Suppressed History or Distorted History? A Review of Rosenfeld's The American Aurora

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Arthur R. Landever, Suppressed History or Distorted History? A Review of Rosenfeld's The American Aurora
Richard Rosenfeld’s controversial *American Aurora* is a thick book, but a fascinating one. Those of us who sing the praises of the First Amendment, and others who are alarmed about a too-powerful central government, should read it. The author has much to say about our founding period and the important role of a free press in America. His book is eye-opening. Yet it is so clearly partisan and flawed that a lawyer’s skepticism about Rosenfeld’s view of George Washington and John Adams as "the bad guys" is in order here.

We are in the late 1790’s, a time of the British-French war in Europe, and, surprise! "McCarty-like" witch hunts in America. The Federalist Party of Hamilton and Adams are going at it with the Democratic-Republican Party of Thomas Jefferson. The Federalist Party fears a conspiracy to bring to America the "Jacobin democracy," which Federalists believe is threatening the established religious and political order of Europe and America. The Federalists, continuing to control the Presidency and the Congress, push through the notorious Alien and Sedition Acts. The Alien Law allows for deportation of any immigrant the President deems to be dangerous. It could result in mass deportations of the large number of recent emigres from Europe. None are in fact deported but many leave, fearing impending persecution. The Sedition Law permits the jailing of persons for criticizing the national government. Several leading opposition publishers are indeed imprisoned for a time. Moreover, the Federalist Administration of President Adams seeks to strengthen the American navy and calls for a standing army. The Jeffersonians see a conspiracy to end the American republican experiment and to restore a monarchy. For them, the cause of liberty is in grave danger.

To the rescue came the leading Democratic-Republican newspaper of its time, the *Philadelphia Aurora*. For Rosenfeld, that paper epitomized the American Revolution; hence the name of the book. On one level, the book tells the story of the *Aurora*’s two courageous newspaper editors. They, and a small
band of others, believed so strongly that the Federalists threatened all that had been won in the Revolution that they continued to speak out in their newspapers, aware that jail and mob beatings could well await them. Benjamin Franklin Bache, the grandson of his namesake, was the founder and first editor of the paper. After Bache died during the yellow fever epidemic in Philadelphia, refusing to leave the city while awaiting trial for sedition, William Duane became editor, carrying on the newspaper's muckraking tradition.

On another level, the book is about a press, Federalist and Democratic-Republican, so incendiary and vitriolic that it makes today's establishment media, cuddly kittens by comparison. Bache and Duane of the Philadelphia Aurora slug it out with Federalist editor John Fenno, publisher of the Gazette of the United States and Federalist William Cobbett of the Porcupine's Gazette. There used to be a program on television called "You Are There!" with the reporter Walter Cronkite interviewing the characters in a particular historical incident. In a similar fashion, we are transported back to the 1790's as we read the daily accounts: charge against apocalyptic, nasty and slanderous countercharge.

The author overstates by asserting that the history of the period has heretofore been "suppressed."\(^5\) Doubtless, professional historians were well aware of that history. But, admittedly, the nonhistorian reader has some unpleasant medicine to swallow, perhaps for the first time. For instance, much of the credit "Father-of-His-Country" Washington is given really belongs to Louis XVI of France and the French army and navy for playing the pivotal role in victory for the American cause.\(^6\) General Washington rarely engaged the enemy and had been losing the war before the French interceded.\(^7\) Moreover, after he left the Presidency, Washington was swept up in the Federalist hysteria regarding the dangers posed by the Democratic-Republican ideology.\(^8\) In addition, John Adams, as did Hamilton, greatly admired the British political system with its strong and hereditary monarchy.\(^9\) Furthermore, Adams saw the Democratic-Republican press and the emigres from Europe—many of whom resided in the then capital—as a danger to the Republic.\(^10\) In addition, President Adams signed the Alien and Sedition Acts and acquiesced in the enforcement of the Sedition law.\(^11\)

\(^5\) See generally AMERICAN AURORA, supra note 1 (The very title speaks of "The Suppressed History of Our Natural Beginnings . . .").

\(^6\) Id. at 33 (The author notes that Bache published Tom Paine's thirty-six page letter condemning Washington's generalship during the Revolutionary War.).

\(^7\) Id. at x.


\(^9\) AMERICAN AURORA, supra note 1, at 457, 521.

\(^10\) Id. at 194, 794.

\(^11\) Ferling, supra note 3, at 379.
Rosenfeld says he wrote the book because he wanted to learn more about the environment that produced the Alien and Sedition laws, and because he could not fathom why Benjamin Franklin Bache, in his Philadelphia Aurora, would want to castigate Washington and Adams. Both were his grandfather’s close associates in the Revolutionary cause. The author satisfies himself that Bache had good reason. Rosenfeld comes away believing that the Federalists were indeed seeking to destroy American liberty. Moreover, Adams was out to silence the Aurora, not only to stop the incessant barrage of attacks on his Presidency, but also because Adams was simply paranoid. Adams believed that Franklin was plotting against him even from the scientist’s grave.

Bache’s and Duane’s Philadelphia Aurora was no shy wallflower. It was "in the arena," hated by the Federalists and revered by the Democratic-Republicans. To Washington, "[Bache’s] papers [were] outrages on common decency" and "void of truth and fairness." The nation’s first President may not have been hounded from office, but he certainly expressed great relief, declaring a "disinclination to be longer buffeted in the public prints by a set of infamous scribblers." Adams declared that "Benjamin [Bache]... became of course one of the most malicious Libellers of me. But the Yellow Fever arrested him in his detestable Career..." For Adams, Franklin lay at the root of the Philadelphia Aurora’s treatment of him. He declared:

I knew [Franklin] had conceived an irreconcilable hatred of me and that he had propagated and would continue to propagate prejudices, if nothing worse, against me in America from one end of it to the other. Look into Bache’s Aurora and Duane’s Aurora for twenty years and see whether my expectations have not been verified.

The Democratic-Republican political leaders had a rather different view. Not only did Jefferson have a high regard for young Bache and have many private meetings with him, but Jefferson expressed a great debt of gratitude to the Aurora and to its second editor, as well. "[The energy of [William Duane’s Aurora] when our cause was laboring and all but lost under the overwhelming weight of its powerful adversaries, its unquestionable effect in the revolution [it] produced in the public mind... arrested the rapid march of our

\[12\] AMERICAN AURORA, supra note 1, at x.
\[13\] Id. at 521-22.
\[14\] Id. at 30.
\[15\] Id. at 30.
\[16\] Id. at 31.
\[17\] AMERICAN AURORA, supra note 1, at 207.
\[18\] Id. at 521-22.
\[19\] Id. at 28, 51.
government towards monarchy ..."20 It was to Duane that Jefferson turned to get a list of the prosecutions under the Sedition Act so that the incoming president could pardon the individuals in question.21 To Madison, Duane was a "sincere friend of liberty ... ready to make every sacrifice to its cause but that of his passions."22

Unquestionably, it is the Aurora's side that finally triumphs on the national stage, by 1800, with the election of Thomas Jefferson as President. As well it should have, in challenging the extremist Alien and Sedition measures. Interestingly, it appears that the newspaper also deserves plaudits for its stand against anti-Semitism.23

Author Rosenfeld describes himself as an "independent scholar."24 Despite his self proclamation, he is a partisan wolf in sheep's clothing. He says he wants the newspaper accounts to speak for themselves, to be accessible to the reader, without the distortions and dullness of a supposedly objective historian's narrative.25 Yet he imagines himself as leading character William Duane, Bache's successor, by creating narrative in Duane's voice for a substantial part of the book. Thus, the work is converted into part historical novel.26 Duane, of

20 Id. at 521.
21 Id. at 901.
22 American Aurora, supra note 1, at 522.

23 By contrast, the editors of the two key Federalist newspapers were blunt and mocking when it came to Jews. John Fenno of the Federalist Gazette of the United States described apparently non-Jew Duane as "once a Jew Cloathsman in London." American Aurora, supra note 1, at 825. William Cobbett of Porcupine's Gazette happily withdrew the name of a Jewish person from his subscription list. "I do the latter with pleasure. I am sure I never solicited his name and am only sorry I did not know before, that it was the name of a JEW." Id. at 46. Fenno of the Gazette of the United States apparently pretended that a Jew named Moses Solomons had been critical of Jefferson's atheism. Id. at 847. Duane exposed the fraud, providing an affidavit from one Benjamin Nones, a leader of the Jewish community, that Nones was not aware of such individual. In response to being mocked in the Gazette of the United States, Benjamin Nones unsuccessfully sought to submit a letter to the editor; he was rebuked. The Aurora immediately published Nones' stirring reply to the Gazette's anti-Semitism: [To the Editor of the Gazette of the United States]:

Sir . . . I am accused of being a Jew, of being a Republican; and of being poor.
I am a Jew. I glory in belonging to that persuasion . . . . I am a Republican!
Thank God . . . I have not been so proud or prejudiced as to renounce the cause for which I fought as an American throughout the whole of the rev-
olutionary war . . . . I am a Jew, and, if for no other reason, for that reason I
am a Republican . . . . [W]e are citizens nowhere unless in Republics . . . .
Id. at 836-37. In contrast to the two Federalist editors, the editors of the Aurora seemed to treat Jews as full citizens of the Republic. The reader should note, however, that the subject of anti-Semitism was not the focus of the work; thus the impression conveyed in the book should only be considered as an hypothesis.

24 Id. at About the Author.
25 American Aurora, supra note 1, at 907.
26 Id. at xi.
course, is no objective observer of the scene, but rather a radical Democratic-Republican, battering the Federalist leadership. Rosenfeld makes no bones about his complete acceptance of the Duane ideology. Thus Rosenfeld is composite "Rosenfeld-Duane:"

Those who object to the anachronicity and other deficiencies of this choice may interpret the narrator's first person/present-tense statements to be the author's (emphasis added) third-person/past-tense statements about WD [William Duane] and his time. WD's actual voice (as opposed to the narrative device) appears in Book Two and predominates in Book Three of this work, so WD's actual Voice can be compared with your author's flawed, though useful, narrative device.27

The author's heroes, not surprisingly, are the three newspaper editors in the book—Franklin, Bache, and Duane—to whom this son and grandson of printers28 dedicates his work.29 Benjamin Franklin's extraordinary diplomatic skills, in no small measure, were responsible for moving the French court of King Louis XVI to commit French monies to the American cause (and, in the process, regrettably causing the bankruptcy of France and bringing on the bloody French Revolution). The French forces had proven indispensable to victory. In addition, Franklin, in his Pennsylvania Gazette, had begun the tradition of a free press and his influence upon his grandson Bache had carried forward that tradition. Finally, the renowned founder had urged a political system of the people and protective of liberty, calling for a one-house legislature and a plural executive.30 Rosenfeld strongly implies that America would have been freer and more democratic had Franklin's approach been adopted. Instead, our system is controlled by the wealthy, with elements of monarchy and aristocracy entrenched in our constitutional system.31 The author fails to take account of the fact that Franklin came to support the Constitution's structure, warts and all. Nor is there consideration of the implications of Franklin's ideal political system for America, especially in its foreign affairs.

Rosenfeld takes a cheap shot at George Washington. In doing so, the author undercuts his effort to win respect for his methodology and his history. Not only that, but in spending several hundred pages to make his case about who the true "father of his country" was—Benjamin Franklin, of course32—he puffs his book up to 908 pages of text. This is no way to entice a typical reader to take

27 Id. at 920 & n.19.
28 Id. at About the Author.
29 Id. at Dedication Page.
30 AMERICAN AURORA, supra note 1, at 239.
31 Id. at 293.
32 Id. at 907.
on the challenge of reading primary sources, no matter how interesting the arrangement of materials.

According to Rosenfeld, Washington just cannot do anything right. He is painted as an "inept" commanding general during the American Revolution, who hardly ever engaged the enemy, winning only skirmishes. Without the aid of the French, there doubtless would have been a different outcome. The author seems to delight in telling the reader that Washington, in his earlier military career, had been branded an "assassin" and "murderer." The Aurora would never let him forget that incident either. The general is a liar too. The myth of Washington as the great and all-knowing war leader is projected to the public by his associates not because that reputation is deserved, but rather, they believe, for the good of the nation. Nor is his record better as President. He conveniently forgets the great debt owed to the French nation, and instead, endorses a treaty tilting America toward the British. After he leaves office, he forsakes the cause of liberty, swept up in the hysteria of the time.

Rosenfeld's portrayal of Washington is a bit much. General Washington had "survived four British commanders-in-chief" while facing the most dire conditions. Rarely could he be assured a stable American force able to take on the sizable and experienced British contingent. Typically, resources available to him were woefully inadequate. Whether or not a "character of convention," it was no accident he was the unanimous choice to serve as chair of the Constitutional Convention and as our first President.

33 Id. at x, 30.
34 Id. at 35-36.
35 AMERICAN AURORA, supra note 1, at 35-36. It seems that young Colonel Washington in 1754 had killed a French military officer, the latter acting under a flag of truce. Washington's actions supposedly precipitated the seven-year French and Indian War in America.
36 Id. at 482 (Washington denied having contemplated an attack in New York during the Revolution although Rosenfeld disclosed evidence to the contrary.).
37 Id. at 239-40. Adams said that "[t]he great character [of Washington] was a Character of Convention . . . to cover and dissemble all faults and errors . . . ." Id. Pickering, later Washington's Secretary of State, declared, "'[favorable] ideas of Washington are probably entertained by the world at large, for few men were acquainted with his real character . . . ." Id. at 240.
38 Id. at 17.
39 "[The Democratic-Republican] party . . . [has] been the curse of this country . . . ." Id. at 204. "Consider to what lengths a Certain description of men in our Country have already driven . . . matters and then ask if it is not time and expedient to resort to protecting Laws against Aliens . . . in many cases . . . sent among us . . . for the express purpose of poisoning the minds of our people . . . ." Id. at 542.
40 FLEXNER, supra note 8, at 180.
As President, he sought to lead above faction, attracting to his cabinet able men as diverse as Alexander Hamilton and Thomas Jefferson.\textsuperscript{41} True, Washington had not understood the advent of formal political parties, but even Madison, the "father of the Constitution," had not initially comprehended that development. Our first President was confronted with leading a new nation in the face of dangers posed by European nations, Indian tribes along the frontier, and internal squabbles among the states. American shipping was being threatened by the British-French war. Admittedly, his leanings were with the British, but the rejection of close ties with France was indeed consistent with a sound neutrality position. In his second term, although subject to vicious partisan attacks by opposition newspapers, Washington nonetheless was a supporter of a free press.\textsuperscript{42} Although he could have continued to hold the reigns of power, he declined to seek a third Presidential term. After he left office, he did in fact become suspicious of the motives of the Democratic-Republicans and apparently supported the prosecutions of newspaper editors.\textsuperscript{43} Yet there is doubt that he himself would have signed the Alien and Sedition Acts.\textsuperscript{44} 

John Adams joins George Washington in "Rosenfeld-Duane's" pantheon of infamy. He is the "short fat man who puffed at 'seegars' and believed in monarchy [who] was the President of the United States. At incautious moments, he predicted the nation's conversion to a kingdom with a titled nobility to oversee Congress. Presumably, he would be king."\textsuperscript{45} As President, in renouncing the Treaty of 1778 with France, in effect, he "declared war" against that nation.\textsuperscript{46} His anti-French stance was nothing new. Even during the American Revolution, he had been deeply suspicious of French motives.\textsuperscript{47} Adams signed the Alien and Sedition Acts and approved of prosecutions against those publicly criticizing national policy; his Administration ordered attacks on French naval vessels, and he continued to delay sending a peace mission to France.\textsuperscript{48} In addition, he supported the call for a standing army and for the strengthening of the American navy.\textsuperscript{49} 

Some parts of the indictment against Adams would be conceded by other historians. The man was rude, suspicious and sensitive.\textsuperscript{50} He was vain and saw

\begin{footnotes}
\item[41] Thomas Jefferson "revered" Washington when the former entered the cabinet. \textit{Id.} at 265.
\item[42] \textit{Id.} at 380.
\item[43] \textit{Id.} at 382.
\item[44] \textit{Id.} at 380.
\item[45] \textit{AMERICAN AURORA, supra} note 1, at 3.
\item[46] \textit{Id.} at 47, 185.
\item[47] \textit{Id.} at 238.
\item[48] \textit{Id.} at 550.
\item[49] \textit{Id.} at 105, 133, 550, 597.
\item[50] SMITH, \textit{supra} note 4, at 1028.
\end{footnotes}
slights that were not there. Franklin said of him: Adams was "[a]lways an honest Man, often a wise one, but sometimes wholly out of his senses." Franklin knew that Adams believed the former was plotting against him, but such plots only existed in Adams' "troubled imagination." Indeed, Adams thought Franklin intentionally inculcated in his grandson a hatred for Adams, so Franklin could continue to plot against him, even from beyond the grave.

In his quest to assure the nation's stability, Adams was an admitted admirer of the English Constitution. He believed Americans should be applauded for trying to copy it because, to him, it effectively safeguarded liberty, embodying elements of mixed government. Doubtless, he must "share complicity" in the enactment of the Alien and Sedition Acts, seeing the measures as a means to end serious internal threats to the union. Admittedly, he acquiesced in prosecutions under the Sedition Law. To his credit, however, he resisted his Secretary of State's call for massive deportations under the Alien Law.

Clearly, Adams had his flaws. He was enamored of the British system, though he thought he was merely making a realistic set of observations about democracy and aristocracy. Yet he distrusted aristocracy as well as the people, differing in that respect from many of his fellow Federalists. What must be underscored in trying to assess Adams' record is the level of hysteria in America in the late 1790's. The "war fever" was the highest since 1775. To Adams and his fellow Federalists, there was impending war with France. Moreover, France had begun warlike measures in decreeing the seizure of American shipping. Yet this was admittedly in response to America's entering into the Jay Treaty of 1795, which could have been interpreted as anti-French. In any event, the infant republic had to prepare its defenses and the country had to become united. Indeed, for Adams, even a revamping of the form of government of the infant nation might be required.

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51 AMERICAN AURORA, supra note 1, at 437, 145.
52 Id. at 145.
53 Id. at 437.
54 Id. at 521-22.
55 Id. at 457, 492, 521.
56 AMERICAN AURORA, supra note 1, at 457. See also MANNING J. DAUER, THE ADAMS FEDERALISTS 44 (1968).
57 FERLING, supra note 3, at 366.
58 Id.
59 DAUER, supra note 56, at 261.
60 Id. at 55.
61 FERLING, supra note 3, at 363.
62 AMERICAN AURORA, supra note 1, at 521.
I do not 'consider hereditary Monarchy or Aristocracy as Rebellion against Nature.' On the contrary, I esteem them both as Institutions
To an extent, the new party system did Adams in. But President Adams cannot be faulted for not understanding the implications of that development. As did Washington, Adams sought to rule above faction, and he initially maintained the Washington cabinet although several of the members were loyal to the actual leader of the Federalists, Alexander Hamilton. Members of both parties attacked him. He was viewed with disdain by Democratic Republicans who never forgave him for his doubts about their patriotism. At the same time, he was seen as an obstructionist by other Federalists when he decided to send a peace mission to France and rid his cabinet of persons who opposed his policies. Just before the 1800 election, Hamilton blasted the sitting Federalist President publicly and came out against Adams' re-election.

Even with his flaws, Adams deserves better than the treatment Rosenfeld gives him. First, John Adams was an important founder, assigned important diplomatic missions by the Confederation Congress during the American Revolution, and respected enough to be chosen the nation's first vice president. As President, he readied his country's defenses, a policy for which he deserves accolades, not condemnation. He finally resolved to go one last step for peace. This, despite earlier French efforts to humiliate the young nation and notwithstanding strong opposition within his own party. His action here provided critical time for America. Perhaps most importantly, Adams honored America's first peaceful transition of Presidential power, although to the end, incoming President Jefferson had misgivings about whether that transition would take place.

Manning Dauer has summarized Adams' achievements as President:

His major contribution . . . was made because he thought with the moderates. It was in that way his great decision—peace with France, no foreign adventure, an end to domestic extremism—contributed greatly to the development of ultimate national well-being. He also

of admirable wisdom and exemplary Virtue . . . and I am clear that America must resort to them as an asylum during discord, Seditions and Civil War . . . . Our country is not ripe for it in many respects . . . . but our ship must ultimately land on that shore or be cast away.

Id.

63 DAUER, supra note 56, at 263.
64 SMITH, supra note 4, at 964.
65 FERLING, supra note 3, at 382.
66 SMITH, supra note 4, at 1045.
67 Id. at 967.
68 Id. at 1000, 1030.
69 DAUER, supra note 56, at 265.
70 Id. at 264.
71 AMERICAN AURORA, supra note 1, at 899.
contributed to the establishment of a peaceful method whereby change could take place within the framework of constitutional republican government which ultimately became democratic government.72

Rosenfeld's negative treatment of Washington and Adams instructs us about the limits of "partisan" scholarship. One might initially think the author's perspective should not matter to us. After all, he presents not only the daily newspaper wars, but the historical context. He also offers us corroborating letters, diaries, legislation, court records, and a range of secondary sources. What does it matter if he is clearly partisan?

As lawyers, we know the answer: A skilled partisan can pick and choose, slight or emphasize, so as to dazzle an innocent, neutral observer, while distorting the facts. We all have read opposition briefs, which on first blush have seemed so powerful—seemingly stocked with key caselaw, legislation, committee reports, and the like—and then, after study, and perhaps imbued with our own commitments, have seemed so inaccurate, unreliable, or unfair. Bear in mind such briefs concern relatively recent events. Rosenfeld is pure partisan regarding incidents dating back 200 years.

This is not an argument for ignoring Rosenfeld's work or his methodology, which seeks to capture the mood of a period through exposure to the daily newspaper wars in the context of events taking place. Nor is it based upon the assumption that an historian can be totally objective in framing issues, choosing sources and standards, and drawing narrow and broad factual conclusions. Rather it is a hesitance to jump to conclusions and a call to other historians to present other perspectives on the important questions Rosenfeld is addressing.

One theme to reflect upon in reading Rosenfeld is conspiracy. Perhaps it can be said that seeing a conspiracy which is not there, is as American as apple pie.73 Today's unorganized militia groups are but a modern embodiment of that phenomenon. The founders, including Adams and Washington, had earlier believed the British, in their pattern of restrictions and taxation of the colonists in the 1760's, were conspiring to take away American liberty.74 Three decades later, Federalists feared a dangerous new conspiracy, which once more had crossed the Atlantic. A secret network, the Illuminati, was said to be at work, out to overturn the established political and religious order, not only in Europe, but in America too.75 "Jacobin" France, having cast off its monarchy, together with French and Irish emigres to America, was believed to be part of

72 Dauer, supra note 56, at 264.
74 Bailyn, supra note 73, at 118, 120.
75 Hofstadter, supra note 73, at 10-11, 13.
that world-wide plot. Persons who lived through the "Red Scare" in America in the 1950's should recognize the similarities.

Rosenfeld's work gets a mixed review here. In some respects, much credit: bringing to life, more effectively than had been done before, an important time in American history; showing how essential a vigilant press is to society (presumably just as much now in our age of cable, computers and nuclear weapons as it was in earlier times); reminding us of a time of a "reign of witches," with Federalists acting out their worst fears and thus threatening our liberty; and exploding the myth of a golden age in which our founders were in common cause in the early years of the Republic. On the other hand, fault the book for its unfair and one-sided portraits of Washington and Adams, for its confusing methodology, and for its unnecessary 908 pages. Despite its limitations, however, *American Aurora* fascinates and instructs, and it deserves to be read.

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76 Id.

77 *American Aurora*, supra note 1, at 3.