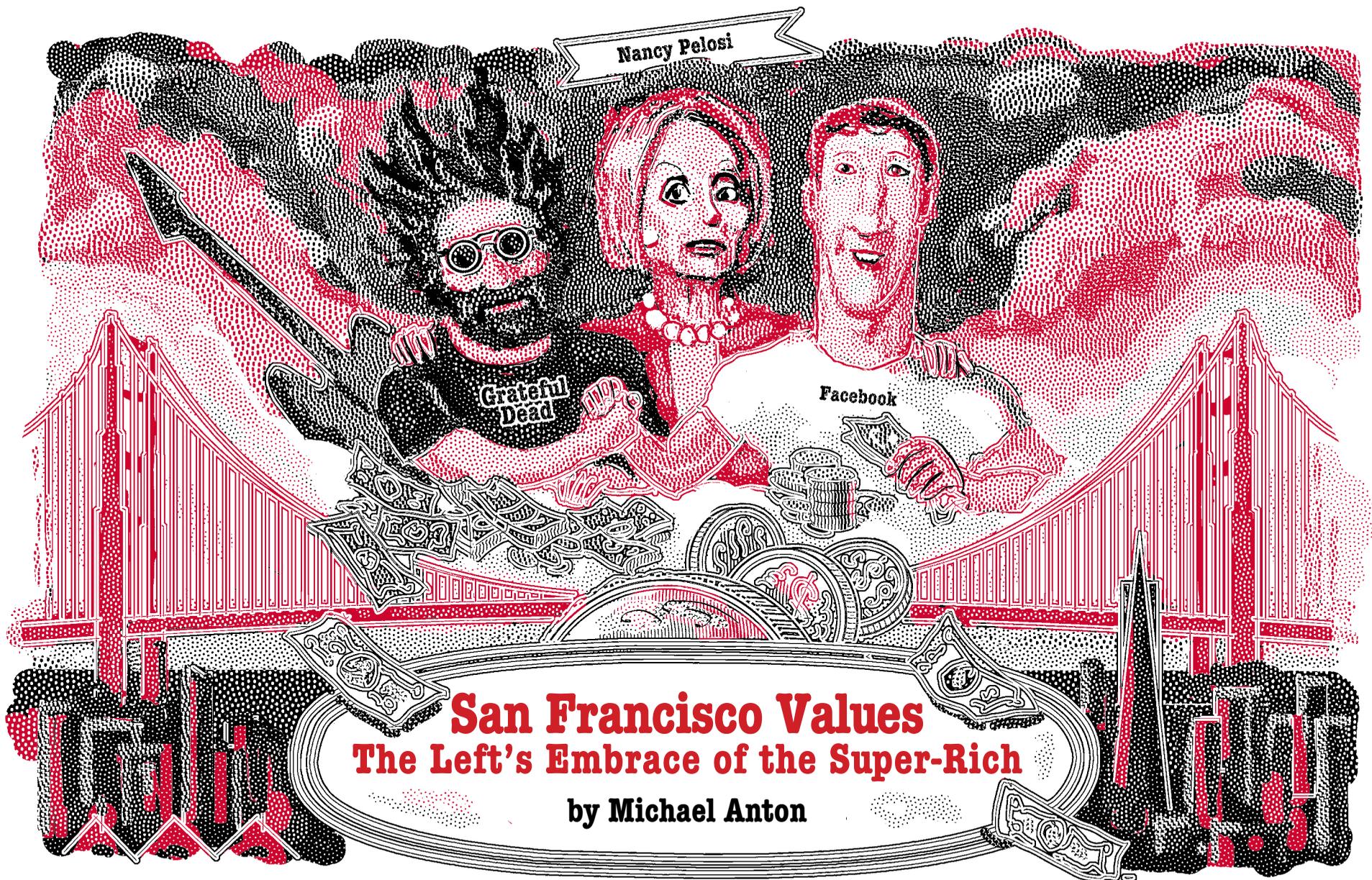


VOLUME XV, NUMBER 4, FALL 2015

# CLAREMONT

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*A Journal of Political Thought and Statesmanship*



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**Allan Bloom's Legacy**

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Book Review by Joseph Tartakovsky

## IN MADISON'S SHADE

*James Madison: A Life Reconsidered*, by Lynne Cheney.  
Viking, 576 pages, \$36 (cloth), \$18 (paper)

*Becoming Madison: The Extraordinary Origins of the Least Likely Founding Father*, by Michael Signer.  
PublicAffairs, 384 pages, \$28.99

*Madison's Gift: Five Partnerships That Built America*, by David O. Stewart.  
Simon & Schuster, 432 pages, \$28



ON A WARM SATURDAY SOME YEARS ago, visiting Montpelier, the lush 2,650-acre Virginia plantation once owned by James Madison, I sat under a massive oak that caretakers learned was planted by the man himself. That memory fits with the way three new biographies describe our fourth president: as a generous man, mindful of posterity, who laid the seeds of something sturdy, spreading, and great, nursed it in its perilous early days, then took little credit for the pleasing shade it would cast over the next seven generations. Such was the life of James Madison, Planter of the Constitution.

Lynne Cheney, the author or co-author of 12 previous books and wife of a former vice president, offers in *James Madison: A Life Reconsidered* a straightforward biography of Madison's 50-year public career, hagiographic in places but comprehensive, capable, and well paced. Michael Signer, a lawyer-scholar who once ran for Virginia lieutenant governor, is a better stylist, and in *Becoming Madison* he fo-

cuses on Madison's education and statesmanship up to Virginia's ratifying convention in 1788. David O. Stewart, also a lawyer turned historian who has written well-received books on the 1787 Constitutional Convention and Aaron Burr, displays in *Madison's Gift* the richest factual command of the era. Each author begins with the premise that Madison has been neglected. I think Madison, who seemed indifferent to fame, would consider the six new biographies of him published in the last four years attention enough—each available, I trust, in the Library of Congress's James Madison Memorial Building—but if anyone wants to get up a subscription to name another state capital or Manhattan sporting arena after the neglected founder, I'll be the first to donate.

Cheney, Signer, and Stewart also agree that Madison's gift was a patient, self-assured, and almost reluctant legislative wizardry. In the Virginia State Assembly in 1785 a fellow lawmaker, observing Madison carry 36 of his bills in three weeks, marveled that he had "by

means perfectly constitutional become almost a Dictator." His obsessive preparation and sedate discipline made him shine two years later at the Philadelphia Convention, where his stenography and speechmaking helped produce not only the Constitution but the immortal records of the debate over it. He drove himself tirelessly—finishing college a year early, dashing off 22 *Federalist* essays in 40 days, scribbling nightly by candlelight as secretary of state. Whereas Presidents John Adams and Thomas Jefferson prosecuted opposition journalists who did little more than annoy, President Madison met with equanimity and good cheer the quite real sedition of New Englanders, some of whose militias refused to fight in 1812, even as Jefferson, his hotheaded ally of 40 years, urged his successor to employ "hemp [i.e., nooses] and confiscation." Madison was for eight years the bookworm-in-chief, once declining European travel because it would "break in upon a course of reading which if I neglect now I shall probably never resume." And still a visitor to

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Montpelier wrote that he expected a “cool reserved austere man” but found a “sociable, rather jocose” storyteller, with a “quizzical, careless, almost waggish bluntness of looks.”

MADISON IS NOT FORGOTTEN, BUT aspects of his career deserve more renown. One is that instinctive moderate’s unwonted militancy during the Constitutional Convention in support of a plenary congressional veto over state laws. This would have worked an immense change in our government. Even after two centuries of federal aggrandizement, such a power is today exerted only indirectly, through Congress’s power to “preempt” states from legislating in areas like nuclear power or securities regulation. Madison believed this veto so essential that when a majority disagreed with him he moped that the Constitution would not “effectually answer its national object.” He entered continental politics in the early 1780s to oppose state abuses, especially economic self-favoritism, and left public life that way, watching in disgust as South Carolinians in 1830 claimed a right to “nullify” federal tariff laws they disliked (though he had some explaining to do about his role in the nullification story).

No American is more closely associated than Madison with the Bill of Rights, those shimmering mottos of liberty that he endorsed in 1789 as not “altogether useless.” He believed that the Constitution’s exquisite balances and checks were what prevented abuses, but he knew that the “nauseous project of amendments” was a concession needed to “kill” Anti-Federalist calls for a second convention. Massachusetts, New York, and Virginia all ratified by slim margins and only because proponents consented to make revisions. Madison himself pledged to support amendments before his House election in his home state, then comprising one-fifth of Americans. He used his parliamentary dexterity to discard the 200-odd proposals that would have altered the framework of power, retaining only those with the “salutary” effect of instructing Americans in rights every schoolchild knew (free speech, no unreasonable searches, jury trial in criminal cases, etc.). He even tried unsuccessfully, via amendment, to oblige the *states* to respect the equal rights of their citizens.

So where do Cheney, Signer, and Stewart disagree? Madison’s famously fragile health, for one. He was slender, pasty, and always draped in black. Signer calls him a hypochondriac whose “melodramatic” ailment—often causing him to disappear from public for weeks—was “severe anxiety-driven panic attacks.” Cheney’s counter-diagnosis (made after consultation with a few M.D.s) is that Madison was an epileptic. Clues include a record

that Madison’s mother ordered “Royal Powder” and “sal armoniac,” known epilepsy treatments, and a reference Madison made in an autobiographical account to his “sudden attacks, somewhat resembling epilepsy.” So significant does Cheney think this malady that she attributes to it Madison’s youthful religious skepticism: his era blamed “falling sickness” on satanic possession, but James did not feel himself particularly unholy.

Signer alone dilates on Madison’s education. He thinks it crucial that Madison chose the College of New Jersey, now Princeton, over William and Mary, where planter scions went. Among “free-thinking Presbyterians rather than the stuffy Anglicans,” Signer writes, Madison encountered John Witherspoon, a charismatic immigrant whose Scottish Enlightenment anti-authoritarianism was so effective that a royal officer said Witherspoon’s “poison[ing]” of collegiate minds was as disastrous for the empire as George Washington’s generalship. Witherspoon instructed Madison on the separation of powers and the doctrine that liberty was not desirable for moral or metaphysical reasons but as a spur to riches, learning, glory, and other noble pursuits. Signer says Madison “took notes furiously” (his book is riddled with speculative liberties like this) when Witherspoon lectured that good government divides power so that when “every [official] draws to his own interest or inclination,” balance is achieved, a statement echoed faintly but unmistakably in *The Federalist’s* assertion that the consolidation of power is best thwarted by giving officials “personal motives to resist encroachments” by others in the government.

STRANGE, THOUGH, THAT AUTHORS WHO complain that Madison’s lessons for the living go unrecognized so lightly treat (or in Signer’s case, omit entirely) Madison’s magnificent speeches in Congress between 1789 and 1797. In some respects the debates in the First Congress are more valuable than those at the Convention. The Convention notes can be spare, but Madison’s speeches in Congress exhibit his measured, masterly reasoning, laid out at length, on legal-political fights that perpetually recur. Some questions he debated were resolved only in later centuries, such as whether the Senate’s advice-and-consent power extends not only to appointments to office but also to removals from it. (Madison’s view—that it does not—prevailed in a 1926 Supreme Court decision, *Myers v. United States*.) Recently, House members asserted a right to review any treaty negotiated between President Obama and the mullahs of Tehran. In 1796 Madison gave two speeches on the Jay

Treaty that spelled out why the House, in his view, could not only examine but even refuse to implement a treaty that involved House powers like commerce, naturalization, and war.

Cheney in particular achieves the difficult feat of giving Madison *too* much credit. She says he single-handedly “transform[ed] political thought” by rejecting Montesquieu’s supposed belief that republics had to be small, and seems not to accept that the notion that government existed to secure rights, as opposed to granting them, was not a Madisonian innovation but the orthodoxy of the age. She proclaims Madison and Jefferson the “two greatest minds of the eighteenth century.” No surprise, then, that for her, and also Signer to a lesser extent, John Adams is a raging, clueless nonentity obsessed with titles. Stewart alone recognizes that Adams’s Alien and Sedition Acts were less mischievous than Jefferson and Madison’s Kentucky and Virginia Resolutions. The Alien Act never actually led to deportations, and the Sedition Act, though unconstitutional, was nonetheless a war measure never designed to outlast the Quasi-War crisis. Madison’s Virginia Resolution, by contrast, blessed state “interposition” between citizens and the feds—a teaching that, unintentionally, animated the next generation of states’-righters and required Madison, in his eighties, at the end of his 20-year “retirement,” to write dozens of anxious letters and eventually a 9,500-word public essay to defuse this explosive “powder under the Constitution and the Union.”

There is worse. Alexander Hamilton is portrayed as an untrustworthy little Napoleon. Only Stewart tries to be fair to the indispensable New Yorker, whose improbable ascent and unsurpassed superintendence of the nation’s finances (and more) really *has* been forgotten, as evidenced recently by the obscene spectacle of the Treasury secretary announcing Hamilton’s removal from the \$10 bill while standing in front of Hamilton’s statue. But even Stewart writes that in the early 1790s Hamilton’s “tentacles seemed to reach everywhere,” before spending a dozen pages writing admiringly of the “unquestioned” party dominance of Madison, whose smooth grip on others, just below the surface, was actually quite octopine. Madison broke for good with his *Federalist* co-author (who had *invited* Madison into the venture, by the way) over the constitutionality of the Bank of the United States, which Hamilton thought justified in part to fund an army whose lack of steady revenue, he had seen firsthand, led to the sight of diseased, hungry patriots marching bootless, bloodying the snow. Thousands died in this way. Commander-in-chief Madison found himself unable to borrow and, after the Treaty of Ghent, asked Congress to revive

Hamilton's bank. He later also came around to Hamilton's views on the inadequacy of farmer-musketeers as a substitute for a professional fighting force; on the wisdom of the federal government assuming state debts; and on the futility of Jefferson's agrarian atavism.

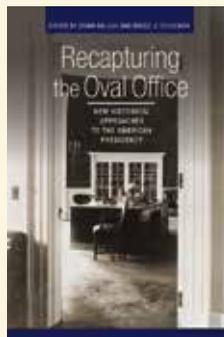
**T**HE SUPPOSED SUPERIORITY OF THE rural life is surely the strangest relic of Jeffersonian-Madisonian thought to survive today. Signer approves it. Cheney even calls Hamilton's preoccupation with industry "relentless" when she should have said "far-seeing." For all the Jeffersonian-Republican gripes about monetary fluctuation, markets were still subject to rational control in ways impossible with the frosts, chinch bugs, and flooding that seasonally devastated Madison's wheat or tobacco crop. Montpelier slowly sank into debt, and Madison, in his seventies and eighties, was caught in a cycle of selling land to pay bills (a half-million in today's dollars alone to rescue his gambling drunkard stepson Payne Todd)—which gave Madison less acreage for the next season's haul.

Madison and Jefferson loved the rustic life so much because they were not *really* farmers. True, they chose seeds, decreed the use of red clover and manure, designed crop rotations—but it was slaves out in the heat or rain, preparing soil, running the oxen, gathering the yield. James and Dolley had slaves to bring them fresh strawberries and Madeira; to cut pond ice in winter; to scrub their blouses and chop their timber and sweat over their brandy still. Madison at one time had as many as 200. By all accounts he treated them as well as any master. But like Jefferson he faced a choice between his principles and a life and comfort he enjoyed. Cheney, Signer, and Stewart all lament this fact in various ways, and Stewart, always the most willing to criticize, calls Madison's apologias on slavery "embarrassing." As late as 1821 Madison still excused slavery as a British imposition.

At Montpelier I also noticed that unlike at Jefferson's Monticello, 30 miles away, slave cabins were a stone's throw from the big house. "He would have heard the sounds of slave children playing," writes Cheney. An old friend of Madison, Edward Coles, told the aged ex-president, nearing his end, that "it would be a blot and stigma on your otherwise spotless escutcheon, not to restore to your slaves that liberty and those rights [of] which you have been through life so zealous & able a champion." But at that point, it was him or them, and he chose his solvency over their liberty.

*Joseph Tartakovsky is the James Wilson Fellow in Constitutional Law at the Claremont Institute and Nevada's deputy solicitor general.*

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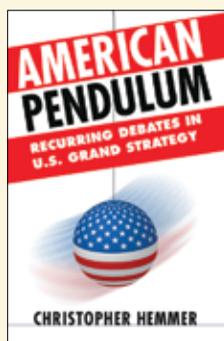


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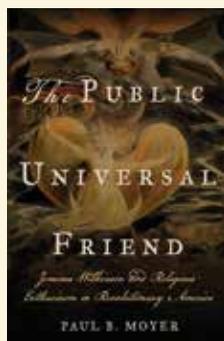


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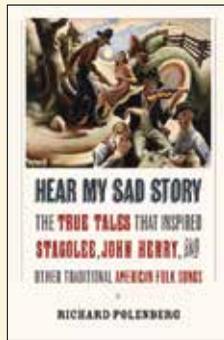


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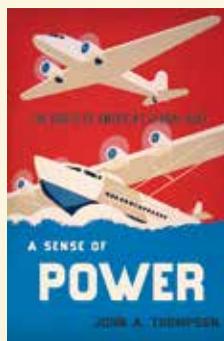


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