

# James and Dolley Madison\*

By Charlie Naef \*\*

When on March 21, 1806 a northern part of Chenango County was separated to become Madison County, it was named after President Thomas Jefferson's Secretary of State who was revered as the Father of the Constitution. James Madison's socially prominent and politically savvy spouse Dolley served as White House hostess to President Jefferson, a widower. After Madison succeeded Jefferson as President, Dolley Madison came to be known as First Lady. She continued to be admired as the pre-eminent First Lady of the 19th century, a model for future presidential spouses.

James Madison was born on March 16, 1751, the son of one of the wealthiest plantation owners in Virginia's fertile Piedmont. Scholarly, slight and soft-spoken, he became one of the most influential of the Founding Fathers, "the greatest lawgiver of modernity."<sup>1</sup>

Recommended by his tutor, he entered as a sophomore the Presbyterian College of New Jersey, now Princeton. After only two years he graduated in 1771. The college was then the American outpost of the 18<sup>th</sup> century Scottish Enlightenment and a hotbed of American patriotic sentiment. Having studied David Hume, Adam Smith and other great thinkers, he stayed after graduation to learn Greek and Hebrew. Princeton University claims Madison as its first graduate student and most distinguished alumnus.

As the eldest son of the largest landowner in Orange County, James did not need to acquire a profession to earn a living. Nor was he interested in leading the life of a slave owning planter, detesting slavery as a moral though necessary evil. Instead he broadened his studies and pursued a life in politics and public service leading to the Presidency in 1809.

Madison became an American revolutionary in 1776, when Patrick Henry became Governor of Virginia and Thomas Jefferson drafted the Declaration of Independence. Jefferson promoted Madison's political career and became his life-long friend and ally. Madison served briefly in the Virginia assembly where he participated in drafting the state's first constitution and its Declaration of Rights. He scored his first legislative victory by strengthening the religious article in the declaration to read, "All men are equally entitled to the free exercise of religion, according to the dictates of conscience."<sup>2</sup> With Jefferson, Madison became among the Founding Fathers the foremost champion of religious liberty and the separation of church and state.<sup>3</sup>

Refusing to solicit votes by treating citizens to potent spirits, he lost his bid for reelection to a local planter and tavern keeper. His mentors saw to it that he was appointed to the Council of State, the advisory body to the Governor. In 1779 Madison was elected to the Continental Congress where as a 28-year old he was its youngest member. After serving in Philadelphia for three years, term limits brought him back to Virginia. This time the Orange County voters

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1 Jack Rakove, *Revolutionaries, A New History of the Invention of America*, chapter 8: "The Greatest Lawgiver of Modernity" (Boston and New York: Houghton Mifflin Harcourt, 2010)

2 Ibid. p. 347

3 For James Madison's writings on religion and religious freedom, with scholarly introductions and interpretations, see Robert S. Alley, ed., *James Madison on Religious Liberty*. (Amherst, NY: Prometheus Books, 1985)

returned him to the Virginia assembly where he served from 1784 to 1787. Not trained as a lawyer, he honed his legislative skills, earning a reputation for achieving results by attention to details, persuasive argument and a willingness to compromise.

His experience in the Continental Congress, whose support of General George Washington's revolutionary war effort required the unanimous ratification of its appropriations and laws by the member states of the Confederacy; followed by his service in the Virginia legislature where after the peace of 1783 it became even more difficult and frustrating to gain approval for congressional measures, those two experiences convinced Madison of the futility to try to amend the Articles of Confederation. What was needed was a Constitution for a new federal system, for a stronger national government.

At his father's home in Montpelier, Madison studied volumes on ancient and contemporary European confederations sent to him by Jefferson who served from 1784 to 1789 as ambassador to France. John Locke, Montesquieu and other famous theoreticians of constitutional government had drawn their insights from history. Madison studied their historical and philosophical writings, evaluated them in light of his practical experience in politics and government, and made history as the principal architect of the first still enduring national constitution.

Madison played a crucial role in convening the Philadelphia constitutional convention in May 1787. As a member of the Virginia delegation, headed by George Washington, Madison laid down the agenda for the constitutional deliberations, known as the Virginia Plan. It was based on his analysis of confederate government and his recommendations for a federal government which he had jotted down in his *Notes on the Vices of the Constitution*. This document furnished the blueprint for the American invention of a national political system.

It replaced the Articles of Confederation with a federal system in which national institutions govern all American citizens without the intercession of the states in which they happen to reside. Like the governments of the subordinate states, the federal government is based on the separation of the legislative, executive and judicial powers in independent branches, with the legislative branch divided into two chambers. The independent branches are designed to interact with each other in a system of checks and balances.

The acceptance and ratification of the Constitution by the southern states, including Virginia, required the recognition of the institution of slavery, the inclusion of a provision that fugitive slaves in the North had to be returned to their rightful owners, and the postponement of the deadline for the abolition of the slave trade by twenty years after its adoption.

Like Jefferson and some of the other Founding Fathers who inherited slaves with their plantation, Madison recognized that slavery was a moral evil, inconsistent with the lofty principles expressed in the Declaration of Independence. As a principled pragmatist, he supported in theory gradual emancipation, beginning with the voluntary action of enlightened slaveholders like himself. The South's plantation economy of cotton, sugar and tobacco rested on the institution of slavery, supported by a racist ideology not limited to the South. Negroes were inferior to Whites; freed slaves could not be integrated as a group into the American community of citizens. Like Jefferson, Madison combined his vision of gradual emancipation with a firm belief that for the harmony of the Republic and their own good it was best for freed slaves to be repatriated to Africa. Late in life he served until his death as president of the

American Colonization Society, formed to promote and support the relocation of freed slaves to Liberia in Africa or to the Caribbean islands.

Men like Jefferson and Madison should not be judged by contemporary standards of racial equality that are still not accepted by many Americans, such as “Birthers” who refuse to recognize the first Black president as a legitimate American. Later revered as the Great Emancipator, Abraham Lincoln married into a slave-owning Kentucky family, accepted the institution of slavery in the South as part of the Constitution, and is not known to have publically opposed slavery until he embraced in the 1850s an anti-slavery position. Only late in life did Lincoln learn to accept Negroes as his equals.<sup>4</sup> It took a Civil War to abolish slavery. Ironically Emancipation increased southern representation in Congress by two-fifth of its freed Negro population.

To win acceptance for his key constitutional principle that the People must be represented directly and proportionally in the federal government, not by the States as intermediaries, Madison incorporated in the Constitution a compromise formula that he had drafted in the Continental Congress to allocate taxes to the States. In the national Census repeated every ten years a slave was categorized as “another person” and counted as three-fifth of a free person.

Madison insisted that the principle of proportional representation be applied to the Senate as well as to the House of Representatives. In the first of his two severest defeats in the Philadelphia constitutional convention the small States prevailed by the narrowest of margins when two delegates from Massachusetts, including Elbridge Gerry of “gerrymander” fame, voted against their own State’s interest.<sup>5</sup> As a consequence, every State, regardless of population, is now represented by two Senators. According to the 2010 Census, six states, each with a population of less than one million and a combined population of just over 4 million, will be represented by eight Senators, the same number who will represent the six most populous states with a combined population of over 126 million.<sup>6</sup>

Madison suffered a second major defeat when the delegates from all but three states rejected his proposal to give Congress the power to overrule actions of state legislatures which were in violation of the federal Constitution. Madison was dubiously vindicated after the Civil War by the adoption of the 13<sup>th</sup>, 14<sup>th</sup> and 15<sup>th</sup> Amendments, which left their enforcement explicitly to Congress, not to the federal judiciary. For nearly a century Southern Senators, an entrenched minority empowered by seniority and procedures like the filibuster, blocked the enforcement of civil rights protections. The 13<sup>th</sup> Amendment abolished slavery and involuntary servitude but Congress failed to act against peonage and segregation. It was not until the 1960s when Congress, following the lead of a more liberal activist Supreme Court, began to apply to the states the due process and equal protection provisions of the 14<sup>th</sup> Amendment and enforced the 15<sup>th</sup> Amendment that guaranteed Afro-Americans the right to vote.

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4 Eric Foner, *The Fiery Trial -- Abraham Lincoln and American Slavery*. (New York: W.W. Norton, 2010), chapter 1, “I am Naturally Anti-Slavery, Young Abraham Lincoln and Slavery.”

5 Rakove, pp. 374-376

6 U.S. Census of 2010, Population by States: Wyoming, Vermont, North Dakota, South Dakota, Montana and Delaware (4,263,487); California, Texas, New York, Florida, Illinois and Pennsylvania. (126,109,030)

As a visionary realist Madison fathered an imperfect Constitution. His work has endured longer than any written constitution known to history, aided by reformist constitutional amendments and progressive judicial interpretations which turned the ancient parchment into a living document. As the greatest lawgiver of modernity Madison crafted compromises and accepted deviations from his blueprint as “lesser evils” to avert the failure of a constitutional project for a more perfect American Union.

Madison’s day-to-day notes on its debates are the only comprehensive record of the Constitutional Convention. He crafted twenty-nine newspaper articles in support of its ratification. Together with others by Alexander Hamilton and John Jay they are the standard commentary on the Constitution’s original meanings, known as the *Federalist Papers*.

Following the ratification of the Constitution, Madison was elected to the House of Representatives where from the beginning he became one of its leaders.. Although he rejected during the Constitutional Convention the need for a bill of rights and prevailed, he reluctantly promised his friend and mentor Jefferson, who was abroad in France, to propose twelve amendments to the Constitution. Other amendments were introduced and debated but all of the ten finally adopted and ratified by the states were Madison’s. They are known as the Bill of Rights.

The framers of the Constitution did not provide for political parties which political scientists and modern constitutions, like those of Germany and France, deem a necessary and indispensable component of a democratic constitutional system. They establish a framework for ordered political competition, offering, at least in theory, voters a responsible choice between candidates and defined political positions. A division between liberal and conservative positions developed during George Washington’s presidency and became explicit in the presidential election of 1796. John Adams received more electoral votes than Thomas Jefferson who was relegated to the role of Vice President without any responsibilities.

The contentious Adams Presidency curtailed dissent with the Alien and Sedition Acts. A clear party division emerged between the more elitist Federalists and the more egalitarian Republicans who supported Jefferson and Madison. As the leader of the House of Representatives, Madison is credited with having founded the first political party, known as the Republican Party.<sup>7</sup> Throughout American history party labels have carried different meanings. The Republicans of Jefferson’s, Madison’s, and later Lincoln’s times championed personal liberty, popular democracy and an effective national government. They are the true forerunners of today’s Democratic Party.

After Thomas Jefferson was narrowly elected President in 1800, he tried to usher in a Jeffersonian Revolution in the spirit of the Declaration of Independence and succeeded to vastly expand the territory of the United States with the Louisiana Purchase. James Madison, his long-time friend and political confidant, was his Secretary of State and political ally. Eight years later Madison succeeded Jefferson as the fourth President of the United States.

War raged in Europe during Madison’s two presidential terms. The young Republic was torn between the War Hawks beyond the Appalachians and New Englanders who wanted to maintain neutrality in promotion of industry and commerce. The War Hawks aimed to cleanse

<sup>7</sup> For a detailed account of the formation of the Republican Party by Madison and Jefferson and Madison’s leadership of a partisan opposition to the Adams presidency and its Federalists supporters in the House of Representatives, see Richard Brookhiser, *James Madison*. (New York: Basic Books, 2011), chapters 4-5.

the federal Northwest Territories of Native Americans, weakly supported by the English. They prevailed in ethnic cleansing but not against the British Empire. Madison presided as a reluctant commander-in-chief over the War of 1812. The Americans narrowly averted defeat and nearly bankrupted the nation in their second and last war against the English. After the humiliating scorching of the Capitol and White House in August 1814, the fortunes of war suddenly turned. Aided by developments in Europe, the war ended on American terms with the Peace Treaty of Ghent and General Andrew Jackson's decisive victory at New Orleans in January 1815.

Later as President, Jackson became a more populist and regrettably racist forerunner of a Democratic Party that opposed Lincoln before and during the Civil War. It remained dominant in the Old South until in reaction to the Civil Rights movement of the 1960's southern Democratic politicians and their followers migrated as Dixiecrats towards a receptive Republican Party. Beginning with President Nixon's southern strategy, it gradually distanced itself from the legacies of Madison and Lincoln.

James Madison remained a bachelor until at the height of his fame as Father of the Constitution he won the affection of the prominent and attractive young Quaker widow Dolley Payne Todd. They were married in 1794 and James became the stepfather of her two-year old son who unfortunately grew up to be an irresponsible burden on his family. Unable to have children of their own, James and Dolley remained devoted to each other until his death in 1836 at the age of 85. His last manifesto, *Advice to my Country*, was written in Dolley's hand a few months before he died. His loyal partner and confidante survived him for another thirteen years until she died in 1849 at the age of 81.

As a widower President Jefferson did not care much for social White House events. When he needed a hostess he called on Dolley, the wife of his closest friend and Secretary of State. Throughout Jefferson's two presidential terms the real center of the capital's social life was at Madison's red brick mansion on Washington's F Street, where Dolley entertained with elegant balls and dinners. She used her social skills and energy to help her husband gain the Republican presidential nod over fierce competitors, including Vice President George Clinton from New York. Madison won easily over his Federalist opponent.

Under Madison's presidency the social scene moved to the White House. Contemporaries called Dolley the "presidentess" who "created a public persona that rivaled that of her husband, who was seventeen years her senior."<sup>8</sup> As the ebullient hostess and loving wife she invented the office of First Lady and won women a meaningful role in American politics. After her husband's death Dolley continued to be revered as the nation's first First Lady. She was remembered for having had tea with George and Martha Washington, married a future President, and had been in the company of all the other Presidents. When she died on July 12, 1849, "President Zachary Taylor cancelled all government business and ordered a state funeral. The crowd was stupendous. All the mourners seemed to sense they were saying farewell to a woman who had not only lived history but made it."<sup>9</sup>

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8 Gordon S. Wood, *Empire of Liberty, a History of the Early Republic, 1789-1815*. (New York: Oxford University Press, 2009), p. 663.

9 Thomas Fleming, *The Intimate Lives of the Founding Fathers*. (New York: Smithsonian Books, HarperCollins, 2009), p. 407

James and Dolley led productive and illustrious lives leaving to posterity a legacy of great accomplishments. But the Father of the Constitution warned in his *Advice to my Country*, that slavery was like a “serpent creeping with his deadly wiles into the American Paradise.”<sup>10</sup> In his will James bequeathed all his slaves to Dolley with the intent in a legally non-binding agreement that they would be gradually emancipated and freed without compensation after her death. He had counted on the sale of his invaluable papers to yield as much as \$100,000, a huge sum in those days that would sustain Dolley and her profligate son in their accustomed life style. Even with the help of well-connected friends who arranged for the federal government to buy the most valuable of his papers, including his records on the proceedings of the Continental Congress and the most complete record of the Constitutional Convention without which we would know little about the Constitution’s origins, the sales yielded only \$30,000. Dolley was forced to liquidate the ancestral Madison estate at Montpelier. Instead of setting the slaves free, she felt compelled to sell them, nearly one hundred of whom had silently attended her husband’s funeral.<sup>11</sup>

The contradiction between the ideals of the Declaration of Independence and the reality of slavery was embedded in the Constitution and only partially resolved after Dolley’s own death. Slavery was legally abolished in the midst of the Civil War, the deadliest conflict ever on American soil. It took another hundred years before the Negroes acquired as Blacks the full rights of citizenship enjoyed by White Americans.

Dolley enjoyed personal esteem and wealth, even wielded some political influence. It took seventy years following her death for American women to win the right to vote and progress on a long path to full legal, social and economic equality with men. But judged by the standards of their time that many Americans still uphold to this day, James and Dolley Madison were a remarkable patriotic and enlightened couple whose legacy would shine like a beacon into the future.

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\*A note on sources. When I wrote a space limited biographical sketch of James and Dolley Madison for inclusion in the program booklet for the first annual dinner bearing their name, it was based on material taken from the internet, supplemented by entries in two recent books by Gordon S. Wood and Thomas Fleming. The last two years saw the publication of two full-length biographies of James Madison and a biographical chapter emphasizing Madison’s career as the “greatest lawgiver of modernity” in a new history of the nation’s Founders by Jack Rakove, a former colleague of mine at Colgate University who became a Pulitzer Prize winning Professor of History and Political Science at Stanford University. Rakove’s work and other cited sources helped me revise and expand this more balanced biographical sketch. So did my inclusion of a critical examination of issues of slavery and race that had been entirely omitted.

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10 Cited in Wood, p. 738

11 Kevin R. C. Gutzman, *James Madison and the Making of America*. (New York: St. Martin’s Press, 2012), pp. 359-361.

Studies. He served intermittently since 1968 on the Madison County Democratic Committee in various capacities, including Hamilton Town Chair, County Committee Treasurer, and Regional Vice-Chair for southeastern Madison County. As a member of the Executive Committee he was responsible for crafting the county party's platform and its current by-laws. His last major political campaign activity was to organize and coordinate Barack Obama's presidential primary campaign in New York's 23<sup>rd</sup> congressional district.