



# James Madison

## Defender of the American Republic

*(A Volume in the First Men, America's Presidents Series)*

Donald Dewey ★ Barbara Bennett Peterson

# JAMES MADISON: DEFENDER OF THE AMERICAN REPUBLIC

(A VOLUME IN FIRST MEN,  
AMERICA'S PRESIDENTS SERIES)

DONALD DEWEY

AND

BARBARA BENNETT PETERSON



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## DEDICATION

*Gordon Freirich, Nathan Neville, Scott Dewey,  
Lovers of History and my Hope for the Future,  
And to Charlotte Dewey who made it all possible*

*Donald O. Dewey, PhD*

*My Family, My Friends,  
My Colleagues, My University Students  
All of whom have inspired my life writing*

*Barbara Bennett Peterson, PhD*

## FOREWORD

President of the United States of America is an official title sought by many and won by only a few individuals. Most American presidents are of high merit and political acumen and reflected wisdom, leadership, and integrity. This series titled *First Men, America's Presidents* published by NOVA Science Publishers contains a book length biography of each president of the United States of America. Every book contains information on the president's early education, professional career, military service or political service prior to the presidency, interpretative discussion of both domestic and foreign policies during each presidency, and the conclusion of their political lives in public service. Every presidential biography in the Nova series has been written by a professional historian or political scientist well versed in the field of presidential scholarship. The two major themes of this series are the character traits marking success in the presidency, and the changes in the office of the presidency through America's history. Character matters in all walks of life, but perhaps matters most within the character of the president of the United States.

The duties of the president of the United States are delegated through Article II of the Constitution of the United States of America, and from the successive laws passed by Congress over time. Each president takes the Oath of Affirmation. "I do solemnly swear (or affirm) that I will faithfully execute the Office of the President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States." The president's duties and responsibilities under the Constitution are to serve as "Commander in Chief of the Army and Navy of the United States, and the Militia of the several States, when called into actual Service of the United States." The president may invite the counsel and opinions of his various department heads upon any subject related to the execution of the duties of their offices, either in writing or orally as has



become the custom within the president's Cabinet. The president "shall have the power to grant Reprieves and Pardons for Offenses against the United States, except in Cases of Impeachment." Every president has realized that each must administer through constitutional principles, as each was elected by the voting majority of the people to be their chief executive through the Electoral College. Each president of the United States "shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur." As the president directs both the domestic and foreign activities of the government, he has the power to "nominate and by and with the Advice and Consent of the Senate....appoint Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by law." The president also receives foreign ambassadors and officials on behalf of the American people. The president "shall have the Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session." The president under the Constitution shall give Congress a State of the Union address every year to acquaint them with his policy agenda and plans for the future. Usually in this address to Congress he recommends "to their Consideration such Measures as he shall judge necessary and expedient." Above all, the president of the United States "shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States." A strong role for the president had been envisioned by the Founding Fathers who rejected the obsolete Articles of Confederation and replaced the framework of government with the Constitution of the United States. Article II of the Constitution outlining the powers of the presidency provided that the office of the president would be held by one individual. It provided the president with enumerated powers including the power of the veto, and stipulated that the president's election would be above the control of the Congress to ensure the separation of powers and the system of checks and balances. It stipulated that the president, vice president, and all civil officers of the United States *must govern in the name of the American people* lest they "be removed from Office on Impeachment for, and Conviction of Treason, Bribery, or other high Crimes and Misdemeanors."

From presidents George Washington through John Quincy Adams candidates for the presidency were selected in caucuses of senators and congressmen and then the state legislatures indirectly chose the president through the selection of Electors to the Electoral College. This system had worked for Washington, Adams, Jefferson, Madison and Monroe—they were statesmen who held wide appeal within Congress and the state legislatures and claimed to represent the

people. But as demands for greater democracy in the election process were heard, the process was changed. In the outcome of the election of 1824, John Quincy Adams was chosen president by the Congressional House of Representatives under constitutional law after no candidate had received a majority of the electoral ballots in the Electoral College. Jackson, the candidate who had received the most popular votes was not chosen president and his supporters called for more direct popular participation and worked to introduce changes. Hence, the voting process was altered in the name of democracy. In the election of 1828 President Andrew Jackson triumphed after voting had been given directly to the people and removed from the state legislatures. Democracy further triumphed by the elimination of the congressional caucuses in naming presidential candidates and the holding of national political party conventions to name them instead, allowing greater voice and participation of the people. The institution of the party convention to nominate presidential candidates remains, although winners in various state primaries command party delegates to vote the choice of the people. The presidency, molded by the character and designs of each president, oversees command, administration, diplomacy, ceremony, legislation, and public opinion. The modern strength of the presidency is a reflection of the mighty power of the United States within a global world.

The majority of America's presidents have served for one four-year term or less as some died in office. Four presidents served out part of their predecessor's term and won subsequent re-election in their own right: Theodore Roosevelt, Calvin Coolidge, Harry S. Truman, and Lyndon Baines Johnson. Only one president, Grover Cleveland, was elected to two discontinuous terms of office and thus was both the twenty-second and the twenty-fourth president of the United States. Several outstanding presidents have been elected to two four-year terms or more. They were: George Washington, Thomas Jefferson, James Madison, James Monroe, Andrew Jackson, Abraham Lincoln, Ulysses S. Grant, Grover Cleveland, William McKinley, Woodrow Wilson, Franklin D. Roosevelt, Dwight D. Eisenhower, Richard Nixon, Ronald Reagan, William Jefferson ("Bill") Clinton, and George W. Bush. Only one president, Franklin D. Roosevelt, was elected for a third and fourth term. Eight presidents have achieved their office as a result of being the vice-president of a preceding president who died in office or resigned: John Tyler, Millard Fillmore, Andrew Johnson, Chester Arthur, Theodore Roosevelt, Calvin Coolidge, Harry S. Truman, Lyndon Baines Johnson, and Gerald R. Ford. Additionally, John Adams, Thomas Jefferson, Martin Van Buren, Richard M. Nixon and George H.W. Bush also rose from the office of vice-president to president. Besides the vice-presidency as a stepping stone to the presidency, two thirds of the presidents elected had held congressional office

earlier in their political careers. Twenty presidents had served as Governors of states or territories before being elected. They were: Thomas Jefferson (Virginia), James Monroe (Virginia), Andrew Jackson (Florida), Martin Van Buren (New York), William Henry Harrison (Indiana), John Tyler (Virginia), James K. Polk (Tennessee), Andrew Johnson (Tennessee), Rutherford B. Hayes (Ohio), Grover Cleveland (New York), William McKinley (Ohio), Theodore Roosevelt (New York), William Howard Taft (The Philippines), Woodrow Wilson (New Jersey), Calvin Coolidge (Massachusetts), Franklin D. Roosevelt (New York), Jimmy Carter (Georgia), Ronald Reagan (California), William Jefferson Clinton (Arkansas), and George W. Bush (Texas). Some states with larger voting populations and hence more electoral votes have seen their native sons rise to the presidency of the United States. The American presidents have come from both coasts, east and west, and from both the upper tier and the lower tier of states geographically, north and south. When elected, the president becomes the president of 'all the people', not just those of his political party. Since the president acts as America's commander in chief, the majority of the presidents of the United States have served in the U.S. military. George Washington, Andrew Jackson, William Henry Harrison, Zachary Taylor, Franklin Pierce, Ulysses S. Grant, Rutherford B. Hayes, James Garfield, Chester Arthur, Benjamin Harrison, and Dwight David Eisenhower served in the capacity of generals. James Monroe, John Tyler, Abraham Lincoln, William McKinley, Theodore Roosevelt, Harry Truman, John F. Kennedy, Lyndon Baines Johnson, Richard Nixon, Gerald R. Ford, Jimmy Carter, Ronald Reagan, George Herbert Walker Bush, and George W. Bush also served their country in military service at various ranks, and always with dedication. The youngest elected president was John F. Kennedy (1960) at forty-three. The youngest man to ever serve as president was Theodore Roosevelt who at forty-two assumed the office following William McKinley's assassination. The average age for an elected president was fifty-four. The oldest elected president was Ronald Reagan at sixty-nine (1980) and seventy-three (1984).<sup>1</sup>

One of the major features of American constitutional development has been the growth of the presidency both in power and prestige as well as in new Cabinet positions, departments and agencies under the control of the president. The Federal government has grown mightily in comparison with the states' governments since the inception of the Constitution. Increases in presidential powers have been occasioned by wars, depressions, foreign relations, and the agenda of the presidents themselves. Henry F. Graff, Emeritus Professor at

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<sup>1</sup> David C. Whitney and Robin Vaughn Whitney, *The American President* (Garden City, New York: Doubleday, 1993), v-ix.

Columbia University, described the office of the president as “the most powerful office in the world” in *The Presidents*. The Executive Office of the President (EOP) was created during the administration of President Franklin D. Roosevelt upon passage by Congress of the Reorganization Act of 1939. The EOP originally included the White House Office (WHO), the Bureau of the Budget, the Office of Government Reports, the National Resources Planning Board, and the Liaison Office for Personnel Management. In addition, wrote Henry F. Graff, the 1939 Act provided that an “office for emergency management” may be formed “in the event of a national emergency, or threat of a national emergency.”<sup>2</sup> Today the White House Office has become “the political as well as policy arm of the chief executive.” The larger, all encompassing Executive Office of the President has expanded through time to include a myriad number of departments in addition to the first five listed above and the president is advised by nearly 60 active boards, committees and commissions. During and immediately after World War II the following additional departments within the purview of the EOP were organized: Committee for Congested Production Areas, 1943-1944; War Refugee Board, 1944-1945; Council of Economic Advisers, 1946-; National Security Council, 1947-, and National Security Resources Board, 1947-1953; During the Cold War, additions to the EOP were made adding the following departments: Telecommunications Adviser to the President, 1951-1953; Office of the Director for Mutual Security, 1951-1954; Office of Defense Mobilization, 1952-1958; President’s Advisory Committee on Government Organization, 1953-1961; Operations Coordinating Board, 1953-1961; President’s Board of Consultants on Foreign Intelligence Activities, 1956-1961; Office of Civil and Defense Mobilization, 1958-1962; and National Aeronautics and Space Council, 1958-1993. By the Sixties, some of the earlier departments organized in the 1939 to 1960 decades were allowed to close, with newer agencies with a new focus and expanded technology taking their place. These newer agencies included: President’s Foreign Intelligence Advisory Board, 1961-1977; Office of Emergency Planning, 1962-1969; Office of Science and Technology, 1962-1973; Office of Economic Opportunity, 1964-1975; Office of Emergency Preparedness, 1965-1973, National Council on Marine Resources and Engineering Development, 1966-1971; Council on Environmental Quality, 1969-; Council for Urban Affairs, 1969-1970; and Office of Intergovernmental Relations, 1969-1973. By the mid-Seventies, once again there was a general reorganization with some of the earlier departments and offices being swept away and replaced by newer

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<sup>2</sup> Henry F. Graff, Editor, *The Presidents* (New York: Charles Scribner’s Sons, Simon & Schuster Macmillan, 2<sup>nd</sup> edition, 1996, Appendix C), 743-745.

agencies reflecting new presidential agendas. Many of the new agencies reflected the urgencies in domestic policies and included: the Domestic Council, 1970-1978; Office of Management and Budget, 1970-; Office of Telecommunications Policy, 1970-1977; Council on International Economic Policy, 1971-1977; Office of Consumer Affairs, 1971-1973; Special Action Office for Drug Abuse Prevention, 1971-1975; Federal Property Council, 1973-1977; Council on Economic Policy, 1973-1974; Energy Policy Office, 1973-1974; Council on Wage and Price Stability, 1974-1981; Energy Resource Council, 1974-1977; Office of Special Representative for Trade Negotiations, 1974-; Presidential Clemency Board, 1974-1975; Office of Science and Technology Policy, 1976-; Office of Administration, 1977-; and Domestic Policy Staff, 1978-1981. Many of the departments, councils and agencies organized as part of the Executive Office of the President by the late Seventies and early Eighties included: Office of Policy Development, 1981-; Office of the U.S. Trade Representative, 1981-; National Critical Materials Council, 1984-; Office of National Drug Control Policy, 1988-; National Economic Council, 1993-. By the 21<sup>st</sup> century the EOP continued several effective agencies started earlier: Council of Economic Advisers, 1946-; National Security Council, 1947-; Council on Environmental Quality 1964-; Office of Management and Budget 1970-; Office of Science and Technology Policy, 1976-; Office of Administration, 1977-; Office of the U.S. Trade Representative, 1981-; Office of Policy Development, 1981-; and the Office of National Drug Control Policy, 1988-. In addition to the White House Office of the President, the Office of the Vice President functions and is administered as part of the EOP.<sup>3</sup> At the turn of the millennium the department of Homeland Security, 2001-, was established by presidential executive order and administered by the Executive Office of the President that continues to be evolutionary in response to new issues, demands, and events.

Capable presidents have responded to America's changing needs and responsibilities by retooling their administrations to meet new crises, opportunities, and challenges. This series, *First Men, America's Presidents*, published by Nova, explains the personal and public life of each president of the United States. Their qualities of character and leadership are aptly interpreted and offer strong role models for all citizens. Presidential successes are recorded for posterity, as are the pitfalls that should be guarded against in the future. This series also explains the domestic reasons and world backdrop for the expansion of the Executive Office of the President. The president of the United States is

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<sup>3</sup> Henry F. Graff, Editor, *The Presidents* (New York: Charles Scribner's Sons, Simon & Schuster Macmillan, 3<sup>rd</sup> edition, 2002, Appendix ), 743-747.

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perhaps the most coveted position in the world and this series reveals the lives of all those successfully elected, how each performed as president, and how each is to be measured in history. The collective life stories of the presidents reveal the greatness that America represents in the world.

Dr. Barbara Bennett Peterson  
*First Men, America's Presidents Series*, Nova Series Editor  
Professor of History, Oregon State University (retired)  
Emeritus Professor University of Hawaii  
Former Adjunct Fellow East-West Center  
Professor of History, California State University San Bernardino, Palm Desert

## PREFACE

This book follows the life of James Madison, our 4th president, who at the tender age of twenty-five was thrust into significant politics as an elected member of the Virginia House of Burgesses. Even in his first venture into statesmanship. Madison took notes on constitutional deliberations, a practice that he would continue in the Federal Convention that proposed the United States Constitution and throughout much of his legislative career whether in Philadelphia, New York City, or Williamsburg, Virginia. Just as most of our knowledge of the framing of the U.S. Constitution is provided by Madison's painstaking notes of the Constitutional Convention of 1787, much of our knowledge of George Mason's many contributions to the Virginia Constitution of 1776 are also known through Madison's efforts.

His major personal contribution to that seminal state constitution is a brief but key phrase in the Virginia Declaration of Rights that would in many respects become a pattern for the Bill of Rights that Madison was later largely responsible for addition to the United States Constitution. His addition of a simple clause converted Mason's proposed language from religious toleration, where an official church would permit citizens to attend other churches, to religious freedom with its clear implication that it was one of the Rights of Man that were so important to that revolutionary generation. Throughout his career he remained committed to religious freedom and he is still considered one of its greatest contributors. During the brief time between his terms in Congress he would prevail in battles against the re-establishment of the Episcopal Church in Virginia and would win legislative approval for the Statute for Religious Freedom that Jefferson wrote and in which he took enormous pride, but which required the legislative management of James Madison to become law.

Madison is best and justifiably known as “Father of the Constitution” because of his heroic role in bringing together the Federal Convention in 1787, influencing its outcomes through the Virginia Plan, maintaining records of the debates, winning its ratification in the largest state and influencing several other states.



## INTRODUCTION

Despite his notoriously diminutive physical stature, James Madison was a political and intellectual giant when he first became Secretary of State in 1801 and then President in 1809.

At the tender age of twenty-five Madison was thrust into significant politics as an elected member of the Virginia House of Burgesses. This legislature would soon convert itself into the convention that would enact the first independent constitution of any of the colonies that would survive into the Nineteenth Century. In May 1776 the convention directed Virginia delegates in the Continental Congress to introduce a resolution for American independence as well as authorization for the colonies to establish new governmental structures. Richard Henry Lee made the motion for independence that was approved on July 2. Two days later Congress approved the classic defense that was written by Thomas Jefferson. A positive vote was probably the still shy and reticent Madison's only impact on Virginia's initiative. It certainly accorded with his long-held conviction that such a decision was the responsibility of the central Congress rather than individual state legislatures or conventions.

Even in this first venture into statesmanship Madison took notes on constitutional deliberations, a practice that he would continue in the Federal Convention that proposed the United States Constitution and throughout much of his legislative career whether in Philadelphia, New York City, or Williamsburg, Virginia. Just as most of our knowledge of the framing of the U.S. Constitution is provided by Madison's painstaking notes of the Constitutional Convention of 1787, much of our knowledge of George Mason's many contributions to the Virginia Constitution of 1776 are also known through Madison's efforts.

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