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## The Dark Star of the Founding

**I**n early 1800, at the dawn of a new century, Aaron Burr was on every short list of men who could become president of the United States. He was the most prominent Northern leader of the Republican party, which was poised to win the national elections that fall. As an emerging political star, he seemed fated to shape the infant republic as it struggled for its place in a world of warring monarchies and despotisms.

Burr had reached this extraordinarily favorable position by measured steps. From an early age, Burr preferred to advance on his own careful terms, beholden to no one. He had been just old enough to join the fight for independence from Britain. In 1776, when the Continental Congress issued the Declaration of Independence, the twenty-year-old Burr served as a lieutenant colonel in the Continental Army. When General George Washington picked him as a personal aide, Burr swiftly lateraled into another assignment, out from under the great man's shadow. When the Constitutional Convention met in 1787 to create a new government, Burr avoided the highly charged debates, building his New York law practice and local political standing. When the new Congress convened in 1789 and George Washington assembled the first government under the Constitution, Burr

served in the New York State government. Yet by 1800, Burr was a leading contender for the highest national offices.

Writing some years later, former president John Adams struggled to explain Burr's rise. "There is in some souls a principle of absolute levity that buoys them irresistibly into the clouds," he wrote grumpily. "This I take to be precisely the genius of Burr."<sup>1</sup>

There were better explanations for Burr's success. His family was distinguished. A grandfather, Jonathan Edwards, had been America's leading divine, famously warning that we are all sinners in the hands of an angry God. Burr's father was president of the College of New Jersey, the future Princeton University. Orphaned at an early age and raised in an uncle's family, Burr was kin to prominent Americans from New Jersey through Boston. But his advancement grew from achievement as much as from fortunate birth.

Burr won distinction as a soldier and cut a military figure all his life, though he did not serve in uniform after the age of twenty-five. His intelligence and persuasive powers brought success as a lawyer and a politician: attorney general of New York State, then United States senator, then candidate for vice president in 1800. Burr's adroit campaign management in the 1800 election marked him as a master of the new art of electioneering. The nation's first two vice presidents, Adams and Jefferson, used the office as a stepping-stone to the highest office. Burr, whose talents and charisma were acknowledged even by his adversaries, intended to do the same.

Yet Burr never rose beyond vice president. Rather, he became the greatest problem of America's founding years, a bright promise tarnished by treason, a traitor never punished, a terror never quite exorcised. Leading historians wring their hands in dismay over Aaron Burr. For Gordon Wood in *Revolutionary Characters*, Burr "violated the fundamental values of [the] experiment in republicanism" and "ultimately threatened the meaning of the Revolution." For Joseph Ellis in *Founding Brothers*, Burr's enemies correctly accused him of being an "unprincipled American Catiline," the malcontent whose conspiracy against the Roman Republic was thwarted by the great orator Cicero.<sup>2</sup>

In the popular rendering of America's early years, Burr's principal sins were three.

First, the indictment goes, he schemed to cheat Jefferson in the tumultuous deadlocked election of 1800, failing to step aside decisively in favor of his own running mate as an honorable man would have done.

Second, the indictment continues, Burr ruthlessly killed the genius Alexander Hamilton in a duel in 1804, even though Hamilton had nobly resolved not to fire at Burr.

Finally, there is the most fantastic charge: that from 1804 to 1807, Burr conspired to lead a secessionist rebellion of western states and territories, or maybe he sought to conduct a coup d'état against the American government, or perhaps he planned to invade Mexico and South America, installing himself as Emperor Aaron I, the Napoleon of the New World. Whatever he was up to—opinions differed then and differ now—he has been routinely condemned. Yet Burr, this avatar of evil, was never punished. His trial for treason in 1807 before Chief Justice John Marshall ended in his acquittal, an outcome some attribute to Burr's legal skill, others to his subversion of the legal system, and still others to Marshall's desire to defy Jefferson, his bitter political opponent and distant cousin. Equally galling, Burr survived to an amiable and unrepentant old age, dying quietly on Staten Island in 1836, on the eve of the presidency of Martin Van Buren.

This orthodox version of Burr is deeply rooted. It has fascinated novelists and playwrights for two centuries, more than seventy of whom have produced works that try to make sense of the man and his actions. In *The Man without a Country* in 1863, Edward Everett Hale portrayed Burr's treason as a self-betrayal, ultimately a self-negation. For James Thurber in the 1930s, Burr's malice was raw and magical, capable of killing a man a hundred years after Burr's own death. Eudora Welty favored the romance of Burr's story, depicting him as a hero to a young boy on the American frontier. A generation ago, Gore Vidal gave us Burr as a rollicking nihilist whose only flaw was an inability to ignore the failings of his more pompous peers, the ones we revere (and capitalize) as the Founders.<sup>3</sup>

Burr's story also has spawned historical analogies and extravagant comparisons, most often to Catiline, the notorious Roman conspirator, and sometimes to Shakespeare's Earl of Warwick, as a man who made a king (Jefferson), then strove to unseat him.<sup>4</sup>

How did this one man, who never actually gained power, provoke

generations of speculation and wonder? His audacity is surely part of the answer. To contemporaries, Burr radiated danger and daring, a willingness to attempt deeds from which others shrank. His posture was martial, his attitudes were military, and he did not shy from conflict.

Some of his adventurism was undeniably sexual. A widower at age thirty-seven when his wife died of cancer, Burr avidly pursued romantic liaisons. One longtime confidant marveled at Burr's fascination with women:

It is truly surprising how any individual could have become so eminent as a soldier, as a statesman, and as a professional man, who devoted so much time to the other sex. . . . For more than half a century of his life they seemed to absorb his whole thoughts. His intrigues were without number.

His romantic advances often met success: With unmistakable rue, this same friend confessed that Burr, "by a fascinating power almost peculiar to himself . . . retain[ed] the affection, in some instances, the devotion, of his deluded victims."<sup>5</sup>

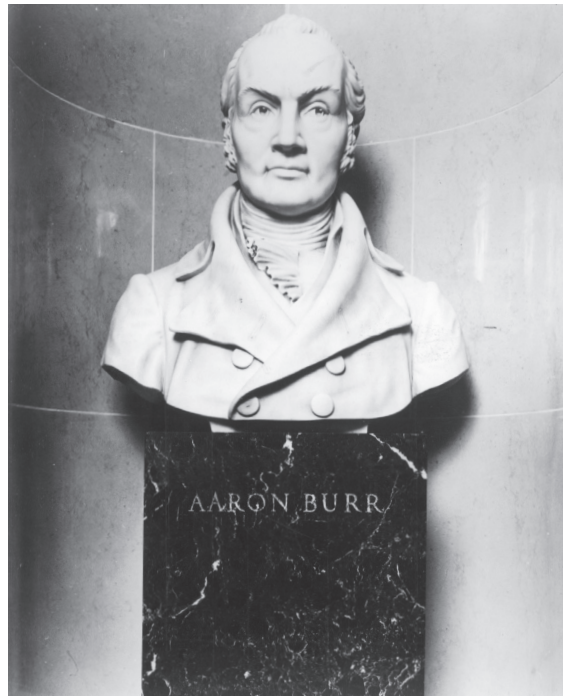
Another part of the answer can be found in Burr's mysteries, which have long survived him. His published papers fill a scant two volumes. In contrast, the writings of Hamilton—produced in a life thirty years shorter than Burr's—fill twenty-seven. Jefferson's papers have mounted to forty-one volumes, while scholars still labor to produce the ones that will cover six years of his presidency. Burr's skimpy documentary record is no accident. He was wary of political theorizing, even of the written word. As a lawyer, he recited the maxim "Things written remain," and he lived by it.<sup>6</sup> He often kept his own counsel on controversial issues, preserving his ability to adjust his position as needed. He preferred to influence men face-to-face, where his compelling gaze, graceful manners, and incisive intelligence were most effective. In addition, in a time of fierce party loyalties, he maintained cordial relations with Federalists and Republicans alike, which meant that few completely trusted him. When his own Republican party failed to support him in an election, an old friend observed that "they respect Burr's talents, but they dread his independence. They know, in short, he is not one of them."<sup>7</sup>

Burr's mystique also grew from his iconoclastic views. Male superiority

was assumed in Burr's time, yet he believed that women's talents equaled those of men and that women should have equal rights. He hung above his hearth a portrait of Mary Wollstonecraft, the English advocate of women's rights. Burr pressed his daughter to intellectual accomplishments as a sort of demonstration project for his beliefs. An Englishman found that young Theodosia Burr had been educated "with uncommon care":

She is elegant without ostentation, and learned without pedantry . . . speaks French and Italian with facility, is perfectly conversant with the writers of the Augustan age, and not unacquainted with the language of the Father of Poetry [Greek].<sup>8</sup>

Burr also held advanced views on slavery. Though he periodically owned slaves himself, Burr belonged to an antislavery society and sponsored legislation to abolish human bondage in New York State.



This bust of Burr stands in the chamber of the United States Senate, where he served for six years as a senator from New York and presided for four years as vice president.

Burr's political iconoclasm extended to America's ruling elite. Washington, the father of his country? For Burr, the man was a poorly educated farmer unfit to command the Continental Army, much less serve as political leader of the nation. Jefferson, the apostle of liberty? Burr found him an intellectual hypocrite whose physical cowardice produced a languid, ineffective style of governing. Hamilton, the architect of the nation's economy? In Burr's view he was temperamentally unsuited to public responsibility.<sup>9</sup>

Indeed, much of the power of Aaron Burr's story lies in his daring to be dissatisfied with early America, his refusal to see it as a constitutional Eden from which democracy and all good things would flow. It is no great stretch to conceive of Burr as America's Satan: not the biblical Satan but the tragic, too-human hero of Milton's *Paradise Lost*. If the early republic was the earthly paradise of later imagining, then Burr was the fallen angel who denied the greatness of the immense leader (Washington), who struck down the leader's favorite (Hamilton), and himself was felled by an archangel (Jefferson). Satan's lament in Milton's epic resonates when applied to Burr:

*O Sun, to tell thee how I hate thy beams,  
That Bring to my remembrance from what state  
I fell, how glorious once above thy sphere;  
Till pride and worse ambition threw me down*

This book begins at the moment when Burr's hopes flared most brightly, with the election of 1800. Burr finished that election in a surprising tie with Jefferson, who was the Republican candidate for president, with Burr slotted for second position. By not sufficiently deferring to Jefferson in that constitutional standoff, Burr allowed—even encouraged—the opposing Federalists to use his candidacy to tie up Jefferson's selection for months. By the time the contest was decided, Burr had tarnished his image as a practical man of affairs with a gift for leading men. Most important, Burr had irretrievably ruined his relationship with Jefferson, the dominating political figure of the time. Never close to Burr, Jefferson froze out his vice president, then dropped him from the Republican ticket in 1804. As a politician, Burr became badly damaged goods, which led to his greatest and most baffling alleged sin: his treason, or conspiracy, or planned invasion of Mexico and

beyond. But Jefferson, having blocked Burr's advancement in electoral politics, also stood between Burr and his extravagant project for redrawing the map of North America.

That project played out in 1805 and 1806, when Burr made two long trips through what was then the American West, down the Ohio and Mississippi Rivers. Before and during those trips, he made urgent, secret plans with the general in chief of the American army, James Wilkinson, a thoroughgoing scoundrel and paid agent of the Spanish king. Burr drew support from two men who later became president (Andrew Jackson and William Henry Harrison), and from three U.S. senators, a former Speaker of the House of Representatives, and an implausible Irish émigré. He even intrigued for alliances with foreign kings.

When Burr assembled his adventurers in late 1806, the expedition swiftly floundered. Grand juries in Kentucky and Mississippi investigated him but then set him free. Finally arrested and taken as a prisoner to face treason charges in Virginia, Burr's life became the prize in a desperate legal war mounted by Jefferson. In the courtroom, Burr escaped Jefferson's vengeance thanks to his own legal talents and the exertions of Chief Justice John Marshall. While presiding over Burr's case, Marshall issued rulings that defined America's law of treason, constrained the powers of the president, and vindicated the constitutional right of habeas corpus. Marshall also gave the former vice president his freedom, whereupon Burr set sail for Europe to seek foreign backing for an expedition to liberate the American colonies of Spain.

From start to finish, Burr's western expedition was a protean undertaking. His plans matured and foundered, reformed and were overturned again. They played out on a continent of possibilities, not certainties. Much about the United States was in flux in 1805. Even its physical boundaries were changing. North American borders had shifted repeatedly for as long as anyone could remember. European wars had often ended with the combatants trading North American land, and then the new republic arose, full of energy and ambition. In 1805, the United States was still digesting the massive Louisiana Territory, acquired from France two years before, which offered a narrow outlet to the Gulf of Mexico through New Orleans. But the country did not yet reach to the Pacific, and Spanish lands blocked it from much of the Gulf Coast.

Nor had an American identity fully formed by 1805. Americans older than thirty had been British subjects at birth. The United States government under the Constitution was only a sapling, not yet twenty years old, mistrusted by many of its citizens. Secession movements simmered in the West and in New England. Twice in the previous decade substantial groups of Pennsylvanians had refused to pay federal taxes. A restlessness pulsed through the country. Hungry for new land and new opportunity, Americans pressed across the continent while powerful gusts buffeted the nation from the Napoleonic wars in Europe.

As he strode westward through this volatile land, Burr imagined different roles for himself in the American future. If the United States were to grab for Spanish lands, Burr could lead the conquering armies. But private forces might also liberate those Spanish lands, which then could form a new empire on the shores of the Gulf of Mexico; Burr could lead that effort too. If the western portions of the United States wished to join that new empire, so much the better.

While pursuing these western dreams, Burr made conflicting statements about his intentions. A few times he said he wished to unseat Jefferson at the head of the government. At other times, he encouraged the separation of the western states from the rest of the country. More often, he said he intended to take control of New Orleans and “revolutionize” Mexico and Spanish America. And when he faced the gallows in a Richmond courtroom, he insisted he was a simple settler of the American frontier.

The search for Burr’s single plan is a pursuit of a mirage. Burr made conflicting statements of his purpose because that purpose changed as he careened from setback to new hope to hairsbreadth escape to disaster. His most ambitious plans involved the creation of a new nation that would rival or even dwarf the United States. But Burr also made contingency arrangements with less ambitious goals, in case events turned against him. He had plans to be broadcast in public squares, others to be discussed candidly in small gatherings, and yet others to be confided quietly to a few intimates and foreign ambassadors. In truth, he intended all of the purposes that were attributed to him, but he also intended to abandon any that he could not achieve. The fluid, opportunistic quality of his plans and hopes caused confusion about them at the time and have continued to do so.



All of Burr's feverish efforts, however, flowed from the same pride and ambition. He strained to break out of the political corner into which Jefferson had painted him, to win the glory he craved. For Aaron Burr, who always presented himself as a hardheaded politician, it was the heady dream of glory, driven by "pride and worse ambition," that ultimately earned him the obloquy of history.

By pursuing his dream of glory, Burr mounted a profound test of the emerging republic. He sought out the country's most unstable elements: discontented military officers, alienated and land-hungry frontiersmen, French-speaking residents in the lands of the Louisiana Purchase. With these combustible materials, Burr proposed to transform the continent. Burr forced many Americans, after fewer than twenty years of national existence, to consider whether their republic was worth continuing, or whether the disparate parts of the country should go their separate ways, with Burr leading those who wished to build something even newer in frontier lands. His challenge to Jefferson's leadership roused the Virginian, whose lax governing style allowed Burr the freedom to organize his expedition for more than a year. Through a combination of luck and timely intervention by others, Jefferson had the satisfaction of seeing Burr's bright ambitions turn to ashes. Indeed, Burr's challenge strengthened the union and sharpened Jefferson's own commitment to it.

Burr's expedition also tested the dedication of Americans to the revolutionary principles proclaimed a generation before, which were embedded in the Constitution and the Bill of Rights. That challenge crystallized during the extraordinary spectacle of Burr's trial for treason in the summer of 1807. President Jefferson, fed up with his former vice president, was willing to sacrifice constitutional liberties—even the rule of law—to preserve the union and punish this infuriating miscreant. In contrast, Chief Justice Marshall enforced every constitutional and statutory protection in Burr's favor, insisting on the preservation of personal rights and the independence of the judiciary.

The largest significance of Burr's audacious expedition involved consequences he did not intend. By demonstrating that few Americans would abandon their infant republic to join his pursuit of glory, he reinforced the bonds that held the nation together. When Burr's trial strained the nation's

commitment to individual rights when national security is at stake, John Marshall vindicated the vision of a republic rooted in the rule of law. That Burr did not intend those consequences did not make them less central to the building of the nation.

Burr's western expedition expressed the boldness and the complexity of Burr's singular personality. The daring side of his character was visible in an incident from his old age, when he and a companion faced a stormy night crossing of the Hudson River. Burr's companion recoiled from the river's dangers. " 'Why,' exclaimed the old gentleman [Burr] as he sprang lightly into the boat, 'this makes an adventure of it. . . . This is the fun of the thing. The adventure is the best of all.' " <sup>10</sup>

Blending the promise of the West with dreams of empire and freedom, no American adventure has been like Aaron Burr's.