187-168, making Massachusetts the sixth state to ratify the document. Even with the support of Hancock and Adams, however, the vote was close, passing by a slim nineteen votes. The convention’s official endorsement included the following language: “As it is the opinion of this convention that certain amendments and alterations . . . would remove the fears and quiet the apprehensions of many of the good people of this commonwealth, the convention do therefore recommend that the following [nine amendments] alterations and provisions be introduced into the said constitution.”<sup>247</sup> On the day after the final vote, King cheerfully wrote “the ratification is unconditional and absolute, but we have recommended certain amendments to the delegates first appointed under the Government.”<sup>248</sup> He then explained to Madison that the majority, “although small, is extremely respectable, and the minority are in good temper,” and “they have the magnanimity to declare that they will devote their lives and property to support the Government.”<sup>249</sup>

The key role played by Hancock was not a surprise to recent Harvard graduate John Quincy Adams, who had written to his father in June 1787, that the governor “has a peculiar talent of pleasing the multitude.”<sup>250</sup> In the fall of 1787, the old school Federalists, who always felt uncomfortable with Hancock’s willingness to yield to political opinions merely because they were popular,

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<sup>244</sup> Catherine Drinker Bowen, *Miracle at Philadelphia: The Story of the Constitutional Convention* (Boston, 1966), 289.

<sup>245</sup> White, *Debates*, 921.

<sup>246</sup> White, *Debates*, 923.

<sup>247</sup> *Ibid.*

<sup>248</sup> King to Langdon, February 6, 1788, King, I, 319.

<sup>249</sup> King to Madison, February 6, 1788, King, I, 319-320.

<sup>250</sup> Worthington C. Ford, ed., *Writings of John Quincy Adams* (New York, 1914), VI, 31.

were perhaps a bit more forgiving after Massachusetts ratified the Constitution.<sup>251</sup>

## B. Massachusetts and the Federal Government

Massachusetts' ratification of the new federal Constitution marked the beginning of what would be one of the most important years in the state's political history. The Commonwealth had to create the political structure necessary to carry out the provisions of the new Constitution, including the election of its first congressmen and senators as well as state electors to the first Electoral College. As the annual state election approached, Hancock basked in his renewed popularity. Former governor Bowdoin and his Federalist 'faction' offered their support to Hancock in his bid for re-election in 1788, just as King had predicted a few months earlier. It is unlikely, however, that even without Bowdoin's support Hancock could have been beaten. The Federalists were determined to regain a majority in the state legislature, knowing that the upcoming session was going to be critically important and precedent setting. They also worked hard to elect Federalist Benjamin Lincoln, the general who had led the state militia against Daniel Shays, as lieutenant governor. Thomas Cushing, who had served as lieutenant governor since the state government was established in 1780 had recently passed away, and Samuel Adams was completing the last few months of his term.

Gore worked particularly hard to elect Lincoln, and asked King to write to their mutual acquaintance, Nathaniel Gorham, to encourage him not to run, for fear of splitting the Federalist vote. "I earnestly request that you ... write immediately & forcibly on this business to Mr. G[orham]" because

he can disturb the tranquility of the Commonwealth, [and could] aid the election of Gerry & Warren or Adams; he may possibly destroy the good he has done in promoting the adoption of the fed. Govt. & will certainly damp[en] the ardor of his friends & increase the opposition of his enemies to the attainment of any great purpose of his own future emolument, by proposing himself a candidate for the office of Lt. Governor... You & Gen'l Knox can save this man from playing the fool with himself & injuring a good cause.<sup>252</sup>

Whether King took Gore's advice and wrote to Gorham is uncertain, but Gorham ran for lieutenant governor.

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<sup>251</sup> Fischer, *Revolution of American Conservatism*, 6.

<sup>252</sup> Gore to King, March 2, 1788, King, I, 322-323.

Gore, who was tracking the various state races very carefully in the spring of 1788, wrote again to King on April 9<sup>th</sup>, updating him on the status of the different contests. Referring to their political allies not as Federalists or Constitutionals but as ‘supporters of government,’ Gore declared “we shall have six good Senators from Essex & the like number from Suffolk. Middlesex probably four good. On a fair calculation our Senate will be better than the last year,” though “we can say nothing certain as to Lt. Govr., tho’ it is clear that Warren will not be elected by the people.”<sup>253</sup> The optimism expressed in Gore’s letter was well founded. On Election Day the opposition only won six of the thirty-one senate seats. In the race for lieutenant governor, Lincoln received almost half of the votes, while Warren, the opposition candidate, received only one-fifth of the vote. Samuel Adams and Nathaniel Gorham split the rest.<sup>254</sup> Nonetheless, because none of the candidates had been able to secure a majority of the vote, the matter had to be decided by the state legislature. Lincoln’s subsequent victory in the General Assembly confirmed to everyone that the legislature was firmly in the hands of those who supported a strong national government.<sup>255</sup>

As these numbers suggest, the election of 1788 was a triumph for the Federalists and those who had fought hard for the ratification of the Constitution. Shortly after the election, King wrote to Madison, inquiring as to how the debate over ratification was going in Virginia, and to proudly inform him that “there remains no doubt that a very large majority of the people of Massachusetts are in favor of the Federal Constitution.” Together with the fact that Gerry “is elected to no office, the late elections for Governor, Lt. Governor, Senators & Representatives incontrovertibly prove it.”<sup>256</sup> Gore was one of the new Federalists elected to the state legislature. His active participation at the ratifying convention and subsequent hard work on behalf of Federalist candidates apparently brought him positive attention. Anxious to play an important role in the precedent setting work of implementing the new federal government, Gore won appointment to the committee that would recommend the mechanism for the selection of electors for president and vice president as well as the selection of United States senators.

Over the opposition of Hancock’s close friend Dr. Charles Jarvis, who argued that state electors should be determined by a vote of the people, Gore and his committee recommended that the electors be chosen by joint ballot of both

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<sup>253</sup> Gore to King, April 9, 1788, King, I, 327.

<sup>254</sup> King, *Rufus King*, I, 329.

<sup>255</sup> Pinkney, *Christopher Gore*, 27.

<sup>256</sup> King to Madison, May 25, 1788, King, I, 329.

legislative houses.<sup>257</sup> To support his claim, Gore pointed to Article II in the Constitution as providing that “the electors should be appointed in such a manner *as the state legislature should direct.*” The esteemed attorney and legal mentor to King and Quincy Adams, Theophilus Parsons, suggested that as a practical matter, there simply wasn’t enough time to hold an election before the Electoral College was convened. After Jarvis and others objected, a subcommittee was formed to hammer out a compromise. Thereafter, it was agreed that the people of each district could vote for two candidates and that the legislature would then select one of the two from each district. In addition, the legislature would appoint two at-large electors from the list of candidates submitted by the voters. Though Representative Gore and his committee tried to insert yet another layer in the selection process, they were unsuccessful in convincing their opponents. A compromise, giving the General Court the final judgment on the people’s choice of the state’s electors, was eventually reached.<sup>258</sup>

Gore and his Federalist colleagues realized that in order to prevent a repeat of populist legislation of a year earlier, they would have to limit the influence of the “debtor” counties of Western Massachusetts. They proposed dividing the state’s eight congressional districts by county, thus giving the heavily populated coastal districts a larger proportion of the congressional seats. Though Article I, section 2 of the Constitution stated, “the number of representatives shall not exceed one for every thirty thousand,” it did not specify a figure for the maximum number of people within one district. Consequently, the Federalist dominated General Court created eight congressional districts in Massachusetts, based on the counties, creating a natural inequity since the population of each county varied from 96,500 for the District of Maine to 38,600 in Bristol. As Hall observed, the four smallest counties, “Bristol-Islands, Plymouth-Barnstable, Middlesex, and Suffolk, elected 50 percent of the representatives but contained only 35 percent of the population.”<sup>259</sup>

While the Massachusetts General Court debated the election of federal officers, Rufus King, one of the state’s former members of the Confederation Congress, was debating whether he and his family would permanently reside in Massachusetts or New York. With the adoption of the new federal Constitution, the Confederation Congress ceased to exist, and with it, King’s congressional seat. King’s friends in Massachusetts, including Gore, were urging him to purchase a home in Cambridge in order to re-establish his ties

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<sup>257</sup> Ibid.

<sup>258</sup> Ibid., 28.

<sup>259</sup> Hall, *Politics Without Parties*, 308. *Massachusetts Acts and Resolves*, November 20, 1788, 256.

and residency in Massachusetts, in hopes of having him elected as one of the state's first two senators. "Your friends in this quarter are very anxious to have you among them," Gore wrote, adding "if possible, to gratify them, especially myself, pray conclude the bargain and become again a son of Massachusetts."<sup>260</sup> In addition to Gore, General Knox and Nathaniel Gorham also encouraged King to remain in Massachusetts. Having lived in New York as a member of the Confederation Congress since 1784, however, King had established strong personal and professional ties in that state. Alexander Hamilton, for example, was one of the sponsors at the baptism of King's first son, John, in April, 1788.<sup>261</sup> Moreover, since his marriage to Mary Alsop, the couple spent most of their time in New York to be with Mary's aging and ailing father. Conversely, his political and business ties in Massachusetts had weakened in his absence.<sup>262</sup> King spent the summer of 1788 in New York, corresponding with friends, promoting the ratification of the Constitution throughout the several states, and pondering his own future. In the end, he chose to settle permanently in New York.

On August 10<sup>th</sup>, Gore wrote to King about efforts to draft Hancock for the presidency. He cited Hancock's clique of Dr. Jarvis, Benjamin Hichborn and James Sullivan as seeking support to have the governor elected as the country's first president.<sup>263</sup> Three weeks later, Gore informed King that "parties begin to run high; it is said the Governor aims at the Presidency & disdains a second seat."<sup>264</sup> Gore's reporting had little basis in fact, however, nor did he name individuals who were pushing Hancock's nomination. Indeed, Massachusetts electors gave no votes to Hancock for either the presidency or for the 'second seat,' in large part because John Adams was seen as the frontrunner for the vice presidency, and it would have been constitutionally impossible to have both executives hailing from the same state.

As difficult as it was to reach agreement on the selection of state electors and congressional apportionment, the most contentious issue facing the General Court was the manner in which senators to the national government were to be selected. Again, Gore took a leadership role. Although the U.S. Constitution provided that the legislature of each state should choose two senators, it did not specify how that selection should take place. Gore and his committee, again committed to reducing the general public's influence in the selection

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<sup>260</sup> King, *Rufus King*, I, 340.

<sup>261</sup> Ernst, *Rufus King*, 135.

<sup>262</sup> *Ibid.*, 139.

<sup>263</sup> Gore to King, August 10, 1788, King, I, 342.

<sup>264</sup> Gore to King, August 30, 1788, King, I, 343.

process, suggested that each branch of the legislature be given a veto power over the other. His opponents in the more democratic House favored a joint ballot. It was finally agreed that the House would initiate the choice of two senators, with the senate having the power to approve or deny their choice. If the senate did not concur, the House would continue making recommendations until the senate agreed.<sup>265</sup>

The first two United States senators from Massachusetts were Federalists, Caleb Strong of Northampton and Tristram Dalton of Newbury. A member of Hancock's inner circle, Dr. Jarvis, who had championed the rights of the people to have a more direct role in the selection of their national leaders, was selected by the lower house, only to be rejected by the state senate.<sup>266</sup> The Federalists successfully ensured that those who supported the Constitution would serve in the first session of the United States Senate.

In the absence of disciplined political parties, the election of United States congressmen to represent Massachusetts proved to be quite disorganized and contentious. Numerous candidates enthusiastically stepped forward to participate in the new government. Consequently, there was little chance for any candidate to receive a majority of votes cast, which resulted in runoff elections.<sup>267</sup> The Federalists, who had long enjoyed electoral success in Massachusetts, seized the upper hand. Of the eight seats allotted to Massachusetts in the House of Representatives, the Federalists captured six.<sup>268</sup> Hall observed that because the General Court “created eight election districts, based on counties that varied in population from 96,500 for the District of Maine to 38,600 in Bristol and the Island counties,” that there was a built-in inequity. Therefore, long before the concept of one man, one vote, “the four smallest (Federal), Bristol-Islands, Plymouth-Barnstable, Middlesex, and Suffolk, elected 50 percent of the representatives but contained only 35 percent of the total population.” Therefore, according to Hall, “the house elections confirmed the fears of anti-Constitutionalists about the large election districts.”<sup>269</sup>

### C. Growing Partisanship in Massachusetts

The new Congressional elections stirred a good deal of interest, but state politics also changed dramatically following the adoption of the U.S.

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<sup>265</sup> Pinkney, *Christopher Gore*, 29.

<sup>266</sup> *Ibid.*

<sup>267</sup> Goodman, *Democratic-Republicans*, 27.

<sup>268</sup> *Boston Gazette*, December 25, 1788.

<sup>269</sup> Hall, *Politics Without Parties*, 308.



Constitution. From 1780 to 1794 state elections tended to be dominated by two groups, one led by Hancock and the other by Bowdoin. Although the two groups would not form into organized parties until the mid-1790s, the process began with the death of Lieutenant Governor Thomas Cushing in 1788. Because the lieutenant governor's position was primarily ceremonial and unsalaried, two years before his death Cushing was appointed captain of Castle William in Boston Harbor. As captain of the fortification, a job that required no duties, Cushing received an annual salary of L450.

A few days after Cushing's death, and before his successor was chosen by the legislature, Governor Hancock declared that he would not be making any future appointments to the Castle William post. Samuel Adams, who completed Cushing's term, was comfortable with the decision and assured the people of Massachusetts that he would accept no compensation for a job for which there were no constitutional duties.<sup>270</sup> With the election of Benjamin Lincoln as lieutenant governor, however, the future of the Castle William post became a bitter political battle, with accusations and personal attacks being made by both sides. Federalists argued that the benefits from the Castle William post were customary and necessary to compensate the lieutenant governor. Hancock and his defenders, however, insisted that it was a wasteful use of government funds. Federalists, like Gore, saw this as just another example of Hancock playing to the crowd for political gain.

A House committee began an investigation to determine whether Hancock should appoint someone to fill the vacancy, or if not, whether the legislature should find some other way to compensate the lieutenant governor. The governor's allies, including Dr. Jarvis and William Widgery, argued that the legislature had no right to question the chief executive over such an appointment, while Representative Gore insisted the legislature had every right to inquire into the matters that affected the state's defenses.<sup>271</sup> Nonetheless, the House's action failed to force Hancock into appointing Lincoln to the Castle William post. In fact, the governor argued that as commander in chief of the army, he was in command of Castle William and that in his opinion it would be a waste of taxpayer money to appoint someone else to the position.<sup>272</sup>

Massachusetts Federalists responded with regular assaults on the governor in the press. Their principal argument was that the governor was violating the law since the General Court had, many years earlier, enacted legislation requiring

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<sup>270</sup> Ibid.

<sup>271</sup> *Massachusetts Centinel*, November 22, 1788.

<sup>272</sup> *Herald of Freedom*, November 15, 1788.

the appointment of a commander of Castle William. In addition, they argued, the lieutenant governor had come to rely on that source of income in lieu of a salary.<sup>273</sup> Sullivan wrote to the *Independent Chronicle* on January 15, 1789 under the name *Junius*. He blasted the governor's opponents for engaging in party politics, because, he suggested "there has been an implacable hatred for the name Hancock, since 1775." The governor has been subjected to unfair personal abuse, because he refused to appoint the lieutenant governor to the Castle William post because it was an unnecessary burden on the people. Sullivan assured readers that the governor had expressed his intention early so as "to prevent as far as he could, any appearance of disrespect to the man appointed by the people." The fact that the governor and lieutenant governor dined together frequently, Sullivan argued, and that they rode together to take their oaths, was proof there was no evidence of disrespect on the governor's part. If the lieutenant governor were granted a salary, it should be done by the legislature. As far as Sullivan was concerned, the position warranted no salary at all because the lieutenant governor had no official duties. But if money was to be appropriated, he insisted, "let it be done in an open manly manner."<sup>274</sup>

As a member of the joint committee to determine a salary for the lieutenant governor, Gore -- perhaps in answer to Sullivan's challenge -- took a leading role. The committee's report was issued in January 1789, and called for a lieutenant governor's salary of L300. The pettiness continued, however, as several friends of Hancock took exception to the report's preamble that implied the governor had acted improperly in refusing to provide support to the lieutenant governor.

The Castle William dispute was the single biggest source of contention in the Massachusetts General Assembly from October 1788 until January 1789. The *Centinel* reported that the "debates were animated and heated," and that the House "remained full," during the extended discussions, as did the public gallery.<sup>275</sup> Gore, in particular, stood out as one of the more outspoken critics of the governor and played a leading role in the debate.<sup>276</sup> Finally, after months of debate, both sides could claim a partial victory. Gore and his Federalist colleagues could celebrate the fact that a salary was established, while Jarvis, Widgerly, Sullivan, and other members of the Hancock faction could take comfort in the fact that L160 was deemed adequate compensation, instead of the 300 requested by Gore.

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<sup>273</sup> *Massachusetts Centinel*, January 1, 3, 1789, *Herald of Freedom*, January 6, 1789.

<sup>274</sup> *Independent Chronicle*, January 15, 1789.

<sup>275</sup> *Massachusetts Centinel*, January 14, 17, 1789.

<sup>276</sup> *Massachusetts Centinel*, January 21, 1789.

The Castle William dispute was in part a dispute about patronage. The Federalists had long enjoyed the benefits of such arrangements, relying on such traditional practices to build personal loyalties. The Republicans, on the other hand, opposed such appointments on the grounds they were not merit based. The dispute left a great deal of political bitterness in its wake. Lieutenant governor Lincoln disappointed Sullivan because he had countenanced the attacks against Hancock. Lincoln should have disapproved publicly of the slanderous statements, “If the people should re-elect Mr. Hancock to be Governor,” Sullivan warned, “it may be a question whether it will be for the public good to place by him a man who has thus abused him.”<sup>277</sup> The protracted dispute, petty and trivial as it was, did represent a significant shift in how appointments were to be made. A meritocracy was slowly replacing the old patronage system. The dispute also represented the first highly visible skirmish between these two emerging parties in Massachusetts and set the stage for later and far more significant political battles.

The growing tension between the political factions in Massachusetts continued into 1789. Long tired of what they perceived as Hancock’s inattention to the economic troubles that burdened the state and no doubt still angry over his handling of the Castle William post, the Federalists worked to oust the governor in favor of Bowdoin. Gore, in particular, did not like Hancock and scorned the “Governor’s repeated ruse of ill health, his great vanity,” and “his questionable means of holding his popularity.”<sup>278</sup> Sullivan again defended his old friend in the *Herald of Freedom*, warning readers of efforts underway by the governor’s enemies to remove him from office: “His downfall is their first object, supposing that when the shepherd is taken away, the flock will become an easy prey to their ambitious purposes, therefore no effort is to be left to sacrifice him their idol, the god of ambition.”<sup>279</sup> In another open letter, Sullivan suggested the choice was between freedom and slavery, referring to the “wanton, wicked, overbearing, anti-democratic junto, the sole design of whom, is to raise themselves to the rank of nobility, and to aggrandize themselves on the ruins of their unfortunate fellow citizens.”<sup>280</sup> Despite a bitter campaign, Hancock won re-election easily, 81% to 16%. By comparison, Hancock had defeated Bowdoin 75% to 22% two years earlier.<sup>281</sup>

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<sup>277</sup> *Independent Chronicle*, January 15, 1789.

<sup>278</sup> Pinkney, *Christopher Gore*, 30.

<sup>279</sup> *Herald of Freedom*, February 10, 1789.

<sup>280</sup> February 13, 1789, Box 1, Folder 17, Sullivan Papers, MHS.

<sup>281</sup> Hall, *Politics Without Parties*, 319.

Hancock's landslide victory also meant fewer Federalists were elected to the legislature in the spring of 1789. According to Gore "the Boston votes for Senators has deeply mortified the friends of Government," and that "if this town should be equally wild in her choice of representatives, the antifeds will be warm, & I fear, successful in their exertions to embarrass the General Government."<sup>282</sup> Three weeks later, on May 9<sup>th</sup>, Gore, who was up for re-election learned the results of voting for the Massachusetts House. Because of its size, Boston could send seven representatives to the General Court. The names of eight individuals were placed in nomination and 659 votes were cast. The top six vote getters received 659, 656, 654, 648, 625 and 621 votes respectively. The two candidates who received the least amount of votes were John Winthrop (337), and Christopher Gore, with only 319. Gore was the only candidate to lose. However, three of the top vote getters declined appointment, suggesting that their names were entered without their encouragement.<sup>283</sup> Gore enjoyed greater success the second time around, when, on May 14<sup>th</sup>, a second election was held. When former Governor Bowdoin declined the appointment despite his election, the remaining three candidates secured the last three seats in the Boston delegation.<sup>284</sup> Despite the active role he played in the most recent session, or perhaps because of it, Gore received less than half the votes of other candidates, suggesting that he was not particularly well liked by those who were politically active in Boston.

Following the state election of 1789, there began to appear in Gore's letters, a tone of resignation. For a man who seems never to have had a kind word to say about Hancock, Gore even extended to the governor a halfhearted compliment, capturing perhaps the underlying appeal of the longtime governor of Massachusetts, when, in a letter to King, he said "that Mr. Hancock is chief Magistrate will at least tend to the peace of Massachusetts." Continuing in this rare generous strain, Gore, speaking of the aging patriot, Samuel Adams, noted: "That he should receive honor and rewards, at the latter day of a life, spent in the service of his country, ought not to displease anyone."<sup>285</sup>

The bitter personal attacks of the 1789 political season were gone by 1790. Hancock had consolidated his power and competition for his job virtually disappeared. Twenty-two year old John Quincy Adams, who was completing his law studies with Theophilus Parsons in March of that year, told his father that "the internal politics of the State are in a state of tranquility, very unusual

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<sup>282</sup> Gore to King, April 25, 1789, King, I, 360.

<sup>283</sup> *Massachusetts Centinel*, May 13, 1789.

<sup>284</sup> *Massachusetts Centinel*, May 16, 1789.

<sup>285</sup> Gore to King, June 7, 1789, King, I, 361.

at this season,” adding that “the opposers of the Governor, discouraged I presume by the ill success which they have always experienced, seem determined to leave him in quiet possession.”<sup>286</sup> Hancock remained governor of the Commonwealth until his death in 1793.

The calm that characterized the election of 1790 did not last long. The practice of one person simultaneously holding multiple government offices had long been a bone of contention in Massachusetts, dating back to the colonial period. The people of Massachusetts were so sensitive to the practice of plural office holding, which they had seen abused by crown authority’s years earlier, that they insisted that a provision be included in the state constitution explicitly banning the practice. After the adoption of a new federal constitution, which called for the election and/or appointment of numerous officials to man the new federal bureaucracy, the debate over plural office holding took on added significance. Among other questions being asked was whether the state ban on multiple offices prevented a state legislator or state judge from holding a federal position. It was also unclear whether a state official could also serve as a member of Congress or on the federal bench. It was generally accepted, particularly among anti-Federalists, that the spirit and principle of the state constitution did extend to federal appointees as well, and therefore, individuals holding federal offices “should be barred from holding plural offices in a manner similar to that set forth in the Massachusetts constitution.” Underlying the widespread opposition to pluralism was the fear that “favored individuals might accumulate dangerous influence.”<sup>287</sup>

The first test case to challenge plural office holding in Massachusetts involved Representative Christopher Gore. In September 1789, President Washington appointed Gore United States District Attorney for Massachusetts. Although several other members of the state legislature had also accepted federal positions, they had resigned their seats in the legislature. Gore chose not to resign his seat, insisting there was no conflict in serving as both a member of the state legislature and as United States Attorney. Gore’s opponents responded quickly, arguing that such a practice would upset the balance of power between the state and national governments. Dr. Jarvis, the longtime friend and confidant of Governor Hancock and Sullivan, moved that the House conduct an investigation into the matter. Gore’s defenders argued that nowhere in the federal constitution did it prohibit such a practice, and further

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<sup>286</sup> John Quincy Adams to John Adams, March 19, 1790, *Writings of John Quincy Adams*, I, 48.

<sup>287</sup> Goodman, *Democratic-Republicans*, 32.

suggested that it would encourage cooperation between the two levels of government to permit such an arrangement.<sup>288</sup>

On the afternoon of January 21<sup>st</sup>, 1790, after “very lengthy and ingenious debate,” the Massachusetts General Court, with a bi-partisan vote of 137 to 24, overwhelmingly determined that “a person could not retain his place in the legislature if he held an office under the United States government that was similar to the offices declared by the Constitution of Massachusetts to be incompatible with holding a seat in the General Court.”<sup>289</sup> A review of the roll call reveals that Gore received support only from the conservative wing of his party. Among those who voted with the anti-Federalists to deny Gore’s effort to retain his seat in the legislature were a large number of moderate Federalists who had voted to ratify the Constitution two years earlier, including John Davis of Plymouth, William Almy of Westport, and Abraham Fuller of Newton.<sup>290</sup> Stubborn to the end, Gore refused to concede that the language of the ruling meant that he was being asked to leave his seat. Nonetheless, perhaps on the advice of his friends, Gore reluctantly resigned his seat, though he attached a letter defending his right to hold both positions.

James Sullivan, Christopher Gore and Rufus King each played significant roles in the establishment of constitutional government in Massachusetts and in the United States. Though he was considered a member of the so-called Hancock faction, a group viewed as primarily anti-Constitutionalist, Sullivan was an independent thinker. A vocal proponent of the national government before King, Gore and Hancock, Sullivan had long recognized the importance of strengthening the central government. His embrace of participatory government and of law aimed at protecting all classes of people naturally appealed to a wider audience would continue to contribute to the democratization of Massachusetts politics.

It wasn’t until he became a member of the Confederation Congress that Rufus King became an advocate of the national government. Once committed to the cause, however, King worked tirelessly for a stronger and more efficient national government. The important role he played in Philadelphia during the summer of 1787 and at the ratifying convention in Boston made him a key national figure. He continued to believe, however, in government by the favored class and adhered to the traditional view of the law as the guarantor of property rights.

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<sup>288</sup> Pinkney, *Christopher Gore*, 31-32.

<sup>289</sup> *Boston Gazette*, January 25, 1790, *Independent Chronicle*, January 28, 1790.

<sup>290</sup> McDonald, *We The People*, 192-195.

Unlike King, who gained notoriety in national politics, Christopher Gore emerged as an influential political leader at the state level. He became an ardent nationalist only after the Federalists lost their grip on the control of the General Court in 1787. As a strong and vocal supporter of the Bowdoin faction in Massachusetts, he took a leadership role in the critically important and precedent setting months following the ratification of the Constitution. Utilizing his legal skills, Gore helped usher through the legislation necessary to implement the new federal Constitution, and, with the help of his Federalist colleagues, did everything he could to guarantee the selection of like-minded men to fill the various federal posts. Gore's role in the Castle William dispute and his refusal to relinquish his seat in the legislature reflected the changing tone of political debate in Massachusetts. With a new national government in place and a new political era begun, Sullivan, King, Gore, and soon Quincy Adams, were uniquely positioned to play significant, if competing, roles in the coming struggle. Party politics would soon dominate both national and state elections.

## Chapter V

### Emergence of Political Parties

James Sullivan, Rufus King, Christopher Gore and John Quincy Adams were no strangers to opposition and resistance, but they did not foresee the creation of political parties as an inevitable outgrowth of the new republican society they had helped establish. Like the founding framers they ‘feared the growth of partisanship and the destructive party ‘spirit,’ believing it would undermine all they had accomplished. By 1800, however, differences of opinion over domestic policies, including Alexander Hamilton’s financial program, the French Revolution, and the war between France and Britain, intensified the division between Federalists and Jeffersonians. Finally, the Jay Treaty ushered in a period of intense partisan conflict that resulted in the cementing of party divisions.

As the decade of the 1780s was winding down, King had already established himself as a national figure and a leading voice in support of President Washington and the Federalists in the United States Senate. Gore recently had emerged as a passionate and effective member of the Federalists in the Massachusetts General Court, and, because of his close ties to King, would soon emerge as a national figure. Both King and Gore spent the 1790s vigorously defending the policies of the Federalists and encouraging economic ties with Britain. Quincy Adams too, despite his youth, was already making a name for himself in Federalist circles. Having written several articles in support of the Washington administration, he was viewed as a natural successor to the causes and politics of his father. He would spend the next decade, however, charting his own independent course and increasingly confounding his Federalist friends. Sullivan was the most dedicated and influential Jeffersonian in Massachusetts. A strong adherent to the ideals of Jefferson, Madison, and the French Revolution, he viewed the Federalists as the party of privilege, and fought hard to diminish their influence in Massachusetts. All four men would, in the coming decade, contribute significantly to the development of political parties in Massachusetts and in the country.

John Hancock’s re-election in 1789 ushered in a period of relative political calm in Massachusetts and a comparable period of peace also descended upon the national political landscape. Party politics had not yet taken root, and the bitterness that characterized the mid-1790s had not yet begun to emerge. Although several controversial and precedent setting issues were addressed, national political figures were more inclined to work together to build a new



government apparatus and to create an economic plan they hoped would solve the numerous problems that beset the Confederation period.

### A. Assumption of Debt in Massachusetts

The first significant policy test facing the nation was Secretary of the Treasury Alexander Hamilton's financial program. Opposition was directed primarily at the specifics of the program and not necessarily its underlying goal. One of the more controversial elements of Hamilton's financial plan involved the funding of state debts by the federal government, as well as the manner of payment of other categories of public securities. In late January 1790, Hamilton's detailed plan, the merits of which had been discussed for months, was formally issued. Among other things, the treasury secretary recommended that the national government assume, at full value, the domestic debt and the debts of the individual states. Speculative creditors, like Gore, had been expecting this for some time. Indeed, once it became apparent that the Federal Constitution would be ratified, the value of public securities went up considerably. For those who had been wealthy enough to keep their certificates over the previous decade and/or had been able to purchase additional certificates for a fraction of their face value, Hamilton's proposal was welcome news.<sup>291</sup>

Hamilton's innovative and costly initiative was particularly important to the Commonwealth of Massachusetts, which, as a result of wartime borrowing, had amassed a public debt in excess of \$14.5 million.<sup>292</sup> Significantly, in the years after the Revolution, the size of the Massachusetts debt had changed little, as state leaders were unwilling to enact a revenue plan that addressed the massive financial burden. There had been widespread opposition to the commonly accepted means of raising revenue, as merchants opposed high imposts and excises, and farmers opposed direct levies on lands and polls. Consequently, the revenue that was generated covered only government operations and interest payments.<sup>293</sup> Therefore, Governor Hancock and the General Court consistently took the path of least resistance and postponed the repayment of principal on the public debt. After the adoption of the new constitution, many of the state's farmers and merchants began looking for a national solution to the problem.<sup>294</sup>

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<sup>291</sup> Stanley Elkins, *The Age of Federalism: The Early American Republic, 1788-1800* (New York, 1993), 138.

<sup>292</sup> *Independent Chronicle*, August 19, 1790.

<sup>293</sup> Paul Goodman, *The Democratic-Republicans of Massachusetts: Politics in a Young Republic* (Westport, 1964), 32.

<sup>294</sup> Goodman, *Democratic-Republicans*, 33.

Members of Congress who represented the states with the largest debts supported assumption: Connecticut, New York, New Jersey, South Carolina, and Massachusetts. The congressional delegation from Massachusetts gave their full support to the plan. Many southern states, led by Virginia, opposed the plan for several reasons. First, they were philosophically opposed to what they saw as an expanding federal influence.<sup>295</sup> Second, as a practical matter, they argued that they should not be penalized for faithfully funding their debt over the past decade, whether through taxes or land sales, while the states which had neglected to pay down their debt were essentially being rewarded by the national government. Unless they were otherwise compensated, representatives from these states insisted that they should not be taxed for the benefit of northern speculators. There was also opposition in Congress, particularly among representatives from the South, of adding tens of millions to the new government's debt.<sup>296</sup>

In late 1789, as Congress debated the issue of federal debt assumption, recently appointed United States Attorney Christopher Gore wrote to Senator Rufus King, now of New York: "Reports are that the United States will assume the debts of the several States." He assured King that federal assumption had widespread support among their Federalist friends, but that others would be opposed simply because "the federalists wish the adoption" of the measure. He added, however, that even those members of the General Court who favored having the state fund its own debt, "will not promote it [in the next session], if they can feel any confidence in the assumption by the U. States."<sup>297</sup> The growing consensus in Massachusetts seems to have been: 'why should the state make the difficult and costly decision of paying down the debt when there was a chance the entire debt may be assumed by the federal government?'

John Quincy Adams wrote to his father about his plans to open a law office in Boston and to inform him of the ongoing debate over assumption. Quincy Adams believed that the general feeling was that unless Congress asked for the consent of the different state legislatures for assumption, that the measure would be unpopular. Nonetheless, he added, in their most recent session the legislators in the Massachusetts General Court took no steps to pay down or otherwise deal with the massive debt owed by the Commonwealth.<sup>298</sup> Indeed, it would seem that as much as the state legislators were reluctant to bestow additional power on the federal government, they were equally unwilling to

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<sup>295</sup> Charles R. King, ed., *The Life and Correspondence of Rufus King* (New York, 1894), I, 379.

<sup>296</sup> Helen R. Pinkney, *Christopher Gore: Federalist of Massachusetts* (Waltham, 1969), 38.

<sup>297</sup> Gore to King, December 3, 1789, King, *Rufus King*, I, 369.

<sup>298</sup> John Quincy Adams to John Adams, March 19, 1790, Quincy Adams, *Writings*, I, 44-48.

address the massive and economy crippling debt. The legislature's lack of response illustrated as perhaps nothing else could the need for federal intervention.

James Sullivan opposed federal assumption because he believed the public debt was an obligation of the state government that should be addressed through state action. Support for federal assumption, according to Sullivan, was based on fear and expedience: "The people, sometimes, when their difficulties become accumulated, and their public distresses are multiplied, are apt to be discouraged, and to despond." Similarly, he added: "When a nation happens to be involved in debt, as we are now, and a popular government grows careless of the public faith and honor, the people are too ready, instead of associating to change the public measures [and pay down their debt], to despond, ... and cry out for a master," to help them. "They seem to be petitioning, like the Hebrews, for a King, to scourge them of their duty."<sup>299</sup>

Some Massachusetts creditors opposed assumption because of the low rate of interest being proposed for the payment of public securities, including "loan certificates," "final settlement certificates," and "certificates of accrued interest." Expressing his concern to Senator King, Gore wrote in January 1790 that "the creditors are numerous and important & are so attached to property that we have reason to fear they would change sides [and not support assumption] rather than lose any share of their blessing – a less rate of interest than 4 per cent you may rest assured will never be acceded to by nine tenths of the creditors in Massachusetts."<sup>300</sup>

The main source of opposition to the funding plan, however, came from those who thought it wrong to reward those who speculated in public securities. James Madison, like many Americans, did not like the idea of paying speculators who had often purchased these public securities for pennies on the dollar, the same rate as they paid the original holders of the paper. In particular, many Americans took a dim view of speculators who took advantage of former soldiers by purchasing their final settlement certificates that they received in payment for their military service, for less than face value. Indeed, according to several contributors to Boston newspapers, many Massachusetts war veterans in need of cash sold their certificates to speculators at the rate of ten to fifteen cents on the dollar. In response to the "dramatic emergence of speculators and speculation as a gross and visible fact," Madison proposed a

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<sup>299</sup> Thomas C. Amory, *Life of James Sullivan* (Boston, 1859), I, 257.

<sup>300</sup> Gore to King, January 24, 1790, King, I, 386.

funding plan that discriminated between current and original holders of public securities, but his proposal received little congressional support.<sup>301</sup>

A number of letters to the *Chronicle* during these months reveal that economic resentment towards those who had invested in these public securities was the central source of the objection to the funding plan in Massachusetts. *An Advocate for the Public Credit* addressed his letter “to you gentlemen, who by your superior wealth, have by degrees monopolized the public securities from the poor soldiers and others whose necessities drove them to that extremity.” He declared that he would “be exceedingly sorry if you Clan of Sharpers and idle speculators, who are a dead weight to the public, and discouragement to honest industry; and who first played foot-ball with the public credit, with your two shilling games on the pound, should at last be suffered to make your fortunes by it, out of our public treasury.”<sup>302</sup> A writer identified as ‘*An Old Soldier*’ also made an appeal for the original security holders: “It is but an insult to the unfortunate, to represent that transfers have been generally made voluntarily, and for adequate and valuable considerations, when the reverse is the fact, as will abundantly appear, if properly investigated.”<sup>303</sup>

Despite full support from the Massachusetts delegation, the United States Congress rejected Hamilton’s assumption plan in early April 1790. The main source of opposition at the federal level was not resentment towards security holders, but the unwillingness of the southern states with smaller debts to assume the large debts of their eastern neighbors. Gore wrote to King that “the news of non-assumption had arrived in town before my return,” and that “the event of this proposition has been very unfavorable to the wishes of many – and the people are now generally alarmed lest Congress should refuse to fund their own debt.”<sup>304</sup> In May, Gore again wrote to King, expressing the disappointment and dejection felt by many when news of non-assumption reached Massachusetts, adding: “I write these things to you, because I fear that some of our friends feel the object of assumption so important to Massachusetts as to be in danger of hazarding too much for the prospect of attaining it.”<sup>305</sup>

In May, the issue of funding was again debated in Congress, and again it failed to pass. On June 20<sup>th</sup>, a frustrated Gore wrote to King to thank him for his efforts but also to urge him to press on. “I do most sincerely hope that your

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<sup>301</sup> *Independent Chronicle*, May 13, 1790.

<sup>302</sup> *Independent Chronicle*, March 4, 1790.

<sup>303</sup> *Independent Chronicle*, March 25, 1790.

<sup>304</sup> Gore to King, April 25, 1790, King, I, 386.

<sup>305</sup> *Ibid.*, 387.

exertions for the assumption ... may meet with success.”<sup>306</sup> Since the Commonwealth of Massachusetts remained unwilling to fund its debt, owners of public securities began to fear that if assumption failed, the state would always be competing with Congress for revenues. In addition, local merchants, anxious to abolish local duties, believed that “unless the Union assumed both local and national obligations, Massachusetts would continue to need extensive revenues and would probably burden trade.” Consequently, as the months passed, the hand of the federal government became stronger, “because citizens were reluctant to pay federal levies and still support a large local debt, the anti-assumptionists were doomed.”<sup>307</sup>

Secretary Hamilton also found support for his funding plan in unlikely places. Elbridge Gerry, for example, who had opposed the Constitution, insisted the government couldn’t discriminate against speculative creditors or otherwise distinguish between original and subsequent holders of securities. He favored compensating soldiers who sold their certificates at discounted rates, but not at the expense of creditors. While it was true, Gerry argued, that speculators bought securities at reduced prices, they gave “currency to property that would lie dormant,” and discrimination, he concluded, was plainly fraudulent and violated a sacred contract. “Even if some creditors were the very “dregs of creation and the scum of iniquity,” he insisted, “discrimination was both impractical and unjust.”<sup>308</sup> As far as Gerry was concerned, it was not a matter of politics, but of property rights. The government must protect the contractual rights of the security owners, he argued, and not discriminate between one group and another. Gerry was not persuaded by the argument of anti-assumptionists that such a measure would mean further centralization in the federal government. He argued that should the states fund the debt separately, taxes “will be so heavy as to make the State Government unpopular, and the destruction of their constitutions may thereby be produced.”<sup>309</sup> For these reasons in June 1790 Gerry made the motion for federal assumption. Congressman Fisher Ames spoke in support of Gerry’s motion arguing, “the expenses of the war ought to be made a common charge upon the United States.” The war “was between this country and Britain, and not a war of particular states.” “Justice plainly requires,” Gerry argued, “that these persons

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<sup>306</sup> King, *Rufus King*, I, 388.

<sup>307</sup> Goodman, *Democratic-Republicans*, 35-36.

<sup>308</sup> Goodman, *Democratic-Republicans*, 33.

<sup>309</sup> *Ibid.*, 36.

should be repaid, their interest at least in all events, and without delay.” The motion failed.<sup>310</sup>

In Massachusetts, the push for assumption slowly gathered political steam. Even Governor Hancock, who had initially taken his customary wait and see attitude, eventually supported the federal funding plan. On May 31, 1790, he addressed the General Court and acknowledged that it wasn’t “within the power of the people” at that time to make a punctual payment of the debt with interest. Arguing that their contractual obligations had to be met, he agreed that the central government was in the best position to do so. While he agreed that the general government should not assume the state debt unless the state consented or requested them to do so, he recommended that they give their consent, “as it will be more congenial to any system of finance which the Congress may adopt.”<sup>311</sup> Despite Hancock’s recommendation, however, there was still a large contingent of representatives in the General Court who opposed the measure. The ardent anti-Federalist John Bacon of Stockbridge presented the case against assumption on the day of the final vote. According to the *Herald of Freedom*, Bacon perceived assumption of the state’s debt by the federal government as a step toward “aristocratic” control. It is “only in the *state* legislatures that a real representation of the people is to be hoped for,” Bacon argued. Only in the states is there “a representation composed of men whose interests, views, feelings, are the same with those of the body of the people.” Assumption, he predicted, would speed the day when “the administration of the general government will naturally fall into the hands of the natural aristocracy of the country.” While Bacon hoped that the general and state governments might both be maintained, he feared that assumption would “directly tend to detach the wealth, influence and power from the state governments, and to unite them with the general government – to increase those inequalities which are destructive to republican governments, to lessen if not annihilate, the state governments, and to consolidate the whole in one permanent aristocracy.”<sup>312</sup> Bacon was correct. Hamilton’s plan was intended to strengthen the national government and attract men of property. Bacon’s use of the term “aristocracy,” reflected how quickly and completely republicanism had swept aside the old order.

On June 4, 1790, the Massachusetts General Court voted 83–41 in favor of assumption, with Hancock stalwarts Eustis and Jarvis joining the majority. But by mid-July Congress had not yet acted. Gore, who was becoming increasingly

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<sup>310</sup> *Columbian Centinel*, June 30, 1790.

<sup>311</sup> *Herald of Freedom*, June 4, 1790.

<sup>312</sup> *Herald of Freedom*, June 8, 1790.

anxious, vented his frustration to King, suggesting that “the appearances are against our national prosperity, and all real friends to our country have grown weary with disappointment: but nothing seems to have happened more contrary to their expectations than the bare 4 per cent as proposed by the Senate. That a proposal so undisguised & unjust should come from that branch of the Legislature was not within our expectation.”<sup>313</sup>

A compromise on assumption was eventually reached, due in large part to the intervention of Thomas Jefferson. In a memorandum written by Jefferson two years later, he described how, in July 1790, he and Hamilton had a long conversation in which Hamilton reminded him that the success of the administration was their common concern, and that they should make a common cause in supporting each other. Jefferson, having just returned from France, admitted that he wasn't sufficiently familiar with the issue. He did agree, however, to invite both Hamilton and Madison to dinner in the hopes of finding common ground. Madison eventually agreed that the matter should go before the House by way of amendment from the Senate. Though Madison would not support the measure, neither would he strenuously object to it, agreeing to leave it to its fate. Since any concession would be a bitter pill to swallow for the southern states, it was agreed that something must be done to soothe them, and since a permanent home for the federal government had been an ongoing source of contention, it was agreed that it would be located in the south, on the Potomac River. According to Jefferson, “this is the real history of the assumption, about which many erroneous conjectures have been published.” He added “it was unjust, in itself oppressive to the states, and was acquiesced in merely from a fear of disunion, while our government was still in its most infant state.” Final passage of the funding plan, on August 4, 1790, was a tremendous victory for Hamilton and for the Washington administration. It also resulted in a huge windfall for those who had invested in public securities, including Gore, who had been particularly active in promoting the federal initiative.<sup>314</sup>

As successful as Gore had been with his legal practice, he benefited immensely from his involvement in the business of speculation. As Forrest McDonald noted in his study of the economic origins of the Constitution, of the fifty-eight delegates who voted to ratify the Constitution at the Massachusetts convention, and who owned public securities, Gore was among those who owned the most. Where the majority of security holders owned securities valued at between \$5

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<sup>313</sup> Gore to King, July 11, 1790, King, I, 390.

<sup>314</sup> Julian P. Boyd, ed., *The Papers of Thomas Jefferson* (Princeton, 1950), 17, 205-208.

and \$2,000, Gore owned public securities valued at \$32,882.00 at the time of the Convention. Only three delegates owned more.<sup>315</sup> In the world of eighteenth century finance, however, there was certainly nothing unusual or illegal in Gore's actions. As McDonald details, speculation in public securities by government leaders was commonplace, as the concept of conflict of interest did not yet exist. Even in this world, however, Gore stood out as a particularly active and successful investor. Although Gore's legal practice provided him with a comfortable income, he "laid the foundation of his fortune by speculating in government securities with Andrew Craigie," a Boston businessman who had been the 'Apothecary General' for the Continental Army during the Revolution.<sup>316</sup> By 1788, Gore and Craigie purchased government securities with a total face value in excess of \$100,000. Gore alone owned certificates with a face value in excess of \$90,000, for which he paid \$20,641.<sup>317</sup> As expected, the value of his securities rose considerably with the appointment of Hamilton as Secretary of the Treasury. Furthermore, Gore benefitted from the fact that the second highest-ranking official in the treasury department was his friend and business partner, William Duer.<sup>318</sup> According to the registers and journals of the *Funded and Assumed Debt for Massachusetts*, Gore's securities were, on September 1, 1791, listed at \$104,986 in 3 percents and at \$30,631.86 in 6 percents in the funded debt. Gore had "supported a public program that spectacularly enhanced his private advantage," and his belief in "the political benefits of allying the rich to the central government," paid off handsomely.<sup>319</sup>

Gore also was interested in international speculation. Pinkney argued that he understood "that the really big speculations in the United States could be financed only in Europe," noting that in 1788, he "had joined enthusiastically with Craigie, Duer, [Daniel] Parker, and their group to promote the sale of American land and securities to European bankers and, since they believed the war debt owed by the United States to France would be repaid with interest, to arrange a transfer of that debt to themselves."<sup>320</sup> Although the debt was not transferred to Gore and his group, the idea of profiting from the debt owed by the United States to France remained with him. In 1792, he came up with a plan whereby the United States, through a third party, would take advantage of France's political and economic troubles, by paying off their \$6 million debt to

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<sup>315</sup> Forrest McDonald, *We The People: The Economic Origins of the Constitution* (Chicago, 1958), 200.

<sup>316</sup> Pinkney, *Gore*, 33-34.

<sup>317</sup> *Ibid.*, 34-35.

<sup>318</sup> *Ibid.*, 36.

<sup>319</sup> *Ibid.*, 38-39.

<sup>320</sup> *Ibid.*



that nation at a substantial discount. To assist him with this plan, Gore wrote to King:

I have supposed this debt might be purchased of France for the like sum of their assignments, which are at a discount of forty per cent. The government of this country would not, probably, think proper to make the attempt for its own emolument. The deranged situation of the affairs of that kingdom, & their want of money to support the credit of their paper currency, render it not improbable that they would be willing to part with their demands against America for the amount in their own paper. Unless the government of the U.S. chose to avail itself of this state of things, a transfer of the debt to other hands could not injure America. Under this impression I have thought that a company might be formed in this country, who should authorize some person to repair to Europe, & there connect himself with some able, solid, & prudent people, who might provide funds for the payment to France & make engagements with that kingdom to transfer the demand to the purchasers on making payments. If there is no political objection to the plan, I think the measures may be so adopted that no other risk need be feared, than the loss of a sum necessary to defray the expenses of that person who may undertake the operation in Europe in case his endeavor should be unsuccessful. Now, my friend, if you think a thing of his kind feasible, safe, and without objections, should you like to be concerned in it – at present the only persons that have conversed on this subject are J. Coffin Jones & myself – the company may be formed of such men & under such regulations as will ensure against all loss, but a very limited one, and all hazards of improper conduct – I will with pleasure meet you in New York or elsewhere to make arrangements on this subject – if the thing should meet your ideas of propriety & advantage.<sup>321</sup>

Nothing came of Gore's plan, as King responded simply that two attempts had already been made and he doubted the expediency of a third.<sup>322</sup> Generally speaking, however, Gore restricted himself to investments that he could carefully follow, such as the case of federal assumption of public debt. With his ongoing correspondence with King, he was able to keep abreast of all actions that impacted the legislation.

In a letter to his father during the debate over assumption, Quincy Adams related his impressions of Gore. "Mr. Gore is one of those whom Cardinal

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<sup>321</sup> Gore to King, May 22, 1793, King, I, 423-424.

<sup>322</sup> *Ibid.*, 424.

Richelieu would have enjoyed in public affairs,” he began. “His is a very fortunate man,” and “in his profession he has been remarkably successful; from a combination of circumstances, which a man of inferior abilities to those he possesses might perhaps have improved as well.” He suggested that Gore’s “family connections have likewise been extremely serviceable to him; and it is said that he has made an independent fortune by speculation in the public funds. I have heard it asserted that he is the richest lawyer in the Commonwealth.”<sup>323</sup>

According to Quincy Adams, Gore wasn’t the only member of the legal profession to make a great deal of money in the speculation of public securities. He also mentioned Thomas Amory, Harrison Gray Otis and William Wetmore, as having benefited from this practice. “This employment does not appear to be very intimately connected with the [legal] profession,” young Adams wrote, but he added with obvious disgust that “these gentlemen I am told have played at that hazardous game with monies deposited in their hands; and have been enabled by the temporary possession of property belonging to foreigners, to become masters of sums to an equal amount before they have been called upon for payment.”<sup>324</sup>

Though the debate over assumption had ended, a lingering resentment underscored the growing animosity between Republicans and Federalists. With wealthy speculators like Gore having benefited tremendously, often at the expense of former Revolutionary War soldiers, the passage of perhaps the most controversial component of Hamilton’s financial plan was the first of many issues that would divide the American people and lead to the formation of parties. To many wary observers, the presumed dominance of the national government over the state governments raised old fears. During the debate over assumption, Quincy Adams referred to growing tension between “our general and particular [state] governments,” suggesting that “the seeds of two contending factions appear to be plentifully sown.” Referencing for the first time the growth of political parties, Quincy Adams observed that “the names of Federalist and Anti-federalist are no longer expressive of the sentiments which they were so lately supposed to contain, and I expect soon to hear a couple of new names, which will designate the respective friends of the national and particular systems. The people are very evidently dividing into these two parties.” As far as Quincy Adams was concerned, however, “the government of the United States has undoubtedly greatly the advantage,” and

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<sup>323</sup> John Quincy Adams to John Adams, September 21, 1790, J.Q. Adams, *Writings*, I, 58.

<sup>324</sup> John Quincy Adams, *Writings*, I, 58.

that they were “strengthening their hands by assuming the debts, and by making provision for the support of the public credit.”<sup>325</sup>

## B. French Revolution/Genet Affair

The French Revolution accelerated the development of political parties. Beginning with the events in Paris in the summer of 1789, political debate in the United States became more acrimonious as two distinct political groups emerged. If the seeds of partisan politics in the United States were not planted in France in 1789, they were certainly nourished by it. Massachusetts political leaders like Hancock, Sullivan and Samuel Adams, who would later be identified as Republicans, embraced the revolutionary movement in France as an extension of the ideals of American Revolution. Federalists like King, Gore, and Quincy Adams, however, were less effusive in their praise.

Many Americans embraced the French when news first arrived of the meeting of the Estates General in May and the formation of the National Assembly in June. Soon thereafter, most Americans considered news of the ‘Declaration of Rights of Man and Citizen’ as a tribute to their own system of government. For this reason during the early phase of the French Revolution, Americans of every political stripe seemed to wish the French well, as a government with republican ideals was being established in an Old World country. As Paul Goodman has suggested: “In some ways Americans became more deeply involved in events abroad than ever before as their own revolutionary example became a model and inspiration for those alienated from Europe’s old regimes,” and Massachusetts, “no less than the Union, was caught up in this web of dependency, as events in the 1790s made indelibly clear.”<sup>326</sup>

Consequently, relations between the United States and France remained close during the first phase of the Revolution. In September 1791, King Louis XVI even sent a royal letter to George Washington announcing his “acceptance of the recently completed constitution and praying God to have France’s ‘very dear, great friends and allies, in his just and holy keeping.’” In August 1792, the French Assembly conferred honorary citizenship on Washington, Madison, and Hamilton.<sup>327</sup>

Support for the French Revolution in Boston reached its peak in late January 1793, when news of France having declared itself a republic reached Massachusetts. Under the heading ‘Liberty and Equality,’ the *Independent*

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<sup>325</sup> Ibid., I, 50.

<sup>326</sup> Goodman, *Democratic-Republicans*, 52-53.

<sup>327</sup> Elkins, *Age of Federalism*, 310.

*Chronicle* announced on the 24<sup>th</sup> that “this day will be celebrated a Civic Festival, the first of the kind ever exhibited in America, in honor of the French Revolution.”<sup>328</sup> A huge celebration and civic feast took place later that day, as a large procession moved from the State House to Faneuil Hall where three hundred people had gathered. There were fireworks, a huge bonfire, entertainment and a banquet. Because Governor Hancock was ill, the festivities were presided over by Lieutenant Governor Samuel Adams. Toasts were made to, among others, “The People,” “The Rights of Man,” the “American Revolution,” the “French Revolution,” the “Republic of America,” the “Republic of France,” “The Fraternity of Freemen,” and “The Law.” President Washington was saluted, as were Governor Hancock, Lafayette, and the “Whigs of Seventy-Five.”<sup>329</sup>

As the people of Boston celebrated on the evening of the 24<sup>th</sup>, they had no way of knowing that earlier that same day, King Louis XVI had been executed by the revolutionary government in France. When news of his execution reached the United States in March 1793, most Americans were shocked and support for the revolution waned. In Massachusetts, the *Centinel* expressed Federalist anxiety over the growing level of violence in Paris, and questioned the moral justification for embracing the new government in the face of such violence. Referring to contributors to other papers, the *Centinel* suggested: “After exerting their powers to expose the vices of existing governments, some other writers have ended their research where they might have begun them.” The paper charged that these supporters of France failed to “explore the art of virtuous government, . . . the most important of all ethical inquiries.” Furthermore, it declared, “it is notorious that doctrines favorable to arbitrary power have been invented, and, for ages, patronized and inculcated by those who rioted on the spoils of nations.” On surveying the policies of Europe, the paper added, “the attention is arrested by establishments which outrage the most evident deductions of reason: amidst the knowledge of the eighteenth century, nations are ordered to observe the institutions of an ignorant, plundering and murderous age.”<sup>330</sup> The idea that the nature of man did not change, regardless of the form of government, would be a consistent theme in the conservative *Centinel*.

Many American Republicans, however, were “convinced that for all their mistakes and excesses, the French carried the torch of liberty against

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<sup>328</sup> *Independent Chronicle*, January 24, 1793.

<sup>329</sup> *Independent Chronicle*, January 31, 1793.

<sup>330</sup> *Columbian Centinel*, April 6, 1793.

monarchical despotism.”<sup>331</sup> Sullivan voiced his continued support for the Revolution. Writing under the name *Plain Truth* in the *Boston Gazette*, he cited history to support the cause, describing how various kings, princes, and empresses had in the past obtained their power, and concluded that “it was a bloody history, complete with war, and yes, beheadings.” Queen Elizabeth, for example, ordered the execution of her sister, Mary Queen of Scots. “This illustrious and truly protestant princess stained her hands in the blood of her rival, whom she would not trust even in a jail; and the son of this miserable potentate was afterwards crowned in the very place which had been moistened with his mother’s blood, having notwithstanding continued several years during the lifetime of Elizabeth, upon terms of civility and friendship with this most excellent protestant and humane princess,” despite the fact she had executed his mother. “The humanity of Kings,” Sullivan concluded, “is a satire on the plain and literal meaning of the word; and as there are but two classes who believe and pretend to believe in it, the ignorant and unprincipled, we ought to pity the former and despise the latter.”<sup>332</sup>

Gore spoke for many Federalists when he argued that active support for the French would damage economic relations with Britain. He pointed to allegations that some Boston merchants were working with the French to arm and man privateers to capture English vessels. “There can be no more doubt,” he wrote, that such an “act of hostility against any subject of the King of Great Britain would be a direct violation of the 7<sup>th</sup> article of the treaty of peace.” And, he added, “it is indeed of material importance to the commercial interest of this country, that our merchants should show a peculiar degree of circumspection in their conduct.”<sup>333</sup>

The treaty to which Gore referred soon became the focal point of national attention. President Washington and his cabinet anxiously debated the political implications of the Treaty of 1778 with France and discussed how it should be interpreted. While Washington had not forgotten that independence would not have been possible without the French, he did not want to involve the United States in the conflict between France with Britain. Attorney general, Edmund Randolph recommended to the President on May 6<sup>th</sup> that the treaty must be considered “in a kind of middle, or dormant state, until some important change shall be effected,” ... and that the United States “cannot be embraced in the war by confessing the obligations of the treaties.”<sup>334</sup> Randolph concluded that

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<sup>331</sup> Goodman, *Democratic-Republicans*, 54.

<sup>332</sup> Box 1, Folder 18, Sullivan Papers, MHS.

<sup>333</sup> *Columbian Centinel*, April 24, 1793.

<sup>334</sup> George Washington Papers, XII, 543-544.

the treaty did not “oblige us to become a party to the war, and abandon our neutrality.”<sup>335</sup>

President Washington also asked Senator King to give his legal opinion on commerce with France. King wrote a detailed brief for the president and attorney general, counseling caution. Indeed, as the president was preparing to meet with the new French minister, King expressed the view of many, when writing to Alexander Hamilton on April 24<sup>th</sup> he observed “prudence would seem to require us to move with caution, and by delay to insure a safe decision.”<sup>336</sup> After further consultation with his cabinet, Washington issued his Neutrality Proclamation on April 22, 1793, declaring that the United States government would “adopt and pursue a conduct friendly and impartial toward the belligerent powers.”<sup>337</sup>

King applauded the policy of neutrality, noting, “if we maintain our neutrality, our farmers will reap a golden harvest, and our Flag, while floating on every sea, will enrich our merchants and extend and assist in the establishment of our national fame and wisdom.”<sup>338</sup> Gore was similarly pleased, and wrote to Tobias Lear, Washington’s secretary, to applaud the action: “Nothing could have been more fully adapted to gratify the friends of America, than the proclamation of our revered president.” He informed Lear of the widespread support for the policy in Boston, adding that when the town’s ‘democrats’ and French sympathizers “most furiously inveighed against the impositions of Britain and the pusillanimity of the government in bearing them, their outbursts was attended by no other consequence than a general hiss.”<sup>339</sup>

The simmering differences between the Federalists, who abhorred French privateers, and those whom Gore referred to as the ‘town’s democrats’ and French sympathizers, would soon come to a head. The arrival of a new French minister ushered in a period of intense political conflict and prompted a dispute that would actively involve Gore, Sullivan and Quincy Adams in Massachusetts, as well as King in New York. Within a few weeks after Americans received news of the public execution of Louis XVI, the First Minister of the French Republic, Edmond Charles Genet, arrived in the United States. The new French Minister had been directed by his government to secure certain concessions from the United States government as well as gain support from the American people for the French cause. He also was instructed to

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<sup>335</sup> Ibid., 547.

<sup>336</sup> King to Hamilton, April 24, 1793, King, I, 439.

<sup>337</sup> George Washington Papers, XII, 472.

<sup>338</sup> King, *Rufus King*, I, 448.

<sup>339</sup> Gore to Lear, June 2, 1793, Pinkney, *Gore*, 52.

encourage French and American privateering against British shipping, because the French reading of the existing treaty permitted French privateers to bring their prizes into American ports while denying similar rights to Britain, and also permitted the arming and manning of these vessels in American territory. This, of course, would place the United States, which had taken a position of neutrality, in an untenable position.<sup>340</sup> In addition, Genet was directed to strengthen economic ties with America, and was to insist at the very least on the observance of the treaties that already existed between the two countries.<sup>341</sup> President Washington, through Secretary of State Jefferson, advised Genet that the United States could not give him the assurances he sought, and specifically refused to permit the arming and manning of French prizes.

Dissatisfied with Washington's response, Genet announced his intention to bypass the president and press the matter of American assistance for France directly to Congress. He mistakenly believed that Congress was the final arbiter and could grant his requests regardless of what the president wanted. Among the outraged Federalists who supported the president's insistence on the removal of Genet was John Quincy Adams. He harshly criticized Genet for threatening to circumvent President Washington and reach out directly to the American people to demand that Congress be called into session to discuss measures to assist the French government.

If he [Genet] publicly damns with one dash of his pen, all the known rules and customs established in the intercourse of nations, if he openly disclaims all submission to the authority and respect for the opinions of writers who have been by the consent of all civilized nations, acknowledged to contain the true principles of national justice and equity; if he professes loudly a determination to appeal from a constitutional to an unconstitutional tribunal, in the country where he resides; if he threatens to negotiate with the people, without any authority or commission from his own sovereign for that purpose, if he is constantly pouring forth in the public prints, a stream of abuse, ... against the very government to which he was accredited, he thereby renounces all the privileges which surround his public character.

Quincy Adams concluded: "In my opinion his actions bespeak him the most implacable and dangerous enemy to the peace and happiness of my country."<sup>342</sup>

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<sup>340</sup> Elkins, *Age of Federalism*, 334.

<sup>341</sup> *Ibid.*, 333.

<sup>342</sup> *Columbian Centinel*, November 30, 1793.

Sullivan and Massachusetts Republicans were quick to defend the French Minister. Sullivan viewed the criticisms of Genet as an attack against the French and, more importantly, the French Revolution. He argued that the liberties of Europe were involved in the Revolution and that it was important for the United States to promote its success. It wasn't because of a disagreement Sullivan had with President Washington that prompted him to take an active role in the defense of Genet. Rather, he insisted, he was motivated by a belief in the importance of open and candid discussion of public policy. In a free country, he argued, it was the duty of all the people to question and challenge their leaders.<sup>343</sup> For this reason Sullivan came to the defense of the French diplomat, suggesting that "America must be in a very hazardous situation, if a Minister must stand exposed during the recess in Congress, to the most malignant attacks, secret whispers and open charges." He argued that efforts were being made to "disaffect 'the People' of America against the Minister of their ONLY ALLY; and to expose him to public resentment." He also complained that 'paltry scribblers' were now assuring readers that "Genet ought not and will not have the indulgence of laying his conduct before the legislative body of the Union."<sup>344</sup> Writing under the name *Americanus*, Sullivan reminded his readers "the American government had changed since 1776 and now the *people* were supreme so that even the Chief Executive must bow to their sovereignty." Finally, Sullivan took aim at the Adamses, suggesting both men apparently had not accepted the American Revolution, preferring instead the rule of an aristocracy.<sup>345</sup>

On December 4<sup>th</sup>, Quincy Adams published a lengthy reply to *Americanus*. His strategy was simple: to praise the president, to ridicule Genet, and to tie the French Minister as closely as he could to the Republicans. He referred to Genet as a 'petulant stripling,' who, by challenging Washington, had committed an "insolent outrage," against the people's common friend and benefactor."<sup>346</sup> Quincy Adams further argued that Genet "endeavors to support his failing influence by connecting himself and his interests with a particular party of American citizens, separate from the whole body of the people: a party professing republican sanctity beyond the rest of their fellow-citizens, and scarcely endeavoring to disguise sentiments, hostile to the national government of the country." He added "every public measure of the French Minister, since the profession of his resolution to appeal [to the people], may be traced to the policy of arming one part of America against the other." After lamenting the

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<sup>343</sup> Amory, *Life of Sullivan*, 287.

<sup>344</sup> *Independent Chronicle*, November 21, 1793.

<sup>345</sup> Marie B. Hecht, *John Quincy Adams: A Personal History of an Independent Man* (New York, 1972), 75.

<sup>346</sup> *Columbian Centinel*, December 4, 1793.



destructive nature of parties, Quincy Adams insisted that differences must be handled internally, and not be subject to the intrigues of other nations: “The interference of foreigners upon any pretence whatever, in the dissensions of fellow-citizens, must be as inevitably fatal to the liberties of the State, as the admission of strangers to arbitrate upon the domestic differences of a man and wife is destructive to the happiness of a private family.”<sup>347</sup>

*Americanus* struck back. The key distinction among republicans, he wrote, is between those who place the people at the center of government and those who did not. *Columbus* [Quincy Adams] believed that sovereignty resided in the government and that the people were merely subjects who were bound to obey. “Does the sovereignty reside in the people forming each nation or Commonwealth,” he asked, “or does it attach itself wholly to the person administering the Government?” “All legitimate authority is derived from the people,” Sullivan insisted, and, therefore, “true and real sovereignty resides in them, and the government is a creature of their making.” The dismissal of ambassadors was tantamount to declaring war, and the power to declare war was with the Congress, not the president.<sup>348</sup> He insisted he was not defending the actions of Genet, but merely reminding readers of the source of all power and authority in the United States.<sup>349</sup>

Gore privately entered the fray in a letter to King. “The vile faction that disgraces Massachusetts still supports Genet,” wrote King. “Their number is small, but their clamor loud and incessant – their impudence & falsehood unparalleled.”<sup>350</sup> Several months later, writing under the name *Manlius*, Gore denounced the Republican’s criticisms of President Washington, and suggested that future generations “will read the Gazettes of these times, and in many they will find the most illustrious character now on earth vilified and traduced – they will find that a common address to this great and good man is deemed a surrender of liberties and a degradation of our character as freemen – that to inquire into the conduct of a foreigner, however decently and delicately, is considered as the highest indignity and worthy of severe punishment.” According to Gore, the *Independent Chronicle*—publisher of *Americanus* -- was “devoted to destroy the government; to sow seeds of discord and jealousy among the people,” and between “the President and the legislature.”<sup>351</sup>

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<sup>347</sup> *Columbian Centinel*, December 4, 1793.

<sup>348</sup> *Independent Chronicle*, December 19, 1793.

<sup>349</sup> *Independent Chronicle*, December 23, 1793

<sup>350</sup> Gore to King, December 24, 1793, King, I, 510.

<sup>351</sup> *Columbian Centinel*, September 4, 1794.

Quincy Adams also renewed his attack on Sullivan and the Republicans. “Whether the manifest misrepresentation of *Americanus* originated in ignorance or in willful falsehood is immaterial,” declared *Barneveld*. “By confounding together original and delegated sovereignty,” he wrote, “Sullivan had confused “things almost as widely different from each other as his assertions are from truth.” In fact, the American people committed to their governments a limited sovereignty, and, therefore, “the governments are sovereigns as far as their constituted power extends.” *Barneveld* readily acknowledging that only Congress could declare war, but he added “nothing can be more clear than that the power of removing a foreign agent for misconduct, is not delegated to any legislative power in America.”<sup>352</sup> Exasperated, Quincy Adams asked if there was “no end to the falsehoods of *Americanus*.”<sup>353</sup>

John Adams wrote to his son to let him know he had the support of Washington and other government leaders: “The President ... with the unanimous concurrence of the four officers of state, has formed the same judgment with *Columbus*, and I hear no members of Congress who profess to differ from them.”<sup>354</sup> Abigail Adams also wrote to her son shortly after the exchange: “I have read all the numbers with attention, and consider them a valuable present to the public, tending to place in a true and just point of view the conduct of a man [Genet] who has disgraced his office, and made himself so obnoxious as scarcely to be entitled to common decency.”<sup>355</sup> She told her son to remember that he was a gentleman even if his opponent had forgotten it, but that Sullivan’s age nonetheless merited him some respect.<sup>356</sup>

In a letter to his father, Quincy Adams expressed pleasure at the attention and commendations he received as a result of his *Columbus* letters, but refused to repeat “private conversations, ... lest you should suspect the author of vanity beyond the limits of common extravagance.” He even seemed flattered by the comments of his critics, joking to his father that he had been referred to as a “juvenile author,” who would “not be rescued from contempt even by the high station of his sire.” Despite the harsh nature of the exchange, Sullivan and Quincy Adams appear to have harbored no ill will towards one another. In the same letter to his father, Quincy Adams wrote of his return to the practice of

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<sup>352</sup> *Independent Chronicle*, December 26, 1793

<sup>353</sup> *Independent Chronicle*, December 30, 1793.

<sup>354</sup> John Adams to John Quincy Adams, December 14, 1793, *Writings*, I, 176.

<sup>355</sup> Abigail Adams to John Quincy Adams, December 30, 1793, *Writings*, I, 176.

<sup>356</sup> East, *Quincy Adams*, 188-192.

law, and noted that the attorney general [Sullivan] “looks at me with less complacency than ever, and is said to be the writer of *Americanus*.”<sup>357</sup>

Gore and other Federalists supported the president and his handling of the Genet Affair. Of perhaps more importance to Gore, however, was the underlying danger of the French Revolution. Like other Federalists, he came to view the events in France as a potential threat to Federalist control in the United States and feared that the revolt in France would encourage efforts to secure additional liberties in the United States.<sup>358</sup> In addition, Gore was concerned that with the resumption of war between Britain and France, that Massachusetts commercial prosperity would be damaged. His concerns were justified in the summer of 1793 with the presence of a French privateer in Boston Harbor. As the United States Attorney for Massachusetts, Gore displayed his determination to enforce American neutrality and took an active role in monitoring the actions of the French vessel. He acted on the belief that the presence of French privateers in and around the port of Boston posed an immediate threat to Washington’s Neutrality Proclamation and to the merchants of Massachusetts.

In a letter to King on August 1<sup>st</sup>, Gore outlined how the French vessel, the *Roland*, with two Americans on board, had been cruising Boston Harbor and chasing several vessels over many days. Gore complained to the new French consul in Boston, Antoine Duplaine and the consul ‘affected’ his disapproval of such conduct, and promised to investigate the matter. Gore sought the arrest of the two Americans aboard the *Roland* “for violating the Neutrality Proclamation, which specifically forbade American citizens from taking a part in hostilities on behalf of either belligerent power.” Gore also notified President Washington of the incident and gave a detailed report to the United States Attorney General, Edmund Randolph, inquiring as to how best to deal with vessels that threatened American neutrality. In fact, Gore had made up his mind. “The French have no right to fit out privateers in our harbors,” he told King. The Washington administration agreed and on August 3<sup>rd</sup>, instructed Gore to ask the governor of Massachusetts to “suppress” the vessel.<sup>359</sup>

A few days later -- before Gore received his instructions from Washington --, he discovered that the *Roland* was about to sail, and notified the governor of the situation, requesting that he prevent it from going to sea. Attorney General

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<sup>357</sup> John Quincy Adams to John Adams, January 5, 1794, *Writings*, I, 176-179.

<sup>358</sup> Pinkney, *Gore*, 51.

<sup>359</sup> Gore to King, August 1, 1793, King, I, 488.

Sullivan informed Gore that, at his recommendation, Governor Hancock would take the vessel into custody pending further instructions from the president. Gore wrote to King that if evidence proved the French consul was, as he expected, involved in outfitting the privateer, he would take steps to prosecute him, knowing it would “cause a great clamor.”<sup>360</sup>

On August 8<sup>th</sup>, however, Gore reported to King the French privateer had been permitted to sail despite affidavits signed by he and Sullivan alleging the *Roland's* “fitting here was contrary to the law of nations, and a breach of neutrality.” The vessel had sailed “armed and equipped & commissioned as a privateer to cruise against the enemies of France.” Gore went on to suggest that while Hancock may have been inclined to hold the vessel, “the Lt. Governor [Samuel Adams] as I learn was bitterly opposed to my interfering.”<sup>361</sup>

The *Roland's* aggressive activities led President Washington to revoke Duplaine’s credentials, which set in motion a debate over the president’s authority. Quincy Adams took a leading role in defending the president. He argued, for example, that just as Genet attempted to circumvent the President and divide the county by reaching out to Congress, Genet also urged Governor Hancock to intervene on Duplaine’s behalf and demand that the General Court suspend their legislative functions “to sit as a court of judication upon the official conduct of Duplaine.” Genet, Quincy Adams speculated, was attempting to drive a wedge between state and national governments. Quincy Adams was equally adamant in his criticism of his political opponents in Massachusetts, insisting that even “the most strenuous advocates of our dependence upon France” must reject the minister’s “excesses” and that Washington had the authority to reject the credentials of the French vice-Consul.<sup>362</sup>

Sullivan took a different view of Duplaine’s dismissal. He questioned the propriety and legal justification of the president dismissing a consul, arguing “the constitutional duty of the president to receive the representatives of foreign nations did not convey with it the right to dismiss them.” Furthermore, by treaty the French had the right “of sheltering her privateers and prizes in our ports.” Even if Duplaine was wrong in placing the privateer *Greyhound* under the guns of the French frigate, he argued, he certainly had not committed an offense deserving of disgrace.<sup>363</sup> After all, Genet was ultimately responsible to

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<sup>360</sup> Gore to King, August 4, 1793, King, I, 491.

<sup>361</sup> Gore to King, August 8, 1793, King, I, 494.

<sup>362</sup> *Columbian Centinel*, December 7, 1793.

<sup>363</sup> Amory, *Life of Sullivan*, I, 288.

the Republic of France for his “official conduct,” and shouldn’t be censured by Americans for doing what he thought was within his authority.<sup>364</sup>

Duplaine was given the opportunity to argue his case. After being arrested by “an officer of the Federal Government,” and charged with having “committed sundry encroachments and infractions on the laws of the land,” he was called before a grand jury in Boston. According to Sullivan, “after several attempts to convict him, he was acquitted by the jury, “on whose free and unbiased decision, the rights, liberties, lives and property of every free-man depend.” Despite his finding, Duplaine lost his position. “If such control can take place with respect to Citizen Duplaine,” Sullivan warned, “may not each individual be exposed even though he is acquitted from every charge.” In response to *Columbus*’ [Quincy Adams] effusive praise and deference to the president for his handling of the matter, Sullivan concluded: “The wisdom of the Executive we would ever wish to confide in, but as Freemen, it is hoped that we shall always feel confidence in expressing our sentiments on all public measures.”<sup>365</sup>

Quincy Adams insisted that Massachusetts court decisions were “altogether independent” and “immaterial to the question relative to the authority of the President.” Indeed, as far as he was concerned, the president was well within his authority to revoke Duplaine’s credentials, regardless of what some court in Boston decided. Because a foreign agent committed the infraction, it was “an offense against the Laws of Nations as well as against municipal law,” and therefore properly within the purview of the nation’s chief executive. Furthermore, Quincy Adams argued, it was well known by the Laws of Nations, that there was “in every sovereign and independent state, a power competent to dismiss the agent of a foreign power for encroachment upon and infringement of the laws of the land, under color of executing the duties of his office.”<sup>366</sup>

Following the two *Roland* incidents, Rufus King offered his legal opinion to President Washington that the French Minister had exceeded his authority. Genet’s call for the arming of French prizes in American territory despite Washington’s decision that no such right existed, was “unprecedented” and “inexcusable,” King insisted. He added that Genet was defying the authority of the United States, and “with views altogether repugnant to the peace of our

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<sup>364</sup> *Independent Chronicle*, November 8, 1793.

<sup>365</sup> *Independent Chronicle*, November 8, 1793.

<sup>366</sup> *Columbian Centinel*, December 7, 11, 1793.

Country, he has persisted in equipping, and has actually fitted out, commissioned and sent to cruise on the high seas several Privateers.”<sup>367</sup>

Genet’s credibility was destroyed beyond repair when he wrote a series of letters that were highly critical of President Washington, Secretary of State Jefferson and the United States government. His subsequent refusal to delay the departure of a seized British vessel, despite a personal request from Jefferson that he do so, ended all future discussions between Genet and the government.<sup>368</sup> Jefferson confided to Madison that “never in my opinion, was so calamitous an appointment made; hot headed, all imagination, no judgment, passionate, disrespectful & even indecent towards the P [Washington] in his written as well as verbal communications, talking of appeals from him to Congress, from them to the people, urging the most unreasonable and groundless propositions.”<sup>369</sup> The President demanded the recall of Genet, and with the subsequent fall of the Girondin government in France, there was no objection in Paris to having him replaced.

While the Genet Affair caused a rift between the government of the United States and the new French republic, it also underscored the growing divide between the two emerging parties in Massachusetts. The dispute over the controversial French diplomat revealed the depth to which Federalists and Republicans disagreed over fundamental aspects of republican government. The Federalist response to Genet grew out of their increasingly hostile attitude towards the French Revolution. They perceived Genet’s brazen challenge to the president as not only an insult, but as a threat to executive authority and established order. Republicans, on the other hand, saw the treatment of Genet as not only an insult to the French government, but as a challenge to the ideals of republican, participatory, government.

Sullivan, like many Republicans, attended meetings of the local Democratic-Republican society. These clubs which were established throughout the country grew out of Republican support for the French Revolution. Because the clubs were pro-French and pro-Republican, Gore, writing under the name *Manlius*, condemned “the Democratic Societies and all Americans of anti-British, anti-Federalist persuasion.” He questioned the patriotism of the Democratic Societies. “While urging the United States to fight England, these democrats plotted to keep the country defenseless.” They also opposed Washington’s declaration of neutrality, [and] “unlawfully induced citizens to

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<sup>367</sup> King, *Rufus King*, I, 450-451.

<sup>368</sup> Hamilton to King, August 13, 1793, King, I, 456.

<sup>369</sup> Elkins, *Age of Federalism*, 351.

equip privateers for the French government etc.”<sup>370</sup> He further suggested that disloyalty flourished in America because these clubs included a mixture of a few unworthy “sons of America” and the “scum of Europe.” He expressed particular disdain for the immigrant Irish.<sup>371</sup> While Gore may have been particularly artless, he was not alone in his belief that Democratic-Republicans were a threat to national security.

President Washington used the occasion of his annual message to Congress in November 1794, to single out the Democratic Societies, referring to them as “self-created societies” aimed at destroying the government.<sup>372</sup> He also argued they were responsible for inciting insurrection, suggesting they had instigated the short lived Whiskey Rebellion. As Hofstadter has argued, “Washington seemed to be trying to establish an alarming pattern of tandem guilt by association that threatened to tar all opposition sentiment with the brush of rebellion: insurrection and sedition were fostered by the Democratic Societies, and these societies in turn by the Republicans.” Jefferson called the president’s speech “an attack on the freedom of discussion.”<sup>373</sup>

### C. Massachusetts and the Jay Treaty

Debate over the impact of the French Revolution and disagreement over Hamilton’s financial program heightened tensions between Republicans and Federalists. The 1795 Jay Treaty, however, cemented party lines and elevated partisan conflict to a level never before seen. It was as if the fears of both parties had been realized. To Republicans, the unfavorable terms of the treaty confirmed their belief that the Federalists were pro-British and inclined to ally themselves with a monarchy against Republican France. To Federalists, the reaction of Republicans confirmed their belief that the pro-French party led by Jefferson would only be satisfied with war against Britain, a war Federalists believed America was unprepared for and couldn’t possibly win.

Since party lines had been clearly drawn, it was not surprising that King, Gore and Quincy Adams supported the Jay Treaty while Sullivan did not. King, in particular, would play a pivotal role on behalf of the treaty in the United States Senate, and thereafter worked with Hamilton and Jay to write a series of articles designed to convince Americans of the benefits of the agreement. Gore, who had long warned against the dangers of overreacting to British aggression was one of the treaty’s most vocal supporters. Quincy Adams, who was the first

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<sup>370</sup> Pinkney, *Gore*, 59.

<sup>371</sup> *Ibid.*, 60.

<sup>372</sup> Richard Hofstadter, *The Idea of a Party System* (Berkeley, 1969), 94.

<sup>373</sup> Hofstadter, *The Idea of a Party System*, 92-94.

American not involved in the negotiations to see the treaty, was convinced that despite its defects, the document represented the best chance to keep the United States out of war. Sullivan strongly opposed the treaty.

The sequence of events leading up to the treaty dated back to the Revolutionary War. Seemingly unwilling to honor the fact that their former colonies were now an independent nation, British ‘insults’ to American autonomy on land and sea had continued for over a decade. By the end of 1793, the frequency and severity of these incidents left the United States government with no alternative but to act. In December 1793, President Washington, at the urging of Secretary of State Jefferson, included in his message on foreign relations a section that was highly critical of the British government. Among the list of grievances cited were Britain’s refusal to abandon their military posts in the northwest despite being obligated to so by peace treaty; Britain’s interception and seizure of American merchant vessels; Britain’s impressment of American sailors; Britain’s unilateral change in the definition of contraband in order to prevent American manufactures from reaching France; and Britain’s refusal to alter restrictions on America’s commerce in British ports.<sup>374</sup>

Within a month after Washington’s message, James Madison offered a series of resolutions in the House of Representatives seeking to enact legislation that he hoped would force the British to alter their aggressive policies. Madison proposed that the United States adopt a policy based on “reciprocity.” Specifically, he argued the United States should impose commercial restrictions on nations with whom they had no commercial treaty, comparable to the restrictions those nations placed on the United States. In addition, Madison sought an increase in duties on a number of imported goods, most of which came from Britain.<sup>375</sup>

Debate over Madison’s resolutions in Massachusetts broke along party lines. Writing under the name *Plain Truth* for the *Independent Chronicle*, in late January 1794, Sullivan supported the idea of dealing aggressively with the British. He was particularly offended that the British refused to evacuate the military posts on American soil and was outraged that the British were allegedly encouraging Indian atrocities on the frontier. “Can there be a doubt of their supplying the Indians on the frontier with the means of their cruel and destructive warfare,” Sullivan asked, and “does she not hold fortifications and posts on the territory of the American republic?” He stoked the fires of patriotism.

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<sup>374</sup> Elkins, *Age of Federalism*, 377.

<sup>375</sup> *Ibid.*, 381.



Americans! Shall we sleep any longer on our post? Shall we suffer a foreign army in hostile array to continue in our country? God Forbid! Rouse then ye republican sons of Columbia; and let this overbearing haughty nation know that it is in your power, without the necessity of an appeal to arms, or without the shedding of one drop of blood, to shake the throne of her monarch to its center.

Sullivan even argued that Madison's resolutions did not go far enough, suggesting instead that: "Let us at one stroke stop *all* trade with the English, till justice is done, and our merchants indemnified," and "let us declare that we will no longer submit to such impositions with impunity, and we shall receive no further insults."<sup>376</sup>

A contributor to the *Centinel*, identified as *Fair Play*, articulated a common theme among Federalists in Boston: "Has not Mr. Madison been their [French] most confidential and efficient agent. Has not Mr. M. zealously and perseveringly advocated those measures of Genet's, which he now openly avows to have been concerted purposely to involve America in the present war on the side of France."<sup>377</sup> A few months later Gore referred to Republicans as the "advocates for anarchy," and warned readers they were looking to promote "affected gratitude to France and hatred to Britain," by suggesting that Americans "might grow rich by sacrificing their trade with the latter, [and] to the former, in a word, by selling cheap and buying dear." He added: "It was said that none but those who were under British influence would lisp a word against [Madison's resolutions] – that now was presented an opportunity to gratify our pride, our affections, our hatred, our avarice."<sup>378</sup>

Boston convened a town meeting on March 24<sup>th</sup> to consider Madison's resolutions. When the town meeting opened, however, it was clear the Federalists had done an effective job of organizing opposition to the resolutions. After two days the Meeting chose to take no action. "The arguments used by the opposition to the Report," the *Centinel* reported "displaced an extensive knowledge of our commerce, its natural and permanent advantages, as well as its present embarrassments; and they were so convincing, as to satisfy a large majority [two-thirds], that it was inexpedient for the town to declare any opinion as to" Monroe's resolutions, "but rather to leave the whole subject with Congress, where it ought to constitutionally reside."<sup>379</sup> Gore

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<sup>376</sup> January 30, 1794, Box 2, Folder 1, Sullivan Papers, MHS.

<sup>377</sup> *Columbian Centinel*, February 19, 1794.

<sup>378</sup> *Columbian Centinel*, September 6, 10, 1794.

<sup>379</sup> *Columbia Centinel*, February 26, 1794.

would later write that merchants, tradesmen and “friends of order,” saw through “the arts that were playing to trick them out of their commerce, their prosperity and their peace.” “A larger and more respectable assembly was never known,” and that “the plan adopted by the anarchists to betray the interests of the town, and disgrace its character, failed.” *Manlius* added: “the supporters of the resolutions were obliged to acknowledge that their primary motive was not the increase of our agriculture, manufactures or navigation, but to humble Great Britain and exalt France.” According to Gore, it would have been a betrayal to the New England states to support “these destructive propositions.”<sup>380</sup>

After the meeting, Gore was pleased to write to King that “I have the pleasure to inform you that the town meeting called by Jarvis and others to influence the votes of our representatives [Congressmen Cabot and Ames] on Madison’s resolutions, ended in a complete overthrow of those” opposed to good government and order. He charged that Republicans, Dr. Charles Jarvis and Benjamin Austin, “descended to personal abuse; their supporters clapped and huzza’d applauses on their harangues; they hissed when the opponents spoke.” Still the opponents of Madison’s resolutions carried the day with two thirds of the vote. “Our merchants now enjoy great spirits and feel that they can carry any point they choose,” Gore concluded.<sup>381</sup>

Senator King was not as optimistic as Gore. Writing a week later King expressed his growing anxiety over the seizure of American vessels. “The very general capture, and the condemnation in several cases, of vessels engaged in a commerce beyond all doubt lawful,” King wrote, “is an affair of great embarrassment; and which may assume a character of great political importance.” He added ominously: “if without notice, and before the commencement of military operations in those seas, they should condemn our property already, and which may still be, captured, the inference is too obvious not to be alarming.” Appropriately, King and his senate colleagues were preparing for the worst. “It will be our object to preserve peace,” King told Gore, “but it is our duty to adopt measures to place the Country in a state of greater security.”<sup>382</sup>

Because of the growing tension with Britain, Madison’s resolutions met with increasing opposition in Congress. Along with South Carolina’s William Smith, Representative Fisher Ames of Massachusetts was the chief congressional

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<sup>380</sup> *Columbian Centinel*, September 10, 1794.

<sup>381</sup> Gore to King, March 3, 1794, King, I, 547.

<sup>382</sup> King to Gore, March 10, 1794, King, I, 550.

spokesman for the opposition to Madison's proposals. He lectured Madison on economic theory and argued that such measures would lead either to war or the enactment of counter-measures by the British. Ames also argued that the United States relied on British trade far more than the British relied on American trade and that the United States would suffer more than the English if such restrictions were enacted.<sup>383</sup> After weeks of debate, sentiment began swinging in Ames' favor, as he insisted that commerce should not be used as a weapon to combat political wrongs. "Madison & Co.," Ames wrote to Gore, "now avow that the political wrongs are the wrongs to be cured by commercial restrictions, which, in plain English is, we set out with a tale of restrictions and injuries on our commerce, that has been refuted solidly; pressed for a pretext, we avow that we will make war, not for our commerce, but with it, not to make our commerce better, but to make it nothing, in order to reach the tender sides of our enemy, which are not to be wounded in any other way."<sup>384</sup>

Ames's successful assault against Madison's resolutions helped fuel his re-election bid against Hancock confidant and ardent Republican, Dr. Charles Jarvis. Gore gleefully wrote to King, informing him of the their friend's success. "I congratulate you on our late election, ... only two towns where Jarvis had a majority ... Ames will be elected." He added: "The town of Boston never looked more joyous than it has since Monday; and there never was an election, where our wealthiest merchants and respectable citizens exerted themselves more, or persevered so long." In addition, he concluded, "many falsehoods told of Ames have been refuted," and "good men seem willing to exert themselves to support government and maintain order."<sup>385</sup>

Madison delayed the vote implementing his resolutions, knowing full well that should Britain commit new outrages on the ocean or in the western frontier, support for his resolutions would increase.<sup>386</sup> In March and April 1794, reports of new and more severe British provocations amounting to a virtual blockade of the French West Indies gave Madison's proposals a boost. About this same time-Washington received word that the British were looking to *strengthen*, not abandon, their forts in the northwest. The president was convinced Britain wanted war.<sup>387</sup>

Even Gore, who had been so optimistic only a few weeks earlier, expressed disappointment. "We are continually receiving information of the capture,

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<sup>383</sup> Elkins, *Age of Federalism*, 383.

<sup>384</sup> *Ibid.*, 387.

<sup>385</sup> Gore to King, November 6, 1794, King, I, 575-576.

<sup>386</sup> Elkins, *Age of Federalism*, 387.

<sup>387</sup> *Ibid.*, 391-392.

detention & condemnation of our vessels in the W. Indies,” he wrote King. He continued to counsel caution, however, adding: “Our merchants conduct with great moderation & temper on the occasion. Convinced that their losses might be increased, but could not be diminished by war, they are averse to it themselves, & unremitted in their efforts to convince others of the fatal consequences of such a step.” Gore expressed hope that when presented with the evidence to support their claims, the British could be persuaded to indemnify those who suffered losses. He naively added: “The whole force of those British merchants, who trade in this country, I am well convinced, could easily be brought to act in concert with the American Minister in support of such a claim.” If the American Minister to Britain, Thomas Pinckney, could present such a claim “in a manner the most flattering to British pride, most soothing to their wounded spirits, at the same time, most alarming to their apprehensions,” Great Britain “cannot hesitate to afford a satisfactory reply to so just a demand.”<sup>388</sup> Gore was determined, almost at any cost, to avoid war with Britain.

As talk of war spread throughout the country, Washington decided to send Chief Justice John Jay as a special envoy to London to negotiate a settlement between the two countries. Jay was to insist, among other things, on British indemnification for damages to American commerce and clarification of the rules regarding interception and seizure of vessels for a neutral nation. In addition, he was to insist that Britain comply with the terms of Treaty of 1783, including the surrender of the military posts in the American frontier, and to agree to indemnify owners of slaves taken during the war.<sup>389</sup> As Jay would soon discover, however, Britain was not inclined to compromise on most issues.

While Jay was beginning his negotiations with the British government, John Quincy Adams was rewarded for his staunch defense of the president with an appointment as Minister to the Netherlands. His appointment, which was unanimously approved, seemed to make complete sense, given that Adams had lived in Holland, knew their language, and understood European courts and custom.<sup>390</sup> Quincy Adams himself, however, seems to have had mixed feelings about his appointment, writing to his father that “I wish I could have been consulted before [the decision] was irrevocably made,” adding that “I rather wish it had not been made.”<sup>391</sup> He received his commission in Philadelphia on

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<sup>388</sup> Gore to King, March 15, 1794, King, I, 552-553.

<sup>389</sup> Elkins, *Age of Federalism*, 397.

<sup>390</sup> Hofstadter, *The Idea of a Party System*, 76.

<sup>391</sup> John Quincy Adams, *Memoirs*, I, 32.

his twenty-seventh birthday, in July 1794.<sup>392</sup> Before reaching Holland, Quincy Adams stopped in London to deliver dispatches and to meet with John Jay and Thomas Pinckney, the United States Minister to Britain. He was pleased and flattered that Jay and Pinckney personally went over the terms of the soon to be released treaty with him. While he knew the treaty would not be well received by many Americans, he believed that “the national interest will suffer infinitely less than it would by the most successful war we could wage.” He mentioned to his father that while neither Jay nor Pinckney were completely satisfied with the treaty, they were satisfied, as he was, that it was preferable to war.<sup>393</sup> Quincy Adams hoped the American people would accept the treaty, recognizing himself, however, that “no commerce treaty with Great Britain would be of much use until the Navigation Acts ceased to be the cornerstone of their foreign policy.”<sup>394</sup>

One month after Jay’s meeting with Quincy Adams, he and Lord Grenville reached a final agreement on November 19, 1794. On the very day that Jay signed his name on behalf of the United States government, to a document that would thereafter bear his name, he also wrote to King. In the letter, which would have been included in the same packet that contained the treaty itself, Jay assured his friend that “the draft has undergone several Editions, with successive alterations, additions,” as if to underscore the fact that “time and trouble have not been spared.” Jay was confident that he had achieved the best treaty he could. “Should the Treaty prove, as I believe it will, beneficial to our country, Justice will finally be done,” he claimed, and “if not, be it so; my mind is at ease.”<sup>395</sup>

The Jay Treaty was, at first blush, not beneficial to the United States. The only concession gained by Jay was the British promise to abandon the military posts in the northwestern frontier, which they were already obligated to do under the Treaty of 1783. The parties only agreed to separately *arbitrate* pre-revolutionary debts, boundary disputes, and British seizures of American vessels. Furthermore, Jay conceded that the British could seize American goods bound for France, with compensation, and French goods on American vessels, without compensation. Though Britain granted the United States ‘most favored nation’ status, and permitted them to trade with the colonies of the East Indies, they restricted American access the British West Indies, which were considered by American merchants as the most valuable. England also

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<sup>392</sup> Hecht, *John Quincy Adams*, 78.

<sup>393</sup> John Quincy Adams to John Adams, October 23, 1794, *Writings*, I, 201.

<sup>394</sup> John Quincy Adams, *Memoirs*, I, 48-51.

<sup>395</sup> Jay to King, November 19, 1794, King, I, 582.

refused to give compensation for the slaves taken during the Revolution, thus angering many southerners. Jay also failed to negotiate the end of impressment of American sailors into the Royal Navy, an issue that would cause considerable trouble a decade later. Furthermore, the British refused to recognize America's interpretation of their rights as a neutral nation.<sup>396</sup>

Though reports of the completed treaty reached the United States in January 1795, the text of the document did not arrive in Philadelphia until March 7<sup>th</sup>. President Washington, not wanting the contents of the agreement made public until after it was debated by the Senate in June, demanded secrecy. Therefore, it wouldn't be until late June, almost six months after initial reports of the treaty were received, that the document was revealed to the world. Republicans quickly denounced the decision to keep secret the terms of the Treaty and indeed the debate over the treaty. They asked: "How does the secrecy of the Senate, in relation to the treaty, comport with the sovereignty of the people?"<sup>397</sup>

The treaty was submitted to the United States Senate, in special session, on June 8, 1795. After two and half weeks of heated debate, and with pressure from the president, the Senate ratified the treaty on June 24<sup>th</sup>, by a vote of 20-10. Seven of the ten votes in opposition came from the South. With supporters of the measure coming from the Federalist camp, and opponents from the Republican camp, the vote on the Jay Treaty was the first major national question that was decided along party lines. The unity of the post-Revolutionary period had been supplanted by partisan rancor as the debate became increasingly personal.

Despite Senate ratification, the clamor over the treaty did not diminish. On July 10, 1795, a Town Meeting was held at Boston's Faneuil Hall with over 1500 people in attendance. There was unanimity in opposition to the treaty, with speakers arguing that not only did the treaty favor Britain over the United States, but also that it would signal to republican France that America had allied itself with "class conscious England." Opponents argued that by ratifying the treaty, the Senate's action was "highly injurious to the commercial interests of the United States, derogatory to the national honor and independence and may be dangerous to the peace and happiness of our citizens." In addition, speakers complained that according to the treaty, the United States would not be indemnified by the British for the commercial losses incurred as a result of British occupation of the western frontiers for twelve years. Perhaps most

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<sup>396</sup> Pinkney, *Gore*, 61-62.

<sup>397</sup> Elkins, *Age of Federalism*, 418.

insulting of all, however, was the fact that the seizure of American vessels and the impressment of American sailors would continue unabated.<sup>398</sup>

Gore reported to King that Governor Sam Adams, the man who had convinced Hancock to permit the escape of a French privateer a few years earlier, was now the leader of the Boston ‘mob’ against the treaty.<sup>399</sup> He added that “it is much to be regretted that Boston gave the example of a Town meeting on this subject – had they remained silent, or had the schemes of Jarvis & others, on the occasion, as heretofore, been disappointed, we should have had no meeting here, and the country would have escaped that Fever into which it is likely to be thrown. You must exert yourselves in procuring a right conception of the Treaty – if understood, it will not be disapproved.”<sup>400</sup>

Gore, who put so much stock in British reasonableness, never admitted he was disappointed with the treaty. Though many northern Federalists had misgivings about the agreement, Gore unequivocally defended every position. He was grateful to Jay for his fine work because he believed it would help Massachusetts commercial interests.<sup>401</sup> This, it would seem, was always central in Gore’s thinking. He rejected the argument that the treaty enabled Britain to control the commerce of the United States as though it were still a colony. He also refused to condemn Britain’s unwillingness to accept the United States’ interpretation of the rights of a neutral nation.

Gore was the leading Federalist voice in support of the treaty in Massachusetts. Writing under the name *Federalist*, he wrote a series for the *Centinel* entitled ‘*Objections to the Treaty Refuted.*’ With lawyerly precision, he set out to challenge each of the principle objections outlined at the Boston Town Meeting. His main goal was to assure readers that the agreement would not harm Massachusetts commerce, nor be “derogatory to their national honor and independence. He began his argument with a plea that the people of Boston support their federal government and the men who manned it. “Duty to ourselves demands that we should respect the legal and constitutional doings of those we have appointed to administer our public affairs.” It would be dangerous, he warned, to declare to the world that the Senate did not enjoy the confidence of the people. “Men who love their country will endeavor to support its government.”<sup>402</sup>

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<sup>398</sup> *Independent Chronicle*, July 15, 1795.

<sup>399</sup> Pinkney, *Gore*, 62.

<sup>400</sup> King to Gore, July 24, 1795, King, II, 16-17.

<sup>401</sup> Pinkney, *Gore*, 61.

<sup>402</sup> *Columbian Centinel*, July 22, 1795.

In response to the complaint there were no provisions in the treaty for indemnification for United States losses resulting from their twelve-year exclusion from the western frontiers, Gore argued simply that the Treaty of 1783 had created confusion and failed to clearly resolve possessory rights in the west. The United States should be very pleased with the return of the posts, he reasoned, particularly since both sides were wrong in their interpretation of the treaty. Indeed, he claimed, Britain “would so humiliate herself” if she were “to confess she was the only party who acted wrong,” that the treaty wouldn’t be acceptable to the British people. The result, he concluded, was the best for which the United States could hope.<sup>403</sup>

Another objection raised by Boston Town Meeting was the fact that the treaty included no indemnification to United States citizens for property taken at the close of the war. Gore defended the Treaty provision, observing that the major bone of contention related to the removal of “Negroes,” most of whom were located behind British lines at the time the war ended. Gore suggested that the British considered them as having been captured and therefore no longer the property of Americans. Appealing to readers on moral grounds, Gore insisted that Britain had pledged their faith to these people and that it would have been wrong to return them to their masters. Finally, he argued, the value of the property taken, as estimated by American complainants, had been greatly exaggerated. He insisted that at most, 3,000 slaves had been taken, and that many of them had been free negroes and many others had been either very old or very young. Consequently, he concluded, the true value of the loss was “by no means sufficient to press” indemnification “in hazard of our peace, and other articles of the treaty which may be considered beneficial to the United States.”<sup>404</sup>

A major source of contention over the Treaty, however, particularly among Boston merchants, revolved around the requirement that aggrieved Americans who had their vessels or property seized by the British would have to submit their claims to British Admiralty courts. Consequently, many merchants complained that they would have no voice in the final determination of such cases. Gore, sounding more like a British subject than an American citizen, insisted that most of the seized vessels were privateers, and “that every British subject has a right which neither King nor minister can deprive him of, to have his cause tried in the courts of his country.” Furthermore, he added, “the trial by admiralty courts has long been accepted, “according to the law of nations.”

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<sup>403</sup> *Columbian Centinel*, July 22, 1795.

<sup>404</sup> *Columbian Centinel*, July 25, 1795.



Reciting the tradition of trials by British admiralty courts, Gore took great pains to reassure American merchants, concluding: “thus the law and customs of nations has been stated by the ablest and most respectable citizens of the present age.” Acknowledging that there would undoubtedly be cases where compensation, “for whatever reason couldn’t be made through the courts of justice,” he referred to Article Seven of the Treaty which called for claims to be presented to the government. He assured readers that Jay had “induced the British government to use all the means in her power and make compensation.”<sup>405</sup>

In response to the Treaty provision that excluded Americans merchants from the British West Indies, Gore simply restated the obvious: “It ought to be remarked that according to the rights claimed by all nations having colonies, to which all other nations have acceded, we have no positive right to go to any of the colonies of the British crown; and that unless such right is obtained by treaty, the British may prohibit our trading or even entering the ports of their colonial possessions, without affording us any just cause of complaint.” He added, however, that the restrictions were not as numerous as some people had suggested, because the language of the Treaty was not as clear as it could have been. He argued that the prohibition of trade along the coast of the British colonies, for example, despite the seemingly definitive terms, were intended merely “to prevent a right by implication, which the generality of the terms expressing our authority to trade there, might be construed to include.”<sup>406</sup>

Gore’s vigorous support for the treaty almost immediately bore fruit, as many Boston merchants began to have a change of heart. George Cabot observed a month after the July meeting that many merchants who initially expressed misgivings about the treaty had gradually come around to support it. He wrote to King in early August, after all four of Gore’s articles had been published, that “although I have reason to believe that the treaty is now generally approved by,” the Boston merchants, “yet so many of them had indiscreetly censured it, that it is doubtful how far they will incline formally to express their present opinions.”<sup>407</sup> Gore echoed these sentiments on August 14, noting that many of those who had initially objected to the treaty, had come around to the support the document, . . .so long as the President endorsed it. Indeed, the chief concern among these people, according to Gore, was that they couldn’t understand why President Washington had not yet ratified the treaty. “For

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<sup>405</sup> *Columbian Centinel*, July 25, 1795.

<sup>406</sup> *Columbian Centinel*, July 29, 1795.

<sup>407</sup> Cabot to King, August 4, 1795, King, II, 20.

whatever may be the motive of the Executive,” he wrote, “it will be attributed either to dislike of the instrument, or the influence of the opponents.”<sup>408</sup>

Although Washington had signed the treaty opponents remained convinced, that it could still be defeated. After a July meeting in Boston, and at various times and places throughout the town over the next several weeks, there were loud and active demonstrations against the treaty. The *Centinel* acknowledged that the crowds were comprised mostly of boys and it portrayed their actions over seven nights as highly dangerous and disruptive. It was reported they carried “poles rinds of watermelons cut into the likeness of the human countenance, hideously distorted, and illuminated by candles,” and “kept the town in alarm and commotion, breaking windows and threatening with personal violence the leading Federalists.”<sup>409</sup> They purportedly “threatened to attack” some houses of those who supported the treaty and otherwise disturbed “the peace and order of the town, and frightening the women and children.”<sup>410</sup>

Of the alleged ringleaders of the protests, the *Centinel* reported that “these pretended democrats” and “Jacobin disorganizers” had promoted the “riots” to oppose “the government of the Union” and “to counteract the measures of the executive, relative to the treaty with Britain.” During the daytime, the paper alleged, “they are occupied in preaching sedition at the corners, and in the market, in declaiming upon liberty, equality and the rights of man; and in the night, they assemble to form their arrangements for trampling on those very rights, and for counteracting and subverting our existing government.” Though the *Centinel* intimated violence beyond the breaking of windows, they added “it is more congenial with the spirit of our religion, to conceal, with the veil of charity, their follies and vices.” It was wise and patriotic, they argued, to “hide from the public view, those depraved examples, which can tend only to corrupt the morals and principles of others.”<sup>411</sup>

Other papers in Boston, however, including the *Independent Chronicle* and *Boston Gazette*, raised no such alarm and saw no danger in the actions of the protesters. A contributor to the *Gazette*, for example, suggested that the *Centinel* had exaggerated the violence and damage caused by the protesters. “The tools of British tyranny had their “venal presses” working against the people. “Witness the *Centinel* of Wednesday last, wherein the town of Boston is pictured in all the

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<sup>408</sup> Gore to King, August 14, 1795, King, II, 23.

<sup>409</sup> Amory, *Life of Sullivan*, I, 300.

<sup>410</sup> *Columbian Centinel*, October 31, 1795.

<sup>411</sup> *Columbian Centinel*, September 26, 1795.

horrors of a bloody massacre.” Not true, he insisted. “These men [at the *Centinel*] toil night and day to destroy the character of the people. – My friends their cause is bad and they think to prop it up a little longer by misrepresentation and lies.”<sup>412</sup> Indeed, the potential threat posed by the protesters may not have been as great as suggested, at least during the first few nights, for as the *Centinel* acknowledged, several citizens “compelled” the protesters to stop their parade by destroying their effigy and lit melons.<sup>413</sup>

Governor Samuel Adams was similarly unimpressed with the cries for action. According to the *Centinel*, the governor ignored several requests to suppress these “scenes of riot and disorder.” The chief executive, they argued, “affected to treat the matter with an air of levity and ridicule, observing that it was nothing more than the amusement of boys in water-melon season.”<sup>414</sup> Gore petulantly expressed the anger of many Federalists towards the governor for his handling of what they considered mob activity. Writing to King, he complained: “the governor is assailed in all quarters to adopt efficient measures; but he has evaded and will evade all requests of this nature, so long as he thinks the mob aim only its vengeance against national men and national measures. Indeed, the weak old man is one of the loudest bawlers against the treaty, and the boldest in proposing schemes of opposition to the federal government.”<sup>415</sup>

While both sides viewed the details of the demonstrations differently, there is evidence that on the sixth night of protest, tempers were raised and at least the threat of violence was real. The *Centinel* reported that a “vast multitude had assembled round a large bonfire,” in Liberty Square, and that Attorney General James Sullivan, joined by the sheriff of Suffolk County, walked into the crowd and asked them to disperse. Sullivan, it was reported, read out a legal warning to the gathering and asked them to go home, reminding them of the danger they were inviting with their actions. He managed to convince “the more influential of their leaders,” to persuade the crowd to disperse. As Sullivan and the sheriff were exiting the crowd, however, they were allegedly threatened and jostled by several of the angrier men. Although they were able to escape without injury, the Federalist leaning *Centinel* shrilly reported that “the law prostrate, the magistrates literally trodden under feet, the peace of the town disturbed during the hours of the night, women and children frightened, and bonfires made the center of the town; oaths and imprecations, united with

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<sup>412</sup> *Boston Gazette*, September 21, 1795.

<sup>413</sup> *Columbian Centinel*, October 31, 1795.

<sup>414</sup> *Ibid.*

<sup>415</sup> Gore to King, September 13, 1795, King, II, 30-31.

threats to tear the hearts of the magistrates from their breasts, and roast them at the fire.”<sup>416</sup> Sullivan was angry, however, that the *Centinel* suggested that because of his efforts to stop the protests, that he had supported the Jay Treaty.

Writing to the *Centinel*, Sullivan set the record straight, informing readers that he did not support the agreement. Nonetheless, he said, that did not mean he did not support the government, and the laws that govern their conduct. While he may have personally disagreed with the treaty, he stated, once the United States Senate accepted it and President signed it, he [Sullivan] would abide by it. Then, in an effort to calm the political waters, Sullivan assured the readers that the people who disagreed with the administration, “whatever their opinion may be in regard to the treaty with Great Britain, or upon any other measure in the administration of the federal government, yet they are by no means hostile to that government, nor would they consent to anything that would oppose the execution of its authority, or injure the national character of the Union.”<sup>417</sup> In classic Sullivan style, he added that “the citizens of this commonwealth are possessed of so much good sense and patriotism, that they will never oppose the government because they are not satisfied with the expediency or propriety of a measure, adopted in the administration of it.” Sullivan’s republican argument was that contentious issues should be resolved according to law and tradition, in the legislature, in the courtroom, or, if necessary to raise public awareness, in the press, but certainly not in the streets. The September protests marked the high water mark of opposition to the Jay Treaty in Boston.

John Quincy Adams, writing from Europe, voiced his continued support for the Jay Treaty despite continued British assaults on American neutrality. Desirous of keeping the United States out of war, Quincy Adams wrote in October 1795, that “if resentment were a good or a safe foundation for political measures, few Americans perhaps would be disposed to go further than I should. But of all the guides that a nation can follow, passion is the most treacherous, and prudence the most faithful.”<sup>418</sup>

In November 1795 Gore was pleased to report to King that public sentiment in Boston had turned against those who had participated in the Jay Treaty “riots in September.” He reported that the husbandmen of Massachusetts agreed that those who committed the outrages had “very different motives than a regard for the public good.” Gore then lobbied his friend for his help in

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<sup>416</sup> *Columbian Centinel*, November 1795.

<sup>417</sup> Amory, *Life of Sullivan*, I, 303.

<sup>418</sup> John Quincy Adams, *Writings*, I, 14.

securing one of the commissioner positions, called for under the Jay Treaty. “If Great Britain shall ratify this instrument on her part,” he wrote “and commissioners are appointed to determine the claims of Americans, I should be pleased to be one of them.”<sup>419</sup> When, in January 1796, Gore received word that he had been offered the position of commissioner, he could not have been more excited. After thanking King for his intervention, he immediately accepted. “My answer by this post,” he wrote, “is explicitly in the affirmative.” Other than meeting with Washington for instructions, he suggested that there was nothing “to hinder my immediate embarkation for Europe.”<sup>420</sup>

In March 1796, Gore was formally selected by President Washington to represent the United States government on the Anglo-American claims commission established under Article VII of the Jay Treaty. It was a coveted post that carried a great deal of prestige. William Pinckney, a Republican from Maryland, who had opposed the Constitution a decade earlier, joined Gore, a Federalist. For the next eight years, Gore and Pinckney lived in London and represented the United States on the five man Anglo-American board that evaluated claims made by Americans against the British for the seizure of vessels and cargoes. This board also handled British claims against the United States for their losses alleged to have been sustained through American violations of neutrality.<sup>421</sup> While there is no suggestion in Gore’s correspondence that he was particularly eager to leave the United States, the prospect of occupying an important political post in London, a city where he already had many political and business contacts, must have been appealing to him. In addition, Gore’s decision to move to England would have been made easier by the fact that King and his wife would be close by in London.

Rufus King had, as a result of the fight over the Jay Treaty, expressed growing frustration with public service. Upon hearing that his brother Thomas had been elected to the General Court, King wrote: “when he has toiled as long as I have, I think he will agree with me that it would have been wiser altogether to have abstained from political engagements...”<sup>422</sup> King was tired of his work in the Senate and was anxious to try something new. Writing to Hamilton in May 1796, he said “you must know that I am not a little tired with this separation from my family and drudging in the Senate. The work now before us being finished, I think I am entitled to a dismissal.” In a letter to Hamilton, King suggested “it would be agreeable to me to spend a few years abroad, and if I do

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<sup>419</sup> Gore to King, November 19, 1795, King, II, 32.

<sup>420</sup> Gore to King, January 21, 1796, King, II, 54-55.

<sup>421</sup> Pinkney, *Gore*, 64.

<sup>422</sup> King to Southgate, December 27, 1795, King, II, 38.

not misconceive the interests of the country, I think I could render some service to the public at the present period in England.”<sup>423</sup>

Hamilton agreed that King would be an excellent choice to succeed Thomas Pinckney as Minister to Great Britain. He wrote to King that “in the event of Pinckney’s return to this country, I am of the opinion, all circumstances considered, it is expedient you should replace him.”<sup>424</sup> On May 20<sup>th</sup>, Hamilton wrote to the president that: “the importance of our security, and commerce, and good understanding with Great Britain, renders it very important that a man *able* and not *disagreeable* to that Government, should be there,” and that “the gentleman in question [King], equally with any who could go, and better than any willing to go, answers to this description.”<sup>425</sup> Washington agreed, and within the week, King was nominated for the position of Minister to Britain. His colleagues in the Senate quickly ratified his nomination, and he left the United States on June 20<sup>th</sup>, arriving in London on July 23<sup>rd</sup> with his wife and four young children. Their transition was made easier by the fact that Gore and his wife, who had arrived in London a few months before the Kings, had made arrangements for and otherwise assisted the Kings in settling in their new home. Gore had previously written to King: “As circumstances prevent our living near each other in our own country, I rejoice exceedingly that we are destined to be neighbors in a foreign land.”<sup>426</sup>

Shortly after assuming his new post, King was confronted with the growing deterioration of American relations with Britain. American merchants were filing new complaints every week because British vessels continued to target and seize American vessels. Writing to John Quincy Adams in November 1796, King referred to the seizures, but added that the continued impressment of American sailors by the British was potentially even more damaging to Anglo-American relations. Indeed, touching on the subject that would contribute significantly to the formation of political parties in the United States, King observed that “though we have reason to be dissatisfied that so many of our vessels are captured, still I think the injury and injustice we experience in the impressments of our Seamen is a more serious cause of discontent.” He added, however, “it is no more than candor to confess that some of the captures have been but too well justified,” and observed that some American vessels were being used to “cover enemy goods.”<sup>427</sup> Despite the diplomatic

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<sup>423</sup> King to Hamilton, May 2, 1796, King, II, 46-47.

<sup>424</sup> Hamilton to King, May 4, 1796, King, II, 47.

<sup>425</sup> Hamilton to Washington, May 20, 1795, K, II, 50-51.

<sup>426</sup> Pinkney, *Gore*, 66.

<sup>427</sup> King to Quincy Adams, November 10, 1796, K, II, 103-104.

tensions with Britain and France, America was nonetheless enjoying a period of general prosperity, as domestic exports and domestic consumption doubled. Supporters of the Jay Treaty were quick to warn that if the treaty were not implemented, prosperity would disappear.<sup>428</sup> The result was that between August 14, 1795, when Washington signed the treaty, and April 30, 1796, when the House of Representatives voted the funds to give it force, the case for holding out against the treaty grew weaker and weaker. The political landscape in Massachusetts had changed dramatically because of the treaty. It played a decisive role in splitting the nation into two hostile and organized camps.

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<sup>428</sup> Elkins, *Age of Federalism*, 432.

## Chapter VI

### Growth of Republicanism

In the months leading up to the presidential election of 1796, the issue of party politics took center stage in state as well as national politics. Unlike the previous two presidential elections, the election of 1796 was hotly contested. President Washington, who had refused to run for a third term, saw the coming partisan storm and warned of the dangers of parties in his farewell address. “The alternate domination of one faction over another,” he suggested, “sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism.”<sup>429</sup> As much as he deplored parties, however, the president had not been able to stem their growth.

#### A. Federalists v. Republicans

John Adams, who had been involved in politics for over thirty years, was the obvious Federalist choice to succeed the president. Like Washington, Adams detested parties, later declaring they were “violent Friends of Order, Law, Government, and Religion, when in Power; and all parties Libelous, Seditious, and rebellious, when out of Power.” The Republicans chose Thomas Jefferson, who, remaining at Monticello, showed little enthusiasm for the coming contest. Nonetheless, Adams and the Federalist Party defeated Jefferson in the election of 1796 by only three electoral votes. Under the electoral rule then in place, Jefferson the second place finisher became Vice President.<sup>430</sup>

As Adams prepared himself for the presidency, the people of his home state were getting ready to elect a new governor. With the departure of Samuel Adams in 1797, party politics took on added significance in Massachusetts, as voters now had a clear choice between the two competing philosophies.<sup>431</sup> The time had arrived “when purely personal leadership in the politics of the state,” gave way to “men representing national parties and programs.”<sup>432</sup> Of the four subjects of this study, Gore, King, and Quincy Adams grudgingly accepted political parties, while Sullivan perceived parties as inextricably tied to republicanism. The major candidates for governor in 1797 included Federalist

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<sup>429</sup> Ibid., 491.

<sup>430</sup> Ibid., 533.

<sup>431</sup> Amory, *Life of Sullivan*, II, 54.

<sup>432</sup> Pinkney, *Christopher Gore*, 67.



Increase Sumner, and Republicans Moses Gill and Sullivan. Because Republicans continued to be identified with the French cause, Sumner benefited from the national strength of the Federalist Party, a healthy economy, and the deteriorating relationship between France and the United States. Consequently, Massachusetts Federalists were able to capture both houses of the legislature as well as the governor's office, and begin a period of dominance in Massachusetts that would last for almost a decade.<sup>433</sup> Gore boasted of the Federalists' dominance. "You may be confident," he told his friend Theodore Sedgwick, "there never was a time, when the general government was so much and so generally admired as now, and its administration so universally and sincerely approved."<sup>434</sup>

Despite the Federalist landslide, Sullivan was re-elected as attorney general, the lone Republican holding statewide office. He remained a regular contributor to local journals on the important issues of the day. In April 1797, Sullivan, writing under the name *Plain Truth*, articulated his many objections to the growing anti-French sentiment, as the prospect of war became a real possibility. In particular, he was critical of the *Centinel* for irresponsibly encouraging anti-French sentiment, which amounted to nothing more than a 'war whoop.' "Arming of private vessels for resistance or reprisal, as recommended by the federal press," Sullivan argued, "would inevitably lead to hostilities."<sup>435</sup> War with France would destroy American commerce; damage the fishing industry; result in the loss of jobs for seamen; decrease the value of real estate; increase the price of foreign commodities; ruin public and private credit; and otherwise threaten American's "liberties and rights." Since Sullivan believed that American foreign policy should be based on republican principles, he argued that America must stand with republican France against aristocratic, imperialist Britain. "An alliance, offensive and defensive, with royalty, against liberty; the remaining trade of the country in the hands of British factors; English habits and manners; perhaps even English troops again quartered in our capitals" would be intolerable.<sup>436</sup>

The foreign policy crises of the late 1790s sharpened not only the political differences between the two parties, but also between two branches of the Federalist Party. The High Federalists, based largely in New England, and sometimes called the "extreme" Federalists, which included members of the so-called Essex Junto, tended to take their cue from Alexander Hamilton. Gore

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<sup>433</sup> Goodman, 61.

<sup>434</sup> Pinkney, *Gore*, 67.

<sup>435</sup> Amory, *Life of Sullivan*, II, 70.

<sup>436</sup> *Ibid.*, 69.

was a member of this group. The moderate Federalists, on the other hand, who tended to outnumber the High Federalists, even in New England, generally supported the president and were opposed to war with France. The High Federalists tended to be more vocal, however, and, with the exception of the office of the presidency, held more positions of power than their moderate brethren. They would continue to feed the growing anti-French mood and stood as an obstacle to the president throughout his term.

To Quincy Adams, a moderate Federalist, the union was all-important. Even though he disagreed with “southern [Republican] politics,” he was inclined to at least listen to their demands rather “than break the chain that binds us together.” “For there is no one article of my political creed more clearly demonstrated to my mind than this,” he told his brother Charles, “that we shall proceed with gigantic strides to honor and consideration, and national greatness, if the union is preserved.”<sup>437</sup> Though Quincy Adams was opposed to war with France, he did view the French government as a danger to the Union because, he argued, they sought to exploit American political differences for their benefit. “The French government,” he told his father, “have been led to believe, that the *people* of the United States have but a feeble attachment to their government, and will not support them in a contest with that of France.”<sup>438</sup> “Our government and people,” Quincy Adams told King, “must find and use all their means of defense, or submit to the dictates of the Directory.” There were no other alternatives left, he insisted. “They calculate much upon our internal divisions, and upon a party prepared rather to assist than oppose their projects of plunder.”<sup>439</sup>

The Alien and Sedition Acts passed by the Federalist controlled Congress in June and July 1798 were aimed at punishing those who criticized the government, and denied the vote to those who would threaten Federalist control of the government. Republicans charged the Federalist Congress with targeting, among others, the ‘wild Irish’ who tended to sympathize with the French and gravitate towards the Republicans. The most offensive piece of legislation was the Sedition Act, passed on July 4, 1798. This legislation made it a crime to utter or publish “any false, scandalous, and malicious writing or writings against the Government of the United States, or either House of the Congress of the United States, with intent to defame ... or to bring them into contempt or disrepute.”<sup>440</sup> The scope of this legislation was limitless, as

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<sup>437</sup> John Quincy Adams, *Writings*, I, 493-494.

<sup>438</sup> John Quincy Adams to John Adams, February 3, 1797, Quincy Adams, *Writings*, II, 100-102.

<sup>439</sup> John Quincy Adams to King, February 9, 1797, *Writings*, II, 111-112.

<sup>440</sup> Elkins, *Age of Federalism*, 591-592.

arguably any column or editorial, or indeed any uttered comment, deemed to be critical of any government official or the government in general, was punishable. The Sedition Act stated that anyone “opposing or resisting any law of the United States, or any act of the President of the United States,” could be imprisoned for up to two years. Though the act was certainly an assault on the First Amendment rights of speech and the press, Jefferson argued that it violated the Tenth Amendment that stated “the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.” Consequently, Jefferson and other Republican leaders argued that the Federal government was exercising un-delegated powers with the passage of the Sedition Act.

Attorney General Sullivan found himself in the unenviable position of having to prosecute individuals with whom he sympathized, and who were guilty of doing nothing more than what had he been doing for over thirty years, namely critically questioning the decisions of government leaders. In the spring of 1799, Sullivan prosecuted Abijah Adams, a junior editor of the *Independent Chronicle*, a Republican leaning newspaper that had long been printing his own critical essays. Despite his personal opposition to the Sedition Act, Sullivan believed he was obliged to follow through with the prosecution, much to the dismay of his Republican friends. He avoided the Sedition Act by relying upon the principles of common law libel to prosecute the young editor, and the benefit of a shorter sentence, rather than the hated statute. Nonetheless, to Sullivan’s chagrin the defense team argued that the prosecution of Adams was “inconsistent with ... Republican principles.” (Though the *Centinel* never referred to their longtime friend Sullivan by name, they did note that the case was “zealously argued by the states Attorney General.”) Adams was convicted of libeling the legislature on March 5<sup>th</sup> in the spring of 1799, and sentenced to prison.<sup>441</sup> The *Chronicle* reported Adams was discharged on April 24<sup>th</sup>, after serving “a confinement of thirty days under the operation of the Common Law of England.”<sup>442</sup>

The election of 1800 pitted Federalists John Adams and Charles Pinckney against Republicans Thomas Jefferson and Aaron Burr. Jefferson was fifty-eight years old in 1800, and better prepared to fight for the presidency than he had been in 1796. Unfortunately for Adams, he not only had to deal with Jefferson, but with the increasingly confident and hostile element in his own party. The pro-war Federalists, however, found themselves in a predicament.

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<sup>441</sup> *Independent Chronicle*, March 7, 1799.

<sup>442</sup> *Independent Chronicle*, April 25, 1799.

As much as they opposed the president's peace policy, they did not want to desert him for fear of handing over the election to Jefferson. Led by Hamilton, they publicly supported Adams, but privately worked for his running mate, Charles C. Pinckney. As a result of the split, Adams found himself the unlikely beneficiary of some Republican support in Massachusetts.<sup>443</sup>

Since the Federalist Party dominated Massachusetts politics in 1800, the Republicans of the state knew that Jefferson could not possibly carry Massachusetts in the upcoming election. Therefore, in order to defeat the pro-war Federalists, many Republicans supported President Adams. This shift had been manifested in the state elections eight months earlier. Elbridge Gerry was the Republican candidate for governor, pledged to Adams and campaigning against the 'war hawks.'<sup>444</sup> Sullivan was in an awkward position. He appreciated Adams' integrity and 'patriotic services' and was disappointed that Adams, a fellow Massachusetts man, had been deserted by many of his Federalist supporters. At the same time, Sullivan respected and admired Jefferson and agreed with most of his policies. Therefore, Sullivan initially announced he would take no part in the upcoming election, but it must not have surprised anyone who knew him that he couldn't resist taking pen in hand as the election approached.<sup>445</sup> Specifically, Sullivan was infuriated by the false accusations being leveled against Jefferson and the constant barrage of anti-Jefferson propaganda being disseminated in Massachusetts. The Federalists repeatedly insisted that Jefferson would align America with France and bring the country to war against Britain, and that he would: "turn every federal man out of office; destroy the funding system, and with it public credit; and make war upon Great Britain."<sup>446</sup>

The inflammatory comments leveled against Jefferson in Massachusetts that led Sullivan into the election battle were contained in a series of letters appearing in the *Centinel* under the name *Decius*. *Decius* insisted Jefferson was responsible for everything bad and dangerous in the country and that if elected president he would remove all Federal officers and substitute "hungry Jacobins, without credit and without principles." Jefferson, he argued, also aimed to destroy public credit, because his Southern friends "possess little or no part of the public debt [and] they feel jealous and envious of their brethren in the Eastern states, who, with more economy and foresight have possessed themselves of their full share of it." For this reason Southern Republicans also refused "to be

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<sup>443</sup> Goodman, *Democratic-Republicans*, 104.

<sup>444</sup> *Ibid.*

<sup>445</sup> Amory, *Life of Sullivan*, II, 76.

<sup>446</sup> *Ibid.*, 79.

taxed to pay the interest of the national debt,” which they claim supports Eastern states. Finally, *Decius* charged Jefferson with labeling “all holders of public funds [as] monarchy men.”<sup>447</sup>

Despite his initial reticence Sullivan responded quickly to these and other charges. Thereafter, his support for Jefferson was loud and unequivocal. He lamented “the bitterness of the federal writers, in the *Centinel*, against the most respectable characters [Jefferson and his supporters] in the United States,” and observed “the history of this uncommon man had impressed my mind with a high degree of respect for his wisdom and moderation.” To the charge that Jefferson would turn qualified men out of office, Sullivan disagreed, suggesting that “the folly of the Federalists, the rocks upon which they have been shipwrecked, would teach them other conduct than turning good men out of office.” He even criticized President Adams indirectly by alluding to the Alien and Sedition Acts. “If the press is preserved free, and most assuredly the Jacobins, of all men, will not avail themselves of the precedent displayed by the Federalists to destroy it, with the channels of information unobstructed, and surrounded by public vigilance, always awake and ever attentive.”<sup>448</sup>

Sullivan was particularly critical of *Decius* for attributing letters to Jefferson that Jefferson claimed never to have written. “Would it not be just as reasonable to draw inferences on the character of Mr. Jefferson from any other anonymous publication.” “It is manifest,” Sullivan concluded that *Decius* “has been employed merely to vilify and abuse the first and firmest of the peoples friends.” Jefferson is a “column of granite placed in our political plain which I trust all the roaring artillery of his and our enemies can neither move nor injure.” He is to be applauded for the “unshaken firmness of his republican sentiments.”<sup>449</sup>

Thomas Jefferson was inaugurated in March 1801. Perhaps in an effort to calm people’s fears after such a bitter campaign, and no doubt anxious to appeal to moderate Federalists, Jefferson took pains in his Inaugural Address to extend the hand of reconciliation. Indeed, while few doubted that a revolution in American politics had taken place, “the new president seemed anxious to prove that there had been no revolution at all.”<sup>450</sup> He extended an olive branch to the Federalists. “Let us restore harmony and affection to our society,” Jefferson urged, “and banish all political intolerance as we have banished religious

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<sup>447</sup> *Columbian Centinel*, August 27, 1800.

<sup>448</sup> *Independent Chronicle*, September 8, 1800.

<sup>449</sup> *Independent Chronicle*, September 22, 1800.

<sup>450</sup> Gordon Wood, , 141.

intolerance.” He added “that the agonies and agitations of Europe should have reached our shores and divided our opinions over proper measures of national safety is hardly surprising, but every difference of opinion is not a difference of principle.” He concluded with the reassurance that “We have called by different names brethren of the same principle. We are all Republicans; we are all Federalists.”<sup>451</sup>

Jefferson’s victory in 1800 did not automatically alter the structure of power within the states, but it did create a more favorable climate in which Republicans could thrive. Still, Massachusetts Federalists dominated at the polls. Federalist Caleb Strong defeated Republican Elbridge Gerry in 1800 and held the governor’s chair for the next seven years.<sup>452</sup> Nonetheless, with the election of Thomas Jefferson in 1800, the *seeds* of a two party state had been planted in Massachusetts, and Sullivan became the leader of the state’s Republican Party. Four years later Jefferson carried the state in the presidential election of 1804. Two years later, in 1806, the Republicans would capture the Massachusetts legislature, and a year after that, the governor’s office itself.<sup>453</sup>

With Jefferson’s election Quincy Adams fully expected to be recalled from Europe, though he didn’t think it appropriate to ask the president to be removed, declaring “I certainly will never ask him for any place, nor will I complain if he removes me from that which I already hold.” He did not have to wait for Jefferson to act, however, for shortly after the election President Adams thought it appropriate to recall his son from Europe. Quincy Adams returned home from Prussia in June of that year with the intention of living in Boston and resuming the practice of law.

## **B. Senator John Quincy Adams**

Quincy Adams’ desire to stay out of politics was short lived. In the spring of 1802, he was sworn in as a state senator from Suffolk County. As a freshman senator, it didn’t take long for him to reveal an all too familiar independent streak that would later define his public career. After only one day in office, he boldly recommended to his Federalist colleagues that there should be proportional representation on the Council of the Commonwealth, meaning that the Republicans should occupy four seats. His colleagues rejected his idea.<sup>454</sup>

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<sup>451</sup> Thomas Jefferson, *Works*, IX, 195.

<sup>452</sup> Amory, *Life of Sullivan*, II, 65.

<sup>453</sup> Goodman, *Democratic-Republicans*, 128.

<sup>454</sup> *Ibid.*, 142.

Perhaps in effort to remove his independent voice from state politics, several Federalist colleagues suggested that Quincy Adams run for Congress in the fall 1802 election. He jumped at the chance, and though he lost to incumbent, Dr. William Eustis, he did quite well, losing by only 59 votes out of 3,739 cast.<sup>455</sup> Quincy Adams soon had another opportunity. Both Massachusetts United States Senate positions opened up, with one incumbent stepping down and the other deciding not to run for re-election. Although the Federalists held a majority in the legislature, the party was split. Timothy Pickering and his conservative allies who had opposed President Adams represented conservative wing of the party, and moderate Federalists the other. The Federalists desire to retain both seats, however, overcame their differences and the two groups reached an ‘arrangement.’ After voting was completed on February 3, 1803, John Quincy Adams and Timothy Pickering were elected to the United States Senate.<sup>456</sup> Though the arrangement seemed to satisfy most Massachusetts Federalists the elevation of these two men with very different political philosophies set in motion a series of events that would have lasting consequences for them, their party, their state and their country.

Before Quincy Adams assumed his new role in the United State Senate, he completed his term in the Massachusetts Senate. His actions over the next few weeks certainly would have caused anxiety among Federalist leaders. Specifically, the state legislature was considering an application for a new bank in Boston. The Republicans opposed the application, which enjoyed strong support among Federalists. Only one day after he had been elected to the United States Senate, Quincy Adams made the following notation in his diary: “Otis took me into one of the lobbies to talk with me upon the subject of the application for a new bank in the town of Boston. He said I had no conception of the interest and agitation which this affair had excited; that the application embraced a great multitude of the most respectable persons in this town, and almost the whole commercial interest; that it appeared to be an opinion among them that it depended entirely upon me, and he had heard I had objections against the plan, which he wished to remove if possible.” The concern among Federalists if the bill were to be defeated, according to Otis, was that “the Jacobins would undertake and carry through a bank of their own.” Otis had correctly gauged that Quincy Adams had objections to the bank bill, but was unable to alleviate them. Quincy Adams merely assured Otis that he would “promote every thing they [Federalists] should desire, so far as

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<sup>455</sup> John Quincy Adams, *Memoirs*, I, 256.

<sup>456</sup> John Quincy Adams, *Memoirs*, I, 259.

might be consistent with my duty.”<sup>457</sup> After considering the matter over the weekend and listening to further debate, he concluded on February 7<sup>th</sup> that support for the measure was not consistent with his duty. “Mr. James Lloyd called and conversed with me on the subject of the bank. He was very desirous that I should give it not only my vote, but my support. I stated my objections, and my intentions, particularly of proposing a general subscription, to which he strongly objected.”<sup>458</sup>

There were objections to the small number of stock subscriptions, and also to the fact that the Commonwealth of Massachusetts would not have a stake in the bank, as they did in the Union Bank. A writer identified as ‘*Steady*’ presented the Federalist argument against legislative intrusion and for a limited number of investors. “It is surely questionable,” *Steady* argued, “how far the Legislature may with propriety attempt to monopolize and engross bank stock to the state.” He pointed to Spain as an example of what happened when the government reserves “the most valuable branches of trade to itself.” [Spain’s] involvement in banking “damped the ardor of its subjects” to such a degree that they discouraged business and innovation. On the other hand, *Steady* offered Great Britain as an example of how a government should handle the banking business. “By giving to their citizens every possible facility and encouragement in their business, have enabled them to extend their trade far beyond any other people.” Expressing a fundamental tenet of the Federalist Party, *Steady* declared that “it will not be denied that the institution of Banks in commercial countries have ever been, and will be beneficial by furnishing means to men of enterprise to extend and improve commerce, manufactures and agriculture.” He further insisted that by opening the door for “speculators” to participate would “introduce confusion and disorder.” He concluded that if the people felt they were shut out, they should “apply for institution of their own.”<sup>459</sup>

A contributor to the *Independent Chronicle* offered a Republican reaction to the legislation. “It’s simple,” the writer declared: “He who is not in the bank becomes dependent on him who is.” “Bank incorporations are nothing more than squads of Aristocracy,” and they were “no more nor less than establishing by law a privilege to certain monied men to issue double the quantity of their capital, and if any demand should be made upon them, they are indemnified by paying 10 shillings in the pound. This mill gives them this advantage, but in their monied negotiations every man who borrows is called upon to pay utmost

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<sup>457</sup> John Quincy Adams, *Memoirs*, I, 259.

<sup>458</sup> John Quincy Adams, *Memoirs*, I, 261.

<sup>459</sup> *Columbian Centinel*, February 9, 1803.



farthing.” He concluded: “the multiplicity of Banks increases the evil, as it brings forward a new phalanx of monied men to extend their pecuniary influence.”<sup>460</sup> Just as the Federalists feared, Quincy Adams sided with the Republicans. He objected to the bill because the stock was limited to select group of men and not available to the general public. He also delivered a speech in opposition to the Bank bill, proposing that the subscription to the stock “should be open to all citizens of the Commonwealth.” After his proposal was rejected, he voted against passage of the bill.<sup>461</sup>

The banking bill aside, Quincy Adams wrote King updating him on the current state of political affairs in the United States. Despite their attacks on Jefferson, the Federalist Party was, according to Quincy Adams, quickly losing ground throughout the country. “The strength of the present administration is continually increasing,” he noted, and “it has obtained and preserves an irresistible preponderance in thirteen of the sixteen State legislatures, and the resistance in the three others scarcely maintains its ground. In both houses of Congress the majority is already decisive, but at the ensuing Congress, will be much larger.”<sup>462</sup> Despite their gains the Republicans were fearful that they could just as quickly lose their newfound strength, as “the leaders are all sensible how sandy a foundation it is.”<sup>463</sup> Quincy Adams, however, was not so sure they should be so anxious, observing that “the concern of the Republicans, as they stile themselves, is the result of consciousness, rather than of real dangers.” He candidly admitted, “the power of the [Jefferson] Administration rests upon the support of a much stronger majority of the people throughout the Union than the former administrations ever possessed since the first establishment of the Constitution.” “Whatever the merits or demerits of the former administrations may have been,” Quincy Adams concluded, “there never was a system of measures more completely and irrevocably abandoned and rejected by the popular voice. It never can and never will be revived.” “The only risk to which they are exposed is the shallowness of their waters.”<sup>464</sup>

Despite Quincy Adams’ gloomy prediction as to the Federalists’ future on February 22, 1804, Rufus King accepted his party’s nomination as the Federalist candidate for Vice President, with General Charles Cotesworth Pinckney as the nominee for President. Hamilton had previously suggested to

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<sup>460</sup> *Independent Chronicle*, February 3, 1803.

<sup>461</sup> John Quincy Adams, *Writings*, III, 5n.

<sup>462</sup> Quincy Adams to King, October 2, 1802, King, IV, 176.

<sup>463</sup> King, *Rufus King*, IV, 177.

<sup>464</sup> *Ibid.*

King that he become a candidate for governor of New York in 1804 in order to prevent the election of Aaron Burr. Hamilton felt King would be an ideal candidate for the Federalists to rally behind because he had been away “during the time in which party animosities have become matured and fixed.”<sup>465</sup> King had become the toast of the town in Federalist circles. Indeed, Henry Adams would later remark that “of all Federalist leaders, moderate and extreme, Rufus King, who had recently returned from London, stood highest in the confidence of his party.”<sup>466</sup>

One of the reasons King was so popular, particularly among moderates, was that he had the political stature to offset the influence of High Federalists, like Timothy Pickering. Following the Louisiana Purchase, which had been opposed by the Federalists because of their fear that New England was being shut out of power at the hands of the Southern slave states, Pickering and other Federalist leaders first began floating the idea of New England separating from the rest of the Union. The first mention of the proposal came in a letter from Pickering. Moderate Federalist leaders like Hamilton and King, however, were opposed to the idea.<sup>467</sup> Similarly, King’s friend George Cabot expressed his opposition to the proposal in a letter to King almost immediately after the idea was first discussed:

An experiment has been suggested by some of your friends to which I object this it is impracticable, and, if practicable, would be ineffectual. The thing proposed is obvious and natural, but it would be thought too bold and would be fatal to the advocates as public men: yet the time *may* soon come, when it will be demanded by the people of the N. & East, and then it will unavoidably take place. I am not satisfied that the thing itself is to be desired. My habitual opinions have been always strongly against it and I don’t see in the present mismanagement motives for changing my opinion.<sup>468</sup>

Though there is no evidence that King ever responded to Cabot’s letter, he did verbally express his opposition to the plan to other Federalist leaders. During a trip from Washington to Massachusetts in the April 1804, John Quincy Adams was detained for several days in New York, where he spent a great deal of time with King. Quincy Adams remarked that on April 8<sup>th</sup>, as he entered the King’s home, he saw Pickering sitting with him in the library. After Pickering left,

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<sup>465</sup> Hamilton to King, February 24, 1804, King, IV, 354.

<sup>466</sup> Henry Adams, *History of United States*, II, 178.

<sup>467</sup> King, *Rufus King*, IV, 350.

<sup>468</sup> Cabot to King, March 17, 1804, King, IV, 370.

King said to Quincy Adams: “Colonel Pickering has been talking to me about a project they have for a separation of the States and a Northern Confederacy.” Since Quincy Adams had heard talk of the proposal and was very much against it, he must have been pleased to hear King say “I disapprove entirely of the project; and so, I am happy to tell you, does General Hamilton.”<sup>469</sup>

King again played the part of the calm, moderate statesman, and helped temper the feelings of his more conservative colleagues. Indeed, respected by party extremists as well as party moderates, King would play a critical role in Federalist Party politics for many years to come. In the spring of 1804, he and his party had to contend with the fact that not only was the country being led by the Virginians and their Jacobin followers, but that Jefferson was continuing to grow stronger. King spent much of the summer of 1804 at the Waltham home of Mr. & Mrs. Gore, who had recently returned home from London.<sup>470</sup>

### C. Governor James Sullivan

Republican electoral success at the national level in the early 1800s eventually filtered down to the Federalist stronghold of Massachusetts. The election of James Sullivan as governor of the Commonwealth would be the fruition of his lifelong effort to articulate and implement a republican ideology. As the *Chronicle* declared, “Judge Sullivan has given as great proof of attachment to a republican government and republican principles as any other man in the state.” In particular, he would seek to involve more people in the electoral process. Since the drafting of the state constitution in 1780, Sullivan had been to expand the franchise, and provide equal access to opportunity. He was, his supporters insisted, “a man of the people,” and “not the favorite of a Boston dictatorial faction.”<sup>471</sup> Sullivan spoke for those who believed that government should provide equal opportunities to all its citizens and not to create wealth or special privilege to any specific group of people. In addition, he would embrace the concept of nationhood and spoke of the need for a “uniformity of sentiments” throughout the states, with the president serving as the central voice of authority. Efforts to achieve this national consensus were challenged, however, by the resumption of war between Britain and France and by continued British aggression against American shipping and American seamen.

In the presidential election of 1804, Thomas Jefferson was easily re-elected, defeating Federalists Charles Pinckney and Rufus King and carrying every state

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<sup>469</sup> John Quincy Adams, *Writings*, .

<sup>470</sup> King, *Rufus King*, IV, 419.

<sup>471</sup> *Independent Chronicle*, April 2, 1806.

in the union except Delaware and Connecticut. Jefferson received 162 out of a possible 176 electoral votes. President Jefferson's popularity baffled Christopher Gore. He couldn't understand how the country could turn its back on the Federalist Party, which had established a new government and equipped it with "sound finances, adequate defense, and the respect of foreign nations."<sup>472</sup> Gore's feelings to the contrary, the extent of Jefferson's victory illustrated that the Republican Party had struck a chord with the American people, while Gore and his Federalist brethren were left to come to terms with a changing political landscape.

Disappointed Federalists throughout the country found it difficult to accept the fact that the Republicans had taken such a firm control of the government. Not only had the Republicans retained the White House, but they had expanded their majority in Congress. Republicans controlled 116 seats out of 141 in the House of Representatives, and 27 seats in the Senate, compared to only seven for the Federalists. Two of the seven Federalist seats in the senate in 1804 were occupied by Massachusetts men, John Quincy Adams and Timothy Pickering.

Pickering confided in King and sought to keep him up to date on all matters before Congress. If the Republican Party continued to "progress in the course they have rapidly traveled two years past, and before Mr. Jefferson's second presidency expires," Pickering wrote, "I shall not be surprised, if I live so long, to see bloody victims of their ambition, inexorable malice and revenge."<sup>473</sup> Pickering knew his own party was in trouble nationally, and believed that it was actually weaker than it appeared. Particularly disconcerting to Pickering was the fact that the party was "crumbling away in New England."<sup>474</sup> In their pessimism, Pickering and other conservative Federalists continued to speak of the possibility of forming a new federation, with New England and possibly New York separating from the rest of the country. Moderate Federalists like King and Quincy Adams bristled at such suggestions, further highlighting the gulf that existed within Federalist ranks.<sup>475</sup>

One reason for Pickering and King's close relationship was that they shared a mutual admiration of Great Britain. Writing to Pickering after hearing news of the death of Pitt, King observed: "As no nation is more reasonable, more docile, more loyal than England, when wisely governed, so none has great

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<sup>472</sup> Helen R. Pinkney, *Christopher Gore: Federalist of Massachusetts* (Waltham, 1969), 99.

<sup>473</sup> Timothy Pickering to Rufus King, March 4, 1804, Pickering Papers, 14.

<sup>474</sup> Paul Goodman, *The Democratic-Republicans of Massachusetts: Politics in a Young Republic* (Westport, 1964), 184.

<sup>475</sup> *Ibid.*, 185.

firmness, longer patience, nor higher courage than our ancestors.” He concluded that “I feel a strong presentment and hope that the high spirit and ancient glory of the Nation will enable them to contend against, & finally to triumph over their gigantic adversary [France].”<sup>476</sup> These comments to Pickering, written in March, 1806, represented the strongest expression of support for Britain and denunciation of France that can be found in King’s correspondence. Though he had in the years after the Revolution always admired Britain, never had he expressed such a strong personal attachment to the nation that continued to threaten American political and economic interests. Indeed, it is noteworthy that at a time when the British were seizing American vessels at an alarming rate, resulting in heightened tensions between the United States and Britain, King would express such strong sentiments in support of the English. Given Britain’s continued aggression against American shipping and American seamen, there is little evidence to support King’s assessment that Britain was being reasonable, docile or loyal to the United States. Nonetheless, Pickering wrote back a few weeks later, agreeing wholeheartedly with King’s sentiments and adding that France was indeed the world’s adversary.<sup>477</sup> This notable shift in tone by King preceded a period of heightened political activity on his part.

With the departure of such luminaries as Washington, Hamilton and Adams from the national scene, the identity of the Federalist Party changed dramatically. Without the giants of the Revolution to lead them, Federalist leaders were now obliged to defend policies that were increasingly at odds with a growing number of Americans. Pinkney argued that “having neither leaders of commanding stature nor a constructive program of wide appeal and refusing to flatter the ordinary voter whose opinions they distrusted, the Federalists shrank to a minority and admitted their inability ‘to conquer the vast body that keeps the field.’”<sup>478</sup>

In addition to their electoral defeats at the national level, Federalists were growing increasingly alarmed at the prospect of losing power and influence in Massachusetts. “We are now in the fever heat of our annual Election,” Gore wrote in the spring of 1806, “and such are the charges against [James] Sullivan, & so well supported, that no man who has the least regard to property or reputation, one would think could vote for him; and yet he will probably have more than 30,000 votes.”<sup>479</sup> In order to help benefit the ‘cause of order,’ Gore

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<sup>476</sup> King to Pickering, March 20, 1806, King, IV, 504.

<sup>477</sup> *Ibid.*, 507.

<sup>478</sup> *Ibid.*

<sup>479</sup> Gore to King, March 26, 1806, King, IV, 511.

returned to the Massachusetts General Court. He thought “men of consideration should not resign the government into the hands of a different class.” This one line, more than any other, reflected Gore’s political philosophy. He firmly believed men of wealth had a responsibility to assume the reigns of government, and that those of lesser means were not qualified to lead. Therefore, Gore called upon his fellow Federalists stand by “our friends & our country in the hour of peril, . . . when our advice & experience may be of use to them and ourselves.”<sup>480</sup> While this view may have been in keeping with ‘classical republicanism,’ that the wise and well to do should govern, it no longer fit reality.

The ‘fever heat’ to which Gore referred in the spring to describe the political climate in Massachusetts climbed even higher in the hot months of the summer. On August 4, 1806, a contributor to the *Chronicle* expressed his disgust for the Federalists of Boston. “Federalism [is] the curse of our country,” he declared. They “have become the greatest nuisance in society, [because] they are constantly endeavoring to injure the country in every foreign and domestic concern.” In particular, he complained, “the Federal papers are the vehicles of defamation against the administration, and undermining the efforts of American ministers abroad.” Because of these actions, he insisted, “they are CONSPIRATORS against the happiness, peace and prosperity of the United States.” He went on to compare the Boston Federalists to the Tories of the Revolutionary period, noting that they were furnishing “the enemy with every intelligence.” Comparing the Hutchinson and Oliver ‘junto’ of pre-war Massachusetts to the existing ‘federal junto’ in Boston, the writer concluded that “the Federalists, if possible, are worse than the Tories, for they [Tories] were avowed enemies, but the former are pretended friends, though in reality the most desperate and implacable foes.”<sup>481</sup> On the same day this entry appeared, two other “notices,” written by staunch partisans, one in the Federalist leaning *Centinel* and the other in the Republican leaning *Chronicle*, precipitated a senseless act of violence.

Benjamin Austin, a wealthy Republican who for many years denounced the Federalist ruling class, was considered by many as “ill tempered and irascible.” He had written numerous anti-lawyer articles several years earlier under the name *Honestus*. Thomas Selfridge was a Federalist lawyer, who, by all accounts, was just as loud and abusive towards Republicans as Austin was towards Federalists. Selfridge had been hired to collect from Austin and his Republican

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<sup>480</sup> Gore to King, April 15, 1806, King, IV, 512.

<sup>481</sup> *Independent Chronicle*, August 4, 1806.

committee a debt that allegedly arose from a Fourth of July celebration. After Austin accused Selfridge of initiating the suit to embarrass the Republicans, Selfridge announced in the *Boston Gazette* that Austin was “a coward, a liar and a scoundrel.”<sup>482</sup> Having been made aware of what Selfridge was posting, Austin responded in the *Independent Chronicle* on the same day, declaring that Selfridge was being ‘insolent and false’ in his accusation, and that if anyone was “desirous to know the facts on which his impertinence is founded,” he would be pleased to provide the information.<sup>483</sup> Had the matter ended there, it would have been little different from most petty political disputes. Unfortunately for both parties, it didn’t end there.

Charles Austin, the eighteen-year old son of Benjamin, had just returned home from Harvard when he decided to confront Selfridge. He allegedly obtained a large hickory stick, stood next to a barbershop on Boston’s State Street and waited for the Federalist lawyer to walk past. Selfridge, who had been warned of the young man’s intentions, brought a loaded gun with him as he walked down the street that afternoon. As Selfridge walked past the building, Austin stepped out in front of him. After words were exchanged, Austin may or may not have struck Selfridge with the stick, before Selfridge shot him in the chest. After a brief struggle, as later described by James Sullivan, young Austin “soon grew weaker and he sank dying on the pavement.”<sup>484</sup>

The response to the incident was loud and immediate, as Bostonians quickly divided along party lines. Republicans accused Selfridge of murder, and alleged that young Austin had not even struck him once before being shot. After expressing outrage at the death of the young Harvard student, the *Chronicle* reported: “On Monday last, T.O. Selfridge, a lawyer of this town, about 34 years of age, was committed by Justice Gorham, for [Austin’s] MURDER, perpetrated on the same day, a little after one o’clock.” They added “we do not mean to anticipate a trial, which will be more affecting and interesting than any one which has taken place in our country; but the public anxiety demands a statement of this unhappy affair, so far as it can be given with propriety.” The *Chronicle* referred to a coroner’s jury findings calling for “an inquest for murder.” The paper also quoted witnesses who testified that less than one minute after the two men met on the street, Selfridge removed a pistol from his side pocket “and discharge it upon Austin.” It was only at that point, witnesses testified, that Austin first struck Selfridge with his stick. Selfridge then threw his gun at Austin’s head and grabbed the stick from Austin’s hand. According

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<sup>482</sup> *Boston Gazette*, August 4, 1806.

<sup>483</sup> *Independent Chronicle*, August 4, 1806.

<sup>484</sup> Thomas C. Amory, *Life of James Sullivan* (Boston, 1859), II, 166-167.

to witnesses, “Selfridge beat him with the stick and continued to beat him until some persons came up, and with great force prevented his proceeding further.”<sup>485</sup>

The town’s Federalist leaning papers made no reference to the coroner’s jury or the testimony of the witnesses. In its “Mortuary Notice” for Austin, the *Boston Gazette* reported: “The particulars of this unfortunate and melancholy affair are so variously represented by contradictory reports that were it in any respect proper, it would be impossible for us to give any correct detail.”<sup>486</sup> The *Centinel* included the same information as the *Gazette*, adding “we merely understand that a dispute of a personal nature had taken place between the father of the young gentleman deceased, and Mr. Selfridge.”<sup>487</sup> The *Gazette* described the funeral procession, moving from the Austin family home on Cambridge Street, to the Chapel Burial Ground, preceded by the president, faculty, and senior class of Harvard University.<sup>488</sup>

Gore wrote to King on August 5, 1806, the day after the incident. After setting forth the facts as he understood them, he suggested that perhaps the people might “endeavor ... to make this a Party Affair,” but that he thought the matter would pass once the “first passions have subsided.” Gore was correct in the first instance and wrong in the second. Gore reported to King:

Sullivan and Austin are endeavoring to avail themselves of the death of the son of the latter to blacken the Federalists and promote their political views, but I cannot permit myself to doubt that when a public trial shall disclose every fact of the transaction, which led to the event, every man will be satisfied, that it was the individual meanness, and base lying spirit of old Austin, with respect to Selfridges professional conduct, wherein politics or party were no way interested, that produced the quarrel between these two; and to the same false & dastardly temper of old Austin, joined to a malignant desire of revenge at any expense, but his own personal safety, will be imputed the destruction of his son.<sup>489</sup>

The *Chronicle*’s account differed from Gore’s. The paper reported that during a July 4<sup>th</sup> celebration on the Taunton Green, a large number of Federalists had gathered to sing songs and make toasts abusing Republicans in general and James Sullivan in particular. Sullivan had been the Republican candidate for

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<sup>485</sup> *Independent Chronicle*, August 7, 1806.

<sup>486</sup> *Boston Gazette*, August 7, 1806.

<sup>487</sup> *Columbian Centinel*, August 6, 1806

<sup>488</sup> *Boston Gazette*, August 7, 1806.

<sup>489</sup> Gore to King, August 24, 1806, King, IV, 537-538.



governor in 1806 and was presumed to be the Republican standard bearer in 1807 as well. “Is it possible,” the *Chronicle* decried, “that such a mass of unqualified scurrility should ever be admitted on a public occasion.”<sup>490</sup>

Also in July, a contributor to the *Chronicle* gave “A Description of Federalism.” The maxim of Federalists “is that the people are incapable of maintaining an elective republic, and cannot exist as a sovereign power without an hereditary executive, and one branch of a legislature independent of the people. The English government (for England has no constitution) is the standard of political perfection for them” and “nonconformity is an unpardonable crime.” He concluded “Federalism may be considered as another name for the love of monarchy.”<sup>491</sup>

A few weeks later, the *Chronicle*’s editor opined, “There is something insolent and audaciously impudent,” about the recent Federalists’ exclamations. “Their papers are devoted to the interest of the English government, and to the ruin of the U.S.” The goal of the Federalists was to “provoke a war between the U.S. and enemies of England, ... to force us into alliance with Great Britain, to fight her battles with all the world.”<sup>492</sup>

The *Chronicle* argued the Federalist press was downplaying the Austin-Selfridge incident. “Party spirit may operate to give silent countenance to inferior events, but when murder stalks predominant in places of such mutual resort, it becomes the duty of the whole community to portray it in all its horrors.” In response to the suggestion that Selfridge was merely protecting himself, the *Chronicle* asked “why has an unfortunate young man, whose life has paid the forfeit of antagonist, after repeated warnings of his danger, barbarously fracturing the skull of his opponent. Talk no more of honor or integrity; and above all, stop your mouths as to silence on the murder.”<sup>493</sup>

Because the case was seen as a test of strength between the two parties, accusations and denunciations were exchanged between Federalists and Republicans in the months leading up to the trial. The grand jury charged Selfridge with manslaughter, contrary to the initial finding of the coroner’s jury. The legal teams on both sides of the case reflected the partisan nature of the trial. The prosecutors in the case were Republicans, Solicitor General Daniel Davis and Attorney General Sullivan. Two Federalists, Samuel Dexter and Gore defended Selfridge. As if the trial needed any further drama, the jury

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<sup>490</sup> *Independent Chronicle*, August 7, 1806.

<sup>491</sup> *Independent Chronicle*, July 24, 1806.

<sup>492</sup> *Independent Chronicle*, August 11, 1806.

<sup>493</sup> *Independent Chronicle*, August 21, 1806.

foreman was Revolutionary War hero, and ardent Federalist, Colonel Paul Revere. The presiding judge, Isaac Parker, was also a Federalist.<sup>494</sup>

The trial of Selfridge on the charge of manslaughter took place in December 1806. Gore and Dexter presented a case built around the fact that Selfridge feared for his life. Sullivan and Davis were forced to focus primarily on the “dangers of permitting a man to take the law into his own hands.”<sup>495</sup> Sullivan took the lead in the case against Selfridge, despite the fact that one of his children recently had died. After the witnesses had been heard and the cases presented, Sullivan gave a lengthy and wide ranging closing argument. The closing arguments of the two sides revealed some of the underlying differences between the Republican and Federalist Parties.

Sullivan noted the large crowd that had gathered to observe the proceedings. “The insinuation respecting the crowd in this court-room glances at party spirit,” he began. But, he added, “It is of no consequence who are the parties, or what the facts on which the issue rests, otherwise than to call into examination the principles which are to guide you in your verdict.” Sullivan reminded the jurors that “the principles on which the cause is to be tried must stand or fall by themselves, without any regard to the parties.” In a clear allusion, however, to the difference between the two parties, as he viewed them, Sullivan suggested that “a monarchy and aristocracy, mixed together to form a government, support a state of servile dependence, where the hopes of favor and interest exclude the idea of reward for merit, bring patriotism and public virtue into base contempt, and render fraud, deceit and cunning, the insolent claimants of the rights of truth, talents and integrity.” “It is in a free government alone,” Sullivan told the jury, “that principles, founded in the nature of social virtue, can claim the decision of what is right between man and man, between the individual and civil society, without the corruptions arising from the destruction or irregularity of rights and privileges from party distinction.” He hoped to undercut the assumption that Selfridge’s party affiliation and social status would stand in his favor with the jury. He asked for example, what would be their verdict if the defendant had been the victim. He urged the jury to disregard “the misconduct of the newspapers, in publishing matters relative to a trial while it is pending.”<sup>496</sup>

During his argument, Sullivan also made reference to his adversary, Gore. In his continued effort to paint the defendant, and even the defense team, as

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<sup>494</sup> Amory, *Life of Sullivan*, II, 168.

<sup>495</sup> Pinkney, *Gore*, 97.

<sup>496</sup> Amory, *Life of Sullivan*, II, 171-172.

members of a presumptuous ruling class who expected to be treated differently, Sullivan said that Gore spoke “with an elegance of manner and strength of language peculiar to himself.” He said he would “imitate him [Gore] in some degree, but will address you as all entertaining opinions similar to my own.” Sullivan returned again and again to party differences and tried to paint the jury into a corner. “If you prefer our democratic institutions to a monarchy, an aristocracy, or a mixed government, we all think alike. Is there one of you who would alter our system of jurisprudence or relinquish the inestimable right of trial by trial.”<sup>497</sup> Sullivan tried to convince the jury that it was their duty, as good republicans, not to accept the unstated assumption by some that Selfridge was a ‘gentleman’ and therefore deserving of additional protection. By convicting Selfridge, Sullivan intimated, the jury would reject such aristocratic, non-republican, assumptions.

For the defense, Dexter focused on the fact that the deceased was “young, athletic, active and violent,” while the defendant was “feeble and incapable of resisting him.” After presenting a powerful argument in support of the claim of self-defense, he then pursued a curious, and in Sullivan’s mind, predictable course. He argued that the *defendant* believed that:

from the violence of his [Austin’s] passion, he would destroy me: by beating me he must disgrace me, [and that] this alone destroys all my prospects, all my happiness, and all my usefulness. Where shall I fly when thus rendered contemptible? Shall I go abroad? Every one will point at me the finger of scorn. Shall I go home? My children – I have taught them to shrink from dishonor.<sup>498</sup>

Rather than rely exclusively on the argument that Selfridge was in fear for his *life*, the defense instead suggested that he was also concerned about his *honor*. Sullivan pounced on the word ‘dishonor’ as a possible justification for killing another man, suggesting that it was a presumed excuse for a certain class of privileged people:

Are there men, nay, a multitude of men, who have a natural right, from their feelings, from their high sense of honor, to defend themselves when and where others of less feeling may not? Is it the voice of nature, which makes this distinction? Is this sense of honor, are these feelings, a privileged exception to certain individuals which raises them above the rules of the gospel..... Is there any distinction between the would be

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<sup>497</sup> Ibid., 175.

<sup>498</sup> Ibid., 179.

nobleman and the chimney sweep? .. for we are to suppose, from the distinction taken by the defendant's counsel, that these are the Alpha and Omega, the head and the tail of the links that form civilized society.<sup>499</sup>

Sullivan then asked: "why are duels criminal, if the men who engage in them have this privilege of maintaining their own honor."<sup>500</sup>

After the arguments were made, Judge Parker instructed the jury that if Selfridge "had no view but to defend his life, ... and not purposely throw himself in the way of the conflict, ... then the killing was justifiable homicide." Though there is disagreement in the record as to the political affiliation of the jurors, what is known is that it took only fifteen minutes for them to come back with a verdict of acquittal.<sup>501</sup>

Outraged Republicans compared the affair to the Boston Massacre and promptly nominated Sullivan for governor. "As it respects Mr. Sullivan's political character," the *Chronicle* wrote, "his opinions and manners are congenial with the democratic republican constitutions of the national and state governments; and he is attached to the present happy and prosperous administration of Mr. Jefferson. These excellent traits are not to be found in the character of [Federalist] Governor Strong," who was "consequently, unfit to be the Governor of this Republican State."<sup>502</sup> The Republican strategy in 1807 was clearly to identify Sullivan with the Jefferson administration. The editor and contributors to the *Chronicle* invariably invoked the name of the popular president as a reason to support Sullivan's candidacy. Under the headline announcing the unanimous selection of Sullivan as the Republican candidate for governor, the editor observed that it was his "wish to preserve a unity of sentiment in the administration of this Commonwealth with that of the union." As he would many times, Sullivan also voiced support for "the virtuous administration of the Federal Government under the guidance of Jefferson."<sup>503</sup>

In addition to praising Jefferson and Sullivan, the *Chronicle* consistently and stridently attacked the Federalists. Under its regular feature entitled "Truth its Guide, Liberty its Object," the *Chronicle* sought to demonize the Federalists and to paint them as treasonous opportunists. In the January 15<sup>th</sup> installment, the

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<sup>499</sup> Ibid., 179-180.

<sup>500</sup> Ibid., 181.

<sup>501</sup> Ibid., 186.

<sup>502</sup> *Independent Chronicle*, August 28, 1806.

<sup>503</sup> *Independent Chronicle*, February 12, 1807.

writer, identified as *Franklin* declared: “There is a party in this country who call themselves Federalist. That party is headed and urged on by leaders who are restless as the sea, cruel as the most fierce anger, and relentless as the grave. These leaders command their own and their party’s wealth, and which, in Massachusetts, by an artful change in the form of riches, from individual and corporate possessions, embraces, nearly, the wealth of the whole state.” Furthermore, he charged, these “disorganizing, traitorous [Federalist] leaders induce their deceived party to maintain a great number of gazettes.” In Federalist newspapers, “the truth, in regard to the neutral and real interest of the country, can never be admitted. Slanders against the rulers of the nation, against the administration of government, and against foreign powers, fill half the columns. The other half is devoted to eulogies on the English government, her fleets and troops – with a manifest intention to disturb our neutral ground and to involve us as an ally of England in her European contests.” *Franklin* labeled Federalist connections to Britain, “Cunning, deceit, and hypocrisy, are the evil spirits by which the world is involved in misery. Avarice, speculation, and swindling are their agents in the United States.”<sup>504</sup>

The *Centinel* was no less strident in their attacks on Sullivan and the Republicans, warning the people of Massachusetts “the enemies of your liberty are straining every nerve and exciting every power in their hand, to impose on you a Governor whose tyranny has already been demonstrated. See! See! They are caucusing over the Commonwealth; they are contriving to rend asunder your Constitution, the Magna Carta of your liberties.”<sup>505</sup> One contributor from Portland compared Sullivan and the ‘democrats’ to “shallow animals” for the political tricks they were alleged to have played: “We laugh to scorn the miserable devils, who resort to paltry tricks to carry electioneering points,” whereas, “our [Federalist] policy is open and magnanimous, and must ultimately be crowned with triumph.”<sup>506</sup>

The legitimate political differences that separated Strong and Sullivan in 1807 tended to get lost in the increasingly harsh rhetoric, by both sides. As election returns began to filter in, however, it soon became apparent that Sullivan was doing substantially better than he had the year before. Shortly before all the votes were counted, the *Centinel* seemed to accept the inevitable. Singling out the towns of Boston, Salem and Plymouth for their support of Strong, the paper added, “if Massachusetts is fated to fall, the world will say, they are innocent.” Boston elected several Federalists’ state senators, including

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<sup>504</sup> *Independent Chronicle*, January 15, 1807.

<sup>505</sup> *Columbian Centinel*, March 28, 1807.

<sup>506</sup> *Columbian Centinel*, April 4, 1807.

Christopher Gore. With 3,146 votes, Gore received the second highest number of votes in a field of ten candidates.<sup>507</sup>

After years of frustration, the *Chronicle* gleefully reported on April 20, 1807, “We can now, we think, with safety announce to our friends and the public, the late great and important election. It has arrived as nearly as possible to a certainty that the Hon. James Sullivan is elected Governor, and the Hon. Levi Lincoln, Lieutenant Governor of this Commonwealth, by a majority of thousands.” They added that the Republicans had been “determined to effect her reformation,” and persevered, despite being “confronted by wealth and influence,” of the Federalist Party. A few days later, it was reported that Sullivan had defeated Strong, 41,092 votes to 36,809 respectively.<sup>508</sup>

After it was clear that Sullivan had been elected governor, the *Centinel* noted simply “If Mr. Sullivan is proclaimed governor, we hope the democrats will learn to respect the constituted authority of the state – they have effected the change with zeal and every evil work; we hope they will bestow on the object of their choice, their confidence and esteem.”<sup>509</sup> The *Chronicle* ignored the call for moderation, complaining that the Federalist press had “outraged every moral and political principle to degrade” the new governor, and had “attempted to render him odious and detestable in the minds of his fellow citizens, in a way unparalleled in civilized society.” “As Judge Sullivan has already experienced the full vengeance of federal outrage,” the *Chronicle* wrote, “he has nothing to fear from the malice of his enemies, nor nothing to expect from their friendship. He never can do anything to please them, so far as to reconcile them to his administration. As it is with President Jefferson, let him do what he will, the Federalists will never be satisfied.”<sup>510</sup> As the weeks passed, the *Chronicle* continued to remind readers of past offenses against Sullivan. One contributor, identified as *Virgil*, recollected that the Governor-Elect “has been insulted by the grossest misrepresentations, ... these several years past, by the oligarchical party.”<sup>511</sup>

For the first time since the retirement of Samuel Adams in 1797, the Republican Party in Massachusetts had won control of every branch of government. Furthermore, with the election of Sullivan in Massachusetts, Republicans now reigned supreme in all of the states of New England, except Connecticut. Four days after his election, Sullivan wrote to President Jefferson

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<sup>507</sup> *Columbian Centinel*, April 8, 1807.

<sup>508</sup> *Independent Chronicle*, April 20, 23, 1807.

<sup>509</sup> *Columbian Centinel*, April 22, 1807.

<sup>510</sup> *Independent Chronicle*, April 30, 1807.

<sup>511</sup> *Independent Chronicle*, May 21, 1807.

and discussed for the first time his belief in the importance of a central voice of authority to achieve a national consensus:

I conceive that a uniformity of sentiments in matters of Government throughout the States is of great consequence. This can never be affected unless there shall be a central point of communication and influence, to which the leading characters in the States can repair, as to a center of union and information. You Sir ought to assume the trouble of being that center, that Governors of the several States, being Republicans, may communicate with you, and learn what general principles of policy will unite the nation. This will consolidate the union, and enable as to appear as a nation, though we consist of many independent sovereign governments.<sup>512</sup>

This national consensus or “uniformity of sentiments” of which Sullivan spoke represented the end of a long journey for a man, who, twenty years earlier, had warned of national intrusion into state interests. Though he still spoke of “many independent sovereign governments,” the idea of a “central point of communication,” was not only appealing to the new governor, but essential. His embrace of centralization and consolidation would not have been surprising to his older colleagues, because it was reminiscent of his calls for the centralization of state finance in the 1770s and 1780s. According to the governor, many of his Federalist opponents were “disorganizers,” fomenting discord, while defending only regional concerns and foreign powers, at the expense of national unity. Indeed, words like “consolidate,” “centralize,” and “union” often appeared in his speeches and correspondence. As for his election to the governor’s office, Sullivan believed he had been called by the people to head the state government “under the expectation that I would consolidate the commonwealth and strengthen the national union and energy.”<sup>513</sup> The new governor of Massachusetts was in complete agreement with the president in his efforts to strengthen the union and speak with one voice.

Governor Sullivan had no illusions that his new job was going to be an easy one, as the election had left in its wake a great deal of bitterness. In his first public message, Governor Sullivan, determined to highlight the difference between his party and the Federalist Party, declaring “the power of government

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<sup>512</sup> Sullivan to Jefferson, June 3, 1807, Sullivan Papers, Box 1, Folder 7.

<sup>513</sup> *Correspondence between Governor Sullivan and Col. Timothy Pickering* (Boston, 1808), 4.

must be exerted to give equal advantages to all its subjects; not to create wealth, or exclusive privileges to any.”<sup>514</sup>

Gore lamented the fact that the party of “demagogues, democrats and disorganizers,” were now in control, and that the affairs of state would be “as bad as Vice & Folly can make them.”<sup>515</sup> Writing to King later that year, Gore complained of having to deal with Sullivan and the Republican dominated legislature, and suggested that his chief function and that of his Federalist colleagues was to prevent the state from “doing evil.” “My own determination,” he declared “was never to oppose his [Sullivan’s] measures, except bad, but individually never to make the smallest advance towards conciliating such a Wretch; and of course I never see him but on business.” He concluded that Sullivan “has and will bend to his Council in everything, and that is composed of the most violent & revengeful class of Democrats.”<sup>516</sup> Like Sullivan, Gore was prone to use harsh rhetoric in both his public and private conversations. He understood, however, that as a member of the minority party, he would have to bide his time.

If Sullivan was bothered by snubs from Gore and other Federalists in the legislature, he never mentioned it. He did, however, take great satisfaction in the defeat of the Massachusetts Federalists and was not above gloating. After suggesting to Jefferson that he should make a tour of the northeast, he concluded with his assurance that the “Federalists are completely vanquished.”<sup>517</sup> A few weeks later, in June 1807, Sullivan wrote to the president again citing his belief that the Federalists were completely defeated, and bragging that “they are fawning at my feet.” He added “the serpent is torpid with cold, looking with but little hope for the return of the searching beams of federalism.”<sup>518</sup>

Sullivan, like Gore, seemed to view the conflict between Republicans and Federalists as a death struggle, with the goal being the total destruction of the ideas for which the opposing party stood. Indeed, more important than the destruction of the opposing party itself was the prospect of advancing their own ideology. Sullivan’s Republican victory signaled the triumph of republicanism and the end of top-down authority and deference to a natural elite and presumed favored class. Within a few months of Sullivan’s elevation,

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<sup>514</sup> Box 1, Folder 7, Sullivan Papers, MHS.

<sup>515</sup> Pinkney, *Gore*, 99.

<sup>516</sup> Gore to King, December 25, 1807, King, V, 40-41.

<sup>517</sup> Box 1, Folder 7, Sullivan Papers, MHS.

<sup>518</sup> *Ibid.*



however, a foreign crisis occurred and the hopes of Federalists everywhere would be significantly renewed and the ideological struggle would continue.

## Chapter VII

### Defining Battle

The growth of Republicanism in Massachusetts was not only tied to the success of Governor Sullivan at the state level, but also to the success of the Jefferson administration in Washington. Jefferson, like Washington and Adams before him, watched events in Europe with great trepidation, and, just as his predecessors had done, Jefferson did his best to pursue a policy of neutrality. As war between Great Britain and France began to escalate in early 1807, however, the president was forced to consider how renewed hostilities would impact American foreign policy and American trade. Given the fact that United States merchants, including a very large number in Massachusetts, traded extensively with Britain as well as with several countries on the continent, including France, the ability of the United States to remain a neutral observer was going to be difficult. Decisions made by Jefferson in the summer of 1807 would have lasting consequences in the Commonwealth of Massachusetts.

#### A. Massachusetts and Jefferson's Embargo

On June 21, 1807, the American frigate *Chesapeake*, on a routine patrol, was attacked by the British ship *HMS Leopard*. Hailed by the *Leopard*, the captain of the *Chesapeake*, James Barron, assumed the British vessel merely wanted to deliver a simple communication, since the United States was not at war with Britain. Consequently, Barron stopped the *Chesapeake* and permitted several British officers and sailors to board his ship. The British officer in charge promptly demanded that Barron turn over four sailors whom he claimed were deserters from the British navy. Barron refused. As soon as the British officers were back on deck of the *Leopard*, they opened fire on the *Chesapeake*, killing three men and wounding eighteen.<sup>519</sup> Because it had been unprepared to fight, the American vessel was forced to surrender and turn over the sailors. Once word of the attack and seizure reached home, Americans were furious.

The actions of the British ship were in clear violation of international law, and Americans in every seaport were demanding vengeance, “and looked to the president for stern measures of retribution.”<sup>520</sup> If American vessels and cargo were subject to British seizure, and her sailors subject to impressments, they asked, what would be next? President Jefferson quickly understood the danger

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<sup>519</sup> Forrest McDonald, *The Presidency of Thomas Jefferson* (Lawrence, 1976), 135.

<sup>520</sup> *Ibid.*

that confronted him. In the war between Britain and France, America was caught in the middle, and neither of the two combatants would respect America's rights as a neutral nation. Meanwhile, in Massachusetts, Sullivan had been governor for less than one month.

Public reaction was strong and swift. In Boston, the *Chronicle* asked: "What will the British agents and Tories say to this? ... Will they talk to us again about a navy and fortifications, and lay the whole blame on us?... This is the government we are called on to admire, this is the power which our Tories wish may conquer in Europe."<sup>521</sup> President Jefferson immediately issued a proclamation "requiring all armed vessels bearing commissions under the government of Great Britain, now within the harbors or waters of the United States, immediately and without any delay to depart from the same." He also forbade any intercourse with these ships and prohibited "all supplies and aid from being furnished to them."<sup>522</sup> Jefferson also directed Governor Sullivan and all governors to begin training and arming their state militia. On July 10<sup>th</sup>, a large gathering of Republicans and moderate Federalists, including John Quincy Adams, gathered at the State House in Boston to formally protest the actions of the British, and to express outrage at the seizure of American sailors. After Elbridge Gerry was chosen to be moderator, the gathering resolved unanimously "that the late aggression committed by a British ship of war on a frigate of the United States, for the avowed purpose of taking from her by force a part of her crew, was a wanton outrage upon the persons and lives of our citizens, and a direct attack on our national sovereignty and independence." The group also expressed their full support for President Jefferson and his request that all state governors train and equip their militia. They added: "We are ready cheerfully to cooperate in any measures, however serious, which they [the government] may judge necessary for the safety and honor of our country, and will support them with our lives and fortunes."<sup>523</sup>

Conservative Federalists like Timothy Pickering refused to condemn the British for fear of an escalation in tension between the United States and Britain. Many moderate Federalists, however, did join Republicans in condemning Great Britain.<sup>524</sup> Gore was not one of them. Both the *Chronicle* and *Centinel* reported that on July 16<sup>th</sup>, between 1,500 – 2,000 people gathered for a Town Meeting at Faneuil Hall to formally protest the actions of the British. A bipartisan committee was appointed to "draft suitable Resolutions" for Town

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<sup>521</sup> *Independent Chronicle*, July 6, 1807.

<sup>522</sup> *Columbian Centinel*, July 8, 1807.

<sup>523</sup> *Independent Chronicle*, July 13, 1807.

<sup>524</sup> Pinkney, *Gore*, 103.

Meeting consideration. Two of the committee members nominated were John Quincy Adams and Christopher Gore. It was reported that the Resolutions were “agreed to without division” and “universally accepted” by the Town Meeting.<sup>525</sup> The evidence suggests, however, that despite being nominated to the bi-partisan committee, Gore did not participate in the proceedings, nor did he even attend the meeting.<sup>526</sup> Gore historian, Helen Pinkney, contends that his refusal to attend the Boston Town Meeting “foreshadowed his alliance with the ultra-Conservative Federalists.”<sup>527</sup>

King, in New York, was also desirous of seeing the matter resolved quickly, and suggested that *both* sides were at fault. Writing to Gore in early September, 1807, he said “I think the officers of both countries have done wrong; our Commodore was guilty of a military indecorum in engaging Seamen, knowing them to be deserters from the English ships of war.”<sup>528</sup> If King had evidence to support this allegation, however, he never presented it. Nonetheless, King, Gore, Pickering and other Federalist leaders were furious with Quincy Adams who had called upon his colleagues to stage a protest meeting. They declined.

As the weeks passed, both France and Britain were interfering with American shipping on an unprecedented scale. It was becoming increasingly risky for the ship owners, and hazardous for the seamen, to travel from the United States to any foreign port. Jefferson was faced with the most important decision of his presidency. With American vessels and their cargo subject to seizure by both Britain and France, and with American sailors subject to impressment, he confronted a serious international crisis that would test Republican principles and ideals. Recognizing first and foremost that American neutral rights had to be respected, Jefferson ignored the advice of some Federalists that the United States should do nothing, that it could afford such losses because American trade had grown so significantly during the previous five years. As far as the president was concerned, however, the issue went far beyond profit and loss. The sovereignty of the United States was being challenged, and American citizens were being taken by force. Besides, most Americans were demanding that some form of action be taken.

Jefferson was reluctant to resort to military action for two reasons. Firstly, the United States was not in a position, militarily, to defend its worldwide shipping. Secondly, resolving the conflict through war was not in keeping with

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<sup>525</sup> *Columbian Centinel*, July 18, 1807, *Independent Chronicle*, July 20, 1807.

<sup>526</sup> *Independent Chronicle*, March 21, 1808.

<sup>527</sup> Pinkney, *Gore*, 104.

<sup>528</sup> King to Gore, September 11, 1807, King, V, 40.

Republican philosophy. Determined, therefore, to avoid war, Jefferson had few options. After all, if the United States resorted to war, they would be no better than the old world despots.<sup>529</sup> Historian Forrest McDonald has argued that Jefferson and his followers had nobody but themselves to blame for the president's lack of options.

In their eagerness to retire the public debt, the Jeffersonians tried diligently to economize. Toward the end, they slashed military and naval appropriations so much as to render the United States incapable of defending itself – at a time when the Western world was at war. They lucked out for the first few years, but “from 1803 onward, however, each turn of the international wheel was less favorable to the United States.”<sup>530</sup>

Indeed, the Americans lacked the strength to make even a token show of force against Britain. As McDonald noted: “Thus in 1807, when both Britain and France forbade the United States to engage in international commerce except as tributaries to themselves, the embargo – a policy of pusillanimity and bungling, billed as a noble experiment in peaceful coercion – was the only course open to them.”<sup>531</sup> On November 11, Britain issued an Order in Council, announcing that all vessels trading with France or its allies and their colonies would be subject to confiscation unless they first entered a British port and obtained a license for each voyage. America had two choices, as far as the British were concerned; trade with and through Britain, or not trade at all.<sup>532</sup> Thomas Jefferson opted for the latter. Acknowledging that the Non-Intercourse Act of the year before had been a half measure at best, and that it was totally ineffective as an economic weapon, Jefferson believed that only a total embargo could force the European powers to respect American neutrality.

Both houses of Congress quickly approved Jefferson's plan. The Embargo Act of 1807, which took effect in the last week of December, 1807, “provided a self blockade of the United States' international commerce, prohibiting American shipping to foreign ports and foreign shipping into American ports.”<sup>533</sup> The only Federalist to support the measure in the Senate was Quincy Adams. The act was amended several times in the weeks and months ahead, adding more harsh penalties for violations, including the forfeiture of cargo and imposition of heavy fines. Not only would an embargo protect American ships, cargo and

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<sup>529</sup> Pinkney, *Gore*, 105??

<sup>530</sup> McDonald, *The Presidency of Thomas Jefferson*, 30-31, 161-165.

<sup>531</sup> *Ibid.*

<sup>532</sup> *Ibid.*, 143.

<sup>533</sup> Garret Ward Sheldon, *The Political Philosophy of Thomas Jefferson* (Baltimore, 1991), 100.

crew, it would also, the president hoped, intensify economic pressure on Britain and France. Jefferson believed that the European powers would, after awhile, be so desirous of resuming trade relations with the United States that they would acknowledge and respect American neutrality, and revoke the orders and decrees that had damaged their relations with the United States. Economic pressure, the president insisted, though risky, would, in the long run, be the most effective weapon. Meanwhile, the Jefferson administration continued using diplomatic channels to resolve the international crisis.

While the Embargo Act may have been viewed favorably by most Americans shortly after its passage, Jefferson realized that the Embargo would likely have to stay in place for a long period of time, and that the patience of the people would be sorely tested. Governor Sullivan of Massachusetts wrote the president on January 28, 1808, commending the national government for their wise, dignified and energetic measures “in relation to the violation of our neutral rights and more especially to the outrageous attack on the American frigate *Chesapeake*.” He was pleased to inform Jefferson that “we consider the imposing of the Embargo a wise and highly expedient measure.” Sullivan wrote the president again on February 8<sup>th</sup> and referred to a resolution from the Massachusetts legislature commending the President and his administration. He also noted that Jefferson received all the electors in Massachusetts in his last election [1804], and suggested he would be supported again if he ran for another term.<sup>534</sup>

For the Federalists, however, the Embargo was seen differently. After hearing of the dramatic steps taken by the government, King sounded almost desperate in a letter to Gore. Though he didn’t challenge the constitutionality of the Embargo, King was convinced that the measure was misguided and could very possibly lead to war: “The embargo has excited the most profound alarm, and will here [New York] occasion real and extended distress,” he began. “I have never seen so much anxiety and indecision in men of all descriptions.” He ended with a plea for action, because “facts of immense importance, and of the most suspicious nature, but of which the country are utterly ignorant, are believed to have taken place – a war with England must be prevented...”<sup>535</sup>

King was not alone in his fear and anger. Several conservative, or “High” Federalists, for example, including Senator Pickering, wasted no time in condemning the Embargo as outrageous and unconstitutional. Seizing the opportunity to advance the Federalist cause, they also attacked the president

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<sup>534</sup> Box 1, Folder 8, Sullivan Papers, MHS.

<sup>535</sup> King to Gore, December 31, 1807, King, V, 42-43.

personally, accusing him of being an agent of Napoleon.<sup>536</sup> Pickering was particularly concerned at how the British would interpret the legislation. He hoped they would not view it as an act of war, and instead realize that “though aimed directly against her, will do most injury to ourselves.” Indeed, he added, Britain will soon be “smiling at the sufferings inflicted by the folly and wickedness of our idolized rulers,” and that they will be “content with the commerce of the world; of which we voluntarily give her the monopoly.” Insisting that Jefferson never intended to enter into a treaty of amity or commerce with Britain, for fear of what Napoleon would think, Pickering concluded that “the popular mass are dupes of his [Jefferson’s] imaginary virtues; while great majorities in both Houses repose a blind confidence in his supposed wisdom.”<sup>537</sup> Federalist leaders everywhere were decidedly sympathetic to the British and disgusted with Jefferson.

Governor Sullivan wrote to the president, expressing shock at the behavior of Federalist leaders. He noted that several of them were “coming forward in the federal gazettes excusing and justifying the late English aggression,” and that several of the Federalist judges, who could not be removed, supported the British. Sullivan assured the president, however, that he and other Republicans agreed with him on the issue of impressments, noting that “everyone agrees that we can never allow the British to man their navy from our citizens by coercion.”<sup>538</sup> Support for the Embargo, however, would become increasingly tenuous in Massachusetts. Indeed, though Jefferson knew he was asking Americans to make major sacrifices, it soon became apparent that the state most impacted by the Embargo would be that headed by Sullivan. Indeed, at the time of the passage of the Embargo Act, there were more ships owned in Massachusetts than in any other state, and Massachusetts “ranked first in the country in registered tonnage, and it held four-fifths of the nation’s fishing fleet.”<sup>539</sup> The Massachusetts economy relied extensively on foreign trade, and with foreign ports now closed to American vessels, the economic impact of the Embargo on Massachusetts was going to be tremendous. In response to the charge that the Embargo seemed to violate the Republican ideals of decentralized power and economic freedom, the president appealed to national security and independence.<sup>540</sup>

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<sup>536</sup> McDonald, *Jefferson*, 149.

<sup>537</sup> Pickering to King, January 2, 1808, King, V, 46.

<sup>538</sup> Ibid.

<sup>539</sup> Pinkney, *Gore*, 104.

<sup>540</sup> Sheldon, *The Political Philosophy of Thomas Jefferson*, 101.

Federalists like Pickering, saw something deeper in Jefferson's thinking on the matter of the Embargo: "You know the hostility of Jefferson and Virginians and other Southern men, to our carrying trade." He asked whether Jefferson "would continue the Embargo to the destruction of the navigation of the northern states," and whether the latter will "sit still with folded arms and submit to ruin."<sup>541</sup> King also remained convinced that the country was headed to ruin, and that England must be helped, not hindered, in her ongoing war with France: "If England sink, her fall will prove the grave of our liberties; believing this, as I most firmly do believe it, ought not the country to be alarmed at the conduct of the Executive, whose errors, or the indulgence of whose prejudices, may, & I fear will, prove the ruin of this country."<sup>542</sup> In a letter to Gore later that month, King reiterated his concerns about the embargo, but asked Gore not to mention his name to anyone on the subject.<sup>543</sup>

Among those Federalists who took a leadership role in attacking the Embargo, none were more vocal than Gore and his good friend, Senator Pickering. In a letter to King, Gore asked "whether the states to the East of the Delaware might not combine for the purpose of preventing a war with Great Britain," and that "if this be probable, whether a convention of merchants might not be advantageously assembled to deliberate on their affairs, and the embarrassments they suffer in consequence of their being deprived of their accustomed business."<sup>544</sup> It would be more than six years before likeminded Federalists would come together at the Hartford Convention to consider steps to oppose another Republican president. It was Pickering, however, who would take on the most visible and vocal role in the attacks on Jefferson and what they perceived as misguided policy. In February, 1808, Pickering initiated a campaign to strengthen the Federalist Party in time for the coming elections with a withering assault on President Jefferson and his administration, using the Embargo as his chief weapon. He began his campaign with an open letter to Governor Sullivan, denouncing the president and questioning his motives, and declaring his belief that Jefferson was being influenced by Napoleon. He called upon Sullivan and the Massachusetts government to take action against the Embargo, calling for its nullification, and proposing that a convention of commercial states be called in order that they may make a coordinated and unified attack against the embargo and Republican foreign policy.<sup>545</sup>

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<sup>541</sup> Pickering to King, January 19, 1808, King, V, 64.

<sup>542</sup> King to Pickering, February 5, 1808, King, V, 70.

<sup>543</sup> King, *Life of King*, V, 71.

<sup>544</sup> Gore to King, March 10, 1808, King, V, 88.

<sup>545</sup> Pinkney, *Gore*, 105.



Governor Sullivan refused to present the letter to the legislature, returning it instead, unopened, to its author. Having read the letter previously in a newspaper, Sullivan penned his response to Pickering and suggested: “Your temper, urged to an extreme by your disappointment in not having your own opinion the rule of national measures over the majority of Congress, has carried you too far.”<sup>546</sup> He insisted to Pickering that his letter was a “seditious, disorganizing production,” and that he was in no way obligated to present the letter to the legislature. Sullivan declared: “The people of Massachusetts called me to the head of this state under the expectation that I should consolidate the commonwealth, and strengthen the national union and energy: I shall not, therefore, be made a tool of by you, for effecting directly opposite purposes.” He added: “If we are anything, we are a nation under the organization of the general government. I will not waste time here to inquire whether that government is right in regard to the embargo or not. No government is always right. You may take it for granted, if you please, that the embargo act was an error, yet it was a constitutional act.”<sup>547</sup>

Sullivan argued: “If the senators of Massachusetts, when they happen to be in a minority in Congress, can appeal to their state, why cannot Rhode Island, Connecticut, New Hampshire, and those of the other states do the same? And where will this end but in an overthrow of the national government?” In addition, he suggested: “If the legislature of Massachusetts could, on the communication of even both its senators, jointly made, by the governor, as their involuntary organ, control the national councils in regard to our concerns with foreign powers, why should not the legislatures of each of the other states do the same?” Sullivan concluded with a request that this letter would close their correspondence, because “I have not time to waste in this way. I can gain the end of my political year as governor without your aid; and as a private citizen I want no information from you.”<sup>548</sup>

Pickering elected, however, to continue their correspondence. Writing to Sullivan a month later, he vented his contempt for the governor and the Republicans. He accused Sullivan and his colleagues of having “blind confidence” in Jefferson, and that they had neglected to ask the difficult questions when the Embargo was first enacted. He didn’t limit his criticism to Republicans. Indeed, “when the people of Massachusetts see a man Mr. [Quincy] Adams acknowledged abilities and learning advancing such sentiments; when they see a man of his knowledge of the nature of all

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<sup>546</sup> *Correspondence Between Governor Sullivan and Col Timothy Pickering* (Boston, 1808), 3.

<sup>547</sup> *Ibid.*, 4.

<sup>548</sup> *Ibid.*, 5.

governments, and of his intimate acquaintance with our own free republican government, and of the rights and duties of the legislature; especially of their right and duty to consider, to deliberate, and according to their own judgment, independently of executive pleasure, to decide on every public measure,... when I say, the people of Massachusetts see this, will they wonder if a majority in Congress should be overwhelmed by the authority of the executive recommendation?”<sup>549</sup>

Pickering took particular exception to Sullivan’s charge that his letter was “seditious, and disorganizing, and tending to excite rebellion.” He suggested to the governor that he could produce letters from “statesmen and lawyers of the first distinction in the United States who have honored me with their approbation and thanks.”<sup>550</sup> Sullivan must certainly have struck a chord with Pickering, for the senator proceeded to give a year by year history of his political life, from Lexington and Concord, when he marched with the local militia, to 1791 when President Washington appointed him Post-Master General. He identified the great men he had known and the friendship and confidences they shared as a defense to the charge that he was seeking to destroy the union.<sup>551</sup>

While Governor Sullivan may not have been pleased with Pickering’s actions, Gore applauded the senator’s efforts and hoped that it “would arouse our people from their sleep, which really appears like the sleep of death.” To people like Gore, the president’s policies were a “deliberate attack upon Federalist wealth and power.” Gore and Pickering made sure that copies of the letter were distributed throughout the state.<sup>552</sup> Pickering also held several meetings with the special British envoy to the United States, George Rose, and proposed the formation of a pro-British party in New England. Incredibly, he even encouraged Rose to urge that Britain continue taking a hard line against the United States. Pickering was convinced that if pushed, the Jeffersonian Republicans would be forced to take even more extreme measures to enforce the Embargo, and that such action would be political suicide.<sup>553</sup>

Continued British aggression against American shipping, however, angered most Americans and quieted many critics of the Embargo. In addition, some Federalists supported the measure, including William Gray, one of the

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<sup>549</sup> Ibid., 9.

<sup>550</sup> Ibid., 12.

<sup>551</sup> Ibid., 17-22.

<sup>552</sup> Goodman, *Democratic-Republicans*, 104-105.

<sup>553</sup> McDonald, *Jefferson*, 147.

wealthiest merchants in the country.<sup>554</sup> The most prominent Federalist politician who supported the president, however, was Senator John Quincy Adams. Quincy Adams argued that the Embargo was “an experiment to see how far the Government might calculate upon the support of the people for the maintenance of their own rights.”<sup>555</sup> A few weeks before the Massachusetts state elections in 1808, Quincy Adams wrote a long and detailed letter to the Massachusetts Senate President, and staunch Federalist, Harrison Gray Otis, stating *his* disgust over Pickering’s letter and his support for the Embargo. After stating that millions of dollars worth of American property were already detained in British hands, he suggested “tenfold as many millions of the same property would have been at this moment in the same predicament, had they not been saved from exposure to it by the embargo.”<sup>556</sup> He added that Britain’s Orders of Council:

strike at the root of our independence, [and that] they assume the principle that we shall have no commerce in time of war, but with her dominion, and as tributaries to her. The exclusive confinement of commerce to the mother country, is the great principle of the modern colonial system; and should we by a dereliction of our rights at this momentous stride of encroachment surrender our commercial freedom without a struggle, Britain has but a single step more to take, and she brings us back to the stamp act and the tea tax.<sup>557</sup>

Adams argued that “the wisdom of the embargo is a question of great, but transient magnitude, and omission sacrifices no national right. Mr. Pickering’s object [in his pamphlet] was to dissuade the nation from a war with England, into which he suspected the administration was plunging us, under French compulsion. But the tendency of his pamphlet is to reconcile the nation, or at least the commercial states, to the servitude of British protection, and war with all the rest of Europe.”<sup>558</sup>

Quincy Adams couldn’t believe or abide what his colleague, Senator Pickering, was proposing. “Proceeding from a Senator of the United States, specially charged as a member of the executive with the maintenance of the nation’s rights, against foreign powers, and at a moment extremely critical of pending negotiation upon all the points thus delineated, this formal *abandonment* of the American cause, this summons of unconditional surrender to the pretensions

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<sup>554</sup> Goodman, *Democratic Republicans*, 192.

<sup>555</sup> Sheldon, *Jefferson*, 101.

<sup>556</sup> Quincy Adams, *Writings*, III, 197.

<sup>557</sup> Quincy Adams, *Writings*, III, 201.

<sup>558</sup> *Ibid.*, 201-202.

of our antagonist, is in my mind highly alarming.” According to Quincy Adams, Pickering was simply coddling the British to win their protection for American commerce.<sup>559</sup>

Sounding more like Governor Sullivan and other Republicans on the issue of impressments, Quincy Adams added: “I cannot stay to account for the wonder, why, poor, and ignorant and friendless as most of them [sailors] are, the voice of their complaints is so seldom *heard* in the great navigating states.”<sup>560</sup>

Insisting that he was no apologist for France or Spain, Adams added that “I have no national partialities; no national attachments but to my own country. I shall never undertake to justify or to palliate the insults or injuries of any foreign power to that country which is dearer to me than life.”<sup>561</sup>

In his discussion of the source of the problem, Quincy Adams referred to two political groups in England. The first group was “the liberal party,” who were “reconciled to our independence; and though extremely tenacious of every right of their own country, are systematically disposed to preserve peace with the United States.” The other group, he observed, were the opponents to the liberals, who “harbor sentiments of a very different description.” According to Quincy Adams, “their system is coercion. Their object the recovery of their lost dominion in North America. This party now stands in high power.”<sup>562</sup> He believed that it was their purpose to “force us into war with them or with their enemies; to leave us only the bitter alternative of their vengeance or their protection.”<sup>563</sup>

In response to Pickering’s charge that Jefferson was attempting to bring the United States into a war, Quincy Adams insisted that “the suspicions of a design in our administration to plunge us into war with Britain, I never have shared,” he said. “Everything that can distinguish a state of national freedom from a state of national vassalage, is to be *surrendered at discretion*.”<sup>564</sup> Quincy Adams added:

If she [Britain] issues orders of universal plunder upon our commerce, are we not to withhold it from her grasp? .... For what purpose are we required to make this sacrifice of every thing than can give value to the name of freemen, this abandonment of the very right of self-

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<sup>559</sup> Ibid., 202.

<sup>560</sup> Ibid., 208.

<sup>561</sup> Ibid., 213.

<sup>562</sup> Ibid., 219.

<sup>563</sup> Ibid., 220.

<sup>564</sup> Ibid.

preservation? Is it to avoid war? Alas! Sir, it does not offer even this plausible plea for pusillanimity. For as submission would make us to all substantial purposes British colonies, her enemies would unquestionably treat us as such, and after degrading ourselves into voluntary servitude to escape a war with her, we should incur inevitable war with all her enemies, and be doomed to share the destinies of her conflict with a world in arms.<sup>565</sup>

Quincy Adams ended his letter with the observation that “If we must fall, let us fall, freemen. If we must perish, let it be in defense of our RIGHTS.”<sup>566</sup> Though his defense of Jefferson and challenge to Pickering was well received throughout the country, the Federalists were furious and would never trust him again.

## **B. Massachusetts Federalists Fight Back**

In the weeks leading up to the state election of 1808, Governor Sullivan remained optimistic that the Republicans would do well. Writing to President Jefferson on April 5<sup>th</sup>, the governor said the “Republicans seem assured of success, and their enemies despair,” adding however, that “the deep laid plot of Pickering’s letter, added to the Embargo, gave them fresh confidence, and uncommon impudence.” Indeed, he said, “they come out, . . . openly and avowedly upon the position of a dissolution of the national government, and a separation of the Northern from the Southern States.”<sup>567</sup>

Gore’s hope that Pickering’s letter would arouse the people in Massachusetts from their sleep at election time was justified. Pickering’s letter, copies of which had been distributed throughout the commonwealth in the weeks leading up the state election, had its desired effect as Federalist candidates fared well. In addition, with the loss of foreign trade, many people in Massachusetts had been adversely impacted, including fishermen, shipbuilders, merchants, seamen, planters and farmers.<sup>568</sup>

In the wake of Pickering’s letter, the gubernatorial race in Massachusetts was particularly bitter and contentious. Sullivan, running for re-election, was opposed by his old nemesis, and political ally of Pickering, Christopher Gore. The *Chronicle* and the *Centinel* took the leading role in praising the candidate of their choice and criticizing the opposing party and their candidate. Unlike

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<sup>565</sup> Ibid., 221.

<sup>566</sup> Ibid., 223.

<sup>567</sup> Amory, *Life of Sullivan*, II, 28 .

<sup>568</sup> Goodman, *Democratic-Republicans*, 193.

1807, the *Chronicle* spent less time praising Sullivan and Jefferson, and more time criticizing the opposition, with particular emphasis on Pickering. The name Pickering appeared far more often in the Republican press than either Sullivan or Gore in the weeks leading up to the election. Contributions to the *Chronicle* were filled with attacks against Pickering and his ‘letter.’ “What arrogance is displayed by Pickering in thus attempting to force his private opinion on the Legislature of Massachusetts.” The *Chronicle* took pains to attach Gore as closely as they could to Pickering and his ‘treasonous behavior.’ One contributor suggested that “the debates in our Senate, by Mr. Otis, Gore, etc, are more unfriendly to the government, and more derogatory to the country, than what proceeds from the British ministry,” and concluded that “Gov Kit (Gore) cannot expect to be helped in his election by ...” Pickering’s maneuvers.<sup>569</sup>

In addition, the Republicans questioned Gore’s response to the *Chesapeake* incident and his refusal to condemn the British:

He [Gore] took care to be governed by the Essex Junto in the business of the *Chesapeake* frigate. We did not find the heads of the Junto assemble at town meeting to express their detestation of the conduct of the British in killing seamen. Though the selectmen did not call the citizens together till they were obliged to, yet the full-blooded Essex Junto (alias Pickaroons) never attended. As to the political sentiments of Mr. Gore, they have been openly hostile to the measures of the present administration... Even the violent attack on our neutral rights by the Leopard, and the killing of our seamen, did not rouse him to take part in vindication of his country. He never attended the town meeting, and though nominated as one of the committee, did not act with them. He kept himself entirely aloof on the subject.<sup>570</sup>

Unlike the year before when the *Chronicle* referred often to the popular president, they seldom mentioned the name Jefferson in 1808. The Republican press focused instead on Gore’s alleged attachment to Britain, and even introduced the issue of Gore’s father: “His British connections are numerous. His own personal intercourse, together with the residence of his father (who was a refugee) in England has extended his acquaintance, and perhaps excited a national partiality, which the citizens of Massachusetts ought to consider as an unfavorable quality in the first magistrate of Massachusetts.” The charge that

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<sup>569</sup> *Independent Chronicle*, March 17, 1808.

<sup>570</sup> *Independent Chronicle*, March 21, 1808.

Gore would “get this country into an alliance with England” was a constant theme in the Republican press.<sup>571</sup>

Another Republican charge repeated often in the days leading up to the election, was that Gore had volunteered to defend Thomas Selfridge: “As Christians, we cannot desire a governor who would volunteer in such a service.” The *Chronicle* suggested that Gore had accomplished very little and did not compare favorably with former governors: “We would wish to know what important services have been done by Christopher Gore, Esq., for which he has not already received ample consideration, without our being obliged to give him a further consideration by electing him governor.... He has been well rewarded for his agency in England.”<sup>572</sup> Therefore, while the Republican press promoted Sullivan as an active participant in the Revolutionary struggle alongside his friends, Hancock, Adams, Otis, Warren, and Bowdoin, they attached to his challenger the names Pickering and Britain: “Christopher Gore and Timothy Pickering! One climbing and the other boasting, at this years election. Huzza for British Politics.”<sup>573</sup> They charged that the cause of Federalism must be desperate indeed, when such a notorious character as Timothy Pickering comes forward as its prominent champion.”<sup>574</sup>

The *Centinel* not only attacked Governor Sullivan, but they vehemently defended Gore and Pickering. They were particularly critical of Sullivan’s refusal to forward Pickering’s letter to the legislature:

It now appears avowed, that Governor Sullivan, instead of communicating the very excellent and able letter of Mr. Pickering to the Legislature, as was his duty, has, fearful of its influence, sent it back to our senator. This bold and unprecedented step, for which Governor Strong and Governor Sumner, if they had dared to have so done, would have been impeached, is in fact the highest compliment to Colonel Pickering which his Excellency could have paid.<sup>575</sup>

In response to the often-repeated charge by Sullivan and the Republicans that Pickering and Gore were promoting disunion, several Federalist contributors focused on freedom of speech and ridiculed the governor, a respected lawyer, for his willingness to punish free speech. One contributor observed: “Does the Constitution prohibit speculations on the subject of government, or division of

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<sup>571</sup> Ibid.

<sup>572</sup> Ibid.

<sup>573</sup> *Independent Chronicle*, March 28, 1808.

<sup>574</sup> *Independent Chronicle*, March 24, 1808.

<sup>575</sup> *Columbian Centinel*, March 16, 1808.

the states.”<sup>576</sup> Indeed, they would allege, “no sooner had the present ‘Sons of Freedom’ obtained power, then they denounced the liberty of opinion.”<sup>577</sup> The *Centinel* also sought to portray Sullivan as a Jacobin who removed dedicated public officers because of their political affiliation, despite having benefitted from Federalist generosity himself. They reminded readers that as attorney general, Sullivan was himself, “an illustrious example of the long suffering, the forbearance, the noble generosity of the Federalists. A conspicuous member of the Jacobin Club, denounced by Washington, he was ... continued in office by Sumner and Strong.”<sup>578</sup>

The editor of the *Centinel* suggested to his readers what the Republican Party had stood for in the recent past:

Let the adherents of Shays, and the opposers of the Constitution; the enemies of Washington, and the friends of French murder, exile and confiscation; the friends of Jefferson, and the enemies of commerce; the enemies of peace and the friends of the Embargo; the approaching election, be constitutionally proscribed as unfit and inadequate to manage the complicated interests of a great and enlightened commonwealth; let them tremble at the indignant voice of the people.<sup>579</sup>

With the controversial Pickering often seen as the face of national Federalism, the *Centinel* invoked the name of their former leader to bolster Gore. They suggested that Gore was a “disciple” and friend of Washington, and “held two important offices under that Great Man.” Furthermore, they argued, “he was always a firm and ardent Whig,” who, “as soon as his age would permit, ... was chosen to represent his town in the General Court.” He was also “a colleague of Hancock and Adams in the Convention of Massachusetts which ratified the Federal Constitution and was one of its most able advocates.”<sup>580</sup> He was, in short, a legitimate and influential player in Massachusetts politics dating back several years.

Though few would have imagined it possible as recently as a year earlier, the Federalist Party regained control of the Massachusetts legislature in the spring of 1808. They obtained a majority of forty seats in the House and secured 23 seats in the Senate, compared to seventeen for the Republicans. They were unable, however, to unseat the Republican governor, James Sullivan. In what

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<sup>576</sup> *Columbian Centinel*, March 19, 1808.

<sup>577</sup> *Columbian Centinel*, March 23, 1808.

<sup>578</sup> *Columbian Centinel*, March 23, 1808.

<sup>579</sup> *Columbian Centinel*, March 30, 1808.

<sup>580</sup> *Columbian Centinel*, March 23, 1808.



must have been a particularly satisfying consolation, Sullivan defeated his long-time legal and political nemesis, Christopher Gore. Also, despite the widespread opposition in Massachusetts to the Embargo, which the governor still defended in public, Sullivan was victorious. Indeed, Sullivan's ability to win re-election in the spring of 1808, illustrated the extent of his popularity in Massachusetts. Though the people of Massachusetts had clearly expressed their unhappiness with the depression that resulted from Republican economic policies, they still supported the man who defended those policies, and appreciated his efforts to alleviate the worst of the suffering. Sullivan had been acutely aware of the hardship caused by the Embargo, and took measures to help those impacted. Among other things, the governor provided federal jobs for unemployed seamen, contributed extensively to soup kitchens and fought to provide state aid to those hit particularly hard by the worsening economy, even if it meant stretching the limits of the Embargo.<sup>581</sup> For example, Sullivan licensed flour imports far in excess of domestic requirements, which certainly would have encouraged illegal trading outside the ports of Salem and Boston. Sullivan strongly defended these measures to Jefferson, insisting that all the foodstuffs that arrived on these ships were needed to feed his ninety thousand urban residents.<sup>582</sup>

Historian Samuel Eliot Morison has suggested that the primary reason for Sullivan's election was Gore's lack of appeal: He argued that the Federalists would have been better off had they nominated Harrison Gray Otis instead of Gore, who was the choice of the Essex Junto. Morison writes: "Christopher 'Kit' Gore, a gentleman of means and culture, lacked Otis's appeal. His manners were stiff and formal, and he displayed his wealth to no political advantage, prancing around the countryside in a handsome coach with liveried servants."<sup>583</sup>

After failing to win the governorship in 1808, Christopher Gore was elected to the state legislature by the people of Suffolk County where he wasted little time in making his presence felt. When the General Court convened in May, one of the first orders of business for the Federalists was the expulsion of John Quincy Adams from their ranks, and the naming of his successor to the United States Senate, nine months before his term expired. Quincy Adams had voted for the Embargo and openly challenged Senator Pickering, arguing instead for moderation and national unity. Because he defended the policies of the Jefferson administration, he was viewed by many Federalists as a deserter.

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<sup>581</sup> Goodman, *Democratic-Republicans*, 194.

<sup>582</sup> Sullivan to Jefferson, January 7, 1808, Jefferson Papers, V.

<sup>583</sup> Samuel Eliot Morison, *Harrison Gray Otis, 1765-1848: The Urbane Federalist* (Boston, 1969), 301.

On June 3, 1808, Sullivan wrote to President Jefferson, informing him “the Federal Party in this State have obtained the government.” He added that their principal object at present appears to be the political and even the personal destruction of John Quincy Adams.” He went on to suggest that perhaps the president could rescue Adams “by finding him a foreign appointment of respectability.”<sup>584</sup> Indeed, State Representative Gore charged that Quincy Adams had “conspired to produce much of the evil we now experience,” and to make certain that Quincy Adams would stay in line during the last months of his term in the senate, Federalist Party leaders in Massachusetts drafted a set of detailed instructions for him to follow.<sup>585</sup> It could not have surprised many people when Quincy Adams chose to resign his office rather than follow the dictates of party leaders. Weeks later, Gore wrote to Rufus King that he had recently seen Adams in Boston, and pettily observed that “he [Adams] walks into State Street at the usual Hour of Exchange, but seems totally unknown.”<sup>586</sup> While the Federalist Party may have spurned Adams, his words in defense of national sovereignty were embraced by a large segment of voters. Indeed, as the Federalist Party was enjoying its last hurrah, before eventual extinction, John Quincy Adams, the unionist, continued to receive the support of Massachusetts voters for another forty years.

Momentum against the Embargo continued to build, and nowhere was the opposition more vocal than in the Massachusetts legislature. Acting on the suggestion made in Pickering’s pamphlet that Massachusetts legislators inform Congress of the extent to which the people of Massachusetts opposed the Embargo, Representative Gore drafted a set of resolutions which did just that. Like Pickering, Gore denounced Republican policy, criticized Jefferson personally, challenged the constitutionality of the Embargo, and detailed the fear and anxiety that gripped the state as a result of its enforcement. In particular, he expressed fear at “the operation of an Embargo of . . . unlimited duration, by which not only foreign commerce is annihilated, but the most grievous restraints and embarrassments imposed upon the intercourse between the different states.” Calling the Embargo a “novel and dangerous experiment,” Gore then called on citizens to support the national government only when it provided for their common defense and general welfare.”<sup>587</sup> Though the resolutions were opposed by Republican lawmakers, the Federalist dominated General Court adopted the resolutions by a vote of 248-219, and forwarded them to Senator Pickering. Republican legislators drew up a protest

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<sup>584</sup> Box 1, Folder 8, Sullivan Papers, MHS.

<sup>585</sup> Gore to King, April 8, 1808, King, V, 92.

<sup>586</sup> Gore to King, June 16, 1808, King, V, 102.

<sup>587</sup> *Independent Chronicle*, May 30, 1808.

for entry in the House Journal, challenging the resolutions because they insinuated “that the Embargo is the cause of present difficulties whereas the cause is conflicting ordinances of the belligerent nations of Europe.”<sup>588</sup>

After securing a victory with the adoption of their resolutions, Gore and other Federalist leaders began to focus their attention on taking back the White House. After all, a Federalist victory in November would certainly mean the end of the hated Embargo. In order to guarantee the appointment of Federalist electors in 1808, they sought to change the manner in which electors were chosen by the state. Traditionally, the legislature would submit their choices to the governor for his approval. Since Sullivan was still governor and would presumably reject Federalist candidates, the Federalists sought to remove the governor from the process. They devised a plan whereby federal electors would be selected by a majority vote of the two houses of the legislature. Gore wrote to King that some members of their party were reluctant to take such a step because it departed from procedures followed by all other states, “but I trust they will accede to our wishes.”<sup>589</sup> Gore had little faith in Republican attempts to stop them: “They will endeavor to push Sullivan, to some desperate act in relation to the electors, but he is so vacillating and feeble, that I have no great apprehensions on this score.”<sup>590</sup> When they heard of the Federalist plan to remove the governor from the selection process, Sullivan and other Republicans did object, arguing that it was unconstitutional. Gore, speaking before the House, insisted that “the federal constitution left the manner of selection to the discretion of the state legislatures and that the General Court could therefore make the choice by an order.” The Federalist controlled legislature agreed with Gore and adopted the proposal. Christopher Gore was growing more confident every day. After he and other Federalist leaders in Massachusetts traveled throughout New England, in anticipation of the upcoming presidential election, Gore said to King that “I think the Federalists were never more united or more encouraged than at present,” ... as the “Embargo is producing real & extensive distress.”<sup>591</sup>

Among those who were distressed was the president himself. In the final months of his presidency, Jefferson had become increasingly frustrated. In a letter to Dr. Thomas Leib in late June, 1808, Jefferson noted that there was still a segment of the Federalist Party who were good people, ‘duty bound to support the constituted authorities of every branch, and to reserve their

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<sup>588</sup> Pinkney, *Gore*, 107.

<sup>589</sup> Gore to King, May 28, 1808, King, V, 101.

<sup>590</sup> King to Gore, June 16, 1808, King, V, 102.

<sup>591</sup> Gore to King, January 8, 1808, King, V, 100.

opposition to the period of election.” There was another group, however, which not only opposed the government, but were doing their utmost to undermine their government. They:

disapprove of the republican principles & features of our Constitution, and would, I believe, welcome any public calamity (war with England excepted), which might lessen the confidence of our country in those principles & forms. I have generally considered them rather as subjects for a madhouse. But they are now playing a game of the most mischievous tendency, without perhaps being themselves aware of it. They are endeavoring to convince England that we would suffer more by the embargo than they do, & that if they will but hold out awhile, we must abandon it. It is true, the time will come when we must abandon it. But if this is before the repeal of the orders of council, we must abandon it only for a state of war. The day is not distant, when that will be preferable to a longer continuance of the embargo. But we can never remove that, & let our vessels go out & be taken under these orders, without making reprisal. Yet this is the very state of things which these federal monarchists are endeavoring to bring about; and in this it is but too possible they may succeed. But the fact is, that if we have war with England, it will be solely produced by their manoeuvres (sic). I think that in two or three months we shall know what will be this issue.<sup>592</sup>

Jefferson’s Embargo of 1808 forever changed the political landscape in the United States and laid the groundwork for the development of national consensus. A controversial measure aimed at defending American sovereignty, the Embargo struck at the heart of Federalist fears that the Republican Party was determined to destroy the wealth and power of the northeast. Historians like Hofstadter have often charged that by alienating the commercial northeast Jefferson had not only created a climate of hate, but destroyed national unity. This is only partly true. While the Embargo had certainly inflamed tensions throughout the country, it did not destroy national unity. On the contrary, it cemented it. After the attack on the *Chesapeake*, the Embargo gave proud and defiant citizens a chance to rally around the flag.<sup>593</sup> Despite the ill effects of the Embargo on the economy, the failed policy played an important role shaping America’s identity, appealing to its sense of nationalism and helping to prepare it for eventual war with Britain a few years later. Jefferson’s Embargo was the first national initiative that announced to the Old World that the United States

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<sup>592</sup> Brown, *Major Problems in the Era of the American Revolution*, 100.

<sup>593</sup> Goodman, *Democratic-Republicans*, 197.

would not tolerate interference and helped lead to the development of a national consensus.

As the Federalists prepared for the presidential election of 1808, they not only considered party stalwart Charles Pinckney of South Carolina, but also *Republican* George Clinton of New York, because of his strong opposition to the Embargo. Gore wrote to King that he and other Federalist leaders in Massachusetts preferred a candidate from New York rather than South Carolina, “under the idea that he would support and cherish Commerce, and further that they could make a Bargain with which he would comply, as to the principal measures and officers of the Government.”<sup>594</sup>

The Federalist convention opened in New York in late August, 1808, and Massachusetts was represented by Gore, Harrison Gray Otis and James Lloyd. The proceedings were held in near complete secrecy, as newspapers didn’t even reference existence of the convention.<sup>595</sup> Despite Gore’s preference, the majority of the delegates, confident with their support in the northeast, nominated the southerner Charles Pinckney of South Carolina as their candidate for president. For the vice-presidential slot, they again selected Gore’s good friend, Rufus King. The Federalists were unable to capitalize on public sentiment against the Embargo, however, faring only slightly better in 1808 than they had in 1804. Republican James Madison defeated Pinckney, receiving 122 electoral votes to 47 for Pinckney. The Federalists carried only Delaware and the New England states, except for Vermont.

On December 10, 1808, shortly after the election of fellow Republican James Madison over Pinckney and King, Governor James Sullivan died at the age of 64. Though suffering through a long and painful illness, perhaps congestive heart failure, Sullivan continued working until a few days before his death.<sup>596</sup> John Quincy Adams delivered his eulogy and observed that: “supported by none of those artificial props which mediocrity derives from opulence, or family connections, every mark of distinction bestowed upon him was at once the proof and reward of his superior endowments,” and that Sullivan had been a self-made man and remained committed to those who started with as little as he had when he began his legal career.<sup>597</sup> In his funeral sermon, Rev. Joseph Buckminster touched on Sullivan’s legacy: “the poor often found him an unrecompensed advocate, the distressed a willing benefactor, ...and the public a

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<sup>594</sup> Gore to King, June 16, 1808, King, V, 102.

<sup>595</sup> Pinkney, *Gore*, 109.

<sup>596</sup> Amory, *Life of Sullivan*, 316.

<sup>597</sup> *Ibid.*, 322-323.

servant, continually engaged in some project of utility, who has at last left behind him only the small remains of a fortune, which, in many other hands, would have been greatly accumulated.”<sup>598</sup>

At the time of Sullivan’s death, the effects of the Embargo were increasing, and Federalist leaders in Massachusetts, having recently lost the national election, turned their attention to the General Court where they could continue their assault on the unpopular legislation. According to State Senator Gore who wrote to Senator Pickering shortly after Sullivan’s death, opposition to the Embargo had grown tremendously in Massachusetts and that the general feeling was that people “see nothing but destruction of their property, and slavery in their persons, in the present course, and indeed he must be a man of strong view who can discern a ray of light whereby we can extricate ourselves from this labyrinth.” Gore sought counsel from Pickering as to how best to unite opposition to Jefferson and his hated policy.<sup>599</sup> The reason for Gore’s confidence that the people of Massachusetts opposed the Embargo was twofold. Firstly, the Federalists had reclaimed control of General Assembly the previous Spring, and secondly, no Massachusetts jury had yet convicted an alleged violator of the Embargo in the federal court. Douglas L. Jones conducted a study of the Massachusetts Federal District Court for this period to determine whether Jefferson’s Embargo was enforceable in Massachusetts. He concluded that while Judge John Davis, a Federalist, did rule in favor of the constitutionality of the Embargo, federal juries were simply unwilling to enforce the politically unpopular law. Indeed, during the two-year period when Embargo cases were heard, 1808 and 1809, the discrepancy in convictions by judge versus jury was stark. In cases appearing before a jury in 1808, when Gore wrote to Pickering, the conviction rate was 0%, compared to a rate of 88% for cases heard by a judge only. In 1809, the conviction rates were somewhat closer, 26% for cases heard by juries and 47% for cases heard by a federal judge. Jones concluded: “The juries low conviction rates reaffirm that the Embargo was not only unpopular in Massachusetts, but almost unenforceable except by a federal judge.”<sup>600</sup> Indeed, after the 1808 session, John Quincy Adams observed that the “district court after sitting seven or eight weeks, and trying upwards of forty cases, has at length adjourned. Not one instance has occurred of a conviction by a jury, and finally one of the jurymen

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<sup>598</sup> *Ibid.*, 342.

<sup>599</sup> Gore to Pickering, December 20, 1808, HA 375-376.

<sup>600</sup> Douglas Lamar Jones, “The Caprice of Juries: The Enforcement of the Jeffersonian Embargo in Massachusetts,” *The American Journal of Legal History*, 24 (October, 1980), 307-330.

is said to have declared, that he never would agree to convict any person under these laws, whatever might be the facts.”<sup>601</sup>

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<sup>601</sup> Quincy Adams to William Branch Giles, January 16, 1809, *Writings*, 287-288.

## Conclusion

In his essay, *A Candid State of Parties*, James Madison expressed his opinion as to the fundamental difference between the Federalists and the Republicans. One party, he argued, consisted of those who through habit and temperament were “more partial to the opulent than to the other classes of society; and having debauched themselves into a persuasion that mankind are incapable of governing themselves, it follows with them ... that government can be carried on only by the pageantry of rank, the influence of money and emoluments, and the terror of the military force.” The second party, he added, was comprised of those who, “believing in the doctrine that mankind are capable of governing themselves, and hating hereditary power as an insult to the reason and an outrage to the rights of man, are naturally offended at every public measure that does not appeal to the understanding and to the general interest of the community, or that is not strictly conformable to the principles, and conducive to the preservation of republican government.”<sup>602</sup> While Madison was certainly partial to one party over the other and had more than a passing interest in seeing one party prevail over the other, he did express a legitimate argument to explain the underlying disconnect that existed between the Federalists and Republicans.

After the American Revolution had been won and as the United States matured and political differences intensified, leaders of both emerging “factions” had very different views as to who should build and lead the new government. Colonial leaders had always been drawn from the ranks of the wealthy and the social elite. After independence had been achieved, however, and as new men with different backgrounds were becoming involved in government, the willingness of Americans to defer to rank and privilege soon disappeared. For many Federalist leaders, this change in attitude was difficult to accept. In addition, prior to the war, political leaders in Massachusetts had seldom looked beyond the issues that impacted their own state. With the onset of war, however, and with their future success inexorably tied to the fortunes of the other states, they were forced to deal with new and complex political and economic realities. The ability of some leaders to consider events and measure policy from a national perspective became much more complicated. Depending on which of the two emerging parties an individual belonged, the national view was markedly different.

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<sup>602</sup> Hofstadter, *Idea of a Party System*, 82.



Between 1783 when the American Revolution came to a close and 1807 when James Sullivan was elected governor of Massachusetts, a series of domestic and international crises initiated a period of intense local and national political combat between the two emerging parties. Sullivan, Christopher Gore, Rufus King and John Quincy Adams each contributed significantly to the political debate during this tumultuous period, as both parties struggled for control of the federal and state governments. Though they never shared a single national republican perspective, all four men were influential political leaders at a time in American history when the principles of modern political and economic theory were being put into practice, and when the still vulnerable country was faced with one international crisis after another. When it was over, the Federalist Party, which grew around such luminaries as George Washington, Alexander Hamilton, John Adams, John Jay, and John Marshall, had all but disappeared.

The lives of Sullivan, King, Gore and Quincy Adams present a lesson on the influence of birth in determining one's political philosophy and on the influence of personality in determining political success. The personal characteristics of each of these four men could not have been more different. More significantly, however, their stories detail the birth of American party politics in post-Revolutionary Massachusetts. The words and actions of these four men tell the story of how Massachusetts evolved from a Federalist stronghold into a legitimate multi-party state firmly committed to the national union.

Born to modest means in the backwoods of the District of Maine, James Sullivan was a self made man. Forced to overcome economic hardship and serious physical disabilities, he went on to become a leading political figure in post-Revolutionary Massachusetts. At a time when the Federalist Party dominated the political landscape in the state, Sullivan stood out as an avowed and passionate Jeffersonian, committed to the ideals of republican government. As the most visible and most successful Republican politician in Massachusetts during this period, he spoke for a growing number of citizens who challenged the established order. He was a colonial who learned to look beyond the parochial needs of his own state and embrace the concept of union. As one of the first and most vocal Republican leaders in the state to understand the importance of supporting, and more importantly funding, the then fragile national government, Sullivan was uniquely suited to help guide the people of Massachusetts in coming to terms with the political and economic changes that were taking place in the early years of the republic. From the darkest days of the Revolution until the time of his death in 1808, Sullivan was committed to the larger national purpose, declaring: "to preserve a union of interest and

sentiment, so absolutely necessary to our existence as a nation, jealousies are to be laid aside, charity cherished, and a reciprocity of affection and civility to be exhibited. All the States must be the country of the citizens of each, and each State the country of all. Our national union, glowing on the public opinion, is the best defense of our sovereignty.”<sup>603</sup>

Above all else, however, Sullivan spoke for those who believed that government should provide equal opportunities to all its citizens and not to create wealth or special privilege to any specific group of people. The fact that he passionately and vocally rejected any notion of favoritism or assumptions regarding a so called favored class or ruling elite made him a popular figure in Massachusetts and help explain how he was able to serve as the state’s attorney general from 1790 – 1807 and how he was able to win the governorship in 1807 as a Jeffersonian Republican in a state still dominated by Federalists. Comfortable in the presence of all ranks of society, Sullivan was a classical liberal who consistently fought for the liberty of individual citizens. He was, as Linda Kerber notes, a “man of the center,” who “consistently took some positions that were more progressive than any articulated by John Adams, Thomas Jefferson, and many other contemporaries more famous than he.”<sup>604</sup>

At the other end of the political spectrum was Christopher Gore. A wealthy and well-connected attorney who spent his public career serving as a spokesman for the New England merchant class, Gore became a leading force in the conservative wing of the Federalist Party. For those who saw commerce, competition and profit as the driving force behind the new government, they had the single-minded support of Gore. At a time when most Americans embraced the idea of a growing national union, however, Gore opposed westward expansion and stubbornly defended the economic interests of the northeast exclusively. As Gore biographer, Helen Pinkney, concluded: “his overwhelming concern for the political and economic grievances of Massachusetts and his refusal to compromise with an expanding democracy removed him from the mainstream of American life and hastened the end of the very thing to which he had devoted a lifetime of service.”<sup>605</sup>

Gore represented a new breed of politician. Unlike the old-school Federalists of the Revolutionary period, Gore was impatient, hard edged, and far more reluctant to compromise with political opponents than were his old school Federalist colleagues. He was unable conceal his contempt for Republicans.

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<sup>603</sup> Goodman, *Democratic-Republicans*, 200.

<sup>604</sup> Kerber, *No Constitutional Rights*, 21.

<sup>605</sup> Pinkney, *Gore*, 138.

David Hackett Fischer has argued that there was something unique about Gore and a few other Federalists of similar age. He was part of a small group of Federalists who were “too young to find old school doctrines acceptable,” and too old to acquiesce in new realities.” Hackett Fischer suggested that “as political events progressed from bad to worse in the 1790s, these transitional figures were driven to desperate expedients,” and that “in fear and confusion, some of them looked with favor upon extreme anti-popular restraints which were rarely countenanced by gentlemen of the old-school.”<sup>606</sup> When the traditional ruling elite were challenged by political newcomers and as the northeast began losing its national clout, Gore defied the trend and harshly criticized his opponents. The opposition in turn criticized Gore for his English bias, his aristocratic dress and manners, and his unapologetic display of wealth. As a member of the social elite who passionately believed that the government could only be led by men of his standing and background, Gore fought a losing battle to retain a way of life that no longer existed.

Gore’s closest friend and political confidant, Rufus King, was only slightly more comfortable in his dealings with the common man. Though King did share Gore’s English bias and also exhibited aristocratic manners, he did not antagonize his political opponents. Indeed, he managed to remain on the national stage longer than any other Federalist leader, do in large part to his political skills and his understanding of sensitive issues. In addition, unlike Gore, King never engaged in the practice of stock speculation that angered so many Americans. In a letter to Gore on the subject, King observed: “In regard to the speculators in stocks, they have no claim to the public sympathy. No general or public interest was a motive with these persons to speculate in funds, or bank stock, it was not only purely selfish motives, but self, as it might or might not be at the expense of the public, that induced them to embark in this speculation.”<sup>607</sup>

King was a successful diplomat who enjoyed the confidence of the most powerful leaders in both parties. Though he had always disagreed with Republican philosophy, it did not prevent him from working with Republicans, as evidenced by his role as Minister to Britain during the early years of the Jefferson administration. Like Gore, however, King resisted westward expansion because the proportional share of political and economic power enjoyed by the northeast would be lessened, and he stubbornly challenged the benefits of an expanding union. Upon his return to the United States, King

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<sup>606</sup> Fischer, *Revolution of American Conservatism*, 21.

<sup>607</sup> King to Gore, November 6, 1818, *King*, VI, 170.

was identified as one of the chief spokesmen for the Federalist Party. It wasn't until the United States declared war on Great Britain in 1812, however, that King would begin to publicly criticize the president and his Republican administration. While serving in the United States Senate, he challenged the Republican administration on the conduct and the financing of the war and grew increasingly frustrated with the Republican led government.

In the years after the death of Sullivan, it was John Quincy Adams who became the most influential political leader in Massachusetts. Though much younger than Sullivan, King and Gore, Quincy Adams matured early and participated in every critical debate which took place after the ratification of the Constitution. In habit and custom he identified with the first generation of Federalist leaders and naturally joined the party of his father. From the beginning, however, Quincy Adams proved to be supremely independent. In retrospect, he understood better than most the implications of British and French aggression against American shipping and the importance of supporting the Republican president in defense of national honor. He lost his Senate seat, was ridiculed by his fellow Federalists and expelled from the party his father had helped establish. Ironically, Quincy Adams went on to serve his country in one capacity or another for another forty years, long after the Federalist Party had ceased to exist.

Of the Federalists, Quincy Adams would later write that he found them "honest in the belief that all of the wisdom of the nation is in their heads, and all of its virtues in their hearts," and, he added, "they have erected their whole political system upon the perverted axiom that the part is greater than the whole."<sup>608</sup> Quincy Adams endured and achieved electoral success because he had the ability to look beyond narrow party and regional interests, and embrace a national view of events. He became a Republican because he instinctively knew that they better represented the ideals of union. His resignation from the Senate over his support for Jefferson's Embargo in the wake of *Chesapeake Affair*, represented the first building block in the development of a national consensus, and his political transformation reflected the change in attitude that was taking place in Massachusetts and throughout the country.

When the people of the United States elected their first president in 1788, few could have imagined that within a few short decades the Federalist Party would cease to exist as a national force. How did the party of Washington, which had so skillfully overseen the ratification the Constitution, so completely lose the

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<sup>608</sup> Quincy Adams, *Writings*, VI, 138.

confidence of the American people in so short a period of time? The national consensus which grew during Madison's presidency reflected the extent to which the Republican Party and the American people had rejected the second generation of Federalist leaders. Richard Hofstadter has argued that in their attempt to unify the country under one party, the Republicans "had no intention of accepting Federalist men." For the Republicans, "the essence of Federalism lay not in the various elements of its program but in the perverted principles and intransigent spirit of its longtime leaders."<sup>609</sup> This observation suggests the central issue. The American people did not just reject the policies pursued by the Federalists, ... they rejected the Federalists themselves. There was no place for old school deference and Federalist assumptions in a republican society.

The Federalists desire to perpetuate the dominance of the wealthy elite was rejected by an overwhelming number of Americans, and this shift in attitude was best measured in the state where the Federalist Party had always enjoyed their greatest success, the Commonwealth of Massachusetts. The nature of Massachusetts politics had changed dramatically since the end of the war, and as the trial of Thomas Selfridge revealed, there was a clearly defined cultural gap that existed between the two parties. Sullivan, the first Republican to be elected governor of Massachusetts, personified the fundamental differences between the two parties. His belief in equal access to power and opportunity, and his commitment to the idea that the law existed to provide equal justice to the weak and the poor, stood in stark contrast to his Federalist opponents. By 1807, a majority of the voters in Massachusetts agreed with him. For men like Gore and King, it was difficult to accept the realities of an expanding democracy. Though the Federalist Party would linger on for another decade at the national level, and another two decades in Massachusetts, the dye had been cast. The actions of the Federalist leaders in the aftermath of the attack on the *Chesapeake* had initiated the long final act of their existence.

This narrative has demonstrated that in the early years of the nineteenth century, the growth of Massachusetts Republicanism was directly linked to the efforts of James Sullivan and John Quincy Adams. These two men, who I contend were THE two central transition figures in post-Revolutionary Massachusetts, were ahead of their times in many respects. As Gordon Wood observed: "The Revolution did not just eliminate monarchy and create republics; it actually reconstituted what Americans meant by public or state power and brought about an entirely new kind of popular politics and a new

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<sup>609</sup> Richard Hofstadter, *The Idea of a Party System* (Berkeley, 1969), 188.

kind of democratic officeholder.”<sup>610</sup> Sullivan, who came of political age during the American Revolution, was in the vanguard of this movement, and not only encouraged but influenced a new generation of officeholders to challenge the established order. He served as a bridge between the Hancock faction of the Revolutionary period to the Jeffersonian Republicans of the early nineteenth century. He also served as a mentor of sorts to the man who would succeed him as the most prominent Republican in Massachusetts, ... John Quincy Adams.

That Sullivan would be more “egalitarian” in his thinking than his Federalist adversaries is no surprise. What is surprising, however, is that this Jeffersonian Republican argued for a stronger national union before Gore, King and many other Federalist leaders. Sullivan embraced the significance of the larger national purpose before most of his contemporaries, of either emerging party. Indeed, contrary to the perception that Republicans were more concerned with safeguarding state sovereignty, Sullivan was among those who understood the necessity of empowering and sufficiently financing the national government. He had long recognized the importance of resisting British aggression on the high seas as a matter of national honor, and, in the wake of the attack on the *Chesapeake*, a growing number of Americans agreed with him.

In his discussion of Jefferson’s Embargo, Paul Goodman argues that the growth of Republicanism in Massachusetts was partially sustained by farmers in the inland towns and those living in the port communities who “were imbued with a youthful nationalism and dedication to the ideals of union, which inspired men in every class and section to endure sacrifice in defense of national dignity.”<sup>611</sup> According to Goodman, Republicanism “tapped a deep well of nationalism,” and Jefferson, through the Embargo was able to identify the party with a larger sense of national purpose. Massachusetts Republicanism framed a patriotic defense of the union and Sullivan, now governor of the Commonwealth, led the way. He was comfortable in his defense of Jefferson because he had been warning of the same dangers for decades. Now, he pleaded, “It is time that we had become one people.”<sup>612</sup>

Historians have long overlooked the role played by Sullivan in the growth of Republicanism in Massachusetts and in the growth of nationalism at this critical juncture in American history. Throughout the course of his high profile battle with the state’s senior senator, Timothy Pickering, Governor Sullivan received

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<sup>610</sup> Wood, *Radicalism of American Revolution*, 8.

<sup>611</sup> Goodman, *Democratic-Republicans*, 197.

<sup>612</sup> *Ibid.*, 199.

the strong and vocal support of the state's junior senator. While Quincy Adams has been recognized, and rightly so, for suffering the censure and ridicule of his former party for choosing to support the Republican president and Republican governor in their effort to pursue a policy that would cause economic harm to his own state, ... his defection reflected the growing recognition that some issues transcended economic advantage.

James Sullivan and John Quincy Adams were critical figures in Massachusetts and American political history. Not only did they embrace the fundamental republican ideal that Americans should no longer defer to rank and privilege, but they insisted that this ideal serve as a guiding principle in America's dealings with other nations. Specifically, the United States should no longer defer to England, and British aggression could no longer be tolerated, regardless of the economic advantage. They not only understood, but advanced the notion that in order for the union to thrive and grow, its political leaders would have to set aside regional jealousies and look beyond parochial interests.

In the last years of his life, Sullivan earned the trust and friendship of Quincy Adams, the man who for years had viewed him with suspicion. The younger statesman came to appreciate Sullivan's devotion not only to Massachusetts, but to a larger national purpose. As a member of the first generation of Massachusetts political leaders, Sullivan was among the loudest to voice support for the nationalist cause. Quincy Adams, who would lead the second generation of Americans with a more global nationalist view, understood that Sullivan had been right all along.

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