

WAR of

1812

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## Part II: The Failure of Peaceable Coercion

The election of 1800 was both hotly contested and constitutionally problematic. Both Jefferson and Aaron Burr received seventy-three electoral votes from their Democratic-Republican supporters. Adams received sixty-five. But Burr didn't accept the fact that the intent was for him to be vice-president, so the question of who would be elected president needed to be resolved by the House of Representatives. After thirty-five separate votes in the House, Thomas Jefferson was elected by a very slim margin. (Soon after, Congress drafted the Twelfth Amendment which provided that electors cast separate ballots for president and for vice-president.)

### The Jefferson Administration (1801-1809)

Jefferson's outlook on relations between nations and his distrust of strong central government differed strongly from previous administrations. He believed that trade and the "law of nations," not military power, should govern relations between countries. In spite of increasingly sharp differences between the Federalists and the Democratic-Republicans, Jefferson used his inaugural address to offer an olive branch. He hoped to heal the divisions between the two parties by saying that differences of opinion should be tolerated. Nevertheless, as the nation's first Democratic-Republican President, he led the dismantling

of the Federalists' domestic program. Jefferson's government reduced the army and navy, abolished the whiskey tax, reduced the national debt, and repealed legislation that would have allowed Adams' last-minute judicial appointees take their seats as judges.

**"The Federalists  
are down at last!  
The Monarchists  
completely cast!  
The Aristocrats are  
stripped of power  
—Storms o'er the  
British faction lower.  
Soon we Republicans  
shall see Columbia's  
sons from bondage  
free. Lord! how the  
Federalists will stare  
At JEFFERSON in  
ADAMS' chair."**

—Song in Celebration of  
Adams' defeat



This Federalist cartoon, "The Providential Detection," portrays Jefferson as overly sympathetic to France.

***What was the major foreign policy achievement of Jefferson's first administration?***

With the giants of Europe at peace from 1801 to late 1803, American commerce flourished, and French interest in North America increased. Napoleon had reacquired the Louisiana Territory from Spain in 1800 in order to use the region to supply his colonies in the Caribbean. The United States reacted with concern. France was powerful—Spain was not. Navigation of the Mississippi and access to the port of New Orleans were critical to American commerce.

The United States sent James Monroe to France to offer to buy New Orleans and part of Florida from Napoleon. Before Monroe arrived, Napoleon lost his taste for empire in the new world. The successful rebellion of black slaves led by Toussaint L'Ouverture in Haiti made Napoleon believe that the cost wasn't worth the gain. Expecting renewed war with Great Britain, Napoleon offered the Louisiana Territory for \$15 million. Without time to wait for instructions from Jefferson, Monroe accepted the offer. It was a major accomplishment.

With this purchase, the United States nearly doubled its size. Jefferson believed that he had expanded the "Empire of Liberty" and secured American use of the Mississippi River and the port of New Orleans for American farmers in the Ohio River Valley.

Jefferson's decision was not popular with everyone. The Federalists feared that the acquisition of the Louisiana Territory and its eventual settlement would doom the Federalist Party to a subordinate role as western farmers cast their votes for Democratic-Republican candidates. The purchase also raised questions in Congress about the status of slavery: would the new areas become slave or free states? Congress also discussed the merits of slavery on the whole but did not immediately solve the problem.

Once again the Constitution had not offered guidance on how to proceed with a foreign policy issue; it was silent on how new territory could be added to the United



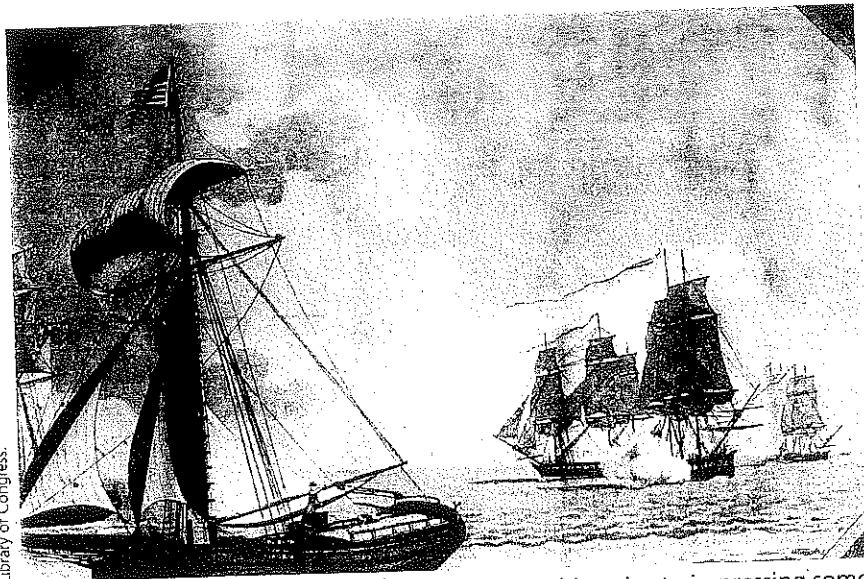
Toussaint L'Ouverture.

States. The Federalists viewed Jefferson's action as hypocritical. They found it ironic that a staunch defender of a strict interpretation of the Constitution now offered a loose interpretation regarding the acquisition of new territory.

***How did deteriorating relations between Great Britain and France affect the United States?***

During Jefferson's second administration, relations with both Great Britain and France took a turn for the worse. The sea power of Great Britain posed a major obstacle to Napoleon's vision of a vast French empire. In the Berlin Decree in 1806, Napoleon ordered the nations of Europe to stop buying British goods. Great Britain responded by decreeing that all ships carrying trade for the continent had to stop in Britain first where they would be searched for war materials. This decree was known as the Orders in Council. France countered by saying that all ships that stopped in Britain were liable to seizure.

American shippers were then caught



The British vessel *Leander* fires on an American ship prior to impressing some of its sailors.

between a rock and a hard place. If they proceeded directly to France, their ships were liable to seizure by Britain. If they proceeded first to Great Britain they were subject to seizure by the French.

In addition to interfering with neutral trading rights, the British continued their policy of impressment. Although no one knows exactly how many American citizens were impressed in the years leading up to the War of 1812, estimates run from thirty-eight hundred to more than ten thousand.

In late 1806, President Jefferson authorized William Pinkney to sail to Great Britain. His mission was to aid James Monroe in Pinkney's efforts to resolve the growing tensions caused by British interference with American trade. After several months of negotiation, the Monroe-Pinkney Treaty with Great Britain was signed on December 31, 1806.

### ***Why did Jefferson refuse to submit the Monroe-Pinkney Treaty to the Senate for ratification?***

The Monroe-Pinkney Treaty addressed various points of contention revolving around British restrictions on U.S. trade, but failed to address the issue of impressment. Jefferson used this omission as an excuse to not submit

the treaty to the Senate for ratification. Also contributing to his decision were his intense dislike of Britain, his belief that monarchies caused wars, and a desire to avoid any repeat of the outcry over the Jay Treaty—which had been viewed as a capitulation to Great Britain. Tensions continued between the two countries.

### ***How did the continuing impressment of sailors affect relations with Great Britain?***

In 1807, the HMS *Leopard* stopped the American naval vessel the USS *Chesapeake*. When the American captain refused to allow the British to search for deserters from the British navy, the British captain opened fire, killing three and wounding eighteen. He also removed four sailors. This attack on an American naval vessel led to calls for war. Jefferson refused to give in to popular demand. Instead, he ordered British warships out of American waters and instructed the U.S. minister in London, James Monroe, to demand an apology and a halt to impressment. British Foreign Secretary George Canning was eager to avert a war with the United States because he was concerned that war might divert Britain's resources from its battle with Napoleon, but he did not give in completely. He noted that the admiral responsible for the order that led to the attack on the *Chesapeake* had been dismissed, but he refused to bend on the question of impressment.

Faced with continuing European interference with its neutral trading rights, the United States turned to an economic approach that became known as "peaceable coercion."

### ***What was "peaceable coercion" and why did it fail?***

Jefferson had a new and radical view of

diplomacy. He believed that nations should be linked by trade and that American commerce (instead of war), could be a weapon of diplomacy. Recalling lessons learned during the years leading up to the American Revolution, the United States attempted to exert economic pressure on France and England in an effort to gain respect for neutral trading rights. The United States chose to send a strong message by imposing an all-out embargo which stopped all trade. Passage of the Embargo Act of 1807 confined all U.S. ships to harbor in an effort to deny France and Great Britain agricultural and manufactured products.

***“The decrees of France prohibit us from trading with Great Britain. The orders of Great Britain prohibit us from trading with France. And what do we do? Why, in direct subservience to the edicts of each, we prohibit our citizens from trading with either. I ask in what page of the Constitution you find the power of laying an embargo? It is nowhere directly given. You have it, then, by construction, or by precedent. By construction, it would be based on***

***the power to regulate. I leave aside the commonplace argument that regulation cannot mean annihilation, and that what is annihilated cannot be regulated. I ask this question: Can a power ever be obtained by construction which had never been exercised at the time of the authority given?”***

—Josiah Quincy, Federalist Congressman from Massachusetts, Speech to the House of Representatives, November 1808

As it turned out, Jefferson had miscalculated. The embargo did not severely harm the economies of Britain and France. In fact, the U.S. economy was hurt far more. Thousands were put out of work and there was widespread public dissent.

Intense domestic pressure and the failure of the policy led Jefferson to sign legislation repealing the Embargo Act shortly before leaving office in 1809. Yet, even in the twilight of his presidency, he made one more effort to find a solution to the trade problem.

#### ***How did the Nonintercourse Act affect trade?***

Passed by a lame-duck Congress only

days before the end of Jefferson's administration, the Nonintercourse Act of 1809 forbade all trade with both France and Great Britain as well as their colonies. However, the act also allowed the president to reopen trade with whichever belligerent nation removed its restrictions on U.S. trade first. This act opened American ports to all other traders, (though most of U.S. trade had been with Britain and France), and encouraged smuggling. Any captain simply had to announce that his ship was engaged in coastal trade within the



The adverse effect of the embargo is shown in this cartoon. "Ograbme" is embargo spelled backwards.

United States or trade with countries other than Great Britain and France to gain permission to leave port. Smuggling became the name of the game. This act soon proved to be ineffective, and the problems with Britain and France continued.

## Madison's First Administration (1809-1813)

Virginian James Madison already had an outstanding political career before he became president in 1809. The primary author of the Constitution and the Bill of Rights, his formidable political intellect had put him at the center of all of the young nation's political debates. He was a long-time friend of Jefferson as well as Jefferson's secretary of state. It was now Madison's turn to take the helm of the ship of state.

In an effort to reopen trade between the United States and Britain, David Erskine, British minister to the United States, opened negotiations with U.S. Secretary of State Robert Smith in April 1809. The resulting Erskine Agreement stated that Britain would drop its requirement that U.S. ships stop to be searched in Britain for war materials in return for an American agreement not to trade with France. Madison was pleased with this agreement. He announced that on June 10, 1809 trade would reopen with Britain, while remaining closed with France. Unfortunately for the United States, Erskine's bargain did not meet with approval from the British foreign secretary, who quickly rejected the agreement. Not quickly enough, however, to stop a large number of U.S. ships from embarking to Great Britain where they were seized. Soon thereafter, Madison reinstated a policy of no trade with Great Britain.

### *What was the purpose of Macon's Bill #2?*

Congress continued to try to resolve the difficult situation. In an effort to curb smuggling, in May 1810 Macon's Bill #2 replaced the Nonintercourse Act. This law reversed the conditions imposed by the Nonintercourse Act. Now trade was reopened with both

France and Great Britain, but the first belligerent who agreed to cease its interference with American trade would be rewarded by an embargo on the remaining belligerent. This time France moved more quickly when Napoleon's Foreign Secretary Duc de Cadore agreed in a letter to the terms outlined in Macon's Bill #2. This resulted in the reinstatement of non-importation against Great Britain.

While American leaders tried to respond to the manipulations of Britain and France so that they could maintain rights to conduct trade, domestic politics changed significantly. In the elections of 1810, voters sent many young westerners to Congress. The new Congress chose Henry Clay, a young Kentuckian, as Speaker of the House.



Henry Clay, Speaker of the House.

**Why did Henry Clay steer the United States towards war with Great Britain?**

Clay and his allies were not particularly affected by the impressment of American sailors, nor by trade issues, but they did regard these issues as insults to the American flag. More importantly, they viewed this as an opportune time to acquire land on the frontier and even to conquer Canada, a British colony. Clay and a group of fellow congressmen were soon labeled "war hawks" because they favored war with Great Britain.

***"Is one of the fairest portions of the globe to remain in a state of nature, the haunt of a few wretched savages, when it seems destined by the Creator to give support to a large population, and to be the seat of civilization, of science, and of true religion?"***

—Ohio Governor William Henry Harrison

These expansionist desires were nothing new. In 1809, Ohio Governor William Henry Harrison had gotten three Native American chiefs drunk and convinced them to sign away three million acres of land. In response, the Shawnee Chief Tecumseh formed a confederacy of tribes to resist westward expansion. After several years of fighting, a full-scale battle took place in 1811 at the Tippecanoe River. Both sides lost many soldiers, but the Native Americans withdrew. After the battle, some of the weapons abandoned by the Native Americans were found to be of Canadian origin. The "war hawks" of Congress assumed the British had armed the Native Americans. Their cry of the day became "On to Canada."

With Britain occupied with Napoleon, Canada seemed like it could be easily conquered. Others regarded the Spanish colony of Florida to be ripe for acquisition. In the early months of 1812, Clay, John C. Calhoun of South Carolina, Felix Grundy of Tennessee, and others began to steer the Congress towards a harsher policy toward Great Britain. To help make their case, the war hawks used anger over British impressment of American sailors, and the negative effect of Macon's Bill #2 on American trade. In addition, they called attention to Native American raids on the western frontier that they blamed on Great Britain.

Many of the East Coast seafaring states who were most affected by the violations of American neutrality were opposed to war. Nonetheless, the House recommended preparation for war with Great Britain.

**What steps did Congress take to prepare for war?**

Congress passed bills to outfit the army and navy. Taxation was increased to pay for the expanding army and navy. Finally, to clear the ocean of American ships, Congress passed a secret ninety-day embargo. When word leaked out, hundreds of ships put to sea to escape the impending embargo's painful economic effects. In the spring of 1812, the divisions among the public over what steps to take next were sharp. Although many Americans were opposed to war because they felt the United States was unprepared, it seemed to others that despite the dangers that might be involved, there were few choices left if the United States wanted to retain its honor and defend its rights. In early June President Madison took the issue to Congress.

## June 1812: The Moment of Decision

On June 1, 1812, President Madison presented a list of grievances against Great Britain to Congress. Aware of the delicate separation of powers outlined in the Constitution, Madison placed the decision in the hands of the Congress. Madison and his cabinet believed that war with Great Britain was necessary, yet Madison was aware of how divided the country was on the subject. He also knew that the future of the Democratic-Republican party depended on its ability to make a broad national appeal.

The debate in Congress would be of critical importance to the nation's future. Congress

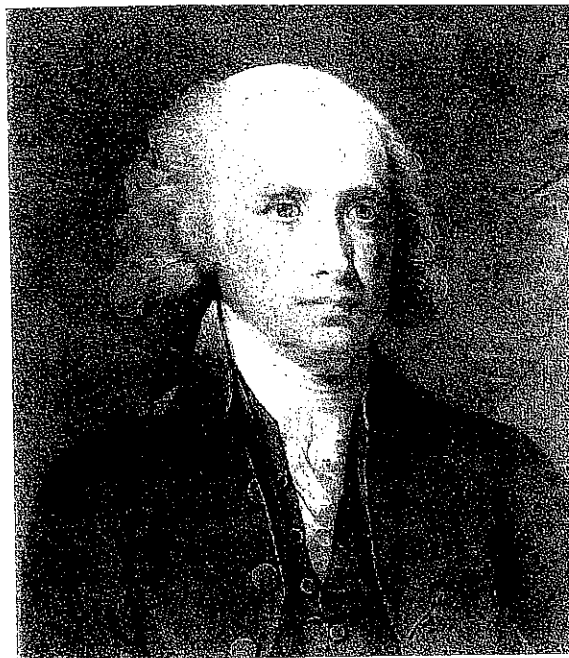
faced fundamental issues involving war and peace, as well as the U.S. relationship with Europe in general and Great Britain in particular. While a range of opinions existed, four principal options had emerged by June 1812.

In the coming days, you will have the opportunity to consider the range of alternatives debated in Congress. Each of the four options that you will explore is based on a particular set of beliefs and values. Identifying these values will help you better understand American history and the forces that shaped the United States.

### War Message to Congress, June 1, 1812 James Madison, President of the United States

"Our moderation and conciliation have had no other effect than to encourage perseverance and to enlarge pretensions. We behold our seafaring citizens still the daily victims of lawless violence, committed on the great common and highway of nations, even within sight of the country which owes them protection. We behold our vessels, freighted with the products of our soil and industry, or returning with the honest proceeds of them, wrested from their lawful destinations, confiscated by prize courts no longer the organs of public law but the instruments of arbitrary edicts, and their unfortunate crews dispersed and lost, or forced or inveigled in British ports into British fleets.... We behold, in fine, on the side of Great Britain a state of war against the United States, and on the side of the United States a state of peace toward Great Britain....

"Whether the United States shall continue passive under these progressive usurpation' and accumulated wrongs, or, opposing force to force in the defense of their national rights... is a solemn question which the Constitution wisely confides to the legislative department of the Government."



President James Madison.

Library of Congress

## Issues Toolbox

### States' Rights

Proponents of states' rights drew on the political philosopher John Locke's ideas about the right of the people to revolt. Prior to the War of 1812 both Jefferson and Madison argued that states should be able to reject laws made by the national government if the state believed the law to be unconstitutional. At the Hartford Convention the New England states broached the question: Does a state have a right to secede from the union? While these two particular issues are no longer debated in the United States, there are ongoing discussions about the division of responsibility and authority between federal and state governments.

### "Avoid Entangling Alliances"

Although this phrase is often used to describe George Washington's advice to the country in his Farewell Address, it was Thomas Jefferson who actually uttered it. Nonetheless, Washington's address warned against the dangers of factionalism and of favoring one foreign nation over another. He also argued for good commercial relations with other countries while keeping political connections to a minimum. Some suggest that with this address, the "father of our country" also became the father of our foreign policy by establishing the principles that would characterize American foreign policy until the Second World War—neutrality and isolationism.

Other historians argue that much of what Washington said bears the mark of the influence of Hamilton who was anxious merely to avoid an entangling alliance with France and not with Great Britain. Hostility towards France increased steadily under the Federalist administrations of Washington and Adams and resulted in an undeclared state of war with

France from 1797-1800. Under the Democratic-Republican administrations of Jefferson and Madison, this trend was reversed. Both saw commercial and philosophical reasons to align the United States with nations other than Great Britain. Tensions with Britain increased and culminated in the War of 1812.

### Neutrality

Washington's neutrality proclamation had its origins in a long-standing American concern to preserve neutral trade. The commercial interests of the American colonies had been protected by Great Britain's treaties, particularly the Treaty of Navigation and Commerce, between England and France dating from 1713. The principle that a neutral can carry goods to a customer without fear of attack from that customer's enemy was important to American shippers before and after independence. The War of 1812 was provoked, in part, by violations of American neutrality.

### Freedom of the Seas

An important component of the issue of neutrality relates to the question of the freedom of the seas—the right to traverse them freely. During the 1500s, Britain, France, and Holland challenged Spain and Portugal's claim of monopoly on the seas and asserted their right to travel unmolested. Some say that international law has its origins in the writings of Hugo Grotius who argued in 1609 in his work, *Mare Liberum*, for the freedom of the seas.

### Freedom of Trade

The freedom to trade with any nation was a concern of the United States in its early years and remains so to this day. It is directly related to the issues of neutrality and the freedom of seas. It has its origins in the desire to maximize prosperity through unrestricted commerce.