

Introduction

More Than Just a President

The face of James Madison, Jr., is not carved in stone on Mount Rushmore, nor is Madison commemorated with a pavilion in Washington, DC. Yet he remains a pivotal figure for understanding the American experiment in constitutional government. Born in 1751 in Port Conway, Virginia, reared on a plantation in Orange, Virginia, tutored by Donald Robertson, and educated at the College of New Jersey (now Princeton), Madison was among the most cerebral of the founders. His contemporaries quickly realized that his pen was a weapon of liberty, and they appointed him to a committee headed by George Mason to write the Virginia Declaration of Rights. He also served on the Governor's Council and then in the Continental Congress and the Virginia state legislature, respectively.

While in the two latter institutions, Madison recognized that the weaknesses of the Articles of Confederation were threatening the hard-won freedoms secured by the American Revolution and joined with other nationalists who pressed first to strengthen the Articles and then to replace them. Madison was among the delegates to the Annapolis Convention who pushed to call the Constitutional Convention, and, when the Convention was called, he worked both within Congress to secure its success and outside it to persuade George Washington to attend.

Madison was the first out-of-state delegate to arrive in Philadelphia for the Convention in 1787, and he worked as hard as any delegate there to craft its work. Believed to be the central author of the Virginia Plan, Madison positioned himself near the front of the assembly so that he could become its unofficial secretary. Although the delegates rejected some of Madison's pet ideas, including proposals for a Council of Revision and a congressional veto, as well as some ideas, such as proportional representation in both houses of Congress, that he shared more widely with others from states similarly situated to Virginia, Madison departed from the Convention resolved to fight for constitutional ratification. He then authored some of the most famous essays in the *Federalist Papers* and participated in the critical debates in Richmond, where he helped beat back Patrick Henry's

attacks on the new Constitution. Then, heeding a promise that he had made to his own constituents, Madison worked as a member of the first House of Representatives for the adoption of the Bill of Rights, a project that he once had pronounced to be unnecessary.

Madison later served as secretary of state for both terms of Thomas Jefferson's administration before his own election as a two-term president. Even in retirement, Madison remained abreast of current affairs, and his home beckoned travelers to the Virginia Piedmont. Despite frail health, the sickly "Jemmy" survived all the other delegates to the Constitutional Convention, and his wife, who had dominated the social scene and eased interpersonal relationships during Jefferson's and Madison's presidencies, remained popular after his death in 1836.

A Madison Conference

In 2006 the International Lincoln Center for American Studies, with the help of the Louisiana Endowment for the Humanities, the Lincoln Forum, and Phi Kappa Alpha (the National Political Science Honor Society), hosted a conference on James Madison, Jr., at the Louisiana State University Shreveport campus on October 19 through 21. As in the case of previous triennial conferences, professors assembled from a variety of disciplines and perspectives for scholarly exchange in a collegial environment that was enhanced by the presence of students and members of the community. Most sessions were plenary, encouraging scholars to interact with one another and with the attentive lay audience. Appropriate to a Louisiana conference, there was *lagniappe*: a costume portrayal of Madison, a speech by a recent biographer of Dolley Madison, and the presentation of at least one rap song on Madison's presidency!

It is not perhaps uncommon to collect papers at such conferences, but its sponsor greatly aided the likelihood of a book first by having chosen panels for the conference that complemented one another and then by making it clear that only the choicest essays would be published in book form. These submissions were then culled and edited, and this volume is the result. Like the distinctive flavors of spicy Cajun cuisine and the varied styles of music that participants in the Madison conference sampled in Shreveport, this volume accentuates the diversity of Madison's contributions to American political life and the diversity of interpretations that surround his work.

Becoming James Madison

This book is divided into six sections arranged in rough chronological order. The first focuses on the development of Madison the man and features essays by David Nordquest and Craig Grau.

After completing his studies with Donald Robertson at a nearby plantation, Madison and his family had to decide where he would attend college. Although the College of William and Mary in Williamsburg, Virginia, was near home, Madison may have been troubled by its association with the established Anglican Church of Virginia. Or he may simply have been attracted by the opportunity to study under John Witherspoon, the Scottish divine who was heading the College of New Jersey. Madison flourished in this environment, compressing the normal four-year course of study into about two years and then staying on for graduate study with Witherspoon.

In the lead essay of this book, Nordquest examines how “the child is father to the man,” through examining the handwritten notes of Madison and his contemporaries from two college philosophy classes. Madison’s contemporaries recognized his ability to do justice to multiple sides of an issue, and these class notes provide clues as to the method he adopted for understanding and incorporating rival points of view in the *Federalist* and subsequent writing. They clarify his role as a philosophical statesman.

Today’s scholars often portray Madison as a short, bookish man with little personality, but his contemporaries more frequently recognized him as a “philosophical politician,” who blended study with practical politics. Grau confirms that Madison had both a lifelong passion for religious liberty and a patriot’s heart. Madison found reinforcement for his identity through a career in politics that spanned nearly his entire adult life. Grau further demonstrates how Madison’s even temper, his ability to collaborate with others, his sense of humor, and his willingness to let others take credit for mutual achievements contributed to his political success and helped him achieve the political position that he needed to put his theories into action.

Madison, the Constitutional Convention, and Constitutional Design

Madison is perhaps best known as the “father” of the Constitution, and the second section of this book describes his role at the Constitutional Convention. John Vile canvasses the views of leading authorities on the Constitutional Convention to assess Madison’s role there. Although such authorities agree that he was one of the most, if not *the* most, important contributor, Madison himself never claimed primary authorship. Not only did he fail to get a number of his key proposals adopted, but he also recognized that the document would be more embraced, and thus more likely to succeed, if the people accepted it as a collective work. Although his credentials clearly show him to have been “first among equals,” he did not seek the title of father of the Constitution, and it should be bestowed on him only with appropriate reservations.

If Madison is not the father of the Constitution, should he be designated as its central “architect”? Alan Gibson utilizes his considerable historical skills to tease out the manner in which Madison might be responsible for the overarching constitutional design. Probably no writing by any founding father better captured the imagination of American political scientists than Madison’s famed *Federalist* No. 10, with its elegant theory of factions and the manner in which an extended republic might serve to check such factions. Drawing from the best of contemporary scholarship, Gibson demonstrates that while this theory, which historian Charles Beard has probably done the most to popularize, was important to Madison, it does not appear to have been particularly influential at the Convention or in subsequent ratifying debates. Madison was much more concerned with injustices at the state level than many other delegates, and attempts to follow Madison too closely on this point might actually sidetrack scholars from matters that other delegates considered to be more prominent. Indeed, consistent with emerging scholarship in the area, Gibson suggests that contemporary scholars might understand the Convention better if they viewed it less as an attempt to reconcile majority rule and individual rights and more as what he describes as “a means of creating a stronger and more structurally sound national government, enhancing national security, and preventing the states from going to war with each other.”

Gordon P. Henderson further attempts to understand Madison’s constitutional vision by examining his views on citizenship and leadership. Although scholars generally associate Madison with the observations that “the seeds of faction are . . . sown in the nature of man” and the corollary that “enlightened statesmen will not always be at the helm,” Henderson shows that Madison’s views were much more complex. Approaching the topic of citizenship variously as a political scientist, a cultural anthropologist, and a political engineer, Madison believed that popular government could protect liberty and enhance American virtues while keeping baser behavior in check. Madison held that democratic leaders had a responsibility to design the political system efficiently, while citizens had the responsibility to retain sufficient oversight to restrain their leaders.

Madison and the Bill of Rights

As Nordquest’s lead essay in this book demonstrates, Madison was passionately committed to civil liberties. Accordingly, the next section of this book treats Madison and the Bill of Rights. Initially unconvinced that such parchment barriers would succeed, Madison soon viewed the addition of such a bill as essential to head off the movement for another constitutional convention that might negate the work of the first. Correspondence with Thomas Jefferson further persuaded him of the efficacy of such a bill. Madison gathered and organized proposals for a Bill of Rights and successfully led the fight in the first Congress for its adoption.

Because of the primacy of the First Amendment within the Bill of Rights, it is fitting that two essays in this section focus on Madison's views of this amendment. Rodney Grunes's essay explores Madison's stances toward religious freedom. He divides Madison's thoughts on religious freedom into prepresidential, presidential, and postpresidential phases. In the first phase, which dates to his late youth and is perhaps best reflected in Madison's "Memorial and Remonstrance against Religious Assessments," Madison articulated the idea that religious liberty is a God-given inalienable natural right that predates the formation of civil society. Madison proved somewhat more willing to accommodate religious exercise when he served as president, especially when facing the exigencies of the War of 1812. After leaving the presidency, however, Madison questioned some of the accommodations that he had made in the office. While he appears to have maintained fairly stable convictions, he sometimes adapted them to accommodate perceived political realities.

Vile follows up on Grunes's essay by examining Madison's views of freedom of speech and freedom of the press as expressed in the Report of 1800 that Madison wrote for the Virginia Assembly defending the Virginia and Kentucky Resolutions. Significantly, his writing marked the first occasion on which an American founding father offered an extensive interpretation of the First Amendment. In this report, Madison made three arguments against the constitutionality of the Sedition Act of 1798. He argued that it represented the exercise of a power that the Constitution did not delegate to Congress, specifically violated the First Amendment, and affected the right of publicly examining public men and public measures. Madison argued that the First Amendment offered much wider protection for the rights of speech and the press than English common law. In arguing that the First Amendment should be so interpreted, Madison also seemed to suggest that state guarantees should be interpreted likewise. On this score, he expressed a view more libertarian than those held by his contemporaries and perhaps even more libertarian than that which the Supreme Court articulated in *New York Times Co. v. Sullivan* (1964), its most important twentieth-century opinion on libel.

No interpretation of the Bill of Rights could be complete without a discussion of the U.S. Supreme Court, and Steven P. Brown provides this discussion with his essay on Madison's continuing influence on the Court. Although the Court is generally interpreted as having censured Madison and Jefferson in *Marbury v. Madison* (1803), the case that asserted judicial review over national legislation, Madison's contributions to the Court are among his most enduring. The institution of judicial review mirrors Madison's belief in the need for a powerful check that would prevent legislative tyranny and monitor the relationship between the national government and the states. In enforcing the Bill of Rights, the Court applies the principles that Madison identified in specific cases. The Court has also come to accept Madison's view that such rights should limit the actions of both state and

national governments, while recognizing that few, if any, rights are absolute. Like Madison, the modern Court has recognized the primacy of the rights within the First Amendment. Although Madison would undoubtedly decry some aspects of modern jurisprudence, Brown demonstrates that he would likely find much comfort, and some degree of familiarity, with the Supreme Court.

Madison as a Party Leader

Few transformations seemed less likely than Madison's evolution from a philosophical statesman into a party leader, but Madison was at the forefront of the development of the American political party system. He and Thomas Jefferson cofounded the Democratic-Republican Party. Mary Stockwell leads off this section of the book by reminding readers of how closely Madison had worked with Alexander Hamilton (soon the leader of the Federalist Party) in Congress prior to the time when, partly at Madison's own suggestion, Washington elevated Hamilton to the position of secretary of the treasury. She further traces the breach that this position opened between Madison and Hamilton. Although some of their differences may have arisen from simple jealousy and differences in interests between the geographic sections they represented, Hamilton largely attributed their falling-out to Jefferson's increasing influence on Madison. Stockwell reminds readers to consider the manner in which personalities interacted with ideas to influence early American politics.

In the succeeding essay, Stefano Luconi further explores the connection between Madison's theory and practice by examining his views of impeachment. Luconi demonstrates that Madison's concept of impeachment at the Constitutional Convention, where he opposed this punishment for mere "maladministration," was generally consistent with his actions during his subsequent role as a party leader. Despite some of his disagreements with Hamilton, Madison opposed impeaching him for perceived improprieties as secretary of the treasury, disfavored the Senate plan to impeach William Blount after expelling him, and opposed the use of impeachment as a partisan weapon against Federalist judges. Madison's opinion that impeachment should be limited to cases of serious malfeasance in office has largely prevailed and has undoubtedly been salutary.

The dominant view is that the American framers, for the most part, disfavored political parties. John Allphin Moore, Jr., argues a contrary finding that Madison's arguments in various essays, including *Federalist* Nos. 10 and 51, not only show that he heavily borrowed from David Hume on the subject but also testify to Madison's knowledge that parties and factions were inevitable. They further reveal Madison's belief that a republican system could be established to tame the passions of extreme factions and channel them into effective government. Moore thus demonstrates that Madison's own practical service on behalf of the

Democratic-Republican Party was consistent with his earlier theoretical writings on the subject.

Madison as President

Before Thomas Jefferson died, he directed that only three achievements be noted on his tombstone: his writing of the Declaration of Independence and the Virginia Statute for Religious Liberty, and his founding of the University of Virginia. He did not include his presidency. Similarly, Madison's other achievements appear to overshadow his accomplishments as president. The section on Madison as president shows that scholars continue to be divided in their assessment of Madison's achievements in this position.

Byron W. Daynes and Mark Hopkins probably reflect the prevailing consensus in portraying Madison as a "brilliant theorist" but a "failed tactician." Examining Madison's presidential roles as opinion/party leader, legislative leader, chief executive, chief diplomat, and commander in chief, the authors conclude that Madison's performance was fairly lackluster. Although his presidency was notable for preserving civil liberties and for flexibility in applying republican principles, the authors believe that Madison's lack of interpersonal skills, his views of the presidency, and his introverted personality were not ideally suited to the crises he faced, especially with respect to relations with Great Britain.

Samuel B. Hoff provides a much more positive assessment of the Madison presidency by focusing on Madison's legislative messages. Hoff points especially to Madison's persistent use of presidential proclamations and to his exercise of both the regular and the pocket veto as a way of preserving the institutional presidency.

Henry J. Abraham rounds out the picture of Madison's presidency and casts further light on Brown's earlier observations regarding Madison's contributions to the judiciary by examining Madison's appointments to the high court. Although he was able to fill only two vacancies, scholars recognize Madison's successful nomination of Joseph Story as one of the greatest judicial appointments in American history. Madison's choice of Gabriel Duvall was less heralded and was followed by a twelve-year period in which there were no more vacancies on the Court.

Madison as Elder Statesman

In his day, contemporaries sought to appropriate Madison for their own purposes. A constant procession of visitors came to visit the famous former president and to share his and his wife's hospitality. Madison's mind remained agile, and he tried to organize his papers. As Grunes's earlier chapter demonstrated, Madison spent some of his retirement reflecting on, and sometimes second-guessing, decisions that he had made as president.

Madison was the only founding father alive to contest the uses to which advocates of nullification and secession, most notably South Carolina's fire-breathing John C. Calhoun, were putting the Virginia and Kentucky Resolutions. Madison sought through private correspondence and public writings to rebut allegations that he and Jefferson had ever defended the right of a single state to nullify state laws or to secede from the Union. He further argued that Calhoun's theories would elevate minority rights over majority rule. In the book's final essay, James H. Read argues that even though Madison showed that Calhoun's theories differed significantly from his own, Madison's arguments neither succeeded in getting Calhoun to back down from his own argument nor persuaded most of Calhoun's supporters. Read convincingly asserts that Madison almost surely intended for his parting warning to his country about disunion to include Calhoun.

In the end, Madison's warnings against disunion and secession proved inadequate, and the Civil War began less than twenty-five years after his death. In part because of the leadership of another great president, the forces of the constitutional Union ultimately prevailed and Madison's dream survived.

After he died, widow Dolley's debts forced her to sell the family estate. As a consequence, for many years, Madison's home, Montpelier, was a private residence, open to the public only on special days. Over the last generation, the Duponts bequeathed this house and its many additions to the nation, and Montpelier was restored recently to its eighteenth-century simplicity, with its greatest ornament perhaps being Madison's second-story study where he retreated to read and write. The editors of, and contributors to, this volume hope that this book, like the restored Montpelier, will stimulate further interests in Madison and continue to provide insight into this remarkable, humble man who spent most of his life in politics and dedicated his life to the pursuit of freedom.

John R. Vile

William D. Pederson

Frank J. Williams