PRESENT AT THE CREATION

JOHN ADAMS BY DAVID MCCULLOUGH (NEW YORK: SIMON & SCHUSTER, 2001)

As the second president of the United States, John Adams (1735–1826) laboured in the shadow of the legendary George Washington,[1] and has been relegated in popular history to the second tier of statesmen who founded the Republic. David McCullough's Pulitzer Prize-winning biography[2] restores Adams to the front rank alongside Washington, Jefferson, Franklin, Hamilton, and Madison.

Employing the style of a historical novelist, McCullough describes vividly Adams' youth as a hard-working farmer's son, Harvard student, school teacher, law student, and colonial lawyer in eighteenth-century Massachusetts.[3] The physical and moral courage acquired during those years forged Adams' character, which infused his public service.

McCullough's account of Adams' legal career provides many insights for modern practitioners. Adams harboured a high opinion of the legal profession's potential to do great good in organized society.[4] However, he was also mindful that human nature had not changed since ancient times, and that people were capable of great good *and* great evil.[5] He believed that "[r]eligion, superstition, oaths, education, laws, all give way before passions, interest, and power."[6]

Adams practiced across a wide spectrum of public and private law, and was considered as "honest [a] lawyer as ever broke bread."[7] His greatest professional challenge was when he agreed to defend the captain and eight British soldiers who had killed five colonists in a riot at the Boston Custom House in 1770, which became known as the "Boston Massacre."[8] Informed that no other lawyer would represent the British soldiers, Adams knew that his duty was clear. He suppressed his political bias, jeopardized his future law practice, and upheld the rights to counsel and a fair trial. During the two trials he performed brilliantly, and obtained acquittals for the captain and six of the eight British soldiers.[9] His thorough preparation and outstanding advocacy skills overcame "passions, interest, and power."[10]

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1 D. McCullough, *John Adams* (New York: Simon & Schuster, 2001) at 10, 459, 467 [hereinafter *Adams*].

2 F. Barringer, "Pulitzers Focus on Sept. 11, and The Times Wins 7" *New York Times* (9 April 2002) A1.

3 *Adams, supra* note 1 at cc. 1-2.

4 *Ibid.* at 53.

5 *Ibid.* at 377.

6 *Ibid.* Adams' views concerning human nature were influenced by the ancient observations of Thucydides.

7 *Ibid.* at 63, quoting Jonathan Sewall.

8 *Ibid.* at 65-66.

9 *Ibid.* at 67-68.

10 *Ibid.* at 377.

Politically, Adams' support for American independence ended his friendship with Attorney General Jonathan Sewall, and with his legal mentor, James Putnam.[11] Both men were Loyalists who eventually emigrated to New Brunswick, where Putnam became one of the first judges of the colonial Supreme Court.[12] Lorenzo Sabine, the nineteenth-century American historian of the Loyalists, reflected upon the revolutionary reversals of fortune affecting Putnam and Adams following a visit to Putnam's New Brunswick home:

> I have often stood at ... [Putnam's] grave and mused upon the strange vicissitudes of the human condition, by which the master, one of the giants of the American Colonial Bar, became an outlaw and exile, broken in fortune and spirit, while his struggling and almost friendless pupil [Adams], elevated step by step by the very same course of events, was finally known the world over as the Chief Magistrate of a Nation.[13]

Truly, Adams was present at the creation.[14] He played a pivotal role in American constitutional history. In the Continental Congress, Jefferson was "the pen" who wrote the Declaration of Independence, but Adams was "the voice" who advocated its passage.[15] He also nominated Washington to command the Continental Army.[16] As a pioneer in American diplomacy, he represented the infant Republic's interests in France, the Netherlands, and England.[17] Like Madison, Adams was a skilled political theorist who wrote the Constitution of the Commonwealth of Massachusetts, which served as a model for the United States Constitution.[18] He believed in three parts to achieve a balance in government: a strong executive, a bicameral legislature that was supreme

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11 *Ibid.* at 71, 76-77.

12 W.S. MacNutt, *New Brunswick: A History: 1784–1867* (Toronto: Macmillan, 1984) at 50-51. Sewall's exile is described by Carol Berkin in *Jonathan Sewall: Odyssey of an American Loyalist* (New York: Columbia University Press, 1974). In 1984, Justice Gérard La Forest, then a member of the New Brunswick Court of Appeal, noted the New Brunswick Supreme Court's bicentennial in remarks delivered from the bench. Ironically, the focus of his remarks was the role of the judiciary as the "least dangerous" branch of government (as described by Alexander Hamilton in the *Federalist Papers*). Thus, a political tract of an American revolutionary leader was cited at the bicentennial of the Court founded by the Loyalists who had been driven into exile by the American revolutionary forces. See G.V. La Forest, "Bicentennial of the Supreme Court of New Brunswick" (1985) 34 U.N.B.L.J. 3 at 4, and A. Hamilton, "Number 78: The Judges as Guardians of the Constitution" in B.F. Wright, ed., *The Federalist* (Cambridge: Belknap Press, 1966) 489 at 490.

13 L. Sabine, *Biographical Sketches of Loyalists of the American Revolution with An Historical Essay*, vol. 2 (Boston: Little, Brown, 1864) at 205. This quotation is included with slight variations in MacNutt, *ibid.* at 51.

14 The expression "present at the creation" is taken from the autobiography of Dean Acheson, Secretary of State in the Truman administration, which is entitled *Present at the Creation: My Years in the State Department* (New York: W.W. Norton, 1969) at xvii. Secretary Acheson cited a quotation from Alphonso X, the Learned, King of Spain (1252–84): "Had I been present at the creation I would have given some useful hints for the better ordering of the universe." Secretary Acheson also quoted John Adams in his *Apologia Pro Libre Hoc.*

15 *Adams, supra* note 1 at 643.

16 *Ibid.* at 20.

17 *Ibid.* at 174 (France), 270 (the Netherlands), 328 (England).

18 *Ibid.* at 220-25. Adams wrote *Thoughts on Government* in 1776 as the new Republic was being born. He published *A Defence of the Constitutions of Government of the United States of America* in 1787 as a new national constitution was being written; see *Adams, ibid.* at 101-103, 374-79.

over the executive, and an independent judiciary.[19] He was the first vice-president, and then succeeded Washington as president (1797–1801).[20] Adams' one-term presidency was marred by political factionalism. His greatest achievements were preventing war with France,[21] and appointing John Marshall as Chief Justice.[22] During Chief Justice Marshall's lengthy tenure, in which he interpreted the new Constitution, he strengthened the judicial branch by asserting the power of judicial review.[23] Adams was the first occupant of the White House, then known as the President's House, in the new federal capital.[24] Following his electoral defeat, he retired to his farm.[25] Before his death at the age of ninety, he saw his son, John Quincy Adams, become the sixth president, a feat which has been matched only recently by the Bush family.[26]

Throughout the book, McCullough explores the extraordinary relationship that Adams had with his wife, Abigail, and how this incredibly talented woman provided private support and professional advice. This joint examination of the President and the First Lady is somewhat reminiscent of Doris Kearns Goodwin's treatment of Franklin and Eleanor Roosevelt in *No Ordinary Time*.[27] McCullough also examines the relationship with Jefferson, which moved from political alliance to bitter rivalry and finally to friendly respect expressed in a sparkling correspondence that ended fittingly when both men died on 4 July 1826 — the fiftieth anniversary of the Declaration of Independence.[28]

Although the author's style is not hagiographic, he does admire the civic virtue of his subject to the point that he minimizes Adams' shortcomings. There is a similarity between this book and McCullough's earlier Pulitzer Prize-winning biography of

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19 *Ibid.* at 375. Adams' conception of the separation of powers has historical ramifications for the constitutional dialogue among the branches of government. For a recent discussion of the Canadian constitutional dialogue theory with comparative references to American sources, see K. Roach, "Constitutional and Common Law Dialogues Between the Supreme Court and Canadian Legislatures" (2001) 80 Can. Bar Rev. 481.

20 *Adams, ibid.* at 394, 467, 564.

21 *Ibid.* at 552.

22 *Ibid.* at 560.

23 For two detailed descriptions of Marshall's judicial impact see J.E. Smith, *John Marshall: Definer of a Nation* (New York: Henry Holt, 1996); and J.F. Simon, *What Kind of Nation: Thomas Jefferson, John Marshall, and the Epic Struggle to Create a United States* (New York: Simon & Schuster, 2002). Marshall had been Secretary of State in the Adams administration prior to his appointment as Chief Justice (see *Adams, supra* note 1 at 539). Marshall served as Chief Justice from 1801 until his death in 1835 (see Smith, *ibid.* at 279-80, 523-24).

24 *Adams, supra* note 1 at 551.

25 *Ibid.* at 564, 568.

26 *Ibid.* at 639-47. For two recent considerations of the relationship of George H.W. Bush and George W. Bush which mention John Adams and John Quincy Adams, see W. Safire, "Like Father, Unlike Son" *New York Times* (2 September 2002) A15; and J. Alter & H. Fineman, "A Dynasty's Dilemma" *Newsweek* 140:5 (29 July 2002) 22 at 25. A biography of four prominent members of the Adams family has been published following McCullough's biography of John Adams: R. Brookhiser, *America's First Dynasty: The Adamses, 1735–1918* (New York: Free Press, 2002).

27 D.K. Goodwin, *No Ordinary Time: Franklin and Eleanor Roosevelt: The Home Front in World War II* (New York: Simon & Schuster, 1994).

28 *Adams, supra* note 1 at 646-47. Throughout the biography, McCullough compares Jefferson to Adams. Generally, Jefferson's historical reputation is diminished by this comparison.

President Harry Truman. In *Truman*,[29] the author describes a diligent man who rises from humble origins to succeed a charismatic president (Franklin Roosevelt) and makes his own mark.

Superficially, McCullough's approach appears to reflect elements of Thomas Carlyle's Great Man theory of history. Carlyle believed that "Universal History, the history of what man has accomplished in this world, is at bottom the History of the Great Men who have worked here."[30] However, a deeper examination of McCullough's technique in *John Adams* and *Truman* reveals that his outlook is closer to that of Ralph Waldo Emerson. Unlike Carlyle, who emphasized domination, Emerson believed that great people were useful for the education and inspiration they could give to others in order to enhance their lives. In *Representative Men*, Emerson declared:

> Other men [and women] are lenses through which we read our own minds.... I count him [her] a great man [woman] who inhabits a higher sphere of thought, into which other men [and women] rise with labor and difficulty; he [she] has but to open his [her] eyes to see things in a true light and in large relations, whilst they must make painful corrections and keep a vigilant eye on many sources of error. His [Her] service to us is of like sort....
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> But he [she] must be related to us, and our life receive from him [her] some promise of explanation. I cannot tell what I would know; but I have observed there are persons who, in their character and actions, answer questions which I have not skill to put.[31]

Although McCullough consults an excellent bibliography of scholarly secondary sources,[32] he does not provide a deep thematic analysis. Instead, he traces the progress of Adams' life against the background of such issues as class conflict, sectarian strife, feminism, and race relations. He relies extensively on the prolific correspondence between John and Abigail Adams, which exceeds more than one thousand surviving letters.[33] Like John Henry Newman, the author appears to believe that "[b]iographers varnish; they assign motives; they conjecture feelings; ... but contemporary letters are facts."[34] The primary weakness of this conservative biographical method is that self-

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29 D. McCullough, *Truman* (New York: Simon & Schuster, 1992).

30 T. Carlyle, "Lecture I: The Hero As Divinity. Odin. Paganism: Scandinavian Mythology" in A. MacMechan, ed., *Carlyle On Heroes, Hero-Worship, And the Heroic In History* (Boston: Ginn, 1901) 1 at 1.

31 R.W. Emerson, "Lecture I: Uses of Great Men" in *The Complete Works of Ralph Waldo Emerson: Representative Men*, vol. 4 (New York: Ams Press, 1968) 1 at 5-7. Sir Isaiah Berlin borrows implicitly from Emerson's observations in describing aristocratic political reformers who were born in the nineteenth century, including Franklin Roosevelt: "Their minds see large and generous horizons." See I. Berlin, "Alexander Herzen" in H. Hardy & A. Kelly, eds., *Russian Thinkers* (New York: Viking Press, 1978) 186 at 187. This description as it applies to Roosevelt is quoted by Nathan Miller in *FDR: An Intimate History* (Garden City: Doubleday, 1983) at 352.

32 *Adams, supra* note 1 at 703-26.

33 *Ibid.* at 653. In addition, McCullough uses information disclosed in the correspondence of John and Abigail Adams with other people.

34 Quoted by E.E. Kelly in "Newman's Reputation and the Biographical Tradition" (1989) 15 Faith & Reason 151 at 154, online: Global Catholic Network <www.ewtn.com/library/HUMANITY/FR89407.TXT> (date accessed: 29 May 2002). As the source for this quotation,

knowledge is a rare virtue.[35] In this biography, the self-serving dangers of this approach are minimized because the content of the letters reveal that John and Abigail are discerning and candid correspondents.

Like *Founding Brothers*,[36] this book contributes to a greater recent understanding of the American Revolution, its immediate aftermath, and constitutional history. The penetrating prose of David McCullough dispels the shadows cast by the other historic figures of the Revolution and illuminates the accomplishments of John Adams. Adams knew the noblest giants of his time, and he was one of them.

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Kelly cites C.S. Dessain *et al.*, eds., *The Letters and Diaries of John Henry Newman*, vol. 120 (London: Thomas Nelson & Sons, 1970) at 443.

35 Kelly, *ibid.* The subjective distortion caused by excessive reliance upon the accounts of participants in historical events was expressed humorously by Winston Churchill when the wartime leader resumed his second career as an author: "History will be kind to me for I intend to write it." See online: The Quotations Page <www.quotationspage.com/quotes/Sir_Winston_Churchill.html> (date accessed: 27 September 2002). See also a similar quotation attributed to Churchill in D. Enright, ed., *The Wicked Wit of Winston Churchill* (London: Michael O'Mara Books, 2001) at 83. For a detailed critique of Churchill's historical books see M. Ashley, *Churchill As Historian* (London: Secker & Warburg, 1968).

36 J.J. Ellis, *Founding Brothers: The Revolutionary Generation* (New York: Knopf, 2000).