
4

DISPUTED ELECTIONS

1800, 1824, 1876, 2000

BUT FIRST,

THE ELECTORAL COLLEGE

THE DEBATE OVER THE EXECUTIVE

- **Articles of Confederation had no Executive Branch**
- **Constitutional Convention favored a strong independent executive**
- **How to Elect?**
- **Truly an Experiment; No Good Model**



At the time of the Philadelphia convention, no other country in the world directly elected its chief executive, so the delegates were wading into uncharted territory.

STATE LEGISLATURES WOULD CHOOSE? NO!

- **Executive would favor certain states**
- **Too many possibilities for corruption**

Legislatures would spend their time trying to curry favor from Washington instead of doing their job.

CONGRESS WOULD CHOOSE PRESIDENT? NO!

- **Violate checks and balances system**
- **A President seeking a second term would be beholden to Congress**

Election by Congress (violated principles of the separation of powers, the system of checks and balances among the 3 branches. “[T]he election of the Chief Magistrate would agitate & divide the legislature so much that the public interest would materially suffer by it.” And there was also the chance that political deals would be struck between congressmen and the future president.

POPULAR VOTE? NO!

- **Geography and Communication**
 - **Uninformed, easily misled voters**
 - **Voter Eligibility could vary by state**
 - **Might result in many candidates**
 - **Popular vote would favor North and large states at expense of South and smaller states**
-

- ADVANCE: Newspapers and stage coaches and ferries were principle means of communication. Took weeks for news to travel.
- ADVANCE: Lack of information to make educated choices. A headstrong “democratic mob” steering the country astray. A populist president appealing directly to the people could command dangerous amounts of power.
- ADVANCE: Eligibility left up to states, and you could wind up with many different standards.
- ADVANCE: An abundance of candidates; there was no nominating process that could winnow out candidates.
- ADVANCE: Slavery could be in jeopardy as a result of popular elections.

INDEPENDENT ELECTORS YES!

- **Electoral College Compromise**
 - **Truly independent; meeting in home states once, then disband**
 - **More knowledgeable than average citizens**
 - **Free to vote their conscience, meeting in a collegial setting, debating the merits of the candidates**
 - **Attracted southern slave-holder votes since electors would be determined by 3/5ths rule**
 - **If no winner, the selection is made is by the House of Representatives**
-

As a compromise between those favoring popular election and those favoring election by the state legislatures or by Congress, James Wilson proposed the Electoral College. Wilson favored popular election and proposed the Electoral College as a way to salvage aspects of a popular vote. The Electoral College was one of last hurdles before approval of the Constitution.

ADVANCE: GO THRU ATTRIBUTES

3/5ths rule: Free states wanted to exclude the counting of slave populations in slave states, since those slaves had no voting rights. Slave holding states wanted their entire population to be counted to determine the number of Representatives those states could elect and send to Congress. A compromise was struck to resolve this impasse. three-fifths of the enslaved population would be counted for determining direct taxation and representation in the House of Representatives.

**THE ELECTORAL COLLEGE WAS AN
“UNEXCEPTIONAL PROCESS” BROUGHT
ABOUT THE “HURRYING INFLUENCE
PRODUCED BY FATIGUE AND IMPATIENCE.”**

James Madison

Electoral college not well thought out, but an acceptable last minute compromise.



THE ELECTORAL COLLEGE

PRESIDENTIAL ELECTORS

ARTICLE II, SECTION 1

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress...

The Electors shall meet in their respective States, and vote by Ballot for two Persons...

And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President...

after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President.

What did the new constitution say? Key points:

PRESIDENTIAL ELECTORS

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PRESIDENTIAL ELECTORS ARTICLE II, SECTION 1

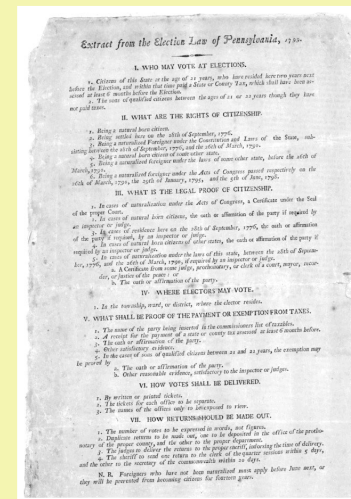
- **Each state could determine how to choose electors. Elected by the citizenry, or elected by state legislature. (In 1800, five states used direct election (some at large, some by districts), while in 11 states the legislature chose electors .**
 - **Electors were to meet in their home state at a time of their own choosing, and transmit their choices to national congress.**
 - **Electors were truly independent: Free to vote their conscience, meeting in a collegial setting, debating the merits of the candidates, and selecting 2. Process worked much like this in first 2 elections.**
-

How were these electors to be chosen? The constitution pushed this decision off to the states.

ADVANCE

HOW WAS VOTING CONDUCTED?

- Voice or Paper
- No standardized ballots
- No formal registration
- Property owners, tax payers
- White men
- States divided between direct election and election by legislature



ADVANCE: The Printed Document is the Pennsylvania Election laws, 1799
21 and older,
had to prove citizenship
had to show proof of paying taxes
vote by written or printed tickets
voter had to deliver to proper officials

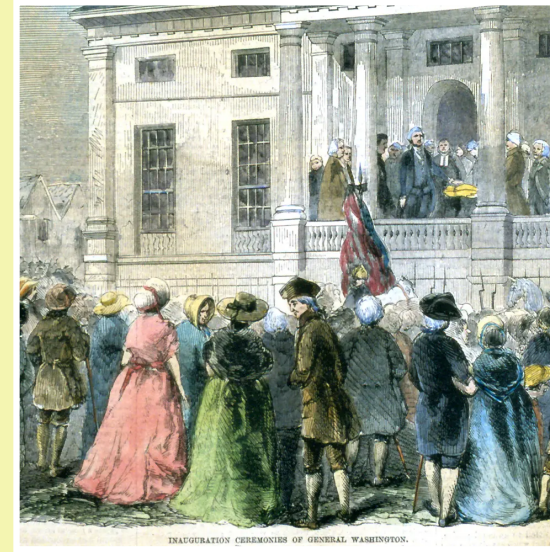
HOW WERE ELECTORS CHOSEN IN EACH STATE?

- Chosen by popular vote in five states
- Voting by district or voting state-wide
- Chosen by state legislature
- In which case, state legislature elections also served as a vote for electors when held before a presidential election.



WASHINGTON ELECTIONS (1788 & 1792)

- No political parties
- No real test for Electoral College
- Washington's choice for VP, Adams, is 2nd



The system worked OK, no major problems.

1796 ELECTION

**ADAMS (FEDERALIST) PRES.
JEFFERSON (JEFFERSONIANS) VP**

- Adams wins Electoral College Vote
- Jefferson finishes 2nd
- President and VP from different parties



- A Preview of the 1800 Election: The 1796 Election: Washington refuses a third term. The candidates in 1796: Washington's VP, John Adams and Thomas Jefferson.
- Since two ideological factions had clearly emerged; leaders worked to induce electors aligned with their party to vote for what amounted to a partisan "ticket". Washington's supporters, the Federalists, supported Adams, State rights supporters supported Jefferson.
- ADVANCE
- More Adams electors were elected, and Adams received the most electoral votes, but with no party discipline to corral votes, Federalist electors split their second votes for a VP candidate, allowing Jefferson to finish second. This is the only time in US history that the President and VP have been from different parties.

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THE 1800 ELECTION

PRESIDENTIAL CANDIDATES:

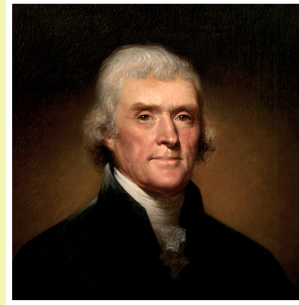
**JEFFERSON
V.
ADAMS**



Oops! Daveed Diggs and Paul Giamatti

PRESIDENTIAL CANDIDATES:

**JEFFERSON
V.
ADAMS**



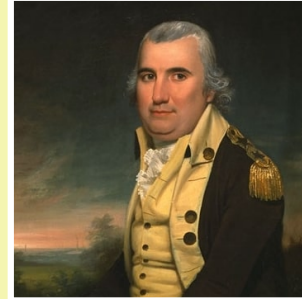
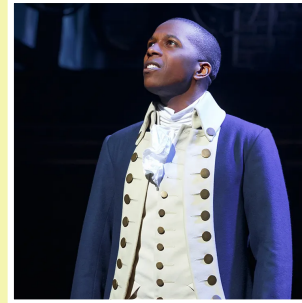
Both were seen as the leading candidates for President. It would be a repeat of the 1796 election. Two founders engaged in a presidential battle. Neither was a participant in the Constitutional Convention in 1787, but both had contributed with publications and correspondence. Both recognized as among the leaders of the Revolution, architects of constitutional government, Jefferson of course, the author of the Declaration of Independence, both revered today as founders. But neither was above the demands of partisan politics:

**“THEY COULD WRITE LIKE
ANGELS AND
SCHEME LIKE DEMONS”**

Edward Larson in his book, “A Magnificent Catastrophe”

VICE PRESIDENT CANDIDATES:

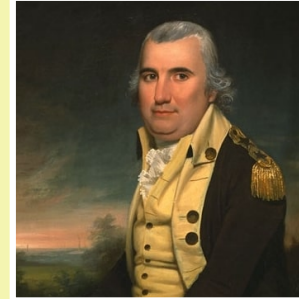
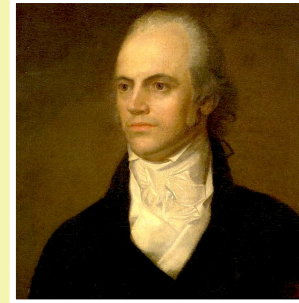
**AARON BURR
V.
CHARLES C. PICKNEY**



Leslie Odoms, Jr. and nobody has ever played Charles C. Pickney

VICE PRESIDENT CANDIDATES:

**AARON BURR
V.
CHARLES C. PINCKNEY**



Burr was a candidate in the 1796 election, finishing 4th among 4 candidates. Burr had also worked for Republicans in the New York legislative race in April of 1800. Since the NY legislature elected the state's electoral college members, whoever won the legislative races would win NY's electoral votes. Burr was a tireless campaigner and was credited with the Republican victory. This helped him receive a nomination for Vice President in the 1800 election from the Republican caucus of senators and representatives met later that spring.

Pickney was born into the planter class in South Carolina. He became a general during the Revolutionary War. He represented South Carolina at the Constitutional Convention, and generally favored a strong national government. Thus he was a supporter of the Federalists. His brother had been a presidential candidate in 1796. (He was also a slave holder, and defender of slavery and slave trade at the Convention.)

He was president of the Society of Cincinnati for two decades in his later years

FEDERALISTS V. JEFFERSONIANS ADAMS V. JEFFERSON

- **Adams expressed admiration of a constitutional monarchy, perhaps a senate akin to the House of Lords ; Jefferson did not**
 - **Jefferson favored a simple, frugal government; he advocated relying on militias, not a standing army; Hamilton and Federalists wanted a more robust central government**
 - **Adams and Federalists supported the Alien and Sedition Acts, which Jeffersonians opposed.**
 - **Jeffersonians favored separation of church and state; Federalists favored a less strict interpretation. French Revolution proved a cautionary tale with secular chaos replacing Christian order. Many Federalists spoke fervently of invoking a state religion.**
 - **First time parties seriously campaigned; although not candidates themselves**
-

Party Divisions in 1800:

Hamilton and Jefferson came to lead two factions that had by 1800 evolved into two competing political philosophies.

Jeffersonians were sometimes called Republicans, or Democratic-Republicans. I will call them Jeffersonians so as not to confuse them with modern parties today.

The Federalists envisioned an America grounded in the principles of commercial development, including an economic system based on the British model and a strong national government that could control the various states and their powerful ambitions. John Adams and Alexander Hamilton represented these ideas. In opposition stood the Jeffersonians, who promoted an agrarian economy supported by manufactures, economic ties with several foreign countries, and strong state governments that would balance not only the federal government but each other. Thomas Jefferson came to represent the ideas of these Jeffersonians. Hamilton saw Jefferson as a dangerous radical whose policies would bring about the secession of New England and the dissolution of the US; Jefferson saw Hamilton as a man whose strategies would make the US a satellite country of Britain and negate the hard-won victory of the American Revolution. Each man saw in the views of his opponent the downfall of America.

Monarchism may have been too strong a word for it, but Federalists did share a common vision of society that many Jeffersonians regarded as too hierarchical and authoritarian.

Federalists attacked Jeffersonians as having no principles except of self-interest. “They are composed of French intriguers, English fugitives from justice and many of the worst sorts of Americans,” said a Federalist. Their followers are “the very refuse and filth of society.”

The **Sedition Act** made it illegal to make false or malicious statements about the federal government. The act was used to suppress speech critical of the Adams administration, including the prosecution and conviction of many Jeffersonian newspaper owners who disagreed with the Federalist Party. The **Aliens Act** authorized the president to arbitrarily deport any non-citizen that was determined to be "dangerous to the peace and safety of the United States."

THE CAMPAIGN

- **70 electoral votes needed to win**
- **Five States chose electors by popular vote. 11 States electors chosen by legislatures.**

Five states chosen by popular votes: Maryland, North Carolina, Kentucky, Rhode Island, Virginia

All other states, electors chosen by legislators

State legislature composition was key in 11 states, not the presidential vote since the legislatures picked the electors.

TIMELINE

- **No national election day. States set their own. Election days from April to December.**
- **April : New York state legislative elections**
- **May : Congressional Caucuses of Jeffersonians and Federalists**
- **Most elections held in fall, 1800**
- **December: South Carolina last to vote**
- **December 3: Electors Meet in States to Cast Their Ballots**
- **February 11, 1801: Electoral Ballots counted in Washington, DC**

Timeline:

New York City elections: April

Republican Caucus May 11; Federalist caucus also in May; both chose VP candidates

Maryland votes in October for State Legislature and in November in District Elections

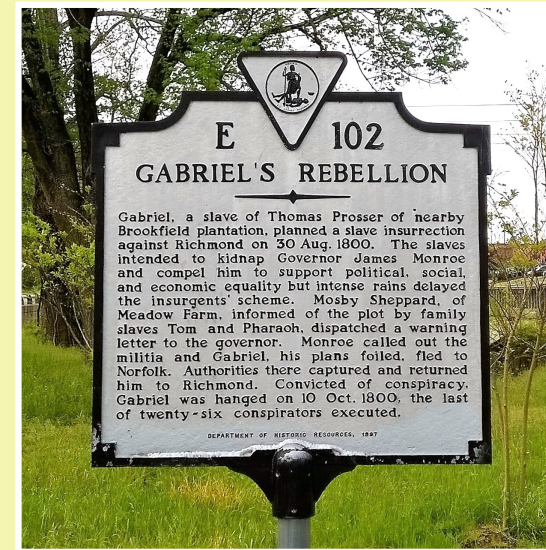
South Carolin last to vote in December

December 1800: Recording of Electoral Votes as required by the Constitution. (Although not officially announced, word trickled out about each state's vote and soon is was realized that there would be a Tie between Jeff and Burr)

AUGUST - OCTOBER, 1800:

GABRIEL'S REBELLION

- **Rebellion planned for Aug 30 led by Gabriel**
- **Weather delayed plans; Plot became known**
- **Arrests and hangings; 26 in all**
- **Gabriel finally caught; last man hanged on Oct. 10**
- **Quickly became a campaign Issue**



Gabriel trained as a blacksmith and a carpenter. He was "hired out" by his enslaver to work in Richmond foundries and he was able travel freely to work for plantation and business owners. During the spring and summer of 1800, Gabriel began contacting other slaves and planning a revolt to end slavery in Virginia.

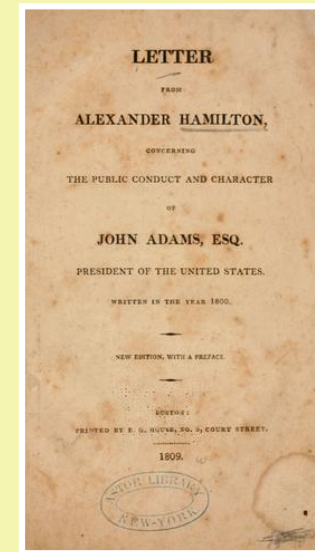
ADVANCE: Huge rainstorms forced a delay and plot became known. ADVANCE: ADVANCE

ADVACNE: campaign issues: Upcoming elections in Pennsylvania and other states could be affected. Too lenient a response could upset slave states, too harsh could alienate those opposed to slavery. Federalist press began capitalizing on the episode by presenting it as a natural consequence of Jeffersonian policies, which were sympathetic with French revolutionaries and their fight for Liberty and Equality." Jefferson's words in the Declaration of Independence had influenced slave revolts. Republicans countered that Adam's favorable policies toward trade with black leaders in Caribbean had stirred hopes among the enslaved. Jefferson cautioned about revenge, writing that deporting the rebellious slaves would be sufficient. However, the hangings were carried out, and the impact on the overall outcome of the election is impossible to determine. But an early example of how any event can become a political one.

OCTOBER, 1800:

**HAMILTON'S BROADSIDE
AGAINST ADAMS**

- **"Great defects in character"**
- **"An extended tantrum"**
- **Jeffersonian papers happy to print it and expose rifts in Federalists**



Hamilton broke with Adams and exposed rifts among the Federalists. Hamilton and others wanted war with France, but Adams never agreed, favoring balanced neutrality. Hamilton attacked Adams as weak. Against advice of friends who opposed this publication, Hamilton published it on October 22, 54 pages. ADVANCE: Adams has “great defects in character” which render him unfit for the presidency.

ADVANCE: Hamilton’s biographer, Ron Chernow wrote, “a crazily botched job, an extended tantrum in print.” Jeffersonian papers were happy to publish it, and it backfired on Hamilton.

PROJECTIONS

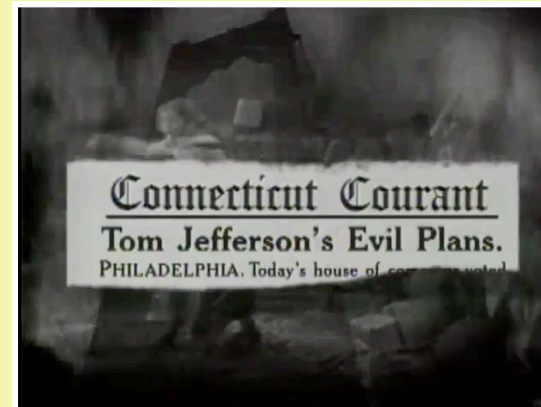
- Jefferson winning! October 30, 1800, Charleston, SC *Republican City Gazette*
- Adams winning! Nov 1, 1800, Philadelphia *Gazette of the United States (Federalist)*

	Jefferson.	Adams.
Georgia,	4	0
Tennessee,	3	0
Kentucky,	4	0
South-Carolina,	8	0
North-Carolina,	9	3
Virginia,	21	0
Maryland,	6	4
Delaware,	0	3
Pennsylvania,	—	—
New-Jersey,	—	—
New-York,	12	0
Connecticut,	0	9
Rhode-Island,	0	4
Massachusetts,	0	16
Vermont,	0	4
New-Hampshire,	0	6
	67	49
But should Pennsyl-		
vania and New-		
Jersey chase e-		
lectors, 22 votes		
must be added to		
Jefferson, when		
they will stand		
thus,		
	89	49

The following table exhibits the votes as most probably they will be given by the Electors :				
	Adams.	Pinckney.	Burr.	Scattering.
N. Hampshire	6	6	0	0
Massachusetts	16	16	0	0
Connecticut	9	9	0	0
Vermont	4	4	0	0
Rhode-Island	4	3	1	0
New-York	0	0	12	12
New-Jersey	7	5	2	0
Pennsylvania	5	5	10	0
Delaware	3	3	0	0
Maryland	7	7	3	1
Virginia	0	0	21	15
N. Carolina	5	3	7	2
S. Carolina	8	8	0	0
Georgia	2	2	2	0
Tennessee	1	0	2	1
Kentucky	1	0	5	3
	78	71	60	56
There are two hundred and seventy six votes to be counted :—				
Adams	78	} 276		
Pinckney	71			
Jefferson	60			
Burr	56			
Scattering	11			
But if South-Carolina shall vote for Pinckney, and neither for Adams nor Jefferson, then the votes will be :				
For Pinckney	71			
Adams	70			
Jefferson	60			
Burr	56			
Scattering	19			
	276			

I found this fascinating given our current fascination with polls. Even then, speculation, interest. On left, Jefferson winning 89-49, on right, Adams winning 78-60.

ADAMS “CAMPAIGN AD”

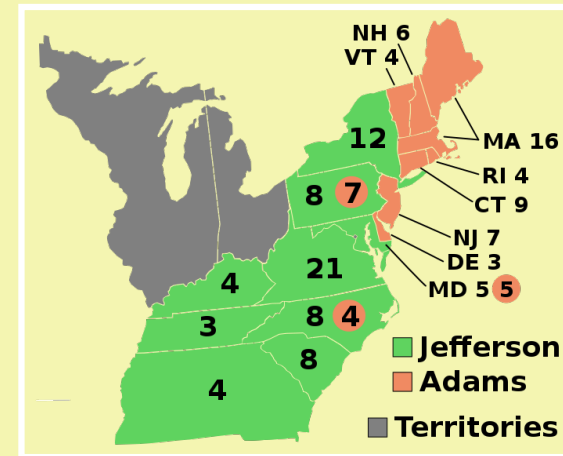


And what might a campaign ad of the time looked like: I don't have one for Jefferson, but here is an imagined ad for Adams:

EARLY DECEMBER: UNOFFICIAL 1800 ELECTION RESULTS

➤ Jefferson: 73

➤ Adams: 65

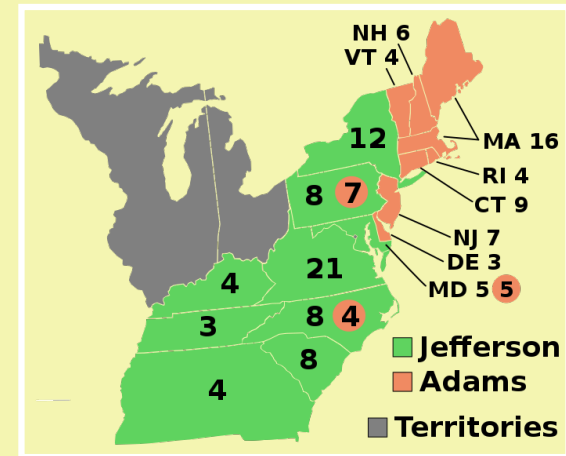


As the results of the final election in South Carolina became known, Jefferson wrote to his family: “I believe we may consider the election as decided. The votes will stand T.J, 73, Burr about 70, Mr. Adams, 65, Pinckney probably lower than that.” Jefferson was correct the unofficial count showed that Jefferson clearly bested Adams in the Electoral College vote, 73-65. BUT...Jefferson was wrong about Burr:

Jefferson knew there were 73 electors pledged to his party, and 65 pledged to Adams. And what he hoped was that a handful of the Republican electors would not vote for his Vice President Burr. For if they did not, the election would wind up a tie, and be forced into the House of Representatives, where the Federalists held a slim majority.

END OF DECEMBER, 1800

- Jefferson: 73
- Adams: 65
- Burr: 73
- Pinckney: 64



After December 3, when the electors announced the votes, a more complete picture began to emerge. Votes were not secret and newspapers, many of them weeklies, began announcing the official results. By the end of December it was clear that Jeffersonian party discipline had been resolute. (ADVANCE) Every elector who had voted for Jefferson as President also voted for Burr. “It was badly managed...: Jefferson wrote.

NOW WHAT HAPPENS? HOW IS IT TO BE DECIDED?

The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; ***and if there be more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President; But in chusing the President, the Votes shall be taken by States, the Representation from each State having one Vote.***

Fortunately the constitution had provided for this result.

ADVANCE: Article 2 Section 1 anticipated this possibility and laid out a path:

VOTING IN THE HOUSE OF REPRESENTATIVES

- Each of 16 states received one vote
- Must receive a majority of states, which meant 9 votes to win.



- The tie forced the decision to the House of Representatives. This election was called a “contingent election.”
- ADVANCE: Each state received one vote, no matter how many representatives they had.
- Some states had only one representative. So one person would determine the state’s decision.
- States with more than one representative allowed all representatives to vote; state’s vote determined by majority vote. (So if a state had 5 representatives, the winning candidate required 3 votes.)
- But representatives could also vote absent, or no selection.
- ADVANCE: 9 states required to win

WHY THE DRAMA?

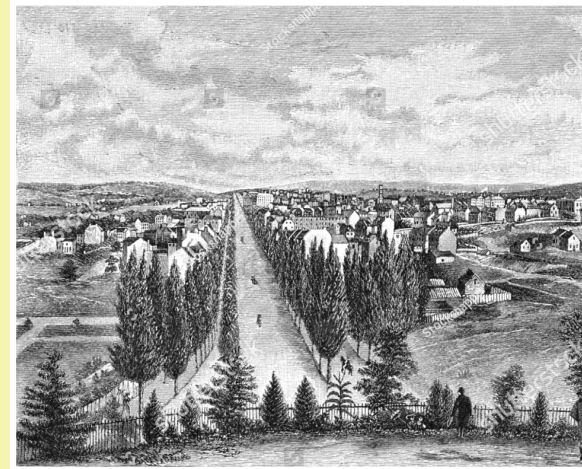
- **Burr refused to step aside or say he would decline to serve as President**
- **Federalists saw opportunity to deny Jefferson the presidency**
- **Neither party had a majority of nine; state delegations were 8-6 in favor of Jefferson, with others tied.**



- You might wonder why this would create a crisis, since it was obvious that Jefferson was running as President and Burr was his pick for VP. Surely the House would honor this distinction.
- But Burr refused to disavow the presidency, writing in December 1800 that he would not "engage to resign" if chosen president, adding that the question was "unnecessary, unreasonable and impertinent".
- House Jeffersonians, who from the start of the 1800 campaign viewed Jefferson as their candidate for president and Burr for vice president, feared one of two disastrous outcomes when the House met to vote: the Federalists could engineer a victory for Burr; or the Federalists could refuse to break the deadlock, leaving Federalist Secretary of State John Marshall as Acting President.

WASHINGTON DC. 1800

**“A FEW SCATTERED
HOUSES AND A GREAT
DEAL OF DREARY
COUNTRY”**



Congress began assembling in January in the new capital city. In Philadelphia, the lawmakers enjoyed the nation's most cultivated city. Wives often joined them. But in frontier Washington, politics consumed them. There was little else to do. "A few drink, and some gamble, but the majority drink naught but politics," wrote one representative. Philadelphia's grand balls and elegant homes had given way to Washington's saloons.

House members endured the further frustration of having no permanent meeting place, with as of yet, no roof over its official chambers. Convened in small rooms in the capital or in nearby places. Fireplaces had to be stoked all day long, and there were small fires in the War Office building and Treasury Building, leading to some "conspiracy theories" with Republicans charging that the Federalist officeholders were setting the blazes to destroy evidence of corrupt dealings.

In final days before voting began, trust had completely broken down between the parties. "The Federal City is hated by every member of Congress," wrote one legislator. Lawmakers were in no mood to compromise. The Presidency hung in the balance.

and ever more Rumors, echoes of January 6: During the first five weeks of 1801, Virginia's governor James Monroe was warned that the Federalists planned to remove arms and gunpowder from a depot in Virginia to store elsewhere in case the crisis devolved into armed conflict. He sent agents to make sure that did not happen. The Federalists thought they heard that Virginia and Pennsylvania militia troops were on their way to the national capitol to make sure Jefferson was seated in the presidency. Wild talk of secession by one or more sections of the country circulated through the capitol and in neighboring states.

1800 ELECTORAL COLLEGE VOTE TALLY FEBRUARY 11, 1801

- Jefferson in his role as VP read aloud the 16 state ballots and announced the results.
- The race now between Jefferson and Burr.
- Electoral College vote not binding.

New Hampshire			6	6		
Massachusetts			16	16		
Rhode Island			4	3	1	
Connecticut			9	9		
Vermont			4	4		
New York	12	12				
New Jersey			7	7		
Pennsylvania	8	8	7	7		
Delaware			3	3		
Maryland	5	5	5	5		
Virginia	21	21				
Kentucky	4	4				
North Carolina	8	8	4	4		
Tennessee	3	3				
South Carolina	8	8				
Georgia	4	4				
	73	73	65	64	1	

Snowstorm in Washington on February 11 as Representative made their way to the Capital for the official counting of the Electoral College votes.

Jefferson (and Burr) received a majority of electoral votes from 8 states, Adams from 9, and one state, Maryland, split its votes, 5-5.

As expected Jefferson and Burr tied and a contingent election in the House would be required.

This document is from the Library of Congress, it is the actual Tally of Electoral Votes for the 1800 Presidential Election; 2/11/1801.

FIRST VOTE

➤ Jefferson wins 8 states

➤ Burr won 6 states

➤ Maryland, Vermont tied

State deleg		
Jefferson 0 Burr 0		
Delegation	1st ballot	
Georgia ^(b)	Jefferson 1	0
Kentucky	Jefferson 2	0
New Jersey	Jefferson 3	2
New York	Jefferson 6	4
North Carolina	Jefferson 9	1
Pennsylvania	Jefferson 9	4
Tennessee	Jefferson 1	0
Virginia	Jefferson 16	3
Maryland	Divided 4	4
Vermont	Divided 1	1
Delaware	Burr 0	1
South Carolina ^(c)	Burr 0	5
Connecticut	Burr 0	7
Massachusetts	Burr 3	11
New Hampshire	Burr 0	4
Rhode Island	Burr 0	2

Voting began immediately after reading the Electoral College results. The vote confirmed that the Federalists could not likely win, but perhaps they could delay until March 3, when Adams term ended without naming a president, thus creating a situation for which the Constitution did not give a clear answer.

VOTES 2-35

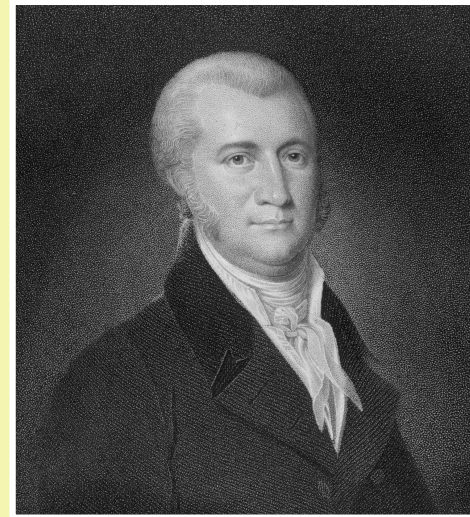
- 20 ballots on first day
- Very few changes
- Very real fears that no decision could be reached.

State delegation votes for:					
Jefferson ☐ Burr ☐ Blank ☐					
Delegation	1st ballot		2nd-35th ballots ^(a)		
Georgia ^(b)	Jefferson	1 0	Jefferson	1 0	
Kentucky	Jefferson	2 0	Jefferson	2 0	
New Jersey	Jefferson	3 2	Jefferson	3 2	
New York	Jefferson	6 4	Jefferson	6 4	
North Carolina	Jefferson	9 1	Jefferson	6 4	
Pennsylvania	Jefferson	9 4	Jefferson	9 4	
Tennessee	Jefferson	1 0	Jefferson	1 0	
Virginia	Jefferson	16 3	Jefferson	14 5	
Maryland	Divided	4 4	Divided	4 4	
Vermont	Divided	1 1	Divided	1 1	
Delaware	Burr	0 1	Burr	0 1	
South Carolina ^(c)	Burr	0 5	Burr	1 3	
Connecticut	Burr	0 7	Burr	0 7	
Massachusetts	Burr	3 11	Burr	3 11	
New Hampshire	Burr	0 4	Burr	0 4	
Rhode Island	Burr	0 2	Burr	0 2	

- Voting continued for 20 ballots on first day, voting at one-hour intervals until 8 am the next morning.
- House moved to second vote and then more. Votes changed here and there, but not enough to affect the stalemate.
- With recesses and a Sabbath holiday, the voting extended six days and 35 ballots and no decision.

JOHN BAYARD

- **Delaware's only representative and only elector**
- **A Federalist and supporter of Burr.**
- **"I was compelled...not to hazard the Constitution"**



- ADVANCE: The attention shifted to John Bayard, Delaware's only representative and only elector, and a supporter of Burr. ADVANCE: His vote had been the subject of much speculation in the beginning. But he had hung with Burr through 35 ballots.
- But he had indicated early on that he would cast his state's vote for Jefferson rather than let the election fail and create a constitutional crisis. ADVANCE: He later explained, "Representing the smallest state, I was compelled by the obligation of a sacred duty, not to hazard the Constitution..."
- Noble as this was, there is also some evidence that Bayard was swayed by the lobbying of Alexander Hamilton. It was also believed he struck a deal with the incoming Jefferson, to protect certain Federalist issues, such as the the wholesale removal of Federalists from appointed positions. However, Jefferson disputed this when asked about any deals. "I would not receive the government (the presidency) on capitulation," Jefferson wrote.
- Whatever the case, Bayard announced his decision to abandon Burr, and his decision opened the gates.

VOTE 36

- Led by Bayard, 4 states shift votes
- Final Result 10-4 Jefferson, with two states making no selection



State delegation votes for:											
Jefferson ☐ Burr ☐ Blank ☐											
Delegation	1st ballot		2nd-35th ballots ^(a)				36th ballot				
Georgia ^(b)	Jefferson	1	0	Jefferson	1	0	Jefferson	1	0		
Kentucky	Jefferson	2	0	Jefferson	2	0	Jefferson	2	0		
New Jersey	Jefferson	3	2	Jefferson	3	2	Jefferson	3	2		
New York	Jefferson	6	4	Jefferson	6	4	Jefferson	6	4		
North Carolina	Jefferson	9	1	Jefferson	6	4	Jefferson	6	4		
Pennsylvania	Jefferson	9	4	Jefferson	9	4	Jefferson	9	4		
Tennessee	Jefferson	1	0	Jefferson	1	0	Jefferson	1	0		
Virginia	Jefferson	16	3	Jefferson	14	5	Jefferson	14	5		
Maryland	Divided	4	4	Divided	4	4	Jefferson	4	0	4	
Vermont	Divided	1	1	Divided	1	1	Jefferson	1	0	1	
Delaware	Burr	0	1	Burr	0	1	Blank	0	0	1	
South Carolina ^(c)	Burr	0	5	Burr	1	3	Blank	0	0	4	
Connecticut	Burr	0	7	Burr	0	7	Burr	0	7		
Massachusetts	Burr	3	11	Burr	3	11	Burr	3	11		
New Hampshire	Burr	0	4	Burr	0	4	Burr	0	4		
Rhode Island	Burr	0	2	Burr	0	2	Burr	0	2		

- ADVANCE: Maryland's Burr votes switched to No Selection, giving Jefferson the state
- Vermont's Burr vote switched to No Selection, giving state to Jefferson
- Delaware's Burr vote (Bayard) switched to No Selection, taking one state from Burr, and giving Delaware no vote
- All of South Carolina's votes switched to No Selection
- Ironically, no Burr supporter actually changed to vote for Jefferson. All the changes were from "Burr" to "No Selection"

1800 ELECTION RESULTS: THE MOVIE VERSION

This contains excerpts of three performances, two movies and Hamilton. It begins with Adams being informed he has lost. In the beginning there is a reference to war with France that Adams might have declared and that would have been popular to do so. There were tensions with France, but the US and France were not that close to war. But Adams was encouraged to consider it. There are a few factual inconsistencies along the way, but an entertaining summary:



The Hamilton musical suggests Hamilton was a major figure in the house debate and that he had a vote, which he did not. His influence had waned after the very unpopular broadside he published against Adams. He did correspond with Bayard. Bayard wrote back that he would remain with the Federalists (although he of course changed his mind.) The line about Jefferson having principles and Burr having none does come from this letter Hamilton wrote: At least, “Jefferson has pretensions to character,” as to Burr, “there is nothing in his favor.”