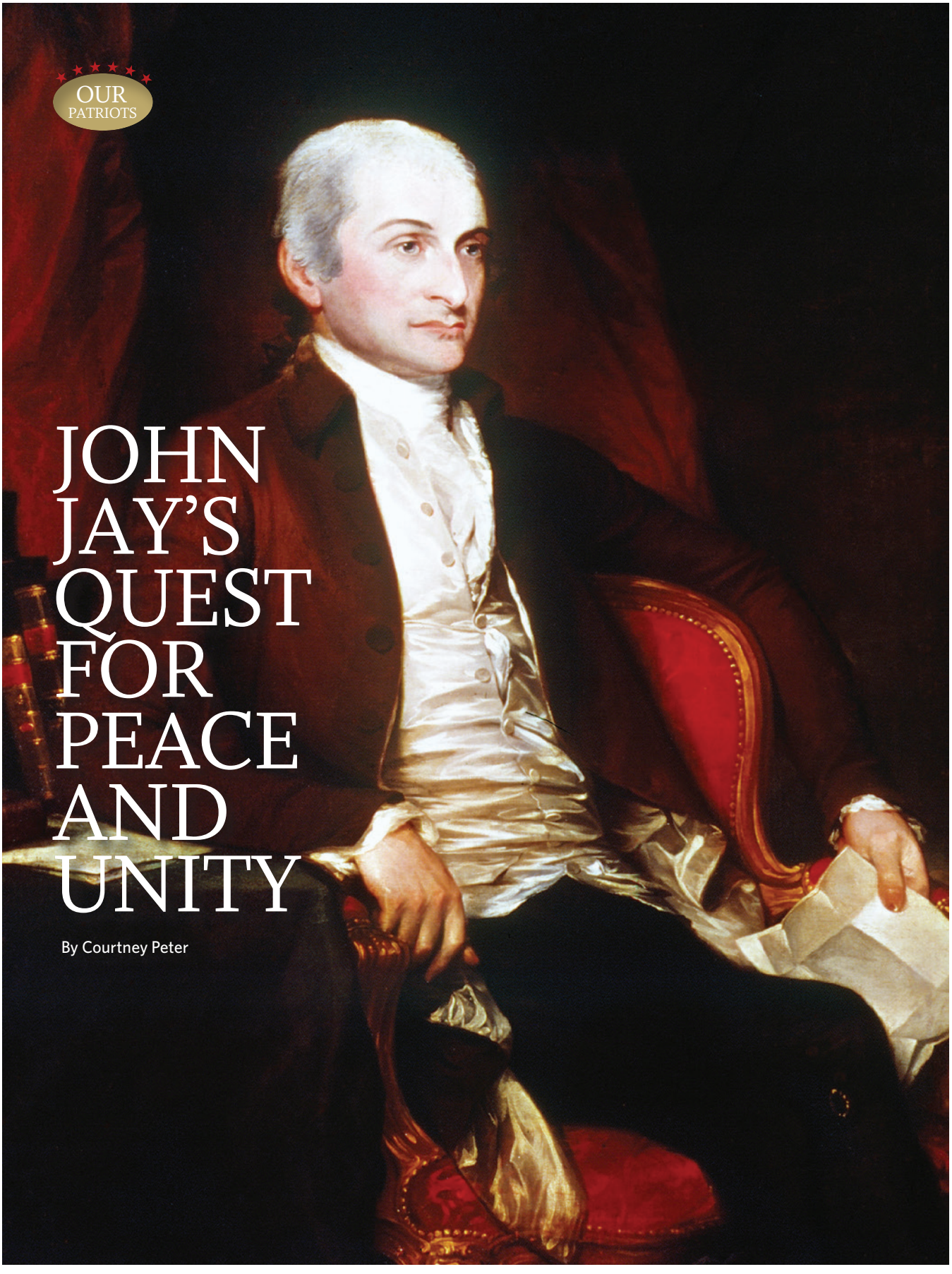
OUR PATRIOTS

JOHN JAY'S QUEST FOR PEACE AND UNITY

By Courtney Peter



THE GRANGER COLLECTION, NEW YORK

Twenty-seven years of nearly uninterrupted public service transformed John Jay from a proud British subject hoping for a peaceful resolution with Britain to an ardent advocate of a strong national government for the precarious United States. During that time Jay performed an array of critical roles, including co-drafter of the New York Constitution, president of the Continental Congress, co-negotiator of the Treaty of Paris, first chief justice of the United States and governor of New York. Drawing on his abundant experience and range of abilities, Jay helped to secure peace and unity in the new nation's first decades.

A Son of New York

John Jay was born in 1745 in New York City and baptized at Trinity Church. His father, Peter Jay, a Huguenot, fled religious persecution in France to settle in New York, where he became a prosperous merchant. Mary Van Cortlandt Jay, his mother, was a member of one of Colonial New York's most prominent families. After graduating from Kings College (present-day Columbia University) in 1764, he spent four years as a law clerk, then entered private practice.

The year 1774 brought big changes for Jay personally and professionally. On April 28, he married Sarah Livingston, a daughter of New Jersey Governor William Livingston. Together they had six children. In late summer of 1774, he traveled to Philadelphia as a delegate to the First Continental Congress.

Resister Turned Revolutionary

Jay became a valuable member of the convention. In November 1774, he authored *The Address to the People of Great Britain*, an appeal for recognition of the colonists' demands. "To enforce this unconstitutional and unjust scheme of taxation, every fence that the wisdom of our British ancestors had carefully erected against arbitrary power has been violently thrown down in America," Jay wrote.

Still, the address vowed that reconciliation remained possible: "Permit us to be as free as yourselves, and we shall ever esteem a union with you to be our greatest glory and greatest happiness." Thomas Jefferson said of the work, "I think it the first composition in the English language."

Having seen protests of the Sugar Act and the Stamp Act lead to the repeal of those measures, Jay "was so certain that properly expressed resistance would change British policy that he would … become one of the last American leaders to be converted from resistance to revolution," Walter Stahr writes in *John Jay: Founding Father* (Bloomsbury Academics, 2006).

Once converted, Jay committed fully to independence. In *The Address of the Convention of the Representatives of the State of New York to Their Constituents*, published December 23, 1776, Jay wrote, "When your country is invaded and cries aloud for your aid, fly not to some secure corner of a neighboring State and remain idle spectators of her distress, but share in her fate and manfully support her cause …"

Jay continued serving in the Continental Congress between breaks to help establish New York's state government. In December 1778, Congress elected him as its president. Despite its prestige, the position held little power. The demanding job involved a deluge of correspondence, refereeing political and personal disputes, and entertaining foreign ministers and fellow members of Congress. Jay served for 10 months, until he received his next assignment.

A Negotiator Abroad

In September 1779, Congress appointed Jay as a diplomatic envoy to Spain, from which the United States hoped to secure money, arms and recognition as an independent nation.

The situation in Madrid was bleak. Spain declined to recognize the United States' independence and had meager funds to spare due to its own war with Britain. Jay spent his time trying to arrange meetings and scrambling to pay the bills that Congress drew against the expected Spanish loans.

As Spain continued to stall, Jay was summoned to France as part of a commission to negotiate peace with Britain. In June 1782 Jay arrived in Paris, joining Benjamin Franklin, who had been serving as minister to France since 1776. (John Adams, the third member of the commission, arrived in late October 1782.)

Britain and the United States were not the only parties to consider. The United States had promised France that they would not make peace with Britain until France did, too. The French, in turn, had made the same promise to their Spanish allies. With each nation focused on different, often competing concerns, the negotiations required delicacy and compromise.

The Americans' chief concerns were recognition of independence, national boundaries, free trade, use of the Mississippi River and access to North Atlantic fisheries. Britain wanted amnesty and restoration of property for Loyalists, and for Americans to repay their debts to British creditors.

In September 1782 Jay drafted a peace treaty. "Although there were many later changes, much of Jay's first draft survived into the final document," Stahr writes. It took nearly two years for both sides to ratify and sign the Treaty of Paris, which Americans considered a success. "The peace which exceeds in the goodness of its terms, the expectations of the most sanguine does the highest honor to those who made it," Alexander Hamilton wrote to Jay on July 25, 1783.

Building a National Government

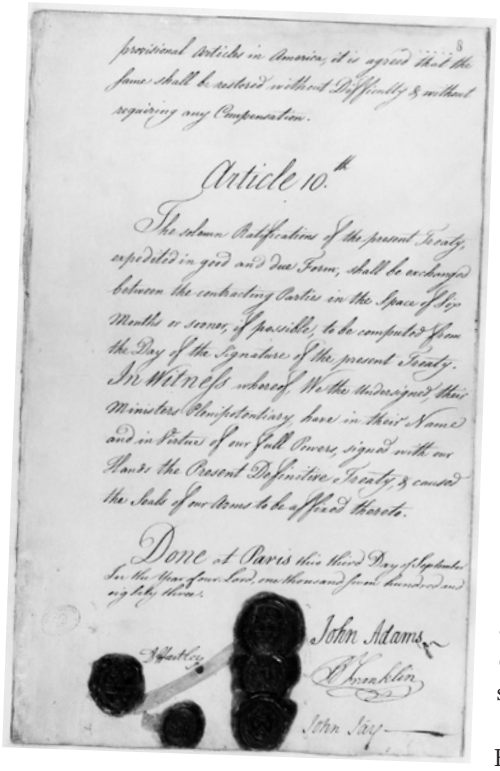
The peace treaty played a major role in Jay's post-Revolutionary War work. As the Continental Congress' secretary of foreign affairs from December 1784 to March 1790, Jay dealt with the fallout from both parties' failure to meet the treaty terms. British troops remained at forts around Detroit, and the

Americans had not rendered aid to the Loyalists or repaid British creditors.

Other matters requiring attention included talks with Spain regarding navigation of the Mississippi River and the seizure of American ships by the Barbary powers. By the end of Jay's tenure none of these issues were resolved, but neither had they escalated to the point of war. Achieving this degree of equilibrium took a great deal of work.

At the same time, Jay actively campaigned on behalf of the Constitution, both privately and publicly. With Hamilton and James Madison, he coauthored the Federalist Papers. Most of Jay's essays concerned foreign affairs, arguing that a united country would command respect whereas divided states would invite exploitation.

"He helped form the consensus that strong national government was necessary; provided several key concepts such as the supremacy of national laws; he wrote powerful essays in support of the new Constitution; and above all, through quiet compromise, he persuaded the Anti-Federalists at Poughkeepsie to accept and ratify the Constitution," Stahr writes.


provisional Articles in America, it is agreed that the same shall be restored without Difficulty & without requiring any Compensation.

Article 10th

The solemn Ratifications of the present Treaty, expedited in good and due Form, shall be exchanged between the contracting Parties in the Space of Six Months or sooner, if possible, to be computed from the Day of the Signature of the present Treaty. In Witness whereof We the undersigned their Ministers Plenipotentiary, have in their Name and in Virtue of our full Powers, signed with our Hands the present Definitive Treaty & caused the Seals of our Arms to be affixed thereto.

Done at Paris this third Day of September in the Year of our Lord one thousand seven hundred and eighty three.

John Adams
B Franklin
John Jay

Article 10 of the Treaty of Paris, the peace treaty that ended the Revolutionary War, signed September 3, 1783.

In 1789, President George Washington appointed Jay as the first chief justice of the United States. Early on, the Supreme Court had few cases to try—the appeals process needed time to work. Justices also presided over regional circuit courts, which kept them away from home for long periods of time.

While riding the circuit, Jay began court sessions with a charge to the grand jury, both to help frame the jurors' role and to explain the new judiciary system itself. On May 4, 1790, he advised, "When offenders are prosecuted with temper and decency, when they are convicted after impartial trials, and punished in a manner becoming the dignity of public justice to prescribe, the feelings and sentiments of men will be on the side of government."

A Career's Final Acts

War with Britain was a serious threat by 1794, due to maritime hostilities by the British. The United States, with an infant government and virtually no military, was ill-prepared for war.

Washington sent Jay to England as a special envoy to broker peace via a commercial agreement with Britain. The evacuation of British troops from the northwest forts, national boundaries, British creditors and United States exports also factored in the discussions.

Jay's Treaty, signed November 19, 1794, favored the United States with respect to boundaries and England in terms of commerce. The terms sparked public outcry and debate. Still, the Senate ratified Jay's Treaty, and Washington signed it. Whatever else was conceded, the main goal—to secure peace—had been attained.

While Jay sailed home from England, he was elected governor of New York. He resigned from the Supreme Court and returned to his home state. As governor, Jay enacted criminal reform, set in motion the gradual abolition of slavery in New York and navigated partisan politics. By 1800, as his second gubernatorial term neared its end, Jay was resolved to retire. The next year he left public life for his farm in Bedford, N.Y., where he died on May 17, 1829.

His son, Peter Augustus Jay, selected these words for his tombstone: "In memory of John Jay, eminent among those who asserted the liberty and established the independence of his country, which he long served in the most important offices, legislative, executive, judicial and diplomatic … ."

Visit John Jay Homestead

400 Jay St., Katonah, N.Y.
Hours vary seasonally. Check online for current information.
www.johnjayhomestead.org

Now a state historic site, the estate where John Jay spent his retirement years offers its extensive grounds for visitors to explore free of charge between sunrise and sunset. From May through mid-October, docent-led tours of Jay's home are available Wednesday through Sunday for a small fee (adults, $7; students and seniors, $5; children under 12, free), and six on-site Discovery Centers house exhibits on early American education, horticulture, agriculture and more. Summer is a busy season at the homestead, with monthly outdoor screenings of family-friendly films and a farmers' market each Saturday morning from June 11 through October 29.

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