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**“The Most Bewitching Piece of Parliamentary Oratory”:  
Fisher Ames’ Jay Treaty Speech Reconsidered**

**By**

**Todd Estes**

As soon as Fisher Ames finished speaking on April 28, 1796, the reaction and appraisals began. Ames, a Massachusetts Federalist congressman who had been ill for the preceding months, rose on the floor of the House of Representatives to speak in favor of the Jay Treaty. Among those who heard the speech, the response was nearly universal; it was a classic piece of oratory. Vice-President John Adams listened to the speech with Supreme Court Justice James Iredell and noted that Ames “was attended to with a silence and interest never before known”, making an impression which “will never be forgotten.” Adams exclaimed to his wife, “Our feeling beat in unison. ‘My God! How great he is,’ says Iredell, ‘how great he has been!’ ‘He has been noble,’ said I. After some time Iredell breaks out, ‘Bless my stars, I never heard any thing so great since I was born!’ ‘It is divine,’ said I; and thus we went on with our interjections, not to say tears, till the end.” Adams noted that there was “Not a dry eye, I believe, in the House, except some of the jackasses who had occasioned the necessity of the oratory.” Dr. Joseph Priestley, who had heard all the greats of British oratory, commented that the speech was “The most bewitching piece of parliamentary oratory he had ever listened to.” And Ames’ friend, Jeremiah Smith, told Ames “that he ought to have died in the fifth act; that he never will have an occasion so glorious, having lost this he will now be obliged to make his exit like other men.”<sup>1</sup>

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<sup>1</sup> John Adams to Abigail Adams, April 30, 1796, in *Letters of John Adams Addressed to His Wife*, (Boston, 1841), volume 2, pp. 226-27; Priestley quoted in Samuel Eliot

Federalist newspapers joined in the chorus of praise. John Fenno's *Gazette of the United States* exclaimed that the speech "is said to have been the most splendid display of argument, eloquence and fact, ever heard in that body since the establishment of the federal government." The *American Minerva* ventured that the address "was held to be the finest display of eloquence ever exhibited in this country," while the *Boston Columbian Centinel* called it "certainly one of the most elegant and irresistible proofs of eloquence that perhaps was ever displayed...He was a fine ship, on a summer sea, decorated with her colours, and bearing a rich cargo of spices before a fair wind."<sup>2</sup>

Subsequent generations of historians have also underscored the emotional, dramatic nature of Ames' speech. Most scholars have retold the dramatic circumstances surrounding the speech, played up Ames' weakened physical condition, and emphasized the power and effect of the speech on listeners. "[S]ummoning all his strength, he arose to speak, tottering, faint in voice", read one account, while others mentioned that Ames was "sickly and cadaverous" or "pale and cadaverous, sick and close to death."<sup>3</sup> Other scholars, in noting the impact of the speech, ranked it with the best of the era. The performance gave Ames "a firm position in the ranks of great American orators and was remembered long after Federalism had passed on." Ames' biographer judged it "a display of oratory which remained unsurpassed in his generation."<sup>4</sup>

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Morison "Fisher Ames" in *Dictionary of American Biography*; Smith quoted in Winfred E.A. Bernhard, *Fisher Ames: Federalist and Statesman, 1758-1808* (Chapel Hill, 1965), p. 272.

<sup>2</sup> *Gazette of the United States*, May 16, 1796; *The American Minerva* May 25, 1796; *The Columbian Centinel* May 7, 1796.

<sup>3</sup> Morison, "Fisher Ames"; James Roger Sharp, *American Politics in the Early Republic: The New Nation in Crisis*, (New Haven, 1993), p. 132; Jerald A. Combs, *The Jay Treaty: Political Battleground of the Founding Fathers*, (Berkeley, 1970), p. 184.

<sup>4</sup> Elisha P. Douglass, "Fisher Ames, Spokesman for New England Federalism," *Proceedings of the American Philosophical Society* 103 No. 5, (October, 1959), p. 708; Bernhard, *Fisher Ames*, p. 268. For other accounts of the address, all emphasizing the drama and emotion surrounding it, see Stanley Elkins and Eric McKittrick, *The Age of Federalism: The Early American Republic, 1788-1800*, (New York, 1993), p. 448; and John C. Miller, *The Federalist Era 1789-1801*, (New York, 1960), pp. 174-175.

However, even those historians who discussed the content of Ames' speech have not fully appreciated the relationship of the speech to the broader Federalist campaign for support of the Jay Treaty.<sup>5</sup> They have not analyzed the speech in its fullest and broadest context. Thus, these assessments, both by contemporaries and by later historians, miss an essential part of Ames' address by over-emphasizing its emotional appeal. While that was certainly one aspect of it, Ames' speech can also be seen as the culmination of a long, extensive, and ultimately successful ten-month campaign by Federalists to win public support for the Jay Treaty. In this speech, Ames voiced positions and arguments Federalists had advanced throughout the course of the public debate. He raised many of the same issues that Federalist leaders had been raising since the previous summer. And he brilliantly encapsulated the thrust of Federalist positions by dramatizing the dangers and disasters, which would occur if the treaty were not approved. In short, Ames' speech succeeded on both an emotional and an intellectual level and served as the final summation of the Federalist campaign to win ratification of the Jay Treaty.<sup>6</sup> Although Ames had been sick during much of this period, he had been among the Federalist leaders orchestrating the efforts the previous summer and his dramatic speech was the culmination of his and other Federalists' exertions. This article will examine the speech, reconsider the emotional effect it had, and highlight the connections to themes of the Federalist campaign.

When the terms of the Jay Treaty with Great Britain were made public in July of 1795, public outcry was fierce. The United States, according to the agreement, gained control of the northwest forts and trading rights with India and the British West Indies (although only with

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<sup>5</sup> In his biography, *Alexander Hamilton: The National Adventure, 1788-1804*, (New York, 1962), Broadus Mitchell discusses the circumstances of the speech and then notes succinctly, "His speech was *Camillus* compressed, but with an added eloquence that none but he could have supplied" (p. 350), referring to the powerful defenses of the treaty penned by Hamilton and Rufus King. Bernhard, in his biography of Ames, also discusses and analyzes the content of the speech (pp. 268-272). But neither they, nor the other scholars who describe the speech, place it in the context of the broader pro-treaty campaign as this paper attempts.

<sup>6</sup> For the Federalist campaign to win public support for the Jay Treaty, see Todd Estes, "Shaping the Politics of Public Opinion: Federalists and the Jay Treaty Debate," *Journal of the Early Republic* 20 (forthcoming, Fall 2000).

ships of 70 tons or less, a severely limiting condition). A commission was to be established to settle boundary disputes in the northeast and other points of contention. In return, the United States would surrender its traditional position on maritime rights, and rely on commissions to settle the question of pre-war debts owed to English merchants. The treaty said nothing about an end to the impressment of American sailors by the British navy, nor did it address the issue of compensation to be paid to Southerners for slaves carried off during the Revolutionary war. A fair assessment of the treaty might be that it gained little for the United States but kept the nation at peace and represented perhaps all that the young, weak country might have expected from Great Britain.

Around the country, thousands turned out at rallies denouncing the treaty as a sellout to British interests abroad and at home, attacking John Jay for his weakness in signing such a flawed document, and the Washington administration for negotiating the treaty in the first place and then for keeping it secret until the Senate ratified it. Jay was hanged in effigy and anti-treaty critics, led by Philadelphia Aurora publisher Benjamin Franklin Bache, had a field day. The treaty seemed initially to be the most unpopular action yet taken by the new government.<sup>7</sup>

Federalist leaders, observing this outpouring of vehemence directed against the treaty and themselves, were stunned at the intensity and apparent universality of the protests and momentarily paralyzed. Not sure immediately how to respond, they began a plan to defend the treaty against its critics and slowly launched a counterattack on treaty opponents. Although noted mostly for his role at the end of the Jay treaty debate with his famous speech, Fisher Ames was among the Federalists who initiated a response to treaty critics at the outset of the controversy in the summer of 1795. He was one of the leaders who were active in shaping the Federalist strategy of response to treaty opponents

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<sup>7</sup> For background on the treaty see Jerald A. Combs, *The Jay Treaty: Political Battleground of the Founding Fathers*, (Berkeley, 1970); Samuel Flagg Bemis, *Jay's Treaty: A Study in Commerce and Diplomacy*, (1923; 2d ed., New Haven, 1962). For specific information on the treaty protests see Combs, *Ibid.*, pp. 159-163; Stanley Elkins and Eric McKittrick, *The Age of Federalism: The Early American Republic*, (New York, 1993), pp. 415-422; and Richard G. Miller, *Philadelphia: The Federalist City* (Port Washington, N. Y., 1976), pp. 70-90. For Ames' assessment of these early crowd protests see Ames to Oliver Wolcott, September 2, 1795, and Ames to Thomas Dwight, September 13, 1795, in W.B. Allen (ed.), *Works of Fisher Ames as Published by Seth Ames* (Indianapolis, 1983), 2 vols., 2: 1113, 1116.

as well as being the speaker who delivered the peroration on the pro-treaty side. By the time of the controversy in which he played such a key role, Ames had been an active speaker for, and leader of, the Federalist Party and had long been a significant public figure.

Born in Dedham, Massachusetts in 1758, Ames was a precocious child. He was enrolled at Harvard at the age of twelve in the class of 1774. Following graduation, he lived at home, spending some time as a teacher and helping in his family's tavern, but primarily reading deeply in ancient history and Latin, as well as in Greek and English classics. He took up the study of law and, although he apparently had little enthusiasm for the vocation, developed a successful practice after he was admitted to the bar in 1781. Soon Ames became involved in local politics, serving as a delegate to conventions and arguing consistently for strengthening the power of government. He urged taking a hard line with Shays' Rebellion protesters and became outspoken in his call for a constitutional convention. Along the way, his eloquence and writing skills distinguished him and brought him to the attention of other like-minded leaders. He also became known for his quick, often acerbic wit, and the occasional biting, contemptuous edge to his comments. Ames, brilliant and studious, did not suffer fools gladly, be they constituents or colleagues. In 1787, he was chosen as a delegate to the Massachusetts ratifying convention, where he, again, furthered his reputation as a powerful speaker. In 1788, he was elected to the General Court of Massachusetts and then won election to the First Federal Congress, defeating no less a personage than Samuel Adams.<sup>8</sup>

Once in Congress, Ames became an outspoken supporter of the new administration, especially of the economic policies of Alexander Hamilton. Like Hamilton, he consistently stressed the necessity of peace and friendly relations with Great Britain to preserving and advancing prosperity. He spoke out particularly against James Madison's tariff proposals with their discrimination against Britain. Although Madison

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<sup>8</sup> Biographical information on Ames is taken from the Bernhard and Morison works cited in note I above and from Elisha P. Douglass, "Fisher Ames, Spokesman for New England Federalism," *Proceedings of the American Philosophical Society* 103 No. 5 (October 1959), pp. 693-715. The Bernhard biography is the most recent and best full-length study of Ames' life. Morison remains a solid short treatment. A study of Ames' political thinking is found in John W. Malsberger, "The Political Thought of Fisher Ames," *Journal of the Early Republic*, (1982), pp. 1-20, which analyzes him, not always persuasively, in the context of classical republicanism.

and many Republicans considered him to be a tool of financial interests and of Hamilton, his intelligence and abilities were unquestioned and his political and economic thinking -- stretching back to the early 1780s -- was consistent. Thus, when Ames turned his attention to the Jay Treaty debate in the summer of 1795, he approached the question with a long history and a public record of favoring his particular point of view, and he saw the treaty as the best means of preserving peace and protecting commerce.

Ames' initial response to the anti-treaty protests in July of 1795 was anger toward Federalist merchants who refused to defend the treaty in the face of the public uproar. The merchant class, he noted, seemed to be sitting on its hands, cowed by the popular protests. "[A]lmost all of the merchants and steady men are said to feel the prevailing fever or want courage to resist it.... I could neither repress my indignation, nor disguise my contempt for the blindness and gullibility of the rich men." He was fearful that the anti-treaty spirit would spread if not met and answered by treaty supporters. Already, Ames was formulating responses to the critics. It was imperative, he thought, to match criticisms of the treaty with strong defenses of the document, the president, and the administration. Just a few days after the treaty contents were published, on July 1, 1795, Ames wrote "The country is yet perfectly calm, but pains will be taken to inflame it. My hope is that early attention will be paid to the merchants of New York and Philadelphia." If "Right impressions" were made there, then, "like a double brick wall" the effects of the Boston anti-treaty resolves would be offset. Ames also stressed how important it was that "temperate and masterly vindications of the treaty should appear in the gazettes. Better, if in a pamphlet."<sup>9</sup>

Other Federalists shared Ames' concerns. In fact, at the height of anti-treaty protests in the summer of 1795 many Federalists--not entirely enthusiastic about the treaty themselves--mounted a sweeping and powerful campaign to build public support for the measure. Public defenses began to appear in the papers and also in pamphlets as

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<sup>9</sup> Fisher Ames to Oliver Wolcott, Jr., July 9, 1795, in Edited *Memoirs of the Administrations of Washington and John Adams from the Papers of Oliver Wolcott, Secretary of the Treasury* (hereinafter Wolcott Papers), edited by George Gibbs (New York, 1846), 2 vols., 1: 210. The Boston Selectmen sent a memorial to George Washington urging him not to ratify the treaty. Their anti-treaty resolves were published widely and, quickly joined by others, helped to fuel the strong protests in Boston and elsewhere.

Federalists stopped sitting on their hands and refused to cede the field to the anti-treaty activists.

This Federalist campaign lasted nearly a year, until the end of April of 1796. It employed private letters, public essays, and newspaper pieces in a pitched battle with treaty opponents. The contest was joined by Alexander Hamilton, Rufus King, and many of the party's other leading figures. Most importantly, it drew on the incalculable stature of George Washington and made use of Washington's considerable political capital. This campaign to mobilize public support came in two waves. The first-- in the summer and early fall of 1795--blunted the initial opposition and shifted momentum from the side of treaty opponents to treaty supporters. The second -- taking place in the spring of 1796 -- met and beat back a revived opposition to the treaty in the House of Representatives and culminated with Ames' dramatic speech and a successful vote to fund the treaty amidst a cascade of orchestrated pro-treaty petitions and memorials from around the country.

Throughout this campaign, a handful of consistent themes emerged. Federalist pro-treaty writings--the best-known and most successful of which were Hamilton's "Defence" or "Camillus" essays -- criticized the improper conduct of the anti-treaty town meetings for condemning and opposing the duly-ratified and enacted treaty and the party zeal shown by Republicans in opposing the treaty. They also stressed that only a careful, reasoned study of the treaty could produce an understanding of it, argued the merits of the treaty itself, and stressed the propriety and good sense of showing faith in George Washington and trusting his decision to ratify the treaty. By the spring of 1796, they argued that public opinion, once solidly against the treaty, was now in favor of the measure. Lastly, Federalists hammered away at the threat of war, which they asserted would surely follow from rejection of the treaty and the disastrous effect of war upon commerce. During the months of the public debate over the treaty, these themes took precedence in the Federalist pro-treaty campaign. Nearly all these lines and others would be developed over the course of the campaign.<sup>10</sup> And Fisher Ames, when he rose to give his speech in late April of 1796 at the climax of the campaign, reiterated these points, too.

Ames was sick during much of the fall of 1795, troubled by a variety of recurring ailments, and stayed away from the House of

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<sup>10</sup> These themes are elaborated in Estes, "Shaping the Politics of Public Opinion."



Representatives. Finally, in January of 1796, his doctors cleared him to travel--although they advised him not to speak in Congress--and Ames set out for Philadelphia, arriving on February 9, just before the second stage of the Federalist campaign got underway.<sup>11</sup> Although the House was already in session on other business, it had not yet taken up the issue of the treaty and would not do so until Washington formally submitted it on March 1. By then, public opinion was already turning, thanks in large part to the Federalist campaign. But opponents in the House settled on a final strategy to block the treaty by trying to refuse appropriations to fund the commissions set up by treaty terms. Some House Republicans went even further. Edward Livingston of New York produced a resolution calling on Washington to turn over all relevant papers and materials on the treaty negotiations for the House to review. Republican leaders, like James Madison, were horrified at this precipitous step, but it soon became clear that Republicans would fight against the treaty to the bitter end.<sup>12</sup>

Ames, still ill and not at full strength largely followed his doctors' wishes and abstained from debate, leaving that task in the hands of other Federalist congressmen such as Theodore Sedgwick of Massachusetts, William Loughton Smith of South Carolina, and William Vans Murray of Maryland. "Never was a time when I so much desired the full use of my faculties," he wrote to Thomas Dwight. "To be silent, neutral, useless ... is a new post for me to be in. I am not a sentry, not in the ranks, not in the staff. I am thrown into the wagon, as part of the baggage."<sup>13</sup>

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<sup>11</sup> Bernhard, *Fisher Ames*, pp. 257-261. Ames suffered from a variety of medical ailments which plagued him during the 1790s and beyond. During the period of the Jay Treaty debate he suffered from pneumonia or "lung fever" as it was then called. It left him, his wife recalled, "a mere ghost...his eyes as big as saucers, staring at her...and his voice so weak as to render him unequal to conversation." He may also have had a chronic respiratory impairment and generally suffered from general weakness and loss of appetite and sleep. Ames and his doctors were puzzled about his condition and its treatment. "I am told my case is nervous, bilious, a disease of the liver, atrophy...as different oracles are consulted. I am forbidden and enjoined to take almost everything." See Bernhard pp. 252ff. for a fuller discussion.

<sup>12</sup> See Combs, chp. 11 and Elkins and McKittrick, pp. 441-449 for discussion of the congressional debate over the treaty.

<sup>13</sup> Ames to Thomas Dwight, March 9, 1796, in *Works of Fisher Ames* 2: p. 1136.

Frustrated at his inability to join in the fray, Ames sat, observed and commented in his typically crisp, caustic fashion, on the proceedings before him. Listening to Madison develop what Ames believed to be a tortured and illogical argument, he noted, "Madison spun cobweb yesterday...but was strangely wary in giving his opinion. Conscience made him a coward. He flinched from an explicit and bold creed of anarchy." A short time later, after President Washington cited the debates in the constitutional convention in his refusal to honor Livingston's request for the papers, Ames noted that Madison "is deeply implicated by the appeal of the President to the proceedings of the General Convention, and most serious persons think him irrevocably disgraced, as a man void of sincerity and fairness."<sup>14</sup>

As the debate climaxed, word circulated that Ames, ill health and all, would speak. The news was electrifying. Vice-president John Adams and Supreme Court Justice James Iredell, as well as other interested observers, flocked to the House gallery and chambers in anticipation of an oratorical performance by one of the country's best. For sheer theater, the speech was an event hard to top. "I entertain the hope," Ames began melodramatically, "perhaps a rash one, that my strength will hold me out to speak a few minutes." For more than an hour, Ames' strength held out, and he elaborated, with passion and forcefulness, on points Federalists had raised throughout the debate.<sup>15</sup>

Granting that men are liable to be guided by their passions, Ames observed that they often react initially in ways they later regret. It was almost unavoidable "while the peal to rally every passion of man is continually ringing in our ears." Such was the case, he believed, with the public debate about the Jay Treaty, both inside the House of Representatives and outside. "The public attention has been quickened to mark the progress of the discussion, and its judgment, often hasty and erroneous on first impressions, has become solid and enlightened at

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<sup>14</sup> Ames to Christopher Gore, March 11, 1796, in *Ibid.*, 2: pp. 1137-1138; Ames to George Richards Minot, April 2, 1796, *Ibid.*, 2: 1140.

<sup>15</sup> I have used the original of the speech printed in Philadelphia shortly after Ames spoke. See *The Speech of Mr. Ames in the House of Representatives of the United States, When In Committee of the Whole, On Thursday, April 28. 1796...* (Philadelphia: William Young, 1796), hereinafter cited as *Speech*. This speech was advertised for sale in most of the issues of the *Gazette of the United States* for late May and early June. The speech is also reprinted in *Works of Fisher Ames*, 2: pp. 1142-1182.

last.”<sup>16</sup> Federalists had, throughout the campaign, attacked treaty opponents for exaggerating the faults and shortcomings of a treaty, which many Republicans saw as little more than a capitulation to Great Britain. While even Washington and Hamilton had reservations about the measure or had hoped for more concessions from England, they defended the treaty as the best available course. They consistently counterattacked and stressed the hysterical, unreasoning attacks on the treaty by opponents. So much vociferous criticism seemed evidence to some Federalists of a dedicated effort to undermine the treaty. One Federalist believed there was a plan afoot “to disturb the public Tranquility and the greatest industry and pains are operating for that purpose.” Another spoke of “the intriguing enemies of our peace, prosperity, and excellent government” who revealed an “intemperate zeal to disorganize and weaken every public measure.” Alexander Hamilton argued angrily that the intense opposition to the treaty was fomented by “a sect of politicians among us, who, influenced by a servile and criminal subservience to the views of France, have adopted it as a fundamental tenet that there ought to subsist between us and Great Britain eternal variance and discord.”<sup>17</sup>

Ames picked up this theme when he argued, with mock incredulity, that the opposition endeavored to convince the public “That the President and Senate, the numerous meetings in the cities, and the influence of the general alarm of the country are the agents and instruments of a scheme of coercion and terror, to force the Treaty down our throats, though we loath it, and in spite of the clearest convictions of duty and conscience.” The vehement denunciations of the treaty put forth, Ames averred, were “not simply discouraging, but absolutely insurmountable. They will not yield to argument; for, as they were not reasoned up, they cannot be reasoned down. They are higher than a Chinese wall in truth’s way.”<sup>18</sup>

Particularly vexing, Ames believed, was the contention by some Republicans that the President and Senate were unconstitutionally encroaching on the duties and powers of the House of Representatives by

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<sup>16</sup> *Speech*, pp. 4, 5.

<sup>17</sup> Jeremiah Wadsworth to Alexander Hamilton, July 11-12, 1795, in Harold C. Syrett (ed.), *The Papers of Alexander Hamilton* (hereinafter *PAH*) 18: 460; *Gazette of the United States* August 8, 1795; Hamilton, “Horatius No. II,” *PAH* 19:75.

<sup>18</sup> *Speech*, pp. 6, 8.

trying to shut them out of the treaty approval process altogether. This charge, no matter how unfounded, raised a wholly different fear which had little to do with the treaty itself, but played on the fundamental American antipathy toward centralized government power and, particularly, the fear of encroachment on the prerogatives of the popular branch of government. These feelings, once stirred, were “difficult to pacify,” even if the original source of the unease (false criticisms of the treaty) was laid to rest. “[T]he prejudice against the appropriations may remain on the mind... Principles that bear a remote affinity with usurpation on those powers will be rejected, not merely as errors, but as wrongs.” As long as these prejudices existed, arguments would be futile. “The ears may be open, but the mind will remain locked up, and every pass to the understanding guarded.” In fact, Ames declared dramatically that “Unless therefore this jealous and repulsive fear for the rights of the house can be allayed, I will not ask a hearing.”<sup>19</sup>

Another one of the themes Federalists addressed was the absolute importance of the nation, having once made and duly ratified the treaty, upholding it. Federalists circulated petitions and town meetings drafted memorials to Congress stating that national honor compelled the House to uphold the treaty after the Senate and President had duly ratified it. If the House refused, “we greatly fear it would be deemed, by other nations, a stain on our honour as a people, and a bar to all future negotiation.” Baltimore citizens, sending instructions to Congressman Samuel Smith to vote for appropriations, warned that “the national honor, peace, and welfare are implicated in the decision to be made by the House of Representatives.” Other memorials and petitions stressed the same themes and revealed an important piece of the argument made by Federalists in this debate.<sup>20</sup>

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<sup>19</sup> *Ibid.*, p. 8. Ames elaborated that the spirit of alarm “may even pass for an act of prudence and duty to negative a measure which was lately believed by ourselves, and may hereafter be misconceived by others, to encroach upon the powers of the house... Our sensibilities will shrink from a post where it is possible they may be wounded, and be inflamed by the slightest suspicion of an assault.”

<sup>20</sup> Grand Jury Resolution, Allegheny County, Pennsylvania, *The Pittsburgh Gazette*, March 12, 1796; Letter to Samuel Smith by citizens of Baltimore, *Claypoole's American Daily Advertiser*, April 27, 1796. See also *Albany Gazette*, April 25, 1796 and *Columbian Centinel*, April 27, 1796.

Ames echoed those thoughts. He claimed that the matter before the House was plain and direct: it could either uphold the treaty or break it -- there would be no middle ground. Ames called this, "the naked question," and used this to clarify the issue as directly as possible, just as Federalists had done earlier. Ames contended that to refuse to appropriate funds for a treaty already made and ratified would not, as some opponents claimed, provide the U.S. with greater latitude. By withholding the funds, "we do not secure any greater liberty of action, we gain no safer shelter than before from the consequences of the decision."<sup>21</sup>

Ames gave his fellow House members a brief lecture on their role in the treaty-making functions and he harped on the matter of national faith which he said was at stake in the decision. Addressing the concerns of treaty critics who claimed that the measure was fatally flawed, Ames granted that if the treaty were "really so very fatal as to oblige the nation to break its faith," it should be refused. Such a disadvantageous treaty, if it existed, would deserve not be carried out. Critics certainly made such a charge about this treaty, Ames observed, noting that "If we listen to the clamour of party intemperance, the evils are of a number not to be counted." Unfortunately, while the "language of passion and exaggeration may silence that of sober reason in other places, it has not done it here."<sup>22</sup>

Another consistent theme of Federalist treaty supporters was that the document had been denounced by critics sight unseen and that the opponents never bothered to examine the treaty or give it close scrutiny. Had they approached it with reason and careful study, Federalists contended, they would have found little to criticize. South Carolina congressmen Robert Goodloe Harper and William Loughton Smith both wrote pamphlets which attacked the haste with which treaty opponents launched their criticisms and urged citizens to read and consider the treaty for themselves, not to allow others to make up their minds for them. New York merchant James Watson, referring to an anti-treaty town meeting called for the next day, claimed that this assembly was "not to consider and discuss the Treaty...and to express the conviction which shall arise from a fair examination of its merits, but to condemn

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<sup>21</sup> *Speech*, p. 10.

<sup>22</sup> *Ibid.*, p. 15.

and oppose it as a thing prejudged.” William Vans Murray, congressman from Maryland, charged that a “sober” and “candid” examination of the document “will satisfy, and has satisfied most, that our treaty is as good as Great Britain has given to any other power.” And “A Merchant” stated his belief that “as the Treaty is more and more contemplated...cool and candid investigation alone is capable of making and establishing proselytes.”<sup>23</sup>

Federalists believed that the fears of treaty critics would be allayed and prove to be baseless once the treaty was read carefully. “The more the Treaty is known, and the reasons and advantages of the various parts of it considered, the more satisfied will the public be with the measures of government respecting it.” Added another correspondent, “I doubt not that, after three or four weeks’ cool thinking upon the Treaty...nine tenths of the people, who voted against it in some few seaports will be perfectly satisfied.”<sup>24</sup>

Ames likewise stressed that a careful examination of the treaty would yield none of the dreadful circumstances claimed by anti-treaty activists. Initially, the public outcry had defeated reason. “The alarm spread faster than the publication of the Treaty. There were more critics than readers,” Ames quipped. Upon examination, the early fears subsided. “Those who make search into the articles for the cause of their alarms will be so far from finding stipulations that will operate fatally, they will discover few of them that will have any lasting operation at all.” In fact, the protests and attacks against the treaty, Ames believed, were completely unfounded and baseless. The clamor “was purely an address to the imagination and prejudices of the citizens, and not on that account the less formidable. Objections that proceed up on error of fact or calculation, may be traced and exposed. But such as are drawn from

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<sup>23</sup> “An Address from Robert Goodloe Harper of South-Carolina, to his Constituents-Containing his Reasons for Approving the Treaty of Amity, Commerce and Navigation with Great-Britain,” (Boston, 1796); William Loughton Smith, “A candid Examination of the Objections to the Treaty of Amity, Commerce and Navigation...,” (Charleston, 1795); James Watson, “To the Citizens of New York”, *Gazette of the United States*, July 20, 1795; William Vans Murray to Oliver Wolcott, Jr., August 29, 1795, in *Wolcott Papers* 1: 228; *Gazette of the United States*, July 23, 1795.

<sup>24</sup> *Gazette of the United States* August 11, 1795; “A Farmer” from the *Massachusetts Spy*, reprinted in *Gazette of the United States*, August 25, 1795.

the imagination, or addressed to it, elude definition, and return to domineer over the mind, after having been banished from it by truth.”<sup>25</sup>

While Ames admitted that treaties could be rejected and that some even should be, he stated that the key question was whether this particular treaty justified refusal. The question was important because “a Treaty is the promise of a nation.” For a treaty to be broken, it “must appear to be bad not merely in the petty details, but in its character principle and mass.” Such a charge was not supported by the evidence. Ames defended the treaty on some of its particulars and quarreled with those who charged that national honor and pride were forfeited by dealing with the British at all. Not only was negotiating the proper way to proceed, the “honour of the United States was saved not forfeited by treating.”<sup>26</sup> In fact, far from assailing national honor, the treaty raised it several degrees, Ames said. By making stipulations for British surrender of the western posts, for indemnifying American merchants, and for securing the observation of America’s neutral rights, the treaty “has justly raised the character of the nation. Never did the name of America appear in Europe with more lustre than upon the event of ratifying this instrument.”<sup>27</sup>

All of this made it even more important, Ames said, for the U.S. to prove to the nations of the world that the country would keep its faith in matters of treaties. On this, Ames claimed, even treaty opponents could not disagree. “Few men, of any reputation for sense, among those who say the Treaty is bad, will put that reputation so much at hazard as to pretend that it is so extremely bad as to warrant and require a violation of the public faith.” He believed the great outcry against the treaty had been manufactured for political reasons having little to do with the treaty itself. The specific charges against the treaty had been refuted so successfully by others, Ames believed, that he need not repeat them. As other Federalists contended, the worst, most horrible portrayal of what would happen if the treaty was approved and there were shown to be gross

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<sup>25</sup> *Speech*, pp. 23, 19.

<sup>26</sup> *Ibid.*, p. 17. “Justice, the laws and practice of nations, a just regard for peace as a duty to mankind, and the known wish of our citizens, as well as that self-respect which required it of the nation to act with dignity and moderation, all these forbid an appeal to arms before we had tried the effect of negotiation.”

<sup>27</sup> *Ibid.*, p. 17.

exaggerations. If the Jay Treaty “had been permitted to go into operation silently, like our other treaties, so little alteration of any sort would be made by it in the great mass of our commercial and agricultural concerns, that it would not be generally discovered by its effects to be in force...Those who shall make search into the articles for the cause of their alarms will be so far from finding stipulations that will operate fatally, they will discover few of them that will have any lasting operation at all.”<sup>28</sup> Thus, as Federalists had contended all along, a close study of the actual terms of the treaty revealed far less cause for alarm or even serious concern than opponents charged.

Federalists took great pains at several junctures in the debate to stress the support of George Washington for the treaty and, playing on the President's enormous stature and popularity, worked to get the public to link support for Washington with support for the Jay treaty. Treaty backers had long claimed that because the treaty was approved by the Senate and ratified by the President, it had been duly evaluated by those who knew best, and they worked hard to disseminate this idea. Philadelphia's merchants and traders, in a petition to Washington, which reflected a commonly used phrase and sentiment, stressed their faith in “the wisdom, integrity, and Patriotism of the Constituted Authorities”. Washington's reply thanked the merchants for their “confidence in the constituted Authorities” and praised their “deliberately formed” sentiments. Washington's decision to ratify helped to blunt public criticism of the treaty and was a vital step in the Federalist campaign to win the battle of public opinion. “The knowledge of this Fact has had a happy effect in composing the public mind,” noted Rufus King, while Oliver Ellsworth found that the President's decision to support the treaty, plus the other defenses of the measure “will produce an effect.”<sup>29</sup>

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*Ibid.*, pp. 18-19.

<sup>29</sup> “Address of the Merchants and Traders of Philadelphia to the President,” *Gazette of the United States*, August 22, 1795; “To the Citizens of Philadelphia,” August 20, 1795, in John C. Fitzpatrick (ed.) *The Writings of George Washington* 34: 278-279; Rufus King to Christopher Gore, August 7 and 14, 1795, in Charles R. King (ed.) *The Life and Correspondence of Rufus King*, (New York, 1894-1900) 6 vols. 1: 582; Ellsworth to Oliver Wolcott, Jr., August 20, 1795, in *Wolcott Papers* 1: p. 226. Ames himself believed that Washington's decision to support the treaty was of great significance, largely because of the President's great stature. In talking with tavern patrons in Massachusetts, Ames reported “the yeomanry are yet right. They say the men in the government know best what to do, and the President will not see the country wronged,



Federalists had discussed Washington's support for the treaty so frequently, and it had played such a key role in helping to change public opinion, that when Ames raised the issue in his speech, he could do so almost obliquely, not needing to harp on a theme so well established. In fact, Ames' mention of Washington is couched in a discussion of the treaty-making process and emphasizes the propriety of following the constituted authorities in their decision. Ames stated that some critics thought the treaty, "though published as a Law for our own by the President's proclamation," still believed it to be merely a proposition for the House to consider. "We declare that the Treaty making power is exclusively vested in the President and Senate, and not in this house," Ames replied. "[T]he President and Senate is to make national bargains, and this house has nothing to do in making them," Ames declared, in a subtle reminder, not only of the constitutional procedure, but of the vast reservoir of support for and trust in Washington, some of which had since rubbed off on the treaty by extension.<sup>30</sup>

Partly because of Washington's backing and because of the concerted Federalist campaign to win support for the measure, public opinion on the Jay treaty had dramatically shifted. Whereas nearly universal criticism was rained on the document the preceding summer, by the spring of 1796 as the House debated the issue, the shift in opinion was clearly visible. Washington noted the turnaround himself shortly after he submitted the treaty to the House on March 1. "That a great change has been wrought in the public mind, with respect to this Treaty within the last two months, is apparent to everyone." One gentleman from Georgia found it "gratifying...that the paroxism[sic] of intemperance, which fumed so admirably last summer, is spent, and reason has resumed her power, [and] people begin to perceive that the good effects of the treaty have, as yet, exceeded the bad."<sup>31</sup>

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much less wrong it himself." Ames to Oliver Wolcott, Jr., September 2, 1795, in *Wolcott Papers* 1: 229-230.

<sup>30</sup> *Speech*, 6, 11, 12, 13. What can be more strange than to say, that the compacts of the President and Senate with foreign nations are Treaties, *without our agency*, and yet those compacts want all power and obligation until they are sanctioned by our [the House's] concurrence." (p. 12).

<sup>31</sup> Washington to Gouverneur Morris, March 4, 1796, in *Writings of Washington* 34: 483; *Gazette of the United States*, April 2, 1796, (letter dated March 8, 1796).

Federalist newspapers took great delight in highlighting this change in opinion. Noah Webster's paper claimed that a "vast majority of the people of the United States are now in favor of fulfilling the treaty, and this fact will soon appear." Petitions poured into the House during April and May, some of them stating the desire "that the REAL wishes of the people may be fully known." Mocking earlier anti-treaty cries, some newspapers in reporting on the size of pro-treaty crowds and the number of petition signatories, asked derisively, "What is the voice of the people now?"<sup>32</sup> Federalists were confident that the sentiments of House Republicans to block appropriations for the treaty were now wildly out of touch with public opinion, influenced as it was by the efforts of pro-treaty activists to win support.

Ames commented on this shift in public opinion in his address. He stated that the judgment of the public, "often hasty and erroneous on first impressions, has become solid and enlightened at last." Midway through his address, Ames posed the question of whether the "state of public opinion" would "justify the deed" of refusing the treaty. The weight of public opinion was key "because if the popular apprehensions be not an infallible criterion of the disadvantages of the instrument, their acquiescence in the operation of it is an irrefragable proof that the extreme case does not exist which alone could justify our setting [the treaty] aside." Ames went on to ask who would be "hardy enough to pretend that the public voice demands the violation of the Treaty?" While the public sense was often equivocal, he said, "when was it ever manifested with more energy and precision than at the present moment? The voice of the people is raised against the measure of refusing the appropriations."<sup>33</sup> The previous summer, when public opinion ran against them, pro-treaty activists had worked hard to reverse it. Now that it seemed clearly to be in their favor, Ames joined other Federalists in

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<sup>32</sup> *American Minerva* April 18, 1796; *Gazette of the United States*, April 28, 1796; *American Minerva* April 28, 1796. Issues of these and other Federalist newspapers from April and May of 1796 contain the texts of numerous petitions sent to the House urging appropriations be approved for the treaty and usually using the language and arguments of the Federalist campaign.

<sup>33</sup> *Speech*, pp. 5, 19, 20, 21. Ames returned to this point later in the speech, stating simply "The sense of the American nation is not as the vote of the house has declared it" (pp. 38-39).

gleefully noting the verdict of the public in fashioning additional reasons why the House should not refuse the measure.

Of all the themes the Federalists stressed in their battle to win public opinion, the one they gave the greatest weight to was the likelihood of war if the United States failed to approve the treaty and the staggering threat to the nation's commerce that war would pose. Pro-treaty advocates sounded this alarm early and often, and it would provide the most memorable and frequently quoted passage from Ames' speech, too.

In the second of his "Defence" essays signed "Camillus" Alexander Hamilton took up the issue of the United States' vulnerable position in foreign affairs. While a powerful nation "may frequently hazard a high and haughty tone with good policy...a weak State can scarcely ever do it without imprudence. The last is yet our character, though we are the embryo of a great empire." Hamilton argued that if the United States could avoid entanglement in a war for at least another decade or so, it could mature economically so as to be strong enough to weather challenges. A recurring theme in the "Defence" essays was the necessity of maintaining peaceful relations with Great Britain, the one nation which could undermine or even destroy the country's chance to develop as an economic power.<sup>34</sup>

Other Federalists, particularly party newspapers, stressed the likelihood of war with England if the treaty was not enacted and the severe threat to commerce that war would pose. Boston memorialists, in sending a petition to the House, pleaded urgently in the closing days of the Jay treaty debate, "we must prefer PEACE and PROSPERITY to War and Distress." "Brutus" warned his fellow citizens that if war broke out, "Every source of our national prosperity will be dried up." Philadelphia merchants and traders in their memorial stressed the importance of "the preservation of peace, on which the prosperity of this country depends."<sup>35</sup>

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<sup>34</sup> "The Defence No. II," (July 25, 1795), in *PAH* 18: pp. 498.

<sup>35</sup> *Gazette of the United States* May 5, 1796; "Brutus," *American Mercury*, (Hartford) April 25, 1796; "Memorial of Philadelphia Merchants and Traders," *American Mercury*, April 25, 1796. The Philadelphia merchants' memorial was very similar to one they sent to President Washington in August of 1795 during the initial treaty controversy in which they warned that refusing the treaty would have "subjected us to the imminent hazard of war with all its concomitant evils." It also spoke of the necessity of "a continuance of Peace, with all the advantages under which our commerce flourished...." See *Gazette of the United States*, August 22, 1795. Additionally, the *Gazette*, the *Columbian Centinel*,

When Ames spoke, he made these same points in often dramatic and gripping fashion. Not only would refusing to fund the treaty violate the national faith, it would place the nation's commerce and affairs at risk, tossing them "to the sport of the winds." These as yet unrealized consequences might be far worse than those imagined dangers spelled out by opponents. "Before we resolve to leap into this abyss," said Ames in his usual overly dramatic yet compelling language, "it becomes us to pause and reflect upon such of the dangers as are obvious and inevitable." Federalists knew only too well that the passage of the treaty hung in the balance and tried everything they could to assure House funding. Just as treaty opponents stressed what they saw as the shortcomings and flaws of the treaty, Federalists both defended the measure and played up their own ideas of the horrors that would result from not enacting it.

Aside from the threat to prosperity and commerce, the prospect of war -- deemed unavoidable if the treaty were not fulfilled -- would mean a loss of independence and likely loss of a great many lives. On this point, Ames was at his most dramatic, effective and memorable. And on this point also -- for precisely those reasons -- Ames' speech is usually interpreted as an emotional sermon. While the climax of his speech was undeniably emotional (and intended to be so), it merely stated more dramatically and viscerally what Federalists had been arguing and saying all along. In short, the overheated conclusion to Ames' address was part and parcel of the campaign themes Federalists had used for months. The scenarios Ames raised, because they were explicit and graphic, had great effect. But they were not new expressions or thoughts nor was Ames the first to raise them. That he took themes which had already been raised and dramatized them in such memorable fashion, however, is a great tribute to the power and presence of Ames' oratory.

The prospect of war and Indian violence on the frontier was a certainty to Ames' mind. One of the major elements of the Jay Treaty was the British surrender of the western military posts, which were supposed to have been turned over after the Revolutionary war, but which remained in British possession. The Jay Treaty made explicit the removal of the British from these frontier posts. Speculating that breaking the treaty would result in the loss of the posts, Ames played on

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and other newspapers from April and May of 1796 are filled with memorials and petitions which stress the same themes.

those fears. Indian hostilities would run rampant, Ames thought, and settlers on the frontier would be endangered. Further, the price of western land would fall because settlers “will not chuse to fix their habitation on a field of battle.” Unless the United States took possession of the posts, “the burden of taxes, and the drain of blood and treasure into the western country” would continue.<sup>36</sup>

Ames spoke of “the reach of the tomahawk” and cautioned that the circumstances in the west of rejecting the treaty “will not be peace but a sword.” He warned, with gripping intensity, of a “spectacle of horror which cannot be overdrawn.”

Your cruel dangers, your more cruel apprehensions are soon to be renewed: The wounds, yet unhealed, are to be torn open again. In the day time, your path through the woods will be ambushed. The darkness of midnight will glitter with the blaze of your dwellings. -- You are a father -- the blood of your sons shall fatten your corn-field. You are a mother -- the war whoop shall wake the sleep of the cradle.<sup>37</sup>

Ames concluded by speaking of the treaty as a last hope to preserve the peace so necessary to the young nation. “This Treaty, like a rainbow on the edge of the cloud, marked to our eyes the space where it was raging, and afforded at the same time the sure prognostic of fair weather. If we reject it, the vivid colours will grow pale, it will be a baleful meteor portending tempest and war.” By carrying the treaty into effect, Ames said, the United States would uphold its national faith, preserve peace, and set loose the enterprising spirit which would bolster prosperity. “If however the vote should pass to reject, and a spirit should rise, as it will, with the public disorders to make confusion worse confounded, even I,

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<sup>36</sup> *Speech*, p. 46; p. 48. “*Until the Posts are restored,*” Ames stated, “*The Treasury and the frontiers must bleed.*”

<sup>37</sup> *Ibid.*, pp. 48-49. Ames continued: “By rejecting the Posts, we light the savage fires, we bind the victims...while one hand is held up to reject this Treaty, the other grasps a tomahawk...I can fancy that I listen to the yells of savage vengeance and the shrieks of torture.” (pp. 50-51). Making reference to these passages, Joseph Charles referred to this address as the “Tomahawk speech” of the “invalid recluse of Dedham.” See *The Origins of the American Party System*, (Williamsburg, 1956), p. 115.

slender and almost broken as my hold upon life is, may outlive the government and constitution of my country.”<sup>38</sup>

“The immediate effect of Ames’ speech was dramatic. In addition to the exclamations of Adarns and Iredell and the general enthusiasm of many for the address, some Federalists immediately called for “the question,” seeking an immediate vote. Republicans managed to head off that call and postponed the vote by another day. How much Ames’ speech affected the vote is a matter of speculation. It might not have changed many minds by itself, but rather, because of the weight of public opinion as borne out in the deluge of petitions and memorials coming daily into Congress urging the House not to withhold funds, might have reinforced an inclination to vote in favor of appropriating funds. A number of Republican congressmen switched their votes to favor the Treaty, partly in response to a clear demonstration of popular support for the measure but perhaps also after consideration of the merits of the points Ames made in his speech and that Federalists had argued all along. In the end, Federalists needed every vote they got and Ames’ speech certainly did nothing to hurt the Federalist cause. Whatever role, direct or indirect the speech played, the House voted 51 to 48 to uphold the treaty and the matter was finally settled.”<sup>39</sup>

Ames’ “slender...hold upon life” proved to be more durable than he opined in the speech. He lived until 1808, but the Jay treaty speech was the peak of his public career. Shortly after the end of the congressional session, still bothered by his illness, he decided not to stand for another term in the House. Ames returned to Massachusetts and spent his remaining years writing, practicing law and engaging in some public service, holding a seat on the Governor’s Council in 1799-1801. In 1805, Harvard elected him college president, but Ames declined the position, citing his health and what he termed his “advancing age” (he was then forty-seven).<sup>40</sup>

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<sup>38</sup> *Speech*, pp. 57-59.

<sup>39</sup> Bernhard, pp. 272-274.

<sup>40</sup> Morison, ‘Fisher Ames.’ It was during this later period of his life that Ames wrote some of his darker works, bemoaning the fate of the republic under Jeffersonian democracy. See his 1805 essay, “The Dangers of American Liberty,” in Charles S. Hyneman and Donald S. Lutz (eds.), *American Political Writing During the Founding Era, 1760-1805* (Indianapolis, 1983), 2: 1299-1348.

As to the speech itself and its place in the broader Jay treaty debate, one of the reasons Ames' address worked so well and made such an impression was because Federalist writers and speakers had so thoroughly prepared the groundwork for the preceding nine months that Ames was able to provide the peroration to a well-established campaign. Ames introduced no new arguments in favor of the treaty. He did not raise any fears of what might happen if the treaty were not enacted that had not already been stated. But Ames had no need to raise new themes. Rather, what he did was to articulate, more eloquently and forcefully than others, and reinforce the main arguments the public had heard for the previous months. His rhetorical appeal served as the crowning achievement of the Federalists' campaign, providing a final emotional push that led to passage. But, just as importantly, it was also an intellectual summation of what had been written and spoken earlier during the pro-treaty campaign.

Tied together in one package, Ames' Jay treaty speech was all that most historians portrayed it as -- but it was also more. To fully appreciate the mobilization of public opinion in the 1790's and particularly the ability of the supposedly anti-democratic, unpopular Federalists to successfully reverse and win over popular opinion, historians need to examine the headline events of the era in their broad context. In this framework, Ames' speech--long cited as an abstract piece of great oratory--becomes no less important as a powerful event. Instead, it gains even more significance once its place in the larger campaign to win support for the Jay Treaty is understood. Historians are only beginning to appreciate the success and ramifications of that campaign. By brilliantly fusing both the emotional and the intellectual to defend the treaty, Ames' speech capped a nearly year-long Federalist effort to allay the fears and denunciations of opponents and win support for the measure.