

Chapter 11 - Section 7 - The Election of 1800

The move to Washington, D.C., came in the middle of the 1800 presidential election. Once again, Republican leaders supported Thomas Jefferson for president. Hoping to avoid the strange outcome of the last election, they chose a New York politician named Aaron Burr to run as his vice president.

The Federalists chose John Adams to run for reelection as president. Charles Pinckney of South Carolina was selected to run for vice president. Some Federalists would have preferred Alexander Hamilton as their presidential candidate. But the Caribbean-born Hamilton was not eligible to run, as the Constitution requires the president to be a U.S.-born citizen.



The Campaign The candidates outlined their campaign issues early. Jefferson supported the Constitution and states' rights. He promised to run a "frugal and simple" government. Adams ran on his record of peace and prosperity.

The campaign, however, centered more on insults than on issues. Republican newspapers attacked Adams as a tyrant. They even accused him of wanting to turn the nation into a monarchy so that his children could follow him on the presidential throne.

Some Federalist newspapers called Jefferson an atheist. An atheist is someone who denies the existence of God. Jefferson, these newspapers charged, would "destroy religion, introduce immorality, and loosen all the bonds of society." Frightened by these charges, some elderly Federalists buried their Bibles to keep them safe from the "godless" Republicans.

The Divided Federalists Hamilton and his followers refused to support Adams because of disagreements over the president's foreign policy. "We shall never find ourselves in the straight road of Federalism while Mr. Adams is President," stated Oliver Wolcott, one of Hamilton's close allies.

As the campaign heated up, Hamilton worked feverishly behind the scenes to convince the men chosen for the Electoral College to cast their presidential ballots for Pinckney over Adams. Pinckney seemed more likely than Adams to value Hamilton's advice and his firm Federalist principles. With Pinckney as president, Hamilton believed that he would be able to personally guide the United States into the new century.

Chapter 11 - Section 8 - A Deadlock and a New Amendment

When the Electoral College voted early in 1801, it was clear that John Adams had lost the election. But to whom? Under the Constitution, each elector cast two votes, with the idea that the candidate finishing second would be vice president. All of the Republican electors voted for Thomas Jefferson and Aaron Burr. The result was a tie between them.

Breaking the Tie In the case of a tie, the Constitution sends the election to the House of Representatives. There, each state has one vote. Burr could have told his supporters in the House to elect Jefferson president, as his party wanted. Instead, he remained silent, hoping the election might go his way. When the House voted, the result was another tie.



sends
state
his

After 6 days and 35 ballots, it was Federalist Alexander Hamilton who broke the deadlock. He asked his supporters in the House to vote for Jefferson. Of the two Republicans, he said, “Jefferson is to be preferred. He is by far not so dangerous a man.” The tie was broken, and Jefferson was elected president.

In 1804, the Twelfth Amendment was added to the Constitution to prevent such ties. The amendment calls for the Electoral College to cast separate ballots for president and vice president. If no presidential candidate receives a majority of electoral votes, the House of Representatives chooses a president from the top three candidates. If no candidate for vice president receives a majority, the Senate chooses the vice president.

The Election of 1800			
Presidential Candidate	Party	State	Electoral Votes
Thomas Jefferson	Republican	Virginia	73
Aaron Burr	Republican	New York	73
John Adams	Federalist	Massachusetts	65
Charles Pinckney	Federalist	South Carolina	64
John Jay	Federalist	New York	1

A Peaceful Revolution The election of 1800 was a victory for Jefferson and his Republican Party. But it was also a victory for the new system of government established by the Constitution. In other countries, power changed hands by means of war or revolution. In the United States, power had passed from one group to another without a single shot being fired.

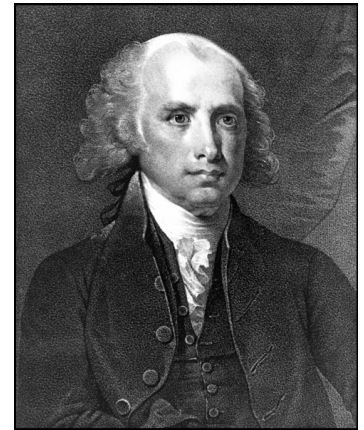
Marbury v. Madison (1803)

Name: _____

“But the President Said I Could Be a Judge!”

In 1800, President John Adams ran to be re-elected as president, but he lost to Thomas Jefferson. During his last weeks in office, Adams appointed a bunch of men to be justices of the peace in the District of Columbia. Each man would receive a paper commission that was signed and sealed. The commissions were prepared, but they were not sent before Adams left office. When President Jefferson took over, he refused to send them.

One man, William Marbury, was upset. He wanted to be a judge! So he asked the United States Supreme Court to issue a legal order called a writ of mandamus (man-DAY-mus). In this case, the writ would have required Marbury’s commission to be delivered.



James Madison was Jefferson’s Secretary of State. He was told not to deliver the commissions.

ISSUE

Does the Supreme Court have the power to hear more types of cases than just those the Constitution says it can hear?

DECISION

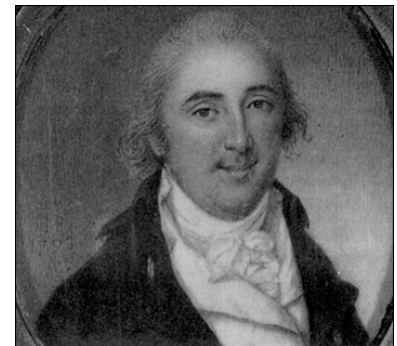
No. The Supreme Court only has the power to do what the Constitution says.

The Argument

Did you notice that Marbury didn’t start in a regular, local court? He started at the Supreme Court. Normally, that would be backwards. But in 1789, Congress had passed a law saying people could start at the Supreme Court if all they wanted was a writ of mandamus. Marbury argued that he was entitled to the writ because his commission had already been created. He also argued that the Supreme Court had the power to issue the writ.

The Decision

The Supreme Court agreed that Marbury had a right to receive his commission, but disagreed that the Court had the power to issue the writ. Why? Because the Supreme Court gets its power directly from the Constitution, and the Constitution says only certain kinds of cases can start at the Supreme Court. That meant the 1789 law passed by Congress was unconstitutional. Congress did not have the power to allow more kinds of cases to start at the Supreme Court. Therefore, the Supreme Court said it could not help Marbury get his commission.

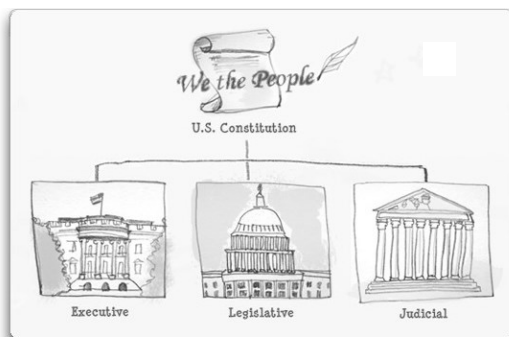


William Marbury never did receive his commission. Photo courtesy of Maryland Historical Society.

So What?

Believe it or not, this is considered one of the most important cases the Supreme Court has ever decided. That’s because it was the first time the Supreme Court struck down an act of Congress for being unconstitutional. The idea that the Supreme Court has the final say about what is constitutional is called **judicial review**. Judicial review lets the judicial branch do two things: 1) interpret the Constitution and decide what it means, and 2) stop the executive and legislative branches from doing things that go against the Constitution.

The decision in *Marbury v. Madison* helped cement the judicial branch as equal with the other two branches of government by giving it equal power.



Thanks to Marbury v. Madison, today the three branches of government are equal.