

Jefferson deplored the result in the Burr trial. He privately asserted, "We supposed we possessed fixed laws to guard us against treason and oppression. But it is now apparent that we have no law but the will of the judge." His Seventh Annual Message suggested that Congress impeach Chief Justice Marshall or pass legislation that might bring the Burr conspirators to justice. Nothing happened. Congress refused to pass new measures punishing the alleged Burr conspirators and refrained from impeachment. Federal prosecutors attempted to convict some members of the Burr entourage of other federal crimes. They were unsuccessful. By the end of the Jefferson administration, prosecutions were abandoned.

How would you evaluate Jefferson's behavior during the Burr trial? Did he act consistently with his obligation to enforce the laws of the United States? Was his attempt to impeach Chief Justice Marshall an effort to secure or interfere with a nonpartisan judiciary?

I informed Congress at their last session of the enterprises against the public peace which were believed to be in preparation by Aaron Burr and his associates, of the measures taken to defeat them and to bring the offenders to justice. Their enterprises were happily defeated by the patriotic exertions of the militia whenever called into action, by the fidelity of the Army, and energy of the commander in chief in promptly arranging the difficulties presenting themselves on the Sabine, repairing to meet those arising on the Mississippi, and dissipating before their explosion plots engendering there. I shall think it my duty to lay before you the proceedings and the evidence publicly exhibited on the arraignment of the principal offenders before the circuit court of Virginia.

You will be enabled to judge whether the defect was in the testimony, in the law, or in the administration of the law; and wherever it shall be found, the Legislature alone can apply or originate the remedy. The framers of our Constitution certainly supposed they had guarded as well their Government against destruction by treason as their citizens against oppression under pretense of it, and if these ends are not attained it is of importance to inquire by what means more effectual they may be secured.

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