

# How Congress Lost, Part VI: Madison, Monroe, and the Republican Presidency

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## Key Points

- Disputes among the framers over the president's appropriate role in national affairs lingered for more than a generation after the Constitution was ratified.
- When James Madison became president in 1809, he adopted a "republican" model of the presidency, emphasizing congressional opinion's centrality to public policy formation. James Monroe, his successor in 1817, had a similar view.
- Though neither comes across as a "strong" president today, their belief in a more limited role for the executive yielded enormous public policy gains without the divisive politics that characterized the 1790s.
- Their style of executive governance was undone in the Jacksonian era and has since been abandoned despite its advantages. But it still serves as a counterexample of a president's proper role in a republic.

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James Madison and James Monroe are often remembered as mediocre presidents. In C-SPAN's 2021 Presidential Rankings Survey, Madison came in at 16 and Monroe at 12. Their reputations had improved slightly since 2000, when they were ranked at 18 and 14, respectively. This put them high among the middle-tier presidents, along with Bill Clinton and William McKinley, but out of the ranks of greatness. George Washington, Abraham Lincoln, and Franklin Delano Roosevelt were well ahead of both.<sup>1</sup>

One wonders what the two men, Madison especially, would think of such rankings. After all, everything depends on the standard by which one evaluates presidents. Many in the top tier are there because they extracted what they wished from Congress—Roosevelt, the paradigm of this, clocked in at number three. But this presumes a vision of presidential governance Madison never accepted.

Alexander Hamilton's vision of strong presidential leadership, embodied in *Federalist* 70, remains in tension with Madison's advocacy of an extended republic characterized by checks and balances in *Federalist* 10 and 51.<sup>2</sup> Hamilton thought the presidency should not only guide Congress toward certain policies but employ the institutional means at its disposal to impose its will, using the office's stature to frame the choices available for the legislature and even dispense patronage as needed to ensure the "correct" policy is enacted. Madison thought Congress, as the institution that reflects the public will, should be the dominant actor in the government. The president's job is to inform and recommend and intervene when Congress violates its constitutional duties to the general welfare, but otherwise it should wait for the people's representatives to discover common ground. Central to the fight between the Republicans and Federalists in the 1790s was this very

question: To what extent should the executive branch govern the nation?

Thomas Jefferson relied on his reputation to dance around this problem. The legendary author of the Declaration of Independence, he would personally court members of Congress at the White House, hosting them at small, intimate dinners where his charms would bind them to him. Thus, he could be a “strong” president while forgoing the trappings of presidential majesty, like formal state dinners or in-person State of the Union addresses to Congress. C-SPAN’s ranking has Jefferson in the top 10, despite Jeffersonian scholars seeing his second term as disastrous.<sup>3</sup>

When Madison took office in 1809, he governed much more closely to the “republican” vision. He did not have Jefferson’s political prestige, and while he certainly had a loyal faction in Congress, his general strategy was to let the legislature work through public problems. As Albert Gallatin would say of Madison in December 1808, “Mr. Madison is, as I always knew him, slow in taking his ground, but firm when the storm arises.”<sup>4</sup> His approach may seem mediocre if we conceive the president as being at the center of American political life, but the results were impressive: vindication in the war against Great Britain, major economic reforms, and an end (albeit temporarily) to partisan hostilities.

Monroe took office in 1817 after only token Federalist opposition and was elected in 1820 without any challenger, winning a greater share of the electoral vote than any president besides Washington.<sup>5</sup> Like Madison, he embodied this republican spirit of presidential governance. And he too oversaw a successful string of government policies—federal sponsorship of internal improvements, the resolution of the Missouri Crisis, the acquisition of Florida from the Spanish, and the establishment of the Monroe Doctrine. Like Madison, Monroe rarely led the charge on these initiatives, but that is the point. Their vision of the presidency was as chief magistrate, not tribune of the nation or center of the political universe.

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As discussed in Part II of this series, there was a vigorous debate among the founding generation about the presidency’s role in American political life. This disagreement mimicked arguments among the British about the

monarch’s proper role following the Glorious Revolution. Should the sovereign stand back from politics and allow Parliament to work its will? Some intellectuals in both the Whig faction (like John Trenchard and Thomas Gordon) and the Tory faction (like Lord Bolingbroke) argued yes. This was an essential principle of the ancient English constitution, but according to this “Country Party,” a “Court Party” consisting largely of the king’s ministers had subverted it. These ministers had used patronage to bribe members of Parliament to do the bidding of the government rather than their constituents. But David Hume, the famous Scottish philosopher, defended this idea, arguing that it created balance and maintained order in the government.

The framers themselves debated these views at the Constitutional Convention. Most were sympathetic to the Country view, but Hamilton was a notable dissenter. As the Constitutional Convention debated the extent to which members of Congress should be eligible for offices, Hamilton—citing Hume approvingly—encouraged members to “take mankind as they are” and warned that “pure patriotism” was not enough to extract public service from the elites. Their self-interests had to be engaged, and thus it was appropriate to use offices to allure men to do the right thing.<sup>6</sup> This disagreement continued into the new government. As discussed in Part III of this series, by 1791 Madison was convinced that Hamilton was using his position as secretary of the treasury as a source of patronage to influence the proceedings in Congress. In response, Jefferson and Madison created what they called the “Republican Party” to root out what they thought was an American version of the British Court Party.

By 1809, the Republicans had succeeded. Jefferson had purposefully adopted a policy of reconciliation with Federalists, and it paid off. The Federalist position in government atrophied after 1800. In 1808, Madison had more trouble securing the presidency from threats within his own party than from Federalist Charles Pinckney. Monroe challenged Madison with the backing of conservative Republicans like John Randolph of Roanoke while New York Republicans—frustrated by the Virginians’ domination in the executive—cast protest votes for George Clinton, Madison’s vice presidential nominee.<sup>7</sup>

The internecine challenges to Madison demonstrated that the Republican triumph over Federalism had

come at the cost of internal cohesion. Britain and France were still at war, with the United States caught in the middle. Some Republicans, like Madison, pushed for a firm stance defending the nation's right to trade with both sides. Others like Randolph and Monroe believed that Great Britain would not long allow America to trade directly with French colonies and that eventually America would be dragged into the conflict. Conservatives like John Taylor of Caroline were still suspicious of Madison because of his long-ago partnership with Hamilton in support of the Constitution. Taylor complained that Madison was a "trimmer" and that the "book called the *Federalist* is full of federalism, if I understand what federalism is."<sup>8</sup>

Meanwhile, there was growing frustration in Congress with Albert Gallatin, Jefferson's secretary of the treasury, whose relentless program of government economy had stripped bare the Army and Navy. This enabled Jefferson to cut taxes, which was popular with the country at large but left some in government, like Maryland Senator Samuel Smith (brother of Jefferson's secretary of the Navy, Robert Smith), extremely frustrated. Smith and his group of "Malcontents" also included Senator William Branch Giles of Virginia, another Jeffersonian partisan fed up with Gallatin.

As discussed in Part V of this series, party unity is necessary for strong presidential governance in our system. Madison did not have that—his decisive victory over Pinckney in 1808 notwithstanding. So even if he had hoped to be a strong, Hamiltonian-style executive, he probably would have struggled.

It was an unhappy moment to become the president of the United States. The country faced a diplomatic crisis with no clear solution. As the Napoleonic Wars raged on, Great Britain and France harassed American shipping on the high seas. After the Royal Navy smashed a joint French and Spanish fleet in the Battle of Trafalgar in 1805, Great Britain dominated the Atlantic sea-lanes. Unable to trade with their colonies in the Americas, Spain and France allowed American ships to ferry goods into and out of the Caribbean. The British refused to allow this, seizing American ships and impressing their sailors. Tensions hit a crisis point in 1807 when the HMS *Leopard* fired on the USS *Chesapeake*, injuring several Americans and damaging the ship. Madison, as Jefferson's secretary of state, encouraged commercial retaliation, leading to the Embargo Act of 1807. Madison

thought denying American exports to the European powers would induce them to respect American rights, but to no avail.<sup>9</sup> The trade war was a disaster, and Congress repealed it just days before Madison became president.

The 11th Congress, which took its seat in March 1809, had several options to deal with the problem—none of them appealing. It could wave the proverbial white flag to the British and capitulate to the latter's domination of the high seas. That was a nonstarter. Americans were in no mood to give in to the British, whose truculence during negotiations rankled the nation's pride. Alternatively, Congress could reboot commercial retaliation, which Madison preferred. However, this had previously been incredibly damaging to not only the farmers whose livelihoods depended on exports but the merchant and shipping interests of New England, which arranged for and conducted international trade. Congress could prepare the Army and Navy for war, but this would require unpopular taxes and revive old fears about the dangers of "standing armies."<sup>10</sup>

Congress—hoping to have its cake and eat it too—adopted what would become known as "Macon's Bill Number 2." This law opened trade with Britain and France and pledged to restrict trade with the enemy of the first country that began respecting American rights. This is not what Madison wanted at all. He preferred offering to open trade up to whichever nation first dealt fairly with the United States. In picking the opposite approach, Congress rewarded the bad behavior of the French and British and left little for Madison to bargain with in negotiations, as both countries had gotten what they wanted for nothing.

Though he made a series of legislative recommendations, Madison mostly avoided the day-to-day of congressional wrangling. His attitude on the domestic side was to let Congress find the best course of action while he focused on foreign affairs. Through vigorous diplomatic action, Madison had isolated Britain as America's great European foe by 1812. This effectively allowed Napoleon Bonaparte, whose imperial government had hardly been nicer to the Americans, off the hook. But Madison's judgment was that the British had historically been a greater danger to American sovereignty. And through a series of small maneuvers over his first term, he accumulated a persuasive body of evidence demonstrating that His Majesty's government had never been

negotiating in good faith and had no intention to do so. The only recourse was war.

Madison's diplomatic efforts were all the more extraordinary because, until 1811, he effectively functioned as his own secretary of state. Samuel Smith and the "Invisibles," a congressional faction quietly working behind the scenes to undermine Madison, had thwarted the president's attempts to install Gallatin as secretary of state and insisted that Robert Smith be promoted to the role from the Navy. Madison agreed but found the younger Smith totally out of his depth. Thus the task fell on the president to review reports from American diplomats overseas and draft instructions to them. As tensions with Britain worsened, Madison finally concluded he needed a sure hand at the State Department and thus made amends with Monroe—who was brought into the cabinet in April.<sup>11</sup>

Madison's first term is thus markedly different from his predecessors'. Like John Adams, Madison was harassed by partisans of his own side, but there was no organized effort to thwart his administration. Instead, the attacks tended to be petty in nature (in the case of the Invisibles) or from a minority in the party (in the case of Randolph and Taylor). Unlike Washington or Jefferson, Madison generally allowed Congress to work its will. He had no de facto prime minister, as Washington had in Hamilton. And, unlike Jefferson, he lacked the reputational prestige to influence Congress personally.

Thus from a contemporary perspective, where the expectation is for the president to order Congress around, Madison looks weak. But his administration embodies the republican vision of the president's role: recommend and encourage but leave domestic matters mostly to Congress, focus on foreign affairs, and endeavor to manage international relations in a way most amenable to the national interest. When Madison submitted—and Congress approved—a war declaration in June 1812, this was not Madison demanding action but acknowledging the consensus view that war was now the only honorable path.

Madison became America's first wartime commander in chief, which sets him apart from the first dozen presidents, excepting James K. Polk. The war did not go well at first, as the country's failure to invest in a permanent military infrastructure stymied its ambitions to invade Canada. But over time, Americans' martial skills and bravery improved, and by the end of the war,

the country bested the British in three major battles—Plattsburgh, Baltimore, and New Orleans. Madison was diligent, if unspectacular, in his management of the armed forces. But importantly, he did *not* suppress political opposition to the war—as Adams had during the Quasi-War of 1798, and which Lincoln, Woodrow Wilson, and Roosevelt would all do. He was restrained even as New Englanders sent delegates to the Hartford Convention, where secession was briefly discussed. The author of the Bill of Rights, Madison appreciated that the president's role was not to stifle public opinion, even if it would be politically convenient to do so.

The final two years of Madison's presidency saw the establishment of the Second Bank of the United States, the first protective tariff, and a renewed interest in internal improvements, all of which would become hallmarks of American economic development for the next generation. The country also invested in the permanent military establishment—increasing funding for West Point, appropriating money for forts along the Atlantic coast, and establishing a more robust quartermaster department. Madison recommended many of these reforms in his seventh annual address, but to say these were his measures—in the same way that Hamilton pushed the First Bank or Jefferson pursued military spending cuts—is not quite right. Madison had allowed these ideas to percolate among young members of Congress like Henry Clay and John C. Calhoun, encouraged the legislature to adopt them, and generally let Congress do its work.

This was not presidential leadership as Hamilton envisioned in *Federalist* 70, but when Madison left office in March 1817, the country was free for the first time in a generation from entanglements with European nations, had laid down a durable plan of economic growth, had established the institutions necessary for an effective fighting force, and had done so without much partisan strife. Whereas Hamiltonian "energy in the executive" had fostered a climate of fear and paranoia in the 1790s, Madison's more limited view of executive leadership had overseen the resolution of long-standing problems without affecting national unity.

That Madison was not a pushover to Congress is reflected in one of his final acts as president. In March 1817, he vetoed the "bonus bill," which would have used the bonus due to the government from the Bank of the United States as a fund to sponsor internal

improvements. Madison—over the staunch objections of Clay—rejected the measure, arguing that it lacked constitutional sanction.<sup>12</sup> The job of the president, in Madison’s mind, did not include dictating policy to Congress, but it did require him to defend what he believed were the limits of legislative authority.

As Madison passed the executive baton to Monroe, the latter was intent to continue in the tradition of his predecessor. By this point, many political leaders emerged as significant players in governing affairs, and Monroe sought to install them into his cabinet while maintaining regional balance. John Quincy Adams of Massachusetts became secretary of state, Calhoun of South Carolina became secretary of war, William Crawford of Georgia became secretary of the treasury, and William Wirt of Virginia became attorney general. Monroe had invited Clay of Kentucky into the cabinet as secretary of war, but Clay had eyes on the presidency and gambled that his best bet was to remain in Congress.

Like Madison before him, Monroe was not interested in a heavy-handed style of governance. His project was, rather, to continue resolving lingering partisan tensions, which meant a general approach to allowing Congress to resolve itself.<sup>13</sup> This meant that the politics of the Monroe administration could be messy as it lacked the staying hand of a presidential leader. For instance, in 1818, Andrew Jackson—in contravention of his orders—invaded Florida, which was legally under Spanish control. But the Spanish were too busy putting down revolutions in South America to protect the peninsula. Under the pretext of suppressing a rebellion from the Seminole, Jackson marched into Florida and took possession of Pensacola. Monroe convened the cabinet, which concluded that Jackson had overstepped the boundaries of his instructions. Only Quincy Adams—serving as secretary of state—disagreed. Rather than apologize, however, Jackson protested to the president, arguing his actions reflected a reasonable interpretation of his orders.

Publicly, Monroe was at pains to defend Jackson to Congress, even as he returned the seized outposts to the Spanish. The Adams-Onís Treaty of 1819 ceded Florida to the United States in exchange for the United States paying \$5 million in claims held by Florida residents against the Spanish. That should have been that but not for Clay, who had positioned himself once again as Speaker of the House. In January 1819, he took to

the House floor to denounce Jackson in a speech that Margaret Bayard Smith called “not only elegant but amusing.”<sup>14</sup> In the address, which lasted two days, Clay compared Jackson to “some daring military chieftain, covered with glory, some Philip or Alexander, [who] would one day overthrow the liberties of his country.” Jackson would never forget—or forgive—this remark.<sup>15</sup>

The contretemps over Jackson’s invasion of Florida are completely alien to our present-day politics. That Clay—the most preeminent Republican in Congress—would criticize a senior military official in the Monroe administration is impossible for Americans in the 21st century to fathom. Members of Congress are expected to fall in line behind the president’s decisions, if the two are of the same party. And indeed, one struggles to imagine that occurring had a Hamilton or a Jefferson been in the executive. But Monroe, like Madison, was not one to strong-arm his fellow partisans.

And also like Madison, the results of Monroe’s tenure are hard to underestimate, even if the president did not play the role of “strong” leader. In addition to Florida’s annexation, Monroe’s tenure saw further steps in industrial protection and internal improvements, the Missouri Compromise, and the Monroe Doctrine—arguably the most enduring elements of American foreign policy. And all of this occurred with virtually no organized political opposition. Rarely was Monroe at the center of policy formation, but that was precisely the point—the task of a republican president is not to dominate but to recommend, encourage, and intervene directly only when Congress violates the Constitution.

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The period from 1809 to 1825 was tumultuous but productive for the United States in domestic economic development, foreign affairs, and national unity. This era did not have a vigorous Hamiltonian executive but rather leaders committed to a modest, republican view of the presidency. The president did not pull Congress’s strings but rather facilitated and managed debate in the legislature with an eye to the national good.

This era of republican governance was ultimately undone by a lingering defect in the Constitution—the matter of presidential selection. As noted in Part II of this series, the framers designed the Electoral College to reconcile two competing objectives—to keep the

president independent of Congress and afford effective presidents an opportunity for reelection. But the system broke down almost immediately, as it did not account for the rise of party competition. Aaron Burr's ill-fated challenge to Jefferson led to the adoption of the 12th Amendment, which required electors to vote for president and vice president separately.

Deeper problems remained in the system. The framers created a two-step selection process—a first round through the Electoral College and then a vote in the House should nobody win a majority of electors. The public was not formally invited to participate, in part because the framers did not believe the people would select the right person. Unlike the rest of the major institutions the Constitution created, these institutional mechanisms never gained widespread buy-in. The people had accepted Congress, the Supreme Court, the principle of federalism, and the Bill of Rights—but 30 years into this experiment in self-government, they did not view the constitutional system of presidential selection as a legitimate intermediary between themselves and the chief executive. By 1824, most states were allocating their electoral votes based on a popular plebiscite. This was technically consistent with the Constitution, which gave the state governments power to allocate electors, but it reflected a growing sentiment that presidential selection properly belonged to the people, unmediated by the Electoral College or the House.

The growing disconnect between public expectations and constitutional realities was not a problem during the presidencies of Jefferson, Madison, and Monroe because the Republican Party had (mostly) coalesced around one candidate. The public choice was thus between just two candidates—and the Federalist offering was a non-starter. But in 1824, five Republicans initially sought the presidency: Adams, Calhoun (although he took the vice

presidential nomination instead), Clay, Crawford, and Jackson. Congressional Republicans nominated Crawford, although no other candidate abided by that decision, largely because Crawford partisans staged it to ensure his nomination. Four contenders thus went into the general election, with none earning an Electoral College majority.

Jackson's partisans would later claim that, having won a plurality of the popular vote, he was the "people's choice." But the fact is that several states did not have a popular vote for president, including New York, where Jackson was weak. Absent a majority winner in the Electoral College, the race went to the House of Representatives, where the forces of Clay and Adams combined to lift the latter above Jackson. Clay then became secretary of state.

Constitutionally, this was not only legal but exactly what the founders had intended. Absent a consensus choice among the electors, the founders thought the president should be selected through bargaining in the House. Indeed, they expected this to be the norm. And a unification of the Adams and Clay forces made a great deal of sense. Although the men were quite different in their personalities and habits, ideologically, they were similar, and both believed Jackson unfit for the White House.

Yet the hue and cry throughout the country was fierce. What Clay and Adams had done was legal. It was constitutional. But it was not seen as *legitimate*, becoming known as the "corrupt bargain." Jackson's supporters would form a new coalition to vindicate their man in 1828, and President Jackson would fundamentally transform the executive. He would be the furthest thing imaginable from Madison. The age of republican presidential governance would forever be over.

## About the Author

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## Notes

1. “Presidential Rankings Survey 2021,” C-SPAN, June 30, 2021, <https://www.c-span.org/presidentsurvey2021/?page=overall>.
2. *Federalist*, no. 51 (James Madison), <https://founders.archives.gov/documents/Madison/01-10-02-0279>; and *Federalist*, no. 70 (Alexander Hamilton), <https://founders.archives.gov/documents/Hamilton/01-04-02-0221>.
3. For an illustration of the scholarly consensus on Jefferson’s second term, see Forrest McDonald, *The Presidency of Thomas Jefferson* (University Press of Kansas, 1976), 139–60.
4. Albert Gallatin to Joseph H. Nicholson, December 29, 1808, [https://oll.libertyfund.org/titles/adams-the-writings-of-albert-gallatin-vol-1-1#lf1358-01\\_head\\_294](https://oll.libertyfund.org/titles/adams-the-writings-of-albert-gallatin-vol-1-1#lf1358-01_head_294).
5. Rufus King was the nominal Federalist choice, but he did not campaign. He would later write that Monroe “had the zealous support of nobody, and he was exempt from the hostility of Everybody,” as described in Noble Cunningham, *The Presidency of James Monroe* (University Press of Kansas, 1996), 19.
6. Alexander Hamilton, “Constitutional Convention. Remarks on the Ineligibility of Members of the House of Representatives for Other Offices,” speech, Philadelphia, PA, June 22, 1787, <https://founders.archives.gov/documents/Hamilton/01-04-02-0106>.
7. Monroe never formally declared his candidacy in 1808 but told Representative Walter Jones that “the nation should be left perfectly at liberty to make its own decisions.” For early 19th-century Republicans, this was as much a campaign announcement as propriety admitted. See Stanislaus Murray Hamilton, ed., *The Writings of James Monroe* (G. P. Putnam’s Sons, 1901), 5:22–23.
8. John Taylor et al., “Of Principles and Men: The Correspondence of John Taylor of Caroline with Wilson Cary Nicholas, 1806–1808,” *Virginia Magazine of History and Biography* 96, no. 3 (1988): 328, 377.
9. See, for instance, James Madison, “JM Editorial in the National Intelligencer, 23 December 1807,” December 23, 1807, Founders Online, <https://founders.archives.gov/documents/Madison/99-01-02-2461>.
10. The anonymous Cato, so popular among Americans, advised “that the best Security of a Prince amongst a free People, is the Affections of his People, which he can always gain by making their Interest his own, and by shewing that all his Views tend to their Good.” A prince who needs an army during peacetime is a sovereign governing against the public interest. See Thomas Gordon, “A Discourse on Standing Armies,” in *Writings on Standing Armies*, ed. David Womersley (Liberty Fund, 2020), 511.
11. Jefferson worked hard to bridge the divide that opened between his friends. As early as March 1809, he reassured Madison that Monroe had “separated himself from the junto which had got possession of him.” And when the two finally met in the spring of 1810, he reported to Madison that he was “delighted to see the effect of Monroe’s late visit . . . on his mind. There appears to be the most perfect reconciliation and cordiality established towards yourself.” See Thomas Jefferson to James Madison, March 30, 1809, Founders Online, <https://founders.archives.gov/documents/Jefferson/03-01-02-0081>; and Thomas Jefferson to James Madison, May 25, 1810, <https://founders.archives.gov/documents/Jefferson/03-02-02-0362>.
12. Madison wrote that while he was not “unaware of the great importance of roads and canals and the improved navigation of water courses,” he could not overcome the “insuperable difficulty I feel in reconciling the bill with the Constitution of the United States,” despite whatever policy merits it possessed. See James Madison, “Veto Message,” University of California, Santa Barbara, American Presidency Project, March 3, 1817, <https://www.presidency.ucsb.edu/documents/veto-message-246>.
13. For instance, in a special message to the House in 1822, Monroe sought to find common ground on the constitutional question of internal improvements, arguing that Congress might appropriate the money but that it should be spent by the state governments. See James Monroe, “Special Message to the House of Representatives Containing the Views of the President on the Subject of Internal Improvements,” University of California, Santa Barbara, American Presidency Project, May 4, 1822, <https://www.presidency.ucsb.edu/documents/special-message-the-house-representatives-containing-the-views-the-president-the-united>.
14. Cunningham, *The Presidency of James Monroe*, 66.
15. Henry Clay, “Remarks Before the House and Senate of the United States of America,” January 19, 1819, Project Gutenberg, <http://www.dominiopublico.gov.br/download/texto/gu000739.pdf>.

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