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Todd Estes. *The Jay Treaty Debate, Public Opinion, and the Evolution of Early American Political Culture.*

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Review by William Earl Weeks, University of California, San Diego

Todd Estes has produced a valuable study of the Jay Treaty debate that shines a light on the importance of public opinion (or, more precisely, its manipulation) in the making of American foreign policy in the 1790s. Dealing as it does with a very early example of how things get done in the American political system, *The Jay Treaty Debate* deserves the attention of political historians at least as much if not more so than the attention of diplomatic historians. Estes establishes the context for his argument by quoting Joanne B. Freeman that by the 1790s, American politics required “the proper seeding of public opinion and the reaping of the desired response. . . . To national politicians, public opinion represented the response to strategic conversations orchestrated by political leaders.” (7)

William E. Weeks received his Ph.D. at the University of California, San Diego in 1986 and specializes in 19th century U.S. History at the University of California, San Diego. He is the author of John Quincy Adams and American Global Empire (Lexington: University Press of Kentucky, 1992), Building the Continental Empire: American Expansion from the Revolution to Civil War (1996) and, as a contributing editor, “Expansion into the Americas, Asia, and the Pacific, 1815-1861,” in American Foreign Relations since 1600: Guide to the Literature, 2nd edition (2003). His work explores the relationship between American nationalism and American imperialism.

Estes argues that the Federalists were more active in shaping the political debates of the 1790s than is sometimes thought. He sees the Jay Treaty debate has having much in common with the ratification debates over the Constitution of 1787-88, which of course constituted the Federalists first successful manipulation of public opinion. Estes observes that the Federalists’ well-known hostility to the idea of a truly democratic system did not prevent them from employing democratic methods to secure adoption of the crucially important Jay Treaty. If Federalists were “often ideologically elitist, they were also operationally democratic.” (9) This is the basis of Estes’ argument.

The book is worth one's time if only to remind that the alleged bitter partisanship of our own era is not only not new, it is likely not as vituperative as it was during the 1790s, the era premised on the idea of a one-party state. The intensity of the debate led to Representative Frederick Muhlenberg of Pennsylvania being stabbed and later beaten (by his brother-in law!) for changing his vote in favor of funding the treaty. Many scholars have observed that the contentious 1790s were a precursor to later factional strife, but the point needs to be reiterated ad infinitum/ ad nauseum so as to slay the historical fiction that some coherent "original intent" guided the creation and implementation of the Federal authority. Estes properly observes that parties did not emerge for the sake of partisanship but rather that they were a reflection of very real differences that emerged "largely in reaction to the Alexander Hamilton's ambitious plans for centralizing authority in the executive branch, creating a strong centralized system of banking and finance, and encouraging manufacturing and industrialization." (4) This formed the basis of what Estes terms "arguably" the "most intense level of political combat" in the nation's history, made even more significant by the precedent- setting quality of early conflicts such as the Jay Treaty debate.

Chapter one outlines a traditional take on the international situation of the 1790s, drawing on the classic works on the treaty by Samuel Flagg Bemis and Jerald Combs. Estes frankly allows that his book carves no new ground either on the negotiation of the treaty or of the scholarly consensus that its ratification proved crucial to the survival of the new nation. Here again, H-Diplo readers might head for the exits except for the fact that students of foreign policy cannot afford to ignore the internal dynamic of American foreign policy. Indeed, *The Jay Treaty Debate* implicitly makes a compelling case that the most important legacy of the treaty might be the manner in which it was eventually adopted in the face of such widespread and impassioned public opposition. In other words, contemporary political operatives can learn a great deal from this book on how to win in American politics, even when faced with massive initial opposition to their proposals.

The first lesson in this regard concerns timing. Washington's effort to implement in secret the treaty was foiled when a dissenting senator leaked the document after the Senate had ratified it but before Washington had signed it. This leak may have been fortuitous: had the measure been signed into law before its contents were known, public reaction may have been volcanic. As it was, protestors could focus their energies on pleading with the President not to sign, the possibility of which likely forestalled the most extreme sorts of responses. Washington cagily withheld his signature, taking the initial blast of public hostility, marshalling voices in favor (most notably recently departed treasury secretary Hamilton), and then counterattacking in a variety of venues. After the signing the treaty, Washington waited seven months to submit a request to the House for funding its implementation. This delay, too, proved critical in allowing for cooler heads to prevail and for no votes to change to yes votes, at times, as in the case of Representative Muhlenberg, at great hazard to themselves and to their careers.

The second lesson *The Jay Treaty Debate* teaches those seeking political triumphs in the face of massive opposition is to be shameless in your tactics: do not hesitate to adopt the methods of your opponents if necessary, no matter how much you may have criticized

those same methods earlier. Along these lines, Estes' narrative details how the Federalists shifted tactics during the course of the debate. Beginning the debate by attacking the Democratic-Republican societies as "subversive" organizations that had no place in the political landscape, as the pro-Treaty numbers increased they began to create their own grassroots groups in favor of the Treaty, lamely arguing that while public criticism of the government threatened the republic, public support of those in power posed no danger to the established order and therefore were permissible. When the tide of public opinion began to run against them, Republicans found themselves in the awkward position of criticizing the very sorts of popular demonstrations they initially embraced.

Yet Estes makes clear that ratification was a battle of ideas waged chiefly in the nation's emerging print culture. Here again, the decision to hold the treaty back from consideration and give the opposition time to expend its energies proved key. The initial widespread, vitriolic reaction was absorbed, deflected, and in time, turned around via the pen, primarily Hamilton's. Hamilton's reputation for brilliance in the clash of ideas is given another boost by this text. His preponderant (author of 28 of the 38 selections) contribution to the "Defence" essays under the pseudonym "Camillus," much like his essays in the *Federalist*, wore down opponents by both the cogency of their arguments as well as their sheer quantity. Hamilton was ably assisted in the defense of the treaty by, among others, Washington, Rufus King, and Noah Webster. As Estes puts it, "the debate also confirms the lingering power of written discourse, a field in which Federalists were experienced, comfortable, and largely successful." (126) Herein is the third lesson for those seeking political victories: make your case, make it loud, make it often, and as much as possible, do not allow your opponent's contributions to the debate to go unanswered.

It is stunning to be reminded and to contemplate that both Madison and Jefferson chose to sit out the battle of ideas that formed the core of the Treaty debate. Both men keenly understood that, as Madison wrote in the *Federalist*, "all government rests on opinion." This makes their decision to sit out active participation the debate over the Jay Treaty all the more hard to understand, although it may have had something to do with the fact that Hamilton had gotten the better of the debate over neutrality in 1793. Still, even if they two men feared another verbal trouncing at the hands of Hamilton's rapier-like pen, it is unfathomable to this historian that they refused to engage him again over an issue of such importance to the future of the nation, especially when their task was to support a majority sentiment opposed to the treaty. It contributes to my sense that Hamilton did not just have an intellectual advantage over Madison and Jefferson, but that the sheer intensity with which he supported his ideas proved daunting to the Virginians. Certainly the failure to stop the treaty was linked to the fact that its two most prestigious opponents took no active role in opposing it.

The House's effort to forestall the treaty by refusing to fund its implementation until papers relating to its negotiation were delivered to them for scrutiny failed for much the same reasons that efforts to stop Washington from signing it failed. Credible opponents to the treaty such as Albert Gallatin had to deal both with petitions in support from his own constituents and with the impassioned oratory of an energized Federalist party speaking in defense of the treaty, in defense of Washington's administration, and the name of the

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survival of the nation. Estes writes “Federalists went into overdrive with their newspaper and petition campaigns” while “Republican papers seemed spent, as if they had exhausted their store of anti-treaty energy the previous summer and now had little else in reserve.”

And so the Jay Treaty was ratified, peace with Great Britain secured at least for a while, and the principle of executive control of foreign affairs given an early and important boost. No less important, the conception of public opinion as something to be shaped and guided by elites rather than kow-towed to established a precedent in American political culture still in evidence today.

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