

Aaron Burr treason trial essay



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The early 1800s were an unusual time in the history of the United States. A country in its infancy, growing, turbulent, and filled with intrigue where political and economic fortunes were made and lost overnight. While the country was founded on noble ideas—and no doubt these powerful ideas were taken seriously—how such ideas were to be put into practice created fertile ground for personal ambition and interest to be a stronger motivator than the common good. In fact, at times it appears that the ideas were little more than vehicles for the personal ambitions—and in the case of this story—the personal vendettas of powerful personalities.

Aaron Burr, brilliant, ambitious, and a great orator, was certainly larger than life. And his battles with Thomas Jefferson—no less a dramatic figure—lead finally to his trial for treason against the United States. This trial was the culmination of a personal political battle between two great figures where Jefferson would stop at nothing to destroy Burr even if it meant abusing the principles that he himself help enshrine as the basis for the United States. This trial, and the preceding events, are the subject of this paper. Reviewing the facts illustrates that the trial was really more about a vendetta between Thomas Jefferson and Aaron Burr than the law.

Aaron Burr was born in 1756 and was one of the rising stars of the new republic. A rising star many felt was sure to be the President of the young country and to be a distinguished one at that. Burrs conflict with Jefferson began when they tied for the presidential election of 1800. The election then went to the House of Representatives where Burr rejected Federalist overtures for a coalition, but did not publicly support giving the Presidency to Jefferson. Burr felt that an election should not be won through coalitions and

he was especially bitter about the idea of working with the Federalists. Burr, arrogant, confident and trusting in the rightness of his position, made no effort to persuade congress to his side. On the other hand, Jefferson quickly established deals with many of the Federalist congressmen to insure their votes and consequently won the presidency. During several depositions following the election it became very clear to the public that Jefferson had worked with the Federalists in order to secure the election. A founder and the leader of the Republicans had, in the end, sided with the opposition in order to insure his own presidential victory. This political maneuvering to ensure his election made Jefferson look opportunistic and self-serving, and left an enduring black spot on his reputation that was never removed. Jefferson directly blamed Burr, and he would distrust and despise Burr for the rest of his life. A close friend of Jefferson even declared, that this fixed the destiny of Colonel Burr Mr. Jeffersons malignity toward Colonel Burr never ceased but with his last breathe.

In the end, the election concluded with Jefferson as President and Burr as Vice President. Their personal enmity only grew worse while they were forced to work together in the White House. Jefferson finally ousted Burr from the Republican ticket during his reelection. After this Burr would attempt to run for the governorship of New York, but through clever planning by Alexander Hamilton he would lose this election. This would result in the infamous duel of honor between Burr and Hamilton, in which Hamilton was fatally shot by Burr. Wanted for murder in two states, Burr would then be forced to flee to the west. Thus began the final chapter of his ambitious career.

Burr was almost fifty when he arrived in the West for the first time. He was amazed by the amount of untamed land and openness of the western plains, but was most impressed by the incredible isolation . His natural charm and great oratorical skill would serve him well in this untamed land. His uncanny ability to sway small and large groups alike—in an land where outsized ideas and ambitions seemed the order of the day—would aid him on the road ahead.

Burr came west with no clear idea what to do. He thought he might simply rebuild his legal career, speculate in land, and seek public office. Or possibly construct a canal around the Falls of the Ohio. But such ideas didnt quite fit with a man who had been so close to the Presidency of the Republic. It is not known exactly where the idea for a conspiracy came from, but on April 29, 1805 Burr unveiled his plan to lead a revolution in Mexico (still a colony of Spain) over dinner with Herman Blennerhassett. Blennerhassett was a rich landowner who lived on a 300-acre island on the Ohio River and Burr realized that for this plan to succeed it would require a great deal of money, men and other resources .

But Blennerhassett wasnt much for grand foreign adventures and Burr eventually settled on a strategy of swindling Britain and Spain into giving him the money and the troops he needed to revolutionize Mexico. This was difficult from the start, especially since the Spaniards controlled Mexico at the time.

Burrs plan was to lie to both Britain and Spain, telling them he was trying to tear the United States in half, east from west. But instead of breaking up the

country he intended instead to use the money and troops from Spain and Britain to invade Mexico. He outlined the first part of his strategy in a letter to Anthony Merry, the British minister to the US, and Don Carlos Yrujo, the Spanish minister to the US on January 1st, 1806. This letter eventually ended up in the hands of president Jefferson, and would become an important part of the prosecutions case against Burr in his trial for treason. Burr maintained that he never had any intention of committing treason it was simply a ruse against two countries that were not particularly popular in the US at that time. Since it was well known at that time that to commit treason you had to actually commit an overt act of treason, not only plan one, Burr claimed (later) that his strategy was a reasonable one.

Burrs grand plan began to fail when he realized he could not obtain the funds he required without the help of both Yrujo and Merry. Both ministers had, unknown to Burr, discovered his true intentions. This left Burr desperate for funds and with nowhere else to turn except the east coast of the United States (where he was still wanted for murder though nobody seemed particularly interested in prosecuting him). Shortly after his arrival rumors began to spread that Burr was trying to split the East from the West. Jefferson, having received a letter about Burrs offer to Yrujo and Merry, quickly made a public announcement declaring that he had learned of a conspiracy to split the country and that everyone associated with it should distance themselves as soon as possible (though he never mentioned Burrs name). Within several days the conspiracy was shattered.

Three months later, on January 22nd, 1806, President Jefferson issued a special message to congress saying, Aaron Burr was the arch conspirator in

a treasonous enterprise to divide the nation. Although Jefferson gave no evidence at this time, Burrs reputation was ruined and public sentiment would be against him for the rest of his life.

There were several important conspirators who helped Burr with his plan. The most important, and a key witness later in the trial against Burr, was General James Wilkinson. General Wilkinson was a corrupt and selfish politician who was always willing to sell himself to the highest bidder. In 1787 Wilkinson swore allegiance to the Spanish crown in order to get the exclusive privilege to sell Kentucky produce in the metropolis of Louisiana. He would later try to separate Kentucky from Virginia, with the idea that upon achieving statehood Kentucky would not join the United States, but would be left free to make plans with its Spanish neighbors. This incident is known as the Spanish Conspiracy and it only becomes more incriminating when it was discovered that Wilkinson was receiving \$2, 000 a year from the Spanish government. After this Wilkinson would join the army and after only eight years, become the ranking general. At this point the Spanish government was paying him \$16, 000 for his services. It may be that the corrupt Wilkinson was the only real traitor in this story but he hadn't made Thomas Jefferson his personal enemy.

Wilkinson's role in Burr's plan was to lead Burr's army of mercenaries against Mexico. In exchange, Burr would help Wilkinson become governor of the Louisiana territory (which he did) and compensate him with lands gained from Mexico. When Burr's plan was uncovered, and Wilkinson learned that President Jefferson had heard of the plot, he quickly wrote Jefferson a letter

admitting everything hoping to gain indemnity in exchange for testifying against Burr.

Jefferson first heard about Burrs plan on December 1st, 1805. But for a full year he did nothing. This has led many historians to believe that Jefferson may have been involved in a plot to actually frame Burr. It wasnt until Jefferson received a letter from the postmaster general on October 16th, 1806, (stating that Burrs plan was to split the country) that Jefferson made the announcement warning people to distance themselves from the conspiracy. Jefferson hoped that in making a moderate proclamation, and that by not mentioning Burr directly, that he could trap Burr in a more overt act of treason that could be better prosecuted. However by January 22nd, 1807, Jefferson felt that he had gathered suitable evidence to convict Burr and he delivered his message to congress accusing Burr of being the arch-conspirator in a Western plot.

John Randolph, a congressman, was outraged after hearing Jeffersons proclamation against Burr and ordered Jefferson to provide evidence for his serious accusations. Jefferson provided several letters that he claimed were all written by General Wilkinson (although, in fact, some werent). The letters mentioned both a plot to split the West from the East and Burrs intentions to invade Mexico. Congress was convinced.

Three months later on March 30th, 1807, Burr was arrested in Richmond, Virginia, on several charges. The first charge was the misdemeanor of having set forth on an expedition against the dominions of the King of Spain. The second charge was treason for having assembled an armed force for the

purpose of seizing the city of New Orleans, revolutionizing Orleans Territory, and separating the Western from the Atlantic states. The warrant for his arrest was written and delivered by Chief Justice John Marshall, who was also a leading citizen of Richmond. Burr went peacefully into custody and awaited the beginning of his trial. Since he was arrested in the jurisdiction of the Chief Justice it was decided that Marshall would preside over the case. This would have a profound effect on the case.

Prosecuting Burr was U. S. Attorney George Hay, a decent lawyer but nothing compared to the brilliant legal minds of the defense. Luckily for Hay however, he received daily letters from Jefferson (a brilliant lawyer) offering legal advice. Eventually, Jefferson began to dictate the legal strategies of the defense (certainly a questionable action from the Chief Executive). The prosecution planned to convict Burr by using a precedent established in a previous trial. That precedent established that if a treasonous act is in fact committed all persons involved, no matter how small their involvement, are guilty of treason. They planned to show that a group of fifty or so men assembled on Blennerhassett island for a treasonable purpose, and that although Burr wasn't present at the time, his involvement in the scheme made him guilty of treason.

The prosecution was aided by the patently illegal actions of President Jefferson, who at this point was sending blank pardons to Hay and authorizing him to pardon anyone involved in the conspiracy if they would testify against Burr.

The defense was made up of Burr himself, Edmund Randolph, John Wickham, and Luther Martin. These men were four of the best lawyers in the country and were all united in one thing, their hatred of President Jefferson. Their legal strategy was to depict Burr as the victim of a Presidential administration that had pursued him relentlessly and that had repeatedly violated his civil rights.

Burr also made a request for a subpoena to require Jefferson to deliver several documents, including Jeffersons correspondence with Wilkinson. The court supported Burrs request and this created a power clash between the judicial and executive branches. How should the independence of the president be balanced against the rights of an accused to obtain evidence? In the end, however, Jefferson submitted the documents, although he made it very clear that he was only doing so because he deemed the documents did not compromise national security.

The trial finally began after a Grand jury indicted Burr on both charges. It took ninety-six prospective jurors before twelve suitable ones could be found. This was because most admitted to a bias against the defendant.

The prosecution had indicated they intended to call a large number of witnesses. However, few were actually allowed to testify in court because of objections by the defense or rulings by judge Marshall. For instance, testimony from William Eaton was never allowed because the defense forced him to admit that the government had recently settled a long standing claim for \$10, 000 which the government only agreed to pay when Eaton agreed to testify. Others were disallowed because of the pardons given to them by

Jefferson. Certainly the zeal of the prosecution, driven directly by the President, didnt help their case.

Burr and his colleagues argued two major points. First, no act of treason had ever occurred. Since the definition of treason in the constitution requires an overt act of war against the country and since no act of war was committed then no act of treason existed. Second, arguing against the earlier precedent, since Burr was not even present when the supposed act of treason took place, he clearly could not be guilty.

Several days later on Monday, August 31, 1807, Marshall carefully and meticulously delivered a three-hour decision. He ruled that contrary to a previous opinion, actual presence at the island was essential for proof of an overt act; To advise or procure treason is not treason in itself.

The next day the case went to the jury, which ruled We of the jury say that Aaron Burr is not proved to be guilty under this indictment by any evidence submitted to us. We therefore find him not guilty. Jefferson was so outraged by the ruling that he threatened to impeach Marshall, and even took it to congress, but congress never brought the impeachment to a vote.

History has made its assessment. Jeffersons personal hatred of Burr defiantly drove him to inappropriately pursue, and even illegally conspire to convict, a political opponent. Normally a brilliant and capable lawyer, based on the same facts he never would have brought a case of treason against an unknown man. Moreover, had he not known Burr he would never have let himself get as involved, preferring to let justice take its course. Under the influence of his patriotism, Jefferson may have believed that writing a letter

planning treason was treason but more likely he simply wanted to destroy Burr.

Clearly, Jefferson let his own bias and vindictiveness drive his behavior and in so doing violated the very thing he tried so hard to protect, the Constitution. While he didnt succeed in getting Burr convicted he did accomplish the driving objective. After the trial Burr was so hated by the public that he was almost lynched in the streets and was forced to flee America in a disguise to Europe where he stayed for four years in complete poverty. When he finally returned to United States his daughter and young grandson died at sea.

On his deathbed in 1836 a friend asked Burr if he had ever intended to separate the West from the Union. Burr responded, NO! I would as soon have thought of taking possession of the moon and informing my friends that I intended to divide it among them. Still, as an example of how politicians use speech filled with noble sentiments to pursue the basest of political aims, the trial of Aaron Burr remains relevant. Those shocked by the self serving behavior during our last presidential election—lamenting the passing of more dignified times—may, by studying history, find that things really havent changed that much at all.

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