

Filibuster

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After he killed Alexander Hamilton in their famous duel in Weehawken, New Jersey, on July 11, 1804, Vice President Aaron Burr returned to Manhattan and, in the words of Ron Chernow, Hamilton's biographer, "proceeded on horseback to [his home] with the blithe insouciance of a man who had just taken the morning air." He soon found it expedient, however, to leave the State of New York, as a coroner's jury was investigating the affair and Burr feared it might indict him for murder, despite the fact that the duel took place in New Jersey and the fact that gentlemen were not usually prosecuted for dueling. On July 20 he left the city and traveled to Philadelphia. The coroner's jury did indict him for murder although the charge was later reduced to the lesser charge of violating a law which criminalized the act of issuing a challenge to a duel. Burr was subsequently indicted in New Jersey, but the charge was later dismissed because Hamilton had died in New York (he had been taken from the site of the duel to Manhattan, where he died the next day). Ultimately the New York charge was dropped as well.

From Philadelphia Burr traveled to several of the Southern States where for the most part he was cordially received. As Chernow wryly notes, "southerners tended to sympathize with someone who had slain Alexander Hamilton." Burr then made his way north, but only as far as Washington. President Jefferson invited him to dine at the White House several times. Jefferson, who had largely ignored Burr since the election of 1800, which some thought Burr had tried to steal from Jefferson, was now cordial to the man who had killed his rival Hamilton. Jefferson's attitude toward Burr was to change. When the Senate opened for business in November 1804 Burr presided as Vice President, to the amazement of many of the Senators. One of them observed: "The man whom the grand jury of the county of Bergen, New Jersey have recently indicted for murder of the incomparable Hamilton appeared yesterday and today at the head of the Senate. . . . It is certainly the first time—and God grant it may be the last—that ever a man, so justly charged with such an infamous crime, presided in the American Senate." As President of the Senate Burr presided over the trial of Samuel Chase, an associate justice of the Supreme Court who had been charged with making politically biased and intemperate, even seditious, remarks while acting as a trial judge, a function that justices of the Supreme Court performed in the early years of the Republic. Chase was overwhelmingly acquitted and Burr's conduct of the trial was praised by all observers, his enemies as well as his friends. On March 2, 1805, one day after the trial concluded and two days before his term as Vice President ended, Burr delivered a celebrated farewell speech to the Senate.

Burr now turned his attention to the West. What he intended to do is the subject of dispute. Did he intend to lead a conspiracy to separate the western states from the Union—a treasonable act—or to lead a filibuster, that is, an invasion by a private army without government sanction, into Mexico. A filibuster was not treason but was criminal—a high misdemeanor-- if directed against a country with whom the United States was at peace. The term “filibuster” has come to have a completely different meaning, of course. We now think of a filibuster as a form of obstruction in the United States Senate whereby a minority attempts to delay or prevent a vote. Senate rules permit a senator or group of senators to speak for as long as they wish and on any topic they choose unless a 3/5ths majority vote to bring debate to a close by invoking cloture. In the 1800s, particularly the first half of that century, the word filibuster was used to describe a private military invasion of a foreign country in order to foment or support a revolution. If directed against a country with whom the United States was at peace, a filibuster was a violation of the Neutrality Act of 1794.

During the Revolutionary War Burr had formed a friendship with General James Wilkinson and, in 1804, before the duel, Wilkinson had discussed with Burr the possibility of leading Western settlers in a project to seize Mexican territory and establish a new nation. After the duel and his flight to Philadelphia, Burr sent a proposal to Anthony Merry, the British minister to the United States, who conveyed it to his government as follows: “I have just received an offer from Mr. Burr, the actual Vice President of the United States . . . to lend his assistance to his Majesty’s government in any manner in which they may think to employ him, particularly in endeavoring to effect a separation of the western part of the United States from that which lies between the Atlantic and the mountains.”

In April 1805, no longer the Vice President, Burr headed west. During the next seven months he would cover more than 3,000 miles. He was received cordially at every stop, including a visit to Nashville, where he stayed at the home of future President Andrew Jackson, who, as it happened, a year later killed a rival in a duel. Burr’s trip aroused curiosity and suspicion. One newspaper asked: “How long will it be before we shall hear of Col. Burr being at the head of a revolution party on the western waters?” After his return to the east coast in the fall of 1805, Burr spent the next few months traveling between Washington and Philadelphia. Jefferson received two anonymous letters in late 1805 accusing Burr of planning to overthrow the administration as well as a warning from the United States Attorney in Kentucky that a conspiracy headed by Burr was brewing in the West. Jefferson did nothing. In August of 1806, Burr made a second excursion west. Tensions had arisen along the Louisiana-Texas border as Spanish troops had

crossed the Sabine River into what was considered to be United States territory and it looked as though war with Spain was coming. If war came, a filibuster would be legal. Burr made arrangements for the construction of fifteen boats to form a flotilla and began a journey south on the Ohio and Mississippi rivers. By this time the rumors of a “Burr Conspiracy” were having their effect; Andrew Jackson and other prominent citizens who had been friendly to Burr were distancing themselves from him. To make matters worse for Burr, General Wilkinson, his supposed ally, concluded a truce with the Spanish forces on the Sabine River. With no military conflict to exploit, Burr could not lead a filibuster without violating the Neutrality Act.

Then Wilkinson betrayed Burr by writing letters to Jefferson claiming that Burr had assembled a force of 10,000 men and planned to take over New Orleans, invade Mexico, and subvert the federal government. In November 1806, Jefferson issued a proclamation calling for all citizens to desist from participating in an illegal military expedition into Spanish territory and in January 1807 he publicly accused Burr of leading an expedition in violation of the Neutrality Act and leading a conspiracy to detach the western states from the union. Burr was guilty “beyond question” said Jefferson.

Burr now realized his adventure was at an end and surrendered to civil authorities in Mississippi. His motley expedition consisted of nine boats and 100 men, mostly no more than boys. The boats were searched and nothing warlike was found. A Mississippi grand jury refused to indict him but Burr realized that his betrayer, General Wilkinson, had sent a posse to arrest him and bring him to New Orleans, where Wilkinson had established a military dictatorship. Burr disappeared for two weeks until he was arrested in Alabama and taken to Richmond, where he was to be tried for two offenses, treason and violation of the Neutrality Act.

Richmond was the seat of the fifth federal circuit court, the court over which Chief Justice John Marshall presided, and thus it fell to Marshall to preside at the trials of Aaron Burr. The Burr treason trial was one of the great criminal trials and one of the great political spectacles of the early years of the Republic. It pitted not only Jefferson against Burr but Jefferson against Marshall. Jefferson and Marshall were both Virginians, but had never been friendly to one another. Jefferson was a Republican and Marshall a Federalist, a dying party, and Jefferson had been incensed by the Chief Justice’s decision in *Marbury v. Madison*. Throughout Burr’s treason trial Jefferson did everything he could to stage-manage the proceedings in order to assure Burr’s conviction.

Burr arrived in Richmond on March 26. His two trials did not end until almost six months later. Marshall initially held that the evidence was sufficient to hold Burr for violation of the Neutrality Act but insufficient to substantiate the treason charge. The United States Attorney resubmitted the motion to charge Burr with treason and Marshall decided to leave the decision to the grand jury. Proceedings before the grand jury began in mid-June and on June 24 it voted to indict Burr for treason and for instigating war against Spain. The indictment focused on the activity on Blennerhasset Island, an island in the Ohio River off the shore of what is now Parkersburg, West Virginia, when the expedition was assembling even though, as the prosecution conceded, Burr was not present on the date in question, having joined the expedition at a later stage. It was this activity that the prosecution relied upon to prove the “overt” act required by the Constitution, which states that “Treason against the United States shall consist only of Levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.”

Several witnesses who had been present on Blennerhasset Island on the day alleged in the indictment were called, but none was able to establish that an overt act of levying war had taken place. The prosecution argued that the existence of an overt act was a question for the jury, and that under the doctrine of constructive treason Burr was guilty even though he was not present when the men assembled on the day mentioned in the indictment. The defense argued that no overt act of war had been proved and that the doctrine of constructive treason, a common law doctrine recognized in England, had no place in American law. At the conclusion of the testimony and the oral arguments, Marshall sent the case to the jury, but not before telling it that the prosecution had failed to prove its case because no overt act of war had been shown. After being so instructed, the jury took little time to return a verdict of not guilty.

Jefferson was of course outraged by the acquittal. He told the prosecuting attorney that the Chief Justice had deliberately tried to clear Burr and “prevent the evidence from ever going before the world.” He urged the prosecutor to proceed immediately with the filibuster trial. That trial began ten days after Burr’s victory in the treason trial and was an anti-climax. It was based on a 1794 statute making it a “high misdemeanor” to “begin or set on foot or provide or prepare the means of any military expedition or enterprise to be carried on . . . against the territories or dominions of any foreign prince or state with whom the United States are at peace.” This was the crime of filibustering, although the term had not yet been used to describe it. The trial lasted for six days and the government called more

than fifty witnesses. The United States Attorney himself moved that the indictment be dismissed because the evidence showed that Burr did not intend to go to war to liberate Mexico unless the United States and Spain were at war. Burr was now free and lived for another 29 years.

Aaron Burr was not the first to entertain the notion of a filibuster. In 1793, George Rogers Clark, a hero of the Revolutionary War, offered his services to Edmond-Charles Genet—the controversial “Citizen Genet”—who was the ambassador of revolutionary France, to lead an expedition with French financial support to drive the Spanish out of the Mississippi Valley. This was a popular idea with Western Americans, who were angry that the Spanish denied Americans access to the southern end of the Mississippi River, but not popular with President Washington. After Clark organized a campaign to seize St. Louis, Natchez, and New Orleans, Washington issued a proclamation forbidding Americans from violating United States neutrality and threatened to send troops to stop the expedition. France recalled Genet and Clark’s campaign collapsed.

In 1797, William Blount, a Senator from Tennessee, devised a plan to organize several Indian tribes to aid the British in overthrowing the Spanish territory of West Florida. A letter mentioning the plan came into the possession of President Adams, who turned it over to the Senate, which expelled Blount.

A famous filibusterer of the early 19th century was a Venezuelan revolutionary named Francisco de Miranda. Although his plans for the independence of the Spanish American colonies ultimately failed, Miranda is regarded as a hero by Venezuelans and is credited with being the forerunner to Simon Bolivar, who successfully liberated much of South America. His lifelong goal was to liberate all of Central and South America from Spanish rule. In the year 1806, while Burr was organizing his expedition, Miranda came to the United States where he met with Colonel William Smith and a merchant, Samuel Ogden, who leased a ship, the *Leander*, to Miranda. Miranda sailed to Haiti, where he acquired two other ships and their crews. The three ships proceeded to the coast of Venezuela, where they were overtaken by Spanish war ships. Miranda and the *Leander* escaped but the other two ships and their crews were captured. All sixty crewmen were tried for piracy; all were convicted and ten were put to death. In 1808 thirty six of the survivors petitioned the House of Representatives to obtain their release, claiming they had been entrapped into Miranda’s service by assurances that they were employed in the service of the United States. A resolution asking the President to obtain their release was defeated. In the meantime, Colonel Smith and Samuel Ogden were tried for violation of the Neutrality Act. Their defense was that Miranda’s expedition had been carried out

with the knowledge and implicit approval of the Jefferson administration. They were acquitted. Jefferson indignantly denied that there had been any collaboration between Miranda and his administration.

Having abandoned his two ships to the Spanish, Miranda and his crewmen on the *Leander* repaired to the British islands of Barbados and Trinidad where they obtained aid from the British. In the company of a British convoy, Miranda and the *Leander* landed in Venezuela and took possession of the town of Coro, which was unarmed, and raised the first flag of Venezuela, which he had personally designed. He issued a proclamation declaring that he was there to liberate the people and calling on them to join his army. The people, however, regarded him as a pirate. Realizing he could not hold the city without reinforcements, Miranda was forced to withdraw. He was later to return to Venezuela after Napoleon's invasion of Spain inspired her American colonies to revolt and for a brief time enjoyed broad political powers but was ultimately imprisoned by royalist forces and died in prison. Somewhat ironically, he had been betrayed by Simon Bolivar. Today Miranda is regarded as a hero in Venezuela.

The Golden Age of the filibuster was the period of the 1840s and 1850s, an era in United States history when the concept of Manifest Destiny was embraced by Americans. Manifest Destiny was the idea that the United States was destined, even divinely ordained, to expand westward to encompass all of the territory between the Atlantic and the Pacific. Eventually this did occur, of course, and for the most part peacefully although not without manifest injustice to the many tribes of Native Americans who occupied the land. The phrase Manifest Destiny was coined by a New York newspaperman in 1845 in a call for the annexation of Texas. The term implied that expansion was not only readily apparent ("manifest") but inexorable ("destiny"). A much earlier advocate was John Quincy Adams, who came close to coining the phrase himself in a letter to his father in 1811 (this came after the presidency of the first Adams and before that of the second): "The whole continent of North America appears to be destined by Divine Providence to be peopled by one nation, speaking one language, professing one general system of religious and political principles, and accustomed to one general tenor of social usages and customs. For the common happiness of them all, and for their peace and prosperity, I believe it is indispensable that they shall be associated in one federal Union."

Narciso Lopez was a Venezuelan who fought for the Spanish in several wars and served Spain as a government bureaucrat in Spain and then in Cuba. After losing his job when the governorship changed hands, Lopez became a partisan of anti-Spanish elements in Cuba. He fled to the United States in 1848 to avoid arrest

and immediately began planning a filibuster to liberate Cuba from Spain. He met with influential Americans, including John L. O'Sullivan, the coiner of the phrase Manifest Destiny, and recruited Cuban exiles in New York City and other soldiers of fortune. His expedition was poised to embark simultaneously from New York and New Orleans in 1849 but President Zachary Taylor issued orders to seize his ships. Lopez was not discouraged. He planned a new filibuster and began recruiting efforts in the southern states. He and the Southerners he recruited hoped that a free Cuba would support slavery and, as Texas had done, join the Union as a slave state. He tried, but failed, to recruit two stars of the Mexican-American War, Jefferson Davis and Robert E. Lee, but did win financial and political support from many important and influential Southerners, including John Quitman, the Governor of Mississippi. Eventually, with a force of some six hundred men, Lopez set sail and reached Cuba in May 1850, where he took the town of Cardenas, carrying a flag he had designed and which would eventually become the flag of modern Cuba. His army failed to win significant local support, much of the local population joining the Spanish. Lopez now faced a near mutiny. He wished to continue the effort but his officers were divided. The issue was submitted to a vote of the troops and the decision to abandon the expedition was taken. The expedition retreated to Key West where it was hastily disbanded. Lopez and many of his fellow filibusterers were indicted by a federal grand jury for violation of United States neutrality laws. No convictions resulted, which encouraged Lopez to pursue his dream.

To forestall further filibusters, President Millard Fillmore, who had succeeded to the office upon the death of Zachary Taylor, issued a proclamation warning that participants in such actions would "forfeit their claim to the protection of this government . . . no matter to what extremities they may be reduced in consequence of their illegal conduct." This did not deter Lopez, who set about organizing yet another expedition. In August 1851 his army left Key West for another assault. His ship landed at a small village about 60 miles from Havana. In the words of one historian, "When Lopez went ashore, resplendent in white jacket and pantaloons and a red sash around his waist, his first act was to kneel and kiss the soil of his 'querida' Cuba' (dear Cuba); this was an impressive rite to his romantic followers." Lopez took half of his expedition to march inland, leaving the other half on the coast to protect supplies. The two halves were never to reunite. Lopez posted copies of a proclamation assuring the Cubans that his army had come as friends and protectors and requesting volunteers. He also asked for provisions from merchants, issuing receipts payable in the name of the future republic. Local support did not materialize and Spanish forces engaged both halves of the expedition. Within a few days after landing on the island, all of the

filibusterers had been killed or captured. Most of the prisoners were executed, others being sent to work in labor camps. Lopez himself was executed on September 1, 1851, before a crowd said to number 20,000.

The fate of the Lopez filibusterers provoked indignation in the United States, north as well as south. In New Orleans a mob attacked the Spanish consulate, tore the flag to shreds, and defaced a portrait of the queen. The Spanish consul fled and hid in the house of a friend. President Fillmore's apology to Spain was denounced by his opponents as feckless and wrong. The Lopez affair was of intense interest to the British as well. The London *Times* expressed the prevailing attitude: "If the Southern States are allowed to incorporate Cuba, and to strengthen the slaveholding . . . by that . . . acquisition, the North will turn in self defence upon the nearest territory of which it may seize to restore the balance of power, and that territory is our own. One act of rapine and violence will follow another, until the cry will be for the expulsion of European authority from the North American continent and the West Indian Islands." President Fillmore reiterated his opposition to filibustering but in the presidential campaign of 1852, Fillmore failed to win the support of his party, the Whigs, which nominated Winfield Scott. The candidate of the Democrats was Franklin Pierce, who had the support of the advocates of Manifest Destiny and the Cuba expansionists. Pierce's election by an overwhelming electoral vote was received with elation by the advocates of Manifest Destiny. In his inaugural address in March 1853, Pierce announced a policy of territorial acquisition that would "not be controlled by any timid forebodings of evil from expansion." His Secretary of State, William L. Marcy, expressed by implication the administration's sympathy for filibusters in his instructions to the foreign minister to Spain: "Should the rule of Spain over Cuba be so severe as to excite revolutionary movements in that island, she will undoubtedly find volunteers in the ranks of the Cubans from various countries, and . . . more from the United States probably than any other. . . ."

With encouragement from the administration, John A. Quitman began preparations for a filibuster to Cuba in the summer of 1854. Quitman had assisted Lopez in obtaining men and supplies for his 1851 expedition to Cuba and had been charged with violations of the neutrality laws, charges that were dropped after three trials and three hung juries. Quitman's plan was so popular in the South that a Southern Senator introduced a resolution calling for a suspension of the neutrality laws for a year. By this time, however, the administration had reversed course and embarked on a plan to purchase Cuba from Spain. Pierce issued a proclamation warning against any military expedition to Cuba and an associate justice of the Supreme Court, sitting as a circuit judge in New Orleans, issued an

order requiring Quitman and his associates to observe the nation's neutrality laws. The Quitman adventure ultimately came to nothing, as did Pierce's plan to buy the island of Cuba.

The 1850s was a time of repeated filibusters into northern Mexico by adventurers seeking to achieve Manifest Destiny by bringing more territory into the Union. One such adventurer was Jose Carvajal. Carvajal was able to capitalize on the disorderly conditions that prevailed after the end of the Mexican-American War in 1848. He was able to recruit soldiers who had fought as part of the Texas Rangers, many of whom had kept their arms when their units were disbanded, offering them high pay and the promise of land. Carvajal led several forays into Mexico, always against the wishes of the United States government. His first assault was in September 1851, a few days after Lopez was executed hundreds of miles away in Cuba. During the next two years several subsequent assaults were carried out, terminating in each case with the army's withdrawal across the Rio Grande. He was arrested in 1852 and again in 1853. The latter arrest led to his trial in 1854. Although Carvajal was acquitted, to the jubilation of his supporters, his filibustering days were over.

The most romantic, for a time the most successful, and by far the most vainglorious, of the filibusterers of the 1850s was William Walker. Born in Nashville in 1824, Walker received a medical degree at age 19, was admitted to the bar at age 24, and became co-owner and editor of a newspaper in New Orleans at age 25. Restless and ambitious, he moved to San Francisco a year later where he worked as a journalist and fought three duels, sustaining wounds in two of them. In the summer of 1853 he visited the Mexican state of Sonora where he sought a land grant from the Mexican government to operate abandoned gold mines in return for protecting the inhabitants from marauding Apaches. When Mexico refused, Walker determined to take the territory by force and establish a "Republic of Sonora," which he envisioned would eventually become a part of the United States. After returning to San Francisco, Walker recruited a small army and set sail for Baja California. He arrived at the sparsely settled town of La Paz where his troops met no resistance, there being no elements of the Mexican army in the region. A few townspeople attacked and were routed, which inspired Walker to write: "Thus ended the battle of La Paz, crowning our efforts with victory, releasing Lower California from the tyrannous yoke of declining Mexico, and establishing a new Republic." He then purported to put the area under the laws of Louisiana, thus making slavery legal.

Walker's pitifully small force could not hold out against determined Mexican resistance and he was forced to return to San Francisco. He was arrested

and charged with violation of United States neutrality laws. Such was the popularity of filibustering with the public, as opposed to the federal government, that the jury acquitted him after deliberating for just eight minutes.

Walker's career as a filibusterer had just begun. In 1855, while a civil war raged in Nicaragua, the leader of one faction hired Walker to lead a group of mercenaries against the other faction. Walker left San Francisco with about 60 soldiers. His forces were augmented by locals and other Americans and Europeans recruited by his agents. His army attacked and defeated the opposing faction and Walker took effective control of the country in October 1855. In May of 1856 President Pierce recognized Walker as the legitimate head of Nicaragua's government.

Walker set himself up as President of the country after conducting a farcical election. After his inauguration in July 1856 he launched an Americanization program, declaring English as the official language in hopes of encouraging immigration from the United States. To foster support from the Southern States and to encourage the spread of slavery, he revoked Nicaragua's emancipation edict of 1824.

Walker was not satisfied with the conquest of Nicaragua, however. He set his sights on the conquest of four other Central American nations: Guatemala, El Salvador, Honduras, and Costa Rica. In this he was at first aided by Cornelius Vanderbilt who owned a company that controlled a major trade route that carried passengers and goods across Nicaragua between the two oceans. Walker double crossed Vanderbilt by revoking the company's license that had been granted by a previous Nicaraguan administration and seizing the company's property. Vanderbilt was enraged and successfully pressured the United States to withdraw its recognition of Walker's regime. When Walker invaded Costa Rica, it and its neighbors formed a military coalition with the financial support of Vanderbilt and mercenaries supplied by him. Vanderbilt also offered money and free passage back to the United States to defectors from Walker's army. His army weakened by a cholera epidemic and massive defections, Walker surrendered to the United States Navy and was returned to the United States in May 1857. Upon landing in New York he was greeted as a hero. Not discouraged, Walker soon set off on another expedition but was once again arrested and returned to the United States.

Walker now turned his attention to writing an account of his Nicaraguan adventure, entitled *War in Nicaragua*, which was published in 1860. He justified his filibustering by his belief that it was the mission of the "pure white American race" to dominate the inferior "mixed Hispano-Indian race" that existed in Mexico

and Central America. “Whenever barbarism and civilization . . . meet face to face, the result must be war” he wrote.

A man of lesser ambition might have been discouraged by the setbacks encountered by Walker, but he was not. In 1860 he returned to Central America, this time at the invitation of British colonists on the Honduran island of Ruatan who hoped to establish a separate government there. There it was his misfortune to fall into the hands of the British Royal Navy. The British government controlled British Honduras (now Belize) and was interested in the construction of a canal connecting the two oceans. Regarding Walker as a threat to British affairs in the region, the Navy turned him over to the government of Honduras. He was tried by court martial, found guilty and executed by firing squad on September 12, 1860.

Walker has been virtually forgotten in the United States but is famous, or infamous, in the Central American countries that formed the coalition to oppose him. April 11 is a Costa Rican national holiday in memory of Walker’s defeat at one battle, and Juan Santamaria, who played a key role in that battle, is celebrated as a national hero.

By the end of the 1850s, the filibustering impulse had lost it steam. Although territorial expansion to annex Cuba, the northern part of Mexico, and Central America had had its support in both the North and the South, its most passionate advocates were those Southerners who saw it as a means of bringing new slave states into the Union and, if secession were to happen, to strengthen the hand of the slave-holding states. Just as many in the South believed that expansion was essential to preserve slavery, so many in the North believed that expansion was nothing more than a device to preserve and spread slavery.

By the end of the decade of the 1850s, Southerners turned their interest from expansion of the slaveholding South to secession and then, in 1861, to war. By the time the Civil War had ended and slavery had been abolished, the South’s interest in filibustering had abated.

What are we to make of Aaron Burr’s activities in 1805, ‘06, and ‘07. Did he intend to detach some of the western states and establish a new nation with himself as its head—an act of treason—or to liberate Mexico by waging war with Spain—a violation of the Neutrality Act, or neither? As one historian has noted, “the evidence is sufficiently ambiguous to persuade his supporters of his innocence and his detractors of his guilt.” Here is the analysis of another historian: “Burr’s defenders insist that his aims were military: to provoke a war with Spain, to liberate Mexico, and ultimately to free South America from Spanish rule. From

this perspective, Burr was a patriot and his enterprise reflected the expansionist impulses of nineteenth-century America—the same impulses that had led Jefferson to consummate the Louisiana Purchase. Burr’s enemies assert that his expedition against Spain masked a traitorous design to detach the trans-Allegheny region from the United States and establish himself as the ruler of a vast empire extending from the Mississippi valley to Mexico City. Both hypotheses are credible, but it is equally likely that Burr, the supreme opportunist, had no fixed plans and was content merely to follow events as they unfolded.”

What are we to make of Aaron Burr the man? History has not been kind to him. He is usually bracketed with Benedict Arnold and Joseph McCarthy in the American Hall of Infamy. Most of this obloquy is due to his having killed Hamilton, an American hero whose stature is due partly to the near martyrdom of his death. Dueling does strike us today as barbaric but in the 1800s it was accepted by most so-called gentlemen. Hamilton himself had issued several challenges, although his duel with Burr was the only time he actually took the field. Andrew Jackson fought several, killing his opponent in one. There seems little doubt that Hamilton had given Burr serious provocation to issue his challenge, and that Burr had given Hamilton the opportunity to avoid the encounter. As to the details of the duel itself, the evidence is conflicting and ambiguous. Both participants fired their weapons, but the only two eye-witnesses did not agree on who fired first. Hamilton’s supporters argue that he either “wasted” his shot (as he had vowed to do in the document he had written on the eve of the duel) or that his shot followed that of Burr’s and was the result of an involuntary jerk of his trigger finger caused by the impact of Burr’s shot striking his body. The Burrrites contend that Hamilton fired first and with purpose, and this position is supported by the evidence that Hamilton, in preparation, leveled his gun from various positions and then put on his spectacles. We will never know the truth of course.

Burr has been accused of scheming to deny Jefferson the presidency in 1800 but the evidence is to the contrary. Hamilton’s biographer, Chernow, claims that Burr was “such a dissipated, libidinous character” that Hamilton was justified in saying whatever he did say that provoked Burr’s challenge. As Burr’s biographer, Nancy Isenberg notes, “it should now be clear that Hamilton was not one degree less libidinous than Burr, should such things matter to history.”

Burr, like many of the founders, served with distinction in the Revolutionary War. During his lifetime he was called “Colonel Burr,” just as Hamilton was called “General Hamilton,” both references being to the ranks they achieved while serving in that conflict. He was a brilliant lawyer and a skilled politician. He was an enlightened thinker. He would be called a feminist today; unlike virtually

everyone else in his time, he believed women were intellectually equal to men. His conduct in the impeachment trial of Justice Samuel Chase was lauded by all observers, his rivals as well as his friends, and established procedures that have been followed to this day.

Nancy Isenberg's 2007 biography of Burr, entitled *Fallen Founder, the Life of Aaron Burr*, is a meticulous examination of Burr's life. Her conclusion: ". . . everything we think we know about Aaron Burr is untrue."

It is impossible to think about Aaron Burr without thinking of Alexander Hamilton, and vice versa. To their recent biographers—Ron Chernow and Nancy Isenberg—one is a hero and the other is an unprincipled demon. Chernow in his 2004 biography of Hamilton, gives his opinion of Burr by quoting John Quincy Adams as follows: "Burr's life, take it all together, was such as in any country of sound morals his friends would be desirous of burying in profound oblivion." Isenberg, for her part, says of Hamilton: "He was known for his poison-tipped pen, viciously attacking anyone he believed stood in the way of his political dominance." For these two, there is no middle ground.

Historian Joseph Ellis takes no position on which was noble and which ignoble. He writes, almost wistfully: "By the summer of 1804 history had pretty much passed them by. Burr had alienated Jefferson and the triumphant Republican party by his disloyalty as vice president and had lost by a landslide in his bid to become a Federalist governor of New York. Hamilton had not held office for nine years and the Federalist cause he had championed was well on its way to oblivion. . . Neither man had much of a political future. But by being there beneath the plains of Weehawken for their interview, they managed to make a dramatic final statement about their time."