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Congress Elects a President: Henry Clay and the Campaign of 1824

Albert D. Kirwan

Introduction

The political and electoral problems treated in the late Albert D. Kirwan's paper, which was originally presented as the Distinguished Professor Lecture of the College of Arts and Sciences at the University of Kentucky in 1968, are firmly, perhaps permanently rooted in the Twelfth Amendment to the Constitution of the United States. That amendment was a rather clumsy attempt to improve on the language and intent of Article II, Section 1, Paragraph 2 of the original document—or that part of it which fashioned the machinery for electing presidents. Failing to anticipate the emergence of political parties in America, and fearful of the threat of too much direct democracy in the new United States, the Founding Fathers in 1787 created an Electoral College whose members would vote by ballot for two persons. . . . The person having the greatest number of votes shall be the President, if such number be a majority of the whole numbers of Electors appointed; and if there shall be more than one who have such a majority, and have an equal number of votes, the House of Representatives shall immediately chuse by ballot one of them for President. . . . But in chusing the President, the votes shall be taken by State, the representation [in Congress] from each State having one vote. . . . after the choice of the President, the person having the greatest number of votes of the Electors shall be the Vice President.

This arrangement broke down completely in 1800 when Democrat-Republicans Thomas Jefferson and Aaron Burr both received seventy-three electoral votes for president. The election was thus thrown into the House of Representatives even though the tie was between candidates of the same party. Indeed, it took
thirty-six ballots and considerable wheeling and dealing to resolve the mess.

To prevent this from happening again, and in recognition of the fact that by 1800 a distinct party system had emerged in the infant United States, the Twelfth Amendment was adopted in 1804. It provided that members of the Electoral College shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President. . . . If no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States . . .

If, then, in a close presidential campaign—one with three or more parties or factions in the field—the Electoral College cannot produce a majority for any candidate, the election goes to the House. There the unit-vote provision ("the votes shall be taken by States") comes into play. Under this wholly undemocratic rubric the House delegation of each state collectively casts one vote. In contemporary terms, this means that Delaware with a state delegation of one representative has the same power in choosing a president as does California with 43 representatives or New York with 39. Indeed, it has been calculated that the five smallest states in the Union, having a total of 2.8 million people and 5 representatives, would have as much power today in the House selection of a president as would the five largest states, having a total of 78.8 million people and 155 representatives.

Such is the potential menace of the Twelfth Amendment, a menace first fully appreciated during the wild and woolly election of 1824. Put succinctly, the Twelfth Amendment was tested in the House of Representatives in February 1825, and, in the opinion of many, was found wanting. Andrew Jackson led the four candidates with 43.5% of the popular vote and ninety-nine electoral votes. He failed, however, to command a majority in the Electoral College and the election went to the House. There, thanks to Henry Clay and the unit-vote provision, John Quincy Adams was elected sixth president of the United States, although he had garnered but 30.5% of the popular vote and eighty-four electoral votes in the November 1824 canvass. True, he had run a strong second in the election; but
second is still second.

The whys, hows, and wherefores of this dramatic event in American political history, particularly the controversial role played by Henry Clay in promoting the election of Adams, are the subjects of Professor Kirwan's instructive paper, an address presented on 8 October 1968, on the eve of the presidential election of that year. That particular election, it will be recalled, was the one during which George Wallace, leader of the American Independent party, made it quite clear that a primary goal of his candidacy was to throw the Richard Nixon vs. Hubert Humphrey election into the House. There, he threatened, he would extract concessions from both major parties on integration, busing, states' rights, the rights of radicals, and civil rights in general. Fortunately Wallace's strategy failed. Still, the Twelfth Amendment is tailor-made for the political blackmail, bargaining, and banditry envisioned by the Alabama politician.

Given the time and circumstances, considerable attention was paid to the disruptive Wallace candidacy in the 1968 version of Professor Kirwan's paper. This material has been edited out. Stylistic and semantic changes for the printed page have been made in the text of the oral presentation, and Dr. Kirwan's original notes have been extensively reworked. All of the 1825 Clay correspondence he cited in 1968 has since been printed, in Volume 4 (1972) of James F. Hopkins and Mary W.M. Hargreaves, eds., *The Papers of Henry Clay*, 7 vols. to date, (Lexington: University Press of Kentucky, 1959-). Other Clay materials mentioned may be consulted in the relevant printed volumes or, if not printed, in the offices of the Clay Papers Project in the M.I. King Library, University of Kentucky.

Robert Seager II, Professor of History, and Editor, *The Papers of Henry Clay*, University of Kentucky.
The Alfred M. Hoffy portrait of Clay in the Gallery of M.I. King Library, University of Kentucky.
A major problem in the 1824 campaign was that the excellent start toward a workable two-party system begun by Jefferson and Hamilton a quarter-century before had faded away. The Federalist party had destroyed itself by taking an unpatriotic posture during the War of 1812, and Democrat-Republican James Monroe, the fifth president, was overwhelmingly elected over Federalist Rufus King in 1816. Four years later he was almost unanimously reelected when the Federalist party failed even to nominate a candidate. The two-party system had broken down completely. On the other hand, the two-term tradition was well established. It would thus be necessary to choose a new person as chief executive in November 1824.

In that year there were no fewer than five candidates, all calling themselves "Republicans." John C. Calhoun (South Carolina) withdrew seven months before the election. This left John Quincy Adams (Massachusetts), Henry Clay (Kentucky), William H. Crawford (Georgia), and Andrew Jackson (Tennessee) in the lists. At the same time, there was growing dissatisfaction with the presidential nominating process, and there were numerous highly emotional and distinctly sectional issues that cut across class lines. These included the slavery, tariff, national bank, and internal improvements questions.

There were also strong sectional jealousies that had to be taken into account in making a choice for president in 1824. Virginia, representing the Upper South, had monopolized the executive office for all but one term since the founding of the republic thirty-six years earlier. New England resented the fact that only one of her sons, John Adams, had ever been chief magistrate. The Middle Atlantic states, headed by powerful New York and Pennsylvania, resented even more that their section had never been so honored.

And by the 1820s, a new region, the West, was growing rapidly; it too had developed presidential ambitions. "You may confidently believe in an entire union of the West in favor of some western candidate," Henry Clay had written in December 1821. The contest began immediately after the election of 1820, even earlier if John Quincy Adams's view of the matter be taken at face value.
At the outset the leading candidate was unquestionably William H. Crawford. All but forgotten now, Crawford was one of the most distinguished Americans of his generation. A Virginia-born Georgian, he was extremely popular in the South Atlantic region. A defender of the status quo and of states’ rights, he was affable, studious, and sagacious. He had a handsome face atop a body of heroic proportions. He was a man early marked for distinction. Elected to the United States Senate in 1807, when he was barely thirty-five, he was in the next eight years successively chosen president pro tem of the Senate, secretary of war, minister to France, and secretary of the treasury. So prominent was he that when it came time for the Republicans to nominate a successor to Madison in 1816 many urged him to challenge secretary of state James Monroe, then regarded as Madison’s crown prince. Crawford, however, refused to push his own candidacy. Even so, he received fifty-four votes to Monroe’s sixty-five in the congressional caucus of 16 March 1815. His modest self-denial thus earned him the gratitude of Monroe and the universal respect of the old Republican leaders. President Monroe, therefore, continued him in his office as secretary of the treasury, and the Republican elders, by common agreement, looked to him as Monroe’s successor in 1824. But long before that date new and younger leaders had been brought forward by the political turbulence created by the War of 1812 and its settlement at Ghent in December 1814, and some of them now prepared to challenge the old order of leadership whose anointed leader Crawford was.

In Monroe’s cabinet as a colleague of Crawford was secretary of state John Quincy Adams, fifty-seven-year-old Harvard graduate with an impressive family and personal background. At the age of eleven he had accompanied his father John Adams on a diplomatic mission to France during the American Revolution; at the age of fourteen he was secretary to the American minister at St. Petersburg; at twenty-six he became American minister to the Netherlands. Along with Henry Clay and three others he negotiated the Treaty of Ghent in 1814. During those negotiations Adams and Clay developed wary respect for one another, but little real affection. Differing in temperament and interests, they clashed over personal as well as policy matters. Clay’s fondness for wine, cards, and late hours irritated the dour Puritan from Quincy. More to the point, Adams’s willingness to cede to the British free use of the Mississippi River in exchange for fishing privileges for New England
seamen on the Newfoundland banks brought on a clash with Clay that precipitated a crisis within the American delegation. Adams's subsequent appointment to the state department by Monroe further antagonized the Kentuckian, who thought his own claim to the office superior. But as secretary of state, Adams would cap a remarkable diplomatic career by negotiating the acquisition of Florida and by serving as chief architect of the policy that became known as the Monroe Doctrine.

But for all his accomplishments and for all his learning, which was prodigious, Adams simply did not look the part of a president. Bald of pate and round of body, his physical appearance did small justice to his mental and moral powers. "His head glistened too much like a Sun Dial [and] he had neither the manners nor the appearance of a gentleman," wrote one who met him for the first time. Besides, he had a cold exterior, acid tongue and pen, and a suspicious mind, bordering almost on paranoia, that turned potential friends into enemies. Yet, as secretary of state he was by tradition a prime candidate for the presidency.3

A second challenger to Crawford was Henry Clay, Kentucky orator and congressional leader without peer in his day. So great was the reputation that preceded him that he was chosen Speaker of the House of Representatives on his first appearance in that body in 1811. As leader of the War Hawks, he probably was more responsible for bringing on a declaration of war in 1812 than any other man. Returning from Europe in 1815, he declined offers to serve as U.S. minister to London or to become secretary of war. (He was passed over for the post of secretary of state.) Tall, angular, graceful of movement, he possessed a charm for both men and women that was almost irresistible. Supremely confident of his own powers, sometimes to the point of arrogance, he developed an ambition for the presidency that would never be gratified but which would never cease to haunt and possess him. Throughout the administration of Monroe, he assumed the role of leader of the opposition in Congress, a role that drew bitter comments from the secretary of state. "In politics as in private life," wrote Adams, "Clay is essentially a gambler." He conceded that Clay was eloquent, but sneered that he was "only half educated."4

Last of Crawford's challengers, the one whose candidacy was not taken seriously by the other candidates until his Pennsylvania friends completely overwhelmed those of John C. Calhoun at the Harrisburg state nominating convention in March 1824, was
Andrew Jackson, Tennessee Indian fighter and hero of the Battle of New Orleans. Thin in body, long of face, he had developed in early life remarkable powers of will. Hot-tempered, loyal, vindictive, he was a man of instinctive likes and dislikes. His devotion to his much-abused wife Rachel has become legend. He killed one man in a duel for casting reflections on her virtue, and there was more than an implied promise on his part to deal in similar manner with others who might make the same miscalculation. In contrast to Crawford, Adams, and Clay, he had almost no experience in civil affairs. But he had emerged from the War of 1812 as the nation's greatest military hero since Washington. For this reason shrewd Tennessee politicians soon began grooming him for the presidency. "The people are fascinated and influenced by the splendour of his military fame alone," wrote a jealous political opponent. "[He] has slain the Indians and flogged the British and spilled his blood in defense of his country's rights—therefore he is the bravest, wisest and greatest man in the nation—even the memory of Washington is lost in the glare of his bloody laurels." 5

Even Adams had kinder words for Andrew Jackson than he had for most of his political opponents. He thought Jackson honest as well as "fit by name and character at least for the Vice Presidency," an office which would afford him "an easy and dignified retirement for his old age." 6 At the time of this condescending assessment Jackson was fifty-seven, just a few months older than Adams himself. With little tact, with an irascible and sometimes impetuous nature, but with leonine courage, Old Hickory was more of a commander than a leader. He was destined to become one of America's historic political figures. Further, he would soon become identified with the cause of the "common man," a new force at the time boiling to the surface in America. Up until this period in his life, however, he had been identified with the conservative element in Tennessee politics; and he also had a somewhat unsavory reputation as a land speculator and as a merchant who did not hesitate to make profits from the trade in slaves.

With the starting gate filled to overflowing in 1824, with the Federalist party dead, and with nomination by the Democratic-Republican party tantamount to election, interest naturally centered on the nominating process itself. It was a day when the national party convention with all its circus trappings had not yet evolved. Instead, a process whereby party members in Congress gathered in caucus to choose a candidate had long been in use. It was by this
method that Jefferson, Madison, and Monroe had earlier been chosen by the Republicans; and John Adams, Charles C. Pinckney, and Rufus King by the Federalists.

To be sure, there was a growing discontent with the caucus approach by 1824. How much of it can be traced to the genuine concern of the common man clamoring to have a voice in making decisions that affected his life and fortune, and how much of it was related to the dissatisfaction of ambitious men rising to challenge the tight control wielded by the party elders, is impossible to say. But all dissidents joined in denouncing the congressional caucus as undemocratic. The voiceless common man, it was said—and this was true—had no part in choosing a president except to vote for electors who would vote for a candidate already selected by a caucus of “party robots” in Washington, men far removed from the mainstream of popular sentiment. Indeed, in seven of the then twenty-four states, even the privilege of directly choosing presidential electors was denied the voter; in those states they were chosen by the legislatures.

Thus it was that the congressional caucus, which had served the country well, was increasingly denounced as the last vestige of a dying aristocratic system. It was cited, for instance, as the reason for the great political apathy shown in the presidential election of 1820. In that election, for example, Kentucky, with half a million people, cast fewer than 8,000 votes. Virginia, with twice Kentucky’s population, counted barely 4,000 votes that year. Only 17 votes were cast in the city of Richmond, Virginia, and only 750 in the entire state of Mississippi.7

Since William H. Crawford was the favorite of the conservative wing of the old Republican party and since the nomination of its caucus in Congress had all but been promised him eight years before, it was only natural that the other candidates would attack “King Caucus,” seizing upon the rising democratic ferment to discredit it. By the autumn of 1823 their efforts had been so successful that only three states, Georgia, Virginia, and New York—states where Crawford had his strongest following—continued to urge the calling of a congressional nominating caucus. In late January 1824, only a few weeks before the prescribed date for that caucus, Clay was confident there would be none. A “general” caucus, he said, could not be held because many congressmen would not attend while others had been “instructed” by their legislatures not to attend. This situation, Clay held, had
thrown Crawford’s congressional supporters into “the greatest confusion and despondency.”

Meanwhile, Crawford had suffered a paralytic stroke in the autumn of 1823. At first his life was despaired of, but by late winter he showed signs of recovery. Had he withdrawn from the race, it is quite likely that Clay instead of Adams would have been the sixth president. But Crawford’s friends stubbornly refused to withdraw him. Grasping at any semblance of organized support to sustain his cause, they resolved to force his nomination by a caucus in Washington.

Accordingly, on 7 February 1824, the Washington Daily National Intelligencer carried two announcements. The first, signed by Crawford’s supporters, called for a caucus to meet on 14 February. The second, issued by the congressional friends of the other three candidates, stated that 181 of the 261 members of Congress had agreed that it was “inexpedient” to proceed with a caucus nomination. In spite of the second announcement, and after much “persuasion, threats, coaxing, entreaties,” 66 members, barely a fourth of the total number of congressmen, met on 14 February and dutifully nominated William H. Crawford. Of the 66, it was estimated that 22 were from states whose legislatures had already declared for other candidates. It would be the last time that the nominating caucus would be held in Congress.

Having failed in their efforts to prevent a caucus nomination, Crawford’s opponents now had to find new avenues to get their names before the public. Several ways presented themselves: nomination by newspapers, nomination by mass meetings called for that purpose, or nomination by a state legislature. This last seemed to avoid the odium associated with congressional caucus nominations because members of state legislatures were presumed to be politically closer to the people and therefore were thought to be more closely associated with popular wishes. At the same time, it was a relatively easy matter for a candidate to win the backing of his own state legislature and perhaps that of neighboring states. Thus, Calhoun, before he withdrew, was nominated by the South Carolina legislature, Jackson by that of Tennessee, and Clay by those of Kentucky, Missouri, and Ohio. Adams had been nominated by most of the New England states.

As the campaign developed, real as well as artificial issues arose. Positions of candidates on measures long past were exhumed and scrutinized for vulnerable points. How had this or that candidate
stood on Jefferson’s embargo of 1807, the 1812 war, the Bank of the
United States, the tariff, the Missouri Compromise question, or the
Treaty of Ghent? Adams was attacked (covertly but ineffectively)
by Clay for his willingness (at Ghent) to surrender the right of
navigation on the Mississippi to the British. He was also denounced
for having negotiated (while secretary of state) a treaty with Great
Britain giving her war vessels the right to stop and search American
merchant vessels on the high seas in an effort to suppress the
African slave trade. The Bank of the United States was unpopular
in many places because of what some thought was its unnecessarily
hard anti-debtor line following the Panic of 1819; and Clay, as an
attorney for the bank, was abused for the part he had played for
his client. Slavery was in its incipient stage as a political issue, and
Clay’s role in gaining Missouri’s admission as a slave state was
probably a major factor in his failure to win strong support in any
of the free states except Ohio. Jackson’s summary execution of
American militiamen during the Creek War, as well as his invasion
of Spanish Florida and his arbitrary execution of two British
citizens there in 1818, were made issues against him.

After Calhoun’s withdrawal from the race, Clay was the only
candidate who had anything that could be called a comprehensive
political program. And it was this program, or at least parts of it,
that raised the principal constitutional issues in the campaign. Clay
had tied together the protective tariff, internal improvements
financed by the federal government, and a sound currency based on
a national bank into a neat, comprehensive package which he
dubbed “The American System.”

Objections to it were many: the protective tariff took money
from farmers and planters and put it in the pockets of favored
manufacturers; the national government had not the right, nor was
it good policy, to construct roads or canals within the boundaries
of a state; the national bank was a privately owned monopoly
which created hardship for the people and for small business (in
ways not made clear). Opponents of all three measures were in the
minority; unable to prevent the passage of these measures in
Congress, they fell back on the old Jeffersonian doctrine of states’
rights and narrow construction of the Constitution.

But Clay’s views on these controversial measures had been
developed thoughtfully, and he was not to be routed from his
position by such talk. The country, he reasoned, produced an
immense surplus of agricultural staples for which there was no
market at home or abroad. On the other hand, most of its consumption of fabricated products were of foreign-produced items. Agriculture and manufacturing must, therefore, be brought into balance. "Some of us must cultivate," he said, "some fabricate." Infant American manufacturers, he held, could not survive against foreign competition without a subsidy, an indirect subsidy in the form of tariff duties added to the price of imports. He was unpersuaded by arguments that such a tax was for the sole benefit of the manufacturing class. It was, on the contrary, for the "general welfare."

As for internal improvements, such as roads and canals, he said it was as constitutional for the national government to build these for the promotion of domestic commerce as it was to build a navy to protect foreign trade. Both were "vital interests" of different regions of the country, and if they were not furnished by the national government the Union could not be held together.

Clay well knew that his liberal constitutional views were unpopular in some places, nowhere more so than in his native Virginia; but he refused to consider urgings of his Virginia friends to soften his position to win the Old Dominion's electoral vote in 1824. "My opinion," he wrote, "has been formed after much deliberation and my best judgment yet tells me that I am right." He reconciled himself to the loss of Virginia, knowing that the anti-tariff hostility toward him there was not entirely balanced by support for him in states like Pennsylvania where the tariff was popular.

At least a year before the election it had become clear that the electoral vote would be so divided among the several candidates that no one of them was likely to secure a majority. In such a case the Constitution provided (then as now) that the House of Representatives should choose the president from the three candidates with the largest electoral vote. Since one of the four candidates in 1824 would thus be eliminated by the electoral college vote, each of them aimed at making certain that he be listed among the top three.

Crawford, despite his precarious health, was still in the race and was assured of the thirty-three votes of Virginia and Georgia. He had a strong following, too, in New York, where the leader of the "Albany Regency," Martin Van Buren (the "Little Magician"), was his champion. If Crawford could win even a part of the New York electoral vote his might well be among the three names submitted
to the House, even though it was unthinkable that he would actually emerge victorious there.

New York was equally important for Clay and Adams, for if all its thirty-six electoral votes should be captured by either of them it would likely exclude the other from final consideration in the House. Without New York, Adams could count only the fifty-one votes of the New England states. Clay hoped to get the forty-five votes of Kentucky, Missouri, and the three northwestern states of Ohio, Indiana, and Illinois. Accordingly, New York became the pivotal state in the contest. If Clay, for instance, should capture enough of her electoral vote to be among the final three, his great popularity in the House, where he had just recently won reelection as Speaker by an all but unanimous vote, would give him additional advantage there. "If I get into the House," he wrote in January 1824, "I consider my election secure." But New York, aside from being the pivotal state, was also the most politically uncertain and unpredictable of all the twenty-four states then in the Union. In no other state was there such a diversity of interest among its citizens as existed between the masses of the already great city at the mouth of the Hudson and the scattered rural population upstate. Furthermore, rivalry between Republican party factions headed by Van Buren and DeWitt Clinton created the image of a chaotic as well as corrupt political structure. "One can scarcely write anything relating to our State," wrote a New Yorker six weeks before the election, "which can honor our political character abroad. The profligacy of the times, the thirst for public office and emolument and the unwearyed and artful [sic] efforts to corrupt and purchase others have truly sunk our State in public estimation." Even Governor Clinton was reported to have admitted that his state could be "bought with money for any purpose and by any purchaser—even a foreign power."

New York was also one of the states whose presidential electors would be chosen by her legislature rather than by popular vote. This, too, seemed to be to Clay's advantage. For while he could not hope to get a plurality of the popular vote in the state, his supporters in the state legislature held the balance between the evenly divided forces of Adams and Crawford there; and neither of the others could win without help from Clay's friends. In this atmosphere, intrigue and conspiracy seemed to be the order of the day in all camps except Jackson's, whose New York following was
so small that he had no bargaining power. Clay's manager, Senator Josiah S. Johnston of Louisiana, hinted at "intrigues and combinations of things not to be lettered." Indeed, rumors were circulated of arrangements among Crawford and Adams leaders to divide the vote, and it was alleged at various times that Crawford or Clay had withdrawn from the race.

Finally, in late summer, a bargain was struck between Clay's and Adams's friends to divide the thirty-six electoral votes of New York equally between their candidates. Although warned that he might be betrayed in this arrangement by Adams's followers, Clay gave his reluctant consent to it. This decision would tarnish somewhat his later claim that throughout the contest he had abstained "from every species" of compromise, rejected "every overture looking to arrangements." But as Clay rationalized the situation to his friend, Peter B. Porter, in mid-February 1824, "If there be a majority of the legislature who prefer either of two candidates to a third, there is much reason in an equal division of its vote between those two." "I pray you," he added in a postscript, "throw this note into the fire."¹⁵

While the results of the November election would surprise many people, they crushed Clay's hopes. Jackson led all four candidates with ninety-nine electoral votes, Adams was second with eighty-four, Crawford was third with forty-one, and Clay finished last with thirty-seven. Clay was played false in New York, where he received only four instead of the agreed-on eighteen electoral votes; but he failed also to carry Indiana or Illinois, both of which went overwhelmingly for Jackson. Ohio went for him by the narrow margin of only seven hundred popular votes.

But it was in Louisiana that fate dealt Clay the cruelest blow. In that state the legislature chose presidential electors. Two of Clay's supporters, en route to the session that would choose those electors, were injured when their carriage overturned and did not attend. Two others on whom Clay had counted also failed to attend. In the absence of these four, two more who were pledged to him "were seduced." Even so, a coalition of Jackson and Adams supporters in the legislature carried the election against Clay's people by only two votes, thirty to twenty-eight. They then gave three electoral votes to Jackson and two to Adams. Had misfortune not thus dogged him, Clay would have won Louisiana's five electoral votes and would have replaced Crawford in the list of three eligible candidates in the House election. As he wrote his brother-in-law,
James Brown, "accident alone prevented my return to the House of Representatives and, as is generally now believed, my election." 16

With Clay out of contention in the election now to be decided in the House of Representatives, he naturally occupied a position of great influence. As Speaker of the House he explained his situation to Francis P. Blair:

I am sometimes touched gently on the shoulder by a friend . . . of General Jackson who will thus address me, 'My dear sir, all my dependence is upon you, don't disappoint us, you know our partiality was for you next to the hero . . . .' Immediately after, a friend of Mr. Crawford will accost me, 'The hopes of the Republican party are concentrated on you, for God's sake preserve it. If you had been returned, instead of Mr. Crawford, every man of us would have supported you to the last hour. We consider him and you the only genuine Republican candidates.' Next a friend of Mr. Adams comes with tears in his eyes. 'Sir, Mr. Adams has always had the greatest respect for you, and admiration for your talents. There is no station to which you are not equal. Most undoubtedly you are the second choice of New England, and I pray you to consider seriously whether the public good and your own future interests do not point most distinctly to the choice which you ought to make.' How [Clay concluded] can one stand all this disinterested homage and kindness? 17

Still, there is no evidence that Clay relished the prospect of becoming kingmaker, especially since Crawford's physical incapacity necessarily limited his choice to Adams or Jackson. "And what an alternative that is!" he wrote. He saw strong objections to both of them and only wished "that I could have been spared such a painful duty." Nevertheless, he would act, he said, "without the slightest reference to personal consideration." 18

Actually, there was little doubt in Clay's mind that he must vote for Adams even though Jackson was clearly the choice of Kentucky once Clay himself was eliminated. After all, Jackson was almost wholly without experience in civil affairs, his fame resting solely on his military victories against the Indians and the British. "I cannot believe," Clay wrote Blair, "that the killing [of] 2500 Englishmen at New Orleans qualifies [one] for the various, difficult and
complicated duties of the Chief Magistrate." Adams, on the other hand, had had more experience than Clay himself. Further, Adams, like Clay, entertained nationalistic views regarding the tariff and internal improvements, while Jackson's beliefs, if indeed he had formed any firm ones on these or other issues, were unknown.

It is no reflection on Clay's patriotism to point out that his own political fortunes would also be advanced by an alliance with Adams. For Jackson's political strength was based in the West, just as was Clay's, and any union between them would add little to the strength of either. Adams, conversely, had a New England following which, allied with Clay's in the West, would unite two sections that together might successfully advance Clay's political fortunes at some future date. Adams's election "would be most propitious to your elevation four years hence," Peter B. Porter reminded Clay in mid-January 1825, adding that after Adams's term of office the country "would naturally look to the West for a successor." Clay agreed: "I am happy to find that, by a similar train of reasoning, we have brought our minds to the same conclusion." If Clay let his mind linger on his own ambitions, certainly he did not go to Washington in December 1824 with any intention of bargaining. On the contrary, the evidence is convincing that from the time he learned that he had been eliminated from the contest he had firmly resolved to support Adams. In November he had told friends in Kentucky that he would; and on his arrival in Washington he told General Lafayette, who was visiting there, that he would. Indeed, Thomas Hart Benton, no friend of Clay's, recalled thirty years later that early in December 1824, long before there was any thought of a "corrupt bargain," Clay had told him that he would vote for John Quincy Adams.

But if Clay and Adams are to be absolved of a conspiracy to defeat the will of the people, by preventing the election of Jackson, as was later charged, it must be said that their behavior in the matter, as well as that of Clay's friends, was most indiscreet. It was such as to arouse the suspicions of men less biased and less ambitious than were Jackson's followers. In early January 1825 members of the Kentucky congressional delegation in Washington began writing Clay's friends in Frankfort, telling them that Kentucky would be best served by Adams's election. Their argument was that Clay would have a prominent role in an Adams administration, but none if Jackson were elected. Clay's friends
back home were also urged to write wavering members of the delegation in Washington and urge them to support Adams. Many of them did. Francis Preston Blair, for instance, who would later become a trusted member of Jackson’s “Kitchen Cabinet” (although at this time he was still a confidant of Clay’s) told Clay that when he learned that the congressman from his district felt bound to vote for Jackson, “both [John J.] Crittenden & myself therefore wrote him emancipating letters.”

Much of this correspondence was not generally known late in 1824 and would only be revealed in later years. More suspicious at the time was the growing intercourse in Washington between members of the Kentucky delegation (including Clay) with Adams himself. On 7 December Adams met with Richard M. Johnson; on 9 December, with John T. Johnson and Thomas Metcalfe; the following day with Robert P. Letcher; the next with Charles A. Wickliffe. On 12 December Adams went to Fletcher’s Boarding House and visited several Kentuckians who resided there; then he called on the Johnson brothers, and finally on Clay and Letcher, who boarded together. Letcher informed him, Adams recorded, of “convulsed” political conditions in Kentucky resulting from the Old Court vs. New Court controversy raging there. He intimated that he and others in the delegation would therefore not be bound by instructions from the Kentucky legislature for them to vote for Jackson. Three days later Adams heard rumors that Clay would support him “if he could at the same time be useful to himself.”

On 17 December Letcher called on Adams. They had a long conversation about the personal relations of Adams and Clay, which had been marred somewhat during the campaign. Each assured the other that there was now no hostility. Adams concluded that the substance of Letcher’s remarks was “that if Clay’s friends could know that he would have a prominent share in the administration, that might induce them to vote for me, even in the face of [legislative] instructions.” Six days later, Letcher was again at Adams’s house, enumerating for him the states that might be expected to vote for Adams on the first ballot. When Adams told him that he did not hope to get the vote of Kentucky, Letcher seemed anxious, Adams thought, “to convince me that I might receive it. I consider Letcher as moving for Mr. Clay,” he recorded in his diary.

On New Year’s Day 1825 Letcher again sought out Adams to report that Clay’s friends were still disturbed over the old enmity
between Adams and Clay. He urged a meeting between them. Soon thereafter, Adams and Clay met at a public reception where Clay expressed a wish for a confidential talk on “public affairs.” That night Adams recorded, “There is in my prospects and anticipations a solemnity and moment never before experienced.” So it was that the two men met at Adams’s house on 9 January 1825 and spent the evening together in what Adams described as discussions “explanatory of the past and prospective of the future.” Clay explained that thus far he and his friends had maintained a neutral course so that they might ultimately take a stand “most conducive to the public interest.” It was time now for a decision, however, and Clay wanted to satisfy himself as to “some principles of great public importance, but without any personal consideration for himself.” He ended by telling Adams frankly that he preferred him.  

Meantime, John Scott, the lone representative from Missouri, a man who had been openly hostile to Adams, called on him and pledged his support. He also told Adams he was “entirely devoted to Mr. Clay” and hoped Clay “would be a member of the next administration.” Adams replied that if he should be “elected by the suffrage of the West, I should naturally look to the West for much of the support that I should need.” Scott departed, only to return the next day to express the hope that Adams would not consider his language of the day before as smacking of bargaining. Adams assured him he did not. Two days later, on 24 January, Clay and a majority of the Kentucky delegation announced publicly that they would vote for Adams.  

As the day set for the House election neared, tension mounted. The Jackson party was enraged to learn that despite recommendations to the contrary by the Kentucky state legislature, members of the Kentucky delegation would not support the general. Adams even received anonymous messages threatening civil war if Jackson were not elected. He was alarmed, too, over what he called the excessive “intriguing for votes,” and he began to wonder if success might not bring “a severer trial than defeat.”  

On 9 February 1825 the House of Representatives assembled to choose the president. Twelve states were by now known to favor Adams; he needed one more for a unit-vote majority. New York was his only possibility. That state had thirty-four representatives present and voting, and its vote would be decided by the majority of the delegation. Seventeen of them (exactly half) were known to
favor Adams; the other half was divided, but most of them were for Crawford, a few for Jackson.

General Stephen Van Rensselaer held the key to New York's decision. While he was thought to be pledged to Crawford, he was wavering. Should he vote for the Georgian, New York's unit-vote ballot, for want of a majority, would not be counted. For this reason, Clay and Daniel Webster spent several hours with Van Rensselaer that morning, urging him to vote for Adams. Still in doubt when he took his seat, the elderly patroon bowed his head in prayer for divine guidance. When he opened his eyes he saw a ballot on the floor with Adams's name on it. Accepting this as an answer to his prayer, he picked it up and dropped it in the box. This decided the vote of New York, and with it the election of the sixth president of the United States. "The long agony," Clay wrote, was over.  

But Clay's agony was really just beginning. Three days after his election Adams offered him the state department, and Clay took it under consideration. The offer was not altogether a surprise to him. Three weeks earlier, the day before he announced for Adams, Clay wrote his brother-in-law that he believed he could have "any situation [in Adams's cabinet] that I may please." This belief was formed, he said, "from circumstances not [from] assurances to which I should not listen, but which I should instantly check if attempted to be made." Still, he was indifferent to accepting the job, having, he said, "an unaffected repugnance to any Executive employment."  

When the offer came, however, Clay sought advice from his friends, as well he might, since a storm of malignant abuse was already descending upon him and Adams. With the announcement of Clay's intention to vote for Adams, the friends of Jackson, Crawford, and even of Calhoun, had turned their wrath upon him. Especially convincing to them that there had been a "corrupt bargain" between Clay and Adams was the clumsy, naive conduct of James Buchanan, the future president, then a young congressman from Pennsylvania. A friend and admirer of both Clay and Jackson, Buchanan hoped to see Jackson as President and Clay as his secretary of state. Acting on his own initiative, without Jackson's knowledge, he had called upon Clay and Letcher and assured them that if Jackson were elected with their help he would offer Clay the first place in his cabinet, that of secretary of state. Receiving no response from
them, he next called on Jackson and told him that if he would only let it be known that Clay would be in his cabinet he could count on Clay’s influence to elect him. It is not surprising, therefore, that both Clay and Jackson separately concluded that Buchanan was the agent of the other in bringing overtures of a possible bargain.  

Meantime, a sensation had erupted on 28 January 1825, when an anonymous letter, published first in the Washington Columbian Observer, and later throughout the land, charged that Clay had agreed to sell his vote in exchange for the state department. Clay met this accusation with a card in the Washington Daily National Intelligencer branding the author as “a base and infamous calumniator, a dastard and a liar,” and calling on him to reveal himself and assume the responsibility of a man of honor. Clay also requested an official investigation of the charge by the House of Representatives.

The affair took a ludicrous turn, however, when George Kremer, semiliterate and buffoonish congressman from Pennsylvania, claimed authorship of the letter. It was patent that Kremer could not have composed such a letter and that he was merely the tool of another. Kremer added to the confusion when, during the House investigation, he denied that he intended to charge Clay with corruption or dishonor and said that he held Clay in the highest regard. Subsequently, he admitted that he did not write the letter and was not acquainted with its contents, nor did he comprehend its import when he signed it. Clay then charged Jackson’s crony, John Eaton, with the authorship and called on him to affirm or deny the charge. Eaton would do neither.

Throughout the Kremer crisis, Clay’s friends were giving him conflicting advice as to whether he should accept Adams’s offer of the state department. Some advised him to refuse it on the ground that acceptance would be considered “as conclusive evidence” of the charges Kremer was making against him. But others pointed out that no matter what he did he would be criticized. If he declined the post it would be said that “the patriotic Mr. Kremer, by an exposure of the corrupt arrangement, had prevented its consummation.” It was also argued that no matter which candidate had been elected, Clay would probably have been offered the state department, for it would have been difficult for the winner to form a strong administration without him. Further, he was told that having made Adams the sixth president, a refusal to go into his cabinet would be a vote of no confidence in him.
Finally, he was assured that he owed it to Kentucky and to the West to accept the offer. Clay considered these several arguments persuasive, and he consented to appointment as secretary of state. It was a fateful decision, one Clay later admitted was unwise. For in spite of his disclaimers of innocence and his denials that he had entered cabals or secret conclaves, the charge that he had sold his vote and influence to Adams in exchange for the state department would not die. It would arise again and again to haunt him throughout his long career.

The consequences flowing from the decision remain incalculable, both in its effect on Clay’s political career and on the history of the nation. Probably more than any other factor, it would foredoom Clay’s repeated attempt to win the presidency. Had he been elected president in 1844, for instance, when he had his greatest opportunity, it is most unlikely that there would have been a war with Mexico. If there had been no Mexican War, many of the burning issues centered around the expansion of slavery might never have arisen; perhaps the Civil War could have been postponed or even avoided. But these are idle speculations of what might have been, ground too uncertain and treacherous for a historian to tread. An assessment of the changed political behavior flowing directly from the bizarre election of 1824 offers firmer footing.

It has already been noted that out of this canvass came a change in the nominating process. Never again would presidential candidates be nominated by a congressional caucus. Criticized as outdated, undemocratic, and out of tune with the spirit of the times, as manifested by growing demands of the “common man” for a more direct role in the selection of presidential candidates, the caucus would not survive its choice of the physically incapacitated Crawford in 1824. In 1832 would begin the national nominating convention.

But more fundamental than the change in the nominating process would be the political realignment resulting from the fateful election conducted by the House of Representatives on 9 February 1825. For the very nature of the decision that had to be made there by Clay led inevitably to new divisions and tensions. Even had Jackson and his friends not believed the charges of “corrupt bargain” they broadcast against Clay and Adams, the partisan advantages to be reaped from the sowing of them were such as to make the temptation to use them all but irresistible.
As a result of these charges and the bitterness they engendered, the Jacksonians would build a new political party fashioned around the image of a military chieftain turned commoner and democrat. In spite of his unfamiliarity with almost all facets of public administration—banking, finance, taxation, foreign affairs—he would come to display a canny, almost intuitive ability to discern the aspirations of commoners, to place himself at the head of popular causes, and to win the masses to his programs and policies. A great political party, the Democratic party, would be formed about the father image he projected. It would be dedicated at first to the immediate goal of "throwing out the rascals," chiefly President Adams and Henry Clay, his "corrupt" secretary of state. This objective would be attained in 1828. But the Jackson party would long survive the winning of this limited goal. It would develop an organization with a tenacious loyalty to the welfare of the common man that would carry it through many a stormy passage in American history.

In opposition to it developed a rival party made up of all the disparate elements hostile to the Jackson Democrats. Clay would leave office in March 1829, never again to play an administrative role in government. But in the remaining quarter-century in which he would continue his career as a magnetic legislative leader, he would rally around him all of Jackson's personal and ideological enemies. As the leader of this opposition, Henry Clay would become one of the founders of the great Whig party.

The Whigs would never be so closely united as were the Democrats. The varied elements that composed their party had conflicting interests that would seal its doom a few years after the death of its great leader in 1852. But while he lived, Clay gave it an élan and an esprit de corps that enabled it to hold together despite his sometimes high-handed, even arrogant, behavior in guiding its destinies. The party certainly attracted men of great talent, and it would serve the country well during the two decades of its existence.

Thus, in these several ways, the election of 1824 wrought profound changes in American political history. Ironically, however, nowhere were these changes focused on repealing or adjusting the root cause of all the confusion—the anomaly that is the Twelfth Amendment to the Constitution of the United States, an anomaly which permits Congress to elect a president.
NOTES

1Clay to Thomas Dougherty, 7 December 1821.
3Henry R. Warfield to Clay, 30 May 1822; Henry Shaw to Clay, 14 April 1823; Clay to Jonathan Russell, 9 July 1823; Clay to Martin D. Hardin, 23 June 1823; Clay to Amos Kendall, 17 December 1823; Adams, Memoirs 5:185-86, 325. Three of the first five Presidents had served as secretaries of state.
4Adams, Memoirs 5:61, 235.
6Adams, Memoirs 6:333.
8Clay to Peter B. Porter, 3 February 1823; 4 October 1823; 31 January 1824.
9Ibid., 15 February 1824.
10Clay to Francis T. Brooke, 8 January 1823; Charles S. Todd to Clay, 8 May 1823; Clay to Porter, 10 August 1822; Clay to Langdon Cheves, 5 October 1822.
11Clay to Brooke, 28 August 1823; Clay to Josiah S. Johnston, 3 September 1824; William L. Brent to Clay, 3 September 1824.
12Johnston to Clay, 19 August 1824.
13Clay to Porter, 31 January 1824.
14Henry R. Storrs to Clay, 23 September 1824; Adams, Memoirs 6:408.
15Clay to Porter, 15 February and 2 September 1824; Porter to Clay, 25 January 1824; Jabez D. Hammond to Clay, 28 July 1824; Johnston to Clay, 27 June, 9 and 25 August 1824; Clay to Johnston, 31 August 1828; Clay to Brooke, 22 December 1824; Josephus B. Stuart to Clay, 6 September 1824; Clay to Charles Hammond, 25 October 1824.
16Clay to John J. Crittenden, 10 November 1824; Clay to Brooke, 26 November, 22 December 1824; Clay to Porter, 26 December 1824; Clay to Martin Duralde, 12 January 1825; Clay to James Brown, 23 January 1825.
17Clay to Francis P. Blair, 8 January 1825.
18Clay to Porter, 7 December 1824; Clay to Brown, 13 December 1824; Clay to Charles Hammond, 25 October 1824.
19Clay to Francis P. Blair, 29 January 1825.
20Porter to Clay, 14 January 1825; Clay to Porter, 23 January 1825.
21See Clay’s “Address to the People of the Congressional District,” 26 March 1825; see also his widely reprinted pamphlets, “Address to the Public,” 29 December 1827, and his “Supplement to the Address to the Public,” 10 June 1828. Copies of both of these are in the Clay Papers Project, University of Kentucky. See also Thomas Hart Benton, Thirty Years' View . . . , 2 vols. (New York and London: Appleton, 1854-56), 1:48.

25 HENRY CLAY
22 Blair to Clay, 24 January, 11 February 1825; Kendall to Clay, 9 January 1828.


24 Ibid., 6:446-47, 452-53.


27 Ibid., 6:481, 483-84; Duncan McArthur to Clay, 14 May 1827.

28 Clay to Brooke, 10 February 1825. The final vote within the N.Y. delegation was Adams, 18; Crawford, 14; Jackson, 2.

29 Adams, Memoirs 6:508; Clay to Brown, 23 January 1825; Clay to Brooke, 4 and 18 February 1825.

30 Clay to Brooke, 4, 14, and 18 February 1825; James Buchanan to Robert P. Letcher, 27 June 1844, copy in Clay Papers Project, University of Kentucky.


32 Clay to Brooke, 18 February 1825; Brooke to Clay, 31 January 1826; Crittenden to Clay, 15 February 1825.