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The First Federal Elections: Notes for a Sketch

By Richard B. Bernstein

THE publication of Volume IV of the *Documentary History of the First Federal Elections, 1788–1790* (hereinafter, DHFFE) completes an original and valuable project. Planned by the late Merrill Jensen (who with Robert A. Becker edited Volume I), and directed by Gordon DenBoer (chief editor of Volumes II, III, and now IV), the DHFFE has assembled for the first time in published form the wide range of primary sources—newspaper accounts, legislative proceedings and debates, statutes, campaign materials, private correspondence, and diary entries—generated by the first elections held under the Constitution.

All four volumes are handsomely produced and edited with precision, grace, and skill. While the editors provide superb annotation, supporting data, and introductory essays analyzing the context of each election under discussion, they take care to let the assembled documents speak for themselves. The result is a documentary history in the fullest sense of the term.

Merrill M. Jensen, Robert A. Becker, and Gordon DenBoer, eds., *The Documentary History of the First Federal Elections, 1788–1790*. (4 volumes, University of Wisconsin Press, Madison, 1976, 1984, 1986, 1989. \$50.00 each.)

Documentary histories differ from more traditional scholarly editing projects in that, unlike the papers of a leading politician or literary figure, there is no pre-existing definition of the relevant body of sources or organizational method. The editors must therefore make a range of complex decisions in identifying, selecting, organizing, and presenting documents. In turn, this constellation of editorial judgments gives shape and direction to the project and to the historical subject it examines. Thus, for example, the *Documentary History of the Ratification of the Constitution*¹ expands and deepens our understand-

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¹ Merrill M. Jensen, John P. Kaminski, Gaspare J. Saladino, and Richard Leffler, eds., *The Documentary History of the Ratification of the Constitution* (9 vols. of projected 19, Madison, 1976—). The *Documentary History of The Ratification of the Constitution* is published by The State Historical Society of Wisconsin.

ing of the historical phenomenon of ratification, going beyond the ratifying conventions to include the political and intellectual debates generated by the Constitution. Similarly, the *Documentary History of the First Federal Congress*² transcends the formal collection of enacted legislation (e.g., the *Statutes at Large*) and debates (e.g., *Annals of Congress*³) that previously were the basis of historical inquiry. By using draft bills, committee reports, newspaper accounts, diaries, and correspondence, the First Federal Congress project reshapes modern understandings of the origin and development of legislative institutions. Finally, the *Documentary History of the United States Supreme Court*⁴ likewise provides enriched context for the formal actions of the nation's highest court as recorded in the *United States Reports* and *Federal Cases*.

The DHFFE differs from its counterparts, however, in that it defines a historical subject, and a field for research and interpretation, that has been largely unexplored.⁵ Two difficulties account for this neglect of the transition elections: one is evidentiary, the other intellectual.

The evidentiary obstacle almost explains itself. These sources are so widely scattered and disparate that only the massive effort represented by the volumes under review

could assemble them for the aid of future researchers.

The intellectual roadblock is periodization. Many historians of this period act as if a temporal abyss divides the Confederation and the early national periods. They either end their inquiries with the ratification of the Constitution or begin with the convening of the First Congress or the inauguration of George Washington. The first federal elections are inevitable casualties of this scheme of periodization. Furthermore, the United States has been conducting federal elections for more than two centuries;⁶ that long record of national electoral politics leads to the assumption, "It was always thus," and to the resulting failure to examine the first federal elections independent of their historical successors.

Considered in and of themselves, as the four volumes of the DHFFE enable us to do, the federal elections of 1788-1790 take on immense significance for two reasons. First, as another, unrecognized stage of the making of the Constitution, these elections were as beset with risks and uncertainties as were the ratification struggles of 1787-1788. Both in the Confederation Congress and in the individual states, Federalists and Anti-Federalists competed to control the process by which the new federal government would go into effect. Second, contests between local interests and factions also influenced the elections' planning, conduct, and results. In sum, the first federal elections posed a set of critical challenges to the success of the untried constitutional system, and the responses of the evolving electoral system to these chal-

² Linda Grant DePauw, Charlene Bangs Bickford, Kenneth R. Bowling, and Helen E. Veit, eds., *The Documentary History of the First Federal Congress* (7 vols. of projected 19, Baltimore, 1972—).

³ On the *Annals of Congress*, see James H. Hutson, "The Creation of the Constitution: The Integrity of the Documentary Record," in the *Texas Law Review*, 65: 1ff (1986).

⁴ Maeva Marcus, James T. Perry et al., eds., *The Documentary History of the United States Supreme Court, 1790-1800* (3 vols. of projected 7, New York, 1985—).

⁵ Only two scholars before Jensen—Frank Fletcher Stephens in 1910 and David M. Matteson in 1940—have published accounts of the elections of 1788-1790, and both scholars faced extraordinary difficulties in locating and using original sources. See the introduction to David M. Matteson, *The Organization of Government Under the Constitution*, originally published in 1941 (New York, 1970).

⁶ For a valuable reference source, see Kenneth C. Martis, ed., *Atlas of United States Congressional Elections, 1789-1987* (New York, 1989); and Kenneth C. Martis, ed., *Atlas of United States Congressional Districts, 1789-1985* (New York, 1986). A third volume, mapping critical legislative votes in Congress by reference to party and House district or Senate state affiliation, is in preparation.

lenges both shaped the character of politics under the new Constitution and indicated that the federal government would not function as its designers had hoped. The balance of this review essay sketches an interpretation of the first federal elections suggested by examination of the sources presented in the DHFFE and taking account of both categories of influence noted above.⁷

BOTH the Constitution's supporters and those of its opponents who were reconciled to its ratification recognized the importance of the elections for the House of Representatives, the Senate, and the Presidency and Vice-Presidency. Whoever controlled the institutions of the new government would control the development and limitation of its powers. Alexander Hamilton was not alone in recognizing how essential methods of administration were in determining the character of a government. Thus, the nature, power, and limits of the new government was one of the principal clusters of issues posed in virtually every one of the first federal elections—in the popular contests for the House of Representatives, in the state legislatures' choosing of senators and presidential electors, and in the electoral college's voting for President and Vice-President.

The election of the Vice-President, for example, is an excellent illustration of the constitutional importance of the first federal elections in the eyes of the factions and parties taking part in them. It was a foregone conclusion that George Washington would be elected the first President, though it was not certain until the last min-

ute that he would accept the office. But there was no comparable clear candidate for the Vice-Presidency. For this reason, many Anti-Federalists saw the election of a Vice-President as an opportunity to recover ground lost in the ratification contests; they hoped to elect a Vice-President of their own views, such as Governor George Clinton of New York, who would exert influence on the implementation of the Constitution. Federalists pursued two linked goals with respect to the Vice-Presidency: they worked to prevent Anti-Federal success *and* to ensure that the eventual Vice-President (John Adams of Massachusetts) would not emerge as a competitor for prestige and influence with the President.

NATIONAL political and constitutional questions were not alone in defining the agenda of the first federal elections, nor did these issues operate in a vacuum. Rather, each state's pre-existing factional divisions exerted profound influence on the federal elections. Groups already at each other's throats simply shifted their contests to a new arena, competing for new and potentially valuable prizes of office and seeking to ensure that state and local interests would be safeguarded in the new federal government. The exact nature of these influences varied from state to state, sometimes from one House district or Senatorial contest to the next. A few examples will suffice:

The contest to choose the Representative for Charleston, South Carolina, was determined by a controversy over the federal government's power to injure a vital local interest—slavery. The historian David Ramsay, already suspected as an outsider because he had been born in New Jersey, was a strong contender in a three-way contest with a former Loyalist (William L. Smith) and a local Revolutionary War hero (Alexander Gillon). At the last moment, anonymous newspaper articles and broadsides

⁷ This interpretation is based on the analysis to be found in chapter 3 of Richard B. Bernstein, "'Conven'd in firm Debate': The First Congress as an Institution of Government, 1789–1791" (forthcoming).

charged him with being an abolitionist; Ramsay and others blamed these attacks for his third-place finish, far behind Smith and Gillon.

James Madison, pitted against James Monroe in a House district gerrymandered⁸ by the Anti-Federal Virginia legislature under the direction of Patrick Henry, discovered that his foes were circulating charges that Madison would not support amending the Constitution to include a declaration of rights. Madison's foes had two objectives in mind, one national and the other local. First, they hoped to discredit Madison in the new theater of national politics; second, they sought to separate him from his usually reliable Baptist supporters, who strongly favored adding a guarantee of religious liberty to the new Constitution. Madison was forced to make a public commitment to support amending the Constitution—in particular, adding a guarantee of religious liberty—to rally the Baptists behind his candidacy.

In virtually every state's Senate contest, the legislature sought to balance geographical and other divisions reflected in state politics. Thus, for example, in Pennsylvania Robert Morris of Philadelphia balanced William Maclay from the western part of the state.

Deducing that local factional splits and regional interests influenced the first federal elections—either directly or by giving local coloration to national issues—seems

self-evident to modern eyes. To appreciate the importance of this point for the character of the new government, we must recall that such Federalists as Madison had sought to design a national government that would be immune from the pressures of local or regional interests. They had built into that grand design—or so they hoped—safeguards that would ensure that those likely to be candidates for office under the Constitution would be immune from local factional pressure. They found, to their horror, that precisely the reverse was the case; that many of the new Senators and Representatives were all too aware of the interests of “the folks back home” and of the necessity to protect those interests as the new government adopted legislation to secure the general good. Madison's hope that it was possible for the national legislature, the central institution of the government limned in the Constitution, to function free of local interests and factional pressures was thus doomed even before the First Federal Congress convened.

To be sure, the interpretation sketched above is this reviewer's, not that of the editors of the *Documentary History of the First Federal Elections*. Other readers of these volumes will doubtless form their own views of the significance of this unrecognized yet vital stage in the organization of government under the Constitution. Whatever interpretations they construct based on these sources, all students of the Revolutionary, Confederation, and Federal periods of American history will refer again and again to these fine volumes, which restore the sense of contingency and importance to the first federal elections, events that previous scholars have taken for granted.

* Of course, this term did not come into use until the early nineteenth century. See the discussion in George A. Billias, *Elbridge Gerry: Founding Father and Republican Statesman* (New York, 1976).