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## Book Review

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# You Can Tell a Book by What It Doesn't Cover

by Stuart Rosenblatt

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### **John Jay: Founding Father**

by Walter Stahr

New York: Hambledon and London, 2005

482 pages, hardcover, \$29.95, £19.99

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Walter Stahr's new book on John Jay certainly helps to re-establish Jay as one of the most important leaders in creating the United States during and after the American Revolution. The author underscores Jay's seminal contributions in crafting the foreign policy of our young nation, and his indispensable role in collaboration with Alexander Hamilton and James Madison in helping to shape the Constitution and guaranteeing its adoption in 1789.

This book appears amidst a spate of works on the Founding Fathers which portray their accomplishments, as against the dismal performance of our nation's officials over the past two generations.

Jay (1745-1829) has had his role underplayed over the past several generations, in much the same way that his close ally Alexander Hamilton has also been variously slandered or misunderstood. These two New York patriots were at the center of directing the most ardent nationalist grouping that fought for the adoption of the Federal Constitution, and battled enemies within and without to ensure that the fledgling nation survived its early tumultuous years.

Unfortunately, author Stahr fails to bring out a number of Jay's most important contributions, while missing completely the most critical issues of the period. His careful research is overshadowed by the book's almost plodding style, sacrificing "dynamics" and axiomatic transformations in ideas, for a narrow, mechanical approach.

Hence, readers will be left somewhat disappointed at a number of his conclusions, which suffer from an overall shallowness in comprehending the burning philosophic and economic issues that were being fought out at that time. It was a revolution, after all.

Because of the lack of historical awareness that has gripped our republic over at least the past two generations,

few people know of Jay's monumental accomplishments. As Stahr correctly surmises, Jay belongs in the upper tier of Founding Fathers, led by the intellectual and political genius Benjamin Franklin, and including Hamilton and George Washington. These men, as well as Henry Knox, Rufus King, William Livingston, William Cooper, and others, comprised the nationalist faction within the founding grouping, and were intellectual heirs to the tradition of Gottfried Leibniz, as we have reported previously in LaRouche movement publications.<sup>1</sup> They were not content merely to win freedom from Great Britain, but endeavored to create a republic on these shores, which had no real precedent in history, but whose purposes were encapsulated in the Preamble to the Federal Constitution.

A member of a prominent, aristocratic Huguenot family that had fled religious persecution in France in the 17th Century, Jay had all the makings of a Tory sympathizer in the early phases of the Revolution. Jay was one of the earliest American-educated New York lawyers, and befriended Alexander Hamilton when the latter was attending King's College, immediately following Jay's graduation. They were to remain close confidants throughout their careers. In his early legal career, Jay was enmeshed in the upper crust of New York society. However, when Jay married into the family of New Jersey Governor William Livingston, a leading proponent of American independence, he was assimilated into the elite of the patriotic political networks.

### **John Jay and the American Revolution**

Jay resisted the earliest attempts to call for separation from Great Britain. As a delegate to the Continental Congress, he authored the Olive Branch overture of July 1776 to the King seeking a peaceful reconciliation of all differences with the colonists. Jay was appalled at the British intransigence in rejecting his proposal. Soon after, he was so outraged by the landing of the British fleet in New York and their occupation of the city, that his conversion to the revolutionary cause became total. He played a leading role in the New York patriotic grouping, drafting the landmark constitution for the State of New York among other activities, and serving as Chief Justice for the state court.

Jay personally secured all the military armaments for the state to defend itself, and he coordinated the Conspiracies Committee, which was charged with rooting out all Tory agents and operations in the state. As Stahr reports, Jay's bold actions in running spectacular counterintelligence operations during the early years of the Revolution were recently recog-

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1. See Nancy Spannaus and Christopher White, *The Political Economy of the American Revolution*, New York, second edition 1995; "The Anti-Newtonian Roots of the American Revolution," by Philip Valenti, *EIR Feature*, Dec. 1, 1995; Robert Trout, "Life, Liberty, and The Pursuit of Happiness: How the Natural Law Concept of Gottfried Wilhelm Leibniz Inspired America's Founding Fathers," *Fidelio*, Spring 1997.



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The mural of which this is a detail, commissioned by President Franklin Delano Roosevelt, shows the pro-Constitution contingent at the Poughkeepsie Constitutional Convention of 1788, whose ranks include (left to right): Alexander Hamilton, Abraham Bancker, John Jay, James Clinton, Isaac Roosevelt, and John Hobart.

nized by the Central Intelligence Agency, when the CIA named a conference room at its Langley, Virginia headquarters in John Jay's honor, as the first Director of Counterintelligence. Jay was also a close ally of William Cooper, father of the legendary writer James Fenimore Cooper. Over 40 years after the Revolution, Jay detailed some of his Revolutionary War exploits to Fenimore Cooper, and these became the core of Cooper's masterpiece, *The Spy*.

Jay served one term as President of the Continental Congress, and was then dispatched by the Congress as Ambassador to Spain during the war, in an attempt to secure a wartime alliance. From there he joined Benjamin Franklin and John Adams in France, and was at the center of negotiating the final Peace Treaty that ended the Revolutionary War. As Stahr correctly notes, Jay was the key drafter of this most historic document, that secured the boundaries of the nation for generations to come. From the outset of the negotiations, Jay, to the consternation of the British, fought for the principle of the independence and sovereignty of the newly created nation. While the former colonies occupied only the eastern seaboard at the end of the Revolution, Jay's monumental treaty stretched the nation to the banks of the Mississippi River and north to the modern demarcation with Canada.

### An Architect of the New Nation

During the post-war, pre-Constitution period, Jay was Secretary for Foreign Affairs, and arguably the most important political leader in the nation inside the government. Jay was in constant communication with Washington, Hamilton, Madison, and other national leaders, who were heavily in-

involved in putting forward new initiatives to strengthen the country.

Jay was directing the work of the moribund Continental Congress and the foreign policy of the nation. His experiences with the dysfunctional Articles of Confederation convinced him of the urgency to form some type of strongly centralized national government, if the country were to survive at all.

Although Jay was at the forefront of the drive to convene the Constitutional Convention, he was barred from attending because of his well-known nationalist views. The New York delegation, chosen by anti-Federalist ringleader Gov. George Clinton, only allowed Jay-ally Hamilton to represent the nationalist cause. However, Jay's views were well known, and he played a critical role in forging the Constitution. Among Jay's contributions were the "Supremacy Clause," establishing Federal control over national policy, thus wresting power from state chieftains; the requirement that the President be a native-born American; judicial review; and the idea of separation of powers. Jay was not alone in the initiation of these ideas, being in constant collaboration with Hamilton, Washington, and others.

Jay collaborated with Alexander Hamilton and James Madison in writing the *Federalist Papers*, which were aimed at educating the citizens of New York and the nation to the fundamental principles of the new nation. Falling ill during the project, Jay was only able to write five of the essays, four on national defense and one on the powers of the U.S. Senate, highlighting the doctrine of Advice and Consent. Jay's essays reflected his passionate intent to drastically strengthen the power of the national government over that of the state assemblies. His initial *Federalist* statements ruthlessly demonstrated the dangers of breaking the nation into several or many "independent" states or regional micro-states, showing how it would leave the population open to foreign domination. He also asserted, as had Emmerich de Vattel and Gottfried Leibniz, the notion that the nation must only prosecute "just wars," an implicit attack on the recent provocations of Governor Clinton in provoking military attacks on the Indian populations in New York.

In defending the Preamble's mandate for "providing for the national defense," Jay raised the specter of likely attacks and provocations by the French, British, or other colonial empires, who were chomping at the bit to pounce on the weak and newly created United States. With penetrating legal precision, he explained how every possible scenario of a multi-state configuration on the eastern seaboard would be open to enemy attack. He demonstrated how the European powers would play divide-and-rule games against Americans, and how we would be likely conquered as a result by a superior power.

In *Federalist* No. 64, Jay refuted the arguments of the states-rights advocates regarding treaty negotiations and approval. Having negotiated virtually every treaty of the infant nation, Jay used the insights he had gained to brilliantly de-

fend the principle of Senate Advice and Consent alongside the augmented power of the Executive to negotiate the treaties from the outset. His argument went to the core of the question of national power over that of the states, and also laid out the critical question of secrecy in negotiations and intelligence assessment implicit in the delineated powers of the Presidency. He underscored the power of the President to negotiate on behalf of the nation as a whole in critical moments when delay can be fatal, with a brilliant paraphrase of Brutus's famous remark in *Julius Caesar*, "there is a tide in the times of men. . . ."

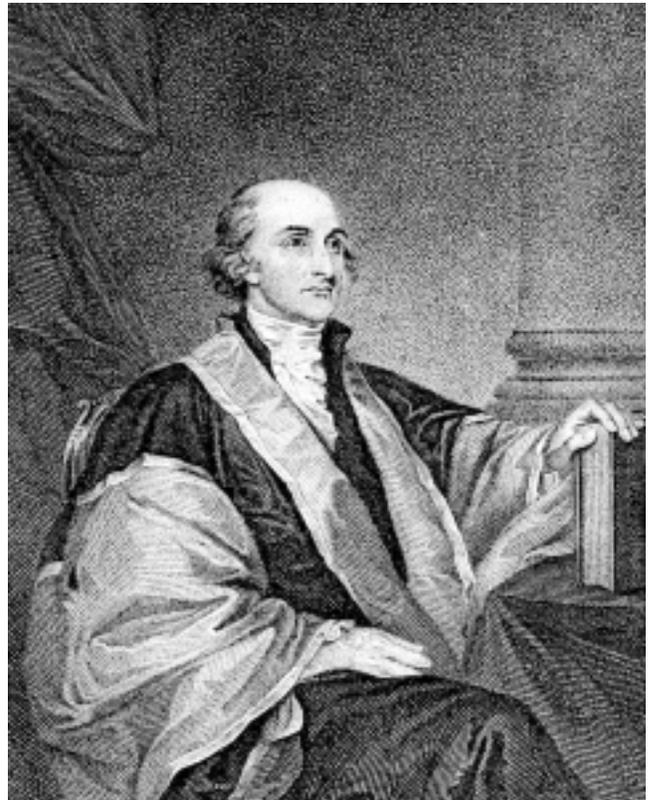
### Winning Over New York

Two of Jay's contributions are less known. The *Federalist Papers* stand on their own as the most crucial documents interpreting, and arguing for passage of, the Constitution in the 13 colonies. In New York State, where they played a critical role, Jay also circulated his own pamphlet, at his own expense, *Address to the Citizens of New York on the Subject of the Constitution*, aimed especially at the recalcitrant Anti-Federalist delegates. According to Stahr and author Richard Morris, this pamphlet was central in gaining passage of the Constitution by the New York convention in Poughkeepsie. Second, is Jay's decisive role at that convention. While Hamilton and Jay collaborated to carry the state, it was Jay who worked the floor and used his personal ties to win over the anti-Federalist majority to the principles of the new nation and secured the vote.

The *Address to the Citizens of New York* is a bitter attack on the weakness of the Articles of Confederation, demonstrating how they had brought the nation to the brink of utter disaster. "The spirit of private gain expelled the spirit of public good, and men became more intent on the means of enriching and aggrandizing themselves, than of enriching and aggrandizing their country." He recounted the inherent powerlessness of the government under the Articles and developed in great detail the then-imminent crisis about to grip the nation.

He then explained both the intent of the framers of the new Constitution and demonstrated the tremendous improvement that it represented over the Articles. He proceeded to refute the naysayers point by point, differentiating between those who really did want the Union versus those whose attack on the new Constitution was a cover for their ill-intended opposition to the idea of a powerful central government, which might infringe on their self-gain. He concluded by posing the issue of the moment: If there is no Constitution now, then the nation is likely to descend into chaos and foreign takeover, and any delay will very surely be fatal.

The *Address* is both passionate and exact, and concludes with a call, again echoing William Shakespeare, to "continue to move and act as they hitherto have done, as a band of brothers; to have confidence in themselves and in one another; and since all cannot see with the same eyes, at least to give the proposed Constitution a fair trial, and to mend it as time,



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*John Jay played a much more important role in the U.S. revolutionary struggle, and early republic, than most people know.*

occasion and experience may dictate. It would little become us to verify the predictions of those who ventured to prophecy, that peace; instead of blessing us with happiness and tranquility, would serve only as the signal for factions, discords and civil contentions to rage in our land, and overwhelm it with misery and distress."

### First Chief Justice

Once the Constitution was adopted, Jay and his colleagues, Washington, Hamilton, Knox, and others, worked to form the first government. To ensure the legal precedents would be set that established the primacy of the federal government over the states, Jay accepted Washington's request that he serve as Chief Justice of the Supreme Court.

As the first Chief Justice, Jay laid the groundwork for the power of the third branch of government. It was also during this term, that Jay, working alongside Hamilton, rallied the nation against the perfidy of the British-directed French Revolution, both inside and outside the nation. Against much opposition, Jay, in collaboration with Hamilton, wrote the Neutrality Proclamation issued by President George Washington. It was Jay and Hamilton who mobilized the nation against the insurrection being organized by French *agent provocateur* Edmond Genet, to overthrow the Washington government.

Many of these developments, while Stahr reports them, thoroughly rile his sensibilities, and he continuously blocks on their import. He prefers to stereotype Jay as the understated but brilliant lawyer, (needless to say, Stahr himself is an attorney), rather than the passionate revolutionary, who displayed political and intellectual courage in resisting the numerous British traps that were being set throughout this period.

As Washington and Hamilton's emissary to Great Britain, while still serving as Chief Justice, Jay travelled to London in 1794 and negotiated what became known as Jay's Treaty. This dangerous mission saved the nation from a disastrous second war against the British. Stahr condemns Jay for the mission, calling it wrong for a Supreme Court Justice to engage in foreign policy. Never mind that the nation was in immediate mortal danger.

Jay's final public service to the nation was as a two-term governor of New York State. He successfully defeated Aaron Burr's and George Clinton's political machines, and secured the governor's mansion in 1795. Governor Jay presided over the massive infrastructure projects that established the Empire State as a national leader in internal improvements and industrial progress. Jay also enacted landmark reform in the penal codes, and oversaw the passage of the first anti-slavery measures in the United States.

As the first president of the New York Manumission Society, Jay was a national leader in the movement to end slavery in America, and would play a critical role in this throughout his life. He worked closely with Hamilton and Benjamin Franklin to oppose this despicable institution. His opposition was so impassioned, that Hamilton once had to forcibly restrain him from intervening into the Constitutional Convention to oppose the slavery compromise. However, as a testament to the times, Stahr correctly points out that Jay, like many New Yorkers, was a slaveholder throughout much of his career.

### Stahr's Shortcomings

Unfortunately, this book is deeply flawed. Stahr is at his best handling legal precedents and some foreign policy matters. On the most basic level, he is governed by the modern disease of empiricist objectivity, and sacrifices the real drama and passion of the Revolution upon the altar of Sgt. Joe Friday's "just the facts, ma'am" syndrome. Even so, he leaves many of the key facts out of his book. Further, the book suffers from a severe lack of historical understanding of the American Revolution, and its philosophical and economic underpinnings. Typical of such omissions, is a document Jay wrote on the eve of the Trenton Crossing in 1776. As related by Richard Morris, the definitive biographer of Jay, this apparently brilliant, but hard-to-locate message to the American troops compares with Thomas Paine's famous *Crisis* paper. Stahr does not even reference it.

The root of Stahr's shortcomings lies in his lack of understanding of the strategic and political intentions of the nation-

alists: that they were striving to establish a republic with the power to do good.

Worse, Stahr goes so far as to denigrate Jay's handling of the Genet Affair and Jay's Treaty, criticizing the courageous Jay for both undertakings to save an endangered nation, implying they ventured beyond the responsibility of the Supreme Court Justice. Genet, on orders from the revolution in France and most likely, its British controllers, was stirring up mutiny, all but demanding the overthrow of the Washington government. Thousands of people demonstrated in the streets, as confused Cabinet members Jefferson and Madison supported the French, and Genet was unlawfully seizing British ships, thereby bringing the United States to the brink of war.

At the deeper level, Stahr, like nearly all contemporary historians, doesn't understand the significance of the American revolution in universal history, nor the principled fight within the United States. There has been a protracted war in this nation between those elements supporting republican principles, and those who believe in enslaving the population to the deprivations of a financial oligarchy. Hence, Stahr merely touches on some facts, but never appreciates the open conspiracy comprised of the original republican grouping, in which Jay was a leader. Jay became so close to Franklin, especially while in Paris where he negotiated the peace treaty with England, that Franklin named Jay as one of the executors of his will.

Similarly given short shrift is Jay's leadership of the Conspiracy Committee during the early days of the Revolution, to root out the enemies in the British stronghold of New York City. At one point, Jay arrested the entire city government, including the Mayor, as Loyalist agents. He co-ordinated an extensive network of spies and agents, penetrating the British military and civilian sympathizers. Again, Jay's deep collaboration with Hamilton is no more than referenced, whereas the two men were in constant touch for over 25 years, which included their work on the Constitution, Jay's operation against Genet, and his mission to England which produced the Jay Treaty. But you wouldn't know that from Stahr.

Jay's house was the headquarters of the republican salon in New York, then the capital of the nation. His dinner guests regularly included prominent members of Congress, republican thinkers, George Washington, James Madison, and Hamilton.

Perhaps equally telling is that Stahr falls down on the question of Jay's enemies, barely mentioning Hamilton-assassin Aaron Burr and Burr's ally, the duplicitous Governor Clinton, who targeted Jay for political demise. In 1792, when Jay first ran for Governor of New York, Burr ran a vote fraud operation against him, causing him to lose the election. Nowhere does Stahr get at the British-run Burr's conspiracy against Hamilton and Jay.<sup>2</sup>

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2. See Anton Chaitkin, *Treason in America* (New York: New Benjamin Franklin House, 1985); *passim*.

## The Economic Driver

Jay, who was nearly named Secretary of the Treasury instead of Hamilton, took some of his most important leadership roles in the sphere of stabilizing the new republic's economy. When Jay became President of the Continental Congress in 1778, the emerging nation had no stable currency, mountainous debts, and was unable to pay for the supplies needed to pursue the Revolutionary War.

As the Continental Congress's Minister to Spain, Peace Commissioner in France, and later Foreign Secretary for the Continental Congress, he was overwhelmed by the restrictions on American trade and commerce. We had a fleet of merchant seamen that could not be protected on the high seas from pirates or British raiders, whose depredations badly hampered our trade, which was vital for our very survival. The Spanish government was continually haggling over the right to ship goods down the Mississippi River, and the British were menacing our settlers and trappers in the interior through their string of forts on our perimeter.

Jay, Hamilton and others, were acutely aware of the domestic limitations on production with a national infrastructure grid that was all but nonexistent. There were no roads or bridges in the 13 colonies, either before or after the Revolution. Manufacturing was hardly a factor, and the banking system was in shambles. In his *Address to the People of New York on the Subject of the Constitution*, Jay provided an impassioned argument for the necessity for the national economic program which was embedded in the Hamilton-Franklin-Washington plan for the Constitution.

"From this new and wonderful system of Government [i.e., the Articles of Confederation] has come to pass, that almost every national object of every kind, is at this day unprovided for; and other nations taking the advantage of its imbecility, are daily multiplying commercial restraints upon us. Our fur trade is gone to Canada, and British garrisons keep the keys of it. Our shipyards have almost ceased to disturb the repose of the neighborhood by the noise of the axe and hammer; and while foreign flags fly triumphantly above our highest houses, the American Stars seldom do more than shed a few feeble rays about the humble masts of river sloops and coasting schooners. The greater part of our hardy seamen are plowing the ocean in foreign pay; and not a few of our ingenious shipwrights are now building vessels on alien shores. Although our increasing agriculture and industry extend and multiply our productions, yet they constantly diminish in value; and although we permit all nations to fill our country with their merchandises, yet their best markets are shut against us. . . .

"Can our little towns or larger cities consume the immense productions of our fertile country? or will they without trade be able to pay a good price for the proportion they do consume? . . . [W]hat numbers of fine cattle have returned from this city to the country for want of buyers? What great quantities of salted and other provisions still lie useless in the stores?

Our debts remain undiminished, and the interest on them accumulating, our credit abroad is nearly extinguished, and at home unrestored; they who had money have sent it beyond the reach of our laws and scarcely any man can borrow of his neighbor. . . ."

This was clear motivation, argued Jay, to establish the Federal Constitution, and rectify this horrendous state of affairs.

After the nation's founding, Jay sought to focus much of the power of the country in the newly strengthened Federal government, in order to ensure "the general welfare" by encouraging domestic infrastructure projects. As New York Governor from 1795-1801, Jay presided over a hefty increase in the state's economic development. This is one of several sections, in which Stahr's book does justice to Jay's efforts. Under Jay's leadership, a revolution in transportation was initiated. "Roads were built both by the state government and by private toll road companies. The state chartered more than a dozen toll road companies while Jay was Governor, and by 1807 more than 900 miles of turnpike were open. Canals were also under construction, on a modest scale. Various friends of Jay, including Philip Schuyler and Elkanah Watson, were the owners of Western Inland Lock Navigation Company, organized in 1792. . . . The company built and dredged three canals, proving in the process that it was far cheaper to transport goods by water. [This project was ultimately what became the Erie Canal-ed.] Robert Livingston and others were working on the problem of building a steamship. In 1798 and 1799, the state passed laws promising Livingston a monopoly, if he could get a steam boat in service within a certain period. It would take another decade to solve the problem, but the idea was in the air."

Similarly Governor Jay ensured support for industry, and factories began springing up around the state.

## Nationalist Leader

On balance, Stahr's book does make the case for re-establishing Jay's pre-eminent role among the nation's founders. Though not the intellectual equal of his close ally Alexander Hamilton, nor the military equal of Washington, Jay must be counted as indispensable among the nation's architects. He was one of the key collaborators and disciples of the nation's true founder, Benjamin Franklin, and unlike Jefferson and Madison, he rarely strayed from the most important principles, no matter how trying the times.

Jay's life appears a paradox to many, including, I think, author Stahr. Born into an aristocratic Dutch and British family, John Jay appeared the most unlikely of revolutionaries. Yet once he committed his soul to the new nation, he became one of its most fearless leaders. In that, he bears a distinct similarity to a later New York aristocrat, also of Dutch extraction, Franklin Roosevelt, whose Revolutionary ancestor, Isaac Roosevelt, was also a friend of Jay and Hamilton.