

# **JEFFERSON, MADISON, AND THE WAR OF 1812**

## **THE EARLY YEARS OF THE JEFFERSON ADMINISTRATION**

Jefferson later described his election in 1800 as a revolution in the spirit of government. Although they may not have constituted a revolution, significant changes did take place. First and foremost was the peaceful transfer of power that took place on March 4, 1801. Few countries have managed such a peaceful transfer at all, and the United States did it after only 12 years under the Constitution. One of the first things the new government would undertake was passage of the 12<sup>th</sup> Amendment to keep problems caused by the Election of 1800 from happening again. Also, the Jeffersonians devoted themselves to paying off the national debt (\$32 million was retired under Jefferson) and doing away with all internal taxes, the antithesis of Hamilton's finance. Finally, Jefferson attempted to achieve foreign policy goals by commercial coercion, not force, actual or implied.

## **POLITICAL IDEALS OF JEFFERSON**

Jefferson's political philosophy was influenced by both his readings of French liberal philosophers and his experience living in the Virginia piedmont. He showed his liberalism early in the Revolution. In the Virginia legislature he worked to abolish the effects of feudalism and for the separation of church and state. He had great faith in public education and the free press; he worked for a more humane penal code and advocated the emancipation of the slaves (although he would not free his slaves, even when he died.). As a states' rights advocate he favored a relatively weak federal government and a strict interpretation of the Constitution. To him the ideal government was one run by well-informed, self-respecting farmers. In office he kept foremost in mind the interests of both farmers and Westerners.

## **THE ARMY AND NAVY UNDER JEFFERSON**

Republican fiscal policies differed sharply from those of the Federalists. Jefferson reduced the national debt and repealed all internal taxes, especially the despised whiskey tax responsible for the 1794 uprising in Pennsylvania. Government expenses were pared drastically to match the loss in revenue. The army and the navy suffered much of the drastic reduction. Many worn out naval vessels (some still leftover from the War for Independence) needed to be retired, and Jefferson replaced them with about 200 small gunboats equipped with a single gun. This policy was ridiculed when, after a tropical storm, one boat of this "mosquito fleet" was washed eight miles inland and stranded in a cornfield. The government was funded by tariff duties collected from a brisk trade with the West Indies.

## **THE WAR WITH TRIPOLI**

The European nations had long paid tribute to the piratical seafaring Barbary states on the north coast of Africa. The Federalists had followed the custom of paying tribute even after several frigates had been added to the navy. In 1801, when Jefferson refused to pay the tribute, Tripoli declared war on the United States. For four years American ships fought these pirates. In 1805, peace was restored, but the American navy continued intermittent fighting with the pirates.

## **THE JUDICIARY**

The Judiciary Act of 1801, passed in the last months of the Adams administration, was a worthwhile reform and expansion of the federal judiciary. Unfortunately, President Adams immediately filled all of the new positions it created and the Senate confirmed his nominees. The Republicans, especially Jefferson, criticized these "midnight appointments," a term that actually covered all of the nominations made after December 10, 1800, when Adams learned of his defeat.

## ***MARBURY V. MADISON (1803)***

Jefferson ordered Secretary of State Madison to hold all appointments not yet delivered pending repeal of the 1801 act. One of these appointees, William Marbury, sued for delivery of his certificate under Section 13 of the Judiciary Act of 1789, which made such matters original jurisdiction for the Supreme Court. Chief Justice John Marshall found that Madison had illegally held the appointments, but the Court was powerless to remedy the situation because Section 13 of the Judiciary Act of 1789 was unconstitutional. This set a precedent of the Judicial branch being able to decide if Congress and/or the President was acting in or out of the powers granted to it by the Constitution.

The Court's assertion of "judicial review" was not especially controversial. If Marshall had claimed judicial supremacy it would have caused objections, however, most of the opinion centered on a rebuke of Marshall's cousin, Jefferson, for disobeying (not enforcing laws of the land).

## **LAND LEGISLATION**

Because of Jefferson's emphasis on the farmer and the western frontiersman, he attempted to make the purchase of land more accessible to the common farmer instead of exclusively available to the speculator whom Jefferson hated.

The first federal act providing for the distribution was the Ordinance of 1785; it provided that the minimum purchase of land would be 640 acres and no provision of credit to accommodate the small farmer.

The Harrison Land Law of 1800, sponsored by William Henry Harrison, delegate from the Northwest Territory, allowed a minimum purchase of 320 acres at \$2 per acre. Credit terms permitted a down payment of only 25% of the purchase price and extended credit for four years. This Act represented a strong concession to Western settlers. The northern land speculators were upset with this arrangement but were forced to deal with it. The Act of 1804 liberalized the law further by reducing the minimum purchase to 160 acres.

## **THE LOUISIANA PURCHASE**

The settlement of Kentucky, Tennessee and the upper Ohio valley by American pioneer families (because of the easy and cheap land) in the eastern half of the Mississippi basin made the control of the lower Mississippi at New Orleans of extreme economic importance to the United States. Large quantities of produce were floated down river to New Orleans. Previously, interference with this movement of goods had caused great hardship to American shippers.

## **REVIVAL AND ABANDONMENT OF FRENCH AMBITIONS IN LOUISIANA**

The French transferred Louisiana to Spain in the Treaty of Paris of 1763, but retained an interest in it. This was especially true after 1783, when French policy aimed, quietly and inconspicuously, to keep their ally, the United States, confined close to the Atlantic and relatively weak. After Napoleon Bonaparte came to power in 1799, he decided to revive French ambitions of creating a North American Empire. He forced Spain to give Louisiana back in the Treaty of San Idefonso (1800), and dispatched General Jacques Leclerc to Santo Domingo to reconquer the island from former slaves led by Toussaint L'Ouverture. Leclerc was successful and L'Ouverture was sent to France to die in prison, but the island's second line of defense, Yellow Fever, then decimated the French forces, taking even General Leclerc. Since the island was seen as an essential base for the development of Louisiana, Napoleon, 1) having failed in Santo Domingo, 2) realizing that Britain or the United States could take the territory, and 3) needing money to resume his European wars, decided to sell Louisiana.

## **THE LOUISIANA PURCHASE TREATY**

Jefferson was already alarmed about the prospect of the French reacquiring Louisiana – the territory had not yet been transferred – when news of the closure of the Mississippi to American traffic arrived in early 1803. Fearing violent action by Westerners, action that could lead to civil war, he sent James Monroe to

Paris to assist the resident minister, Robert Livingston, in acquiring New Orleans and Florida. (He had Congressional approval to spend \$12 million before doing this.) Monroe found Livingston settling details on a treaty purchasing all of Louisiana (including New Orleans, but not Florida) for \$15 million. No boundaries were stated in the treaty, Jefferson was temporarily dumbfounded by the news, and by the fact that he could see no Constitutional provision permitting the federal government to acquire land. But the opportunity was too good to ignore and he allowed himself to be talked into executing the treaty and letting the voters decide. In October 1803, the treaty was approved, appropriations made, and a temporary government for Louisiana drawn up. The actual transfer of land occurred in December. Only the Federalists criticized the treaty as unconstitutional (it helped the western farmer at the expense of the Northeast.)

## **EARLY EXPLORATION OF LOUISIANA**

Jefferson immediately secured an appropriation from Congress for the exploration of the region beyond the Mississippi. In 1804-6 Meriwether Lewis and William Clark, chosen by Jefferson, led their famous expedition up the Missouri River, across the Continental Divide in the Rockies and down the Columbia River to the Pacific. Zebulon Pike led an expedition to explore the upper Mississippi Valley. Westerners waited anxiously for reports and fled to areas now part of the United States. Those in New England felt the purchase was a waste of money and could have been better spent making it safer to ship goods abroad.

## **THE ROLE OF AARON BURR**

The ambitious Aaron Burr, an unprincipled, self-seeking politician from New York, earned his disrepute in two significant scandals, which caused extreme embarrassment for Jefferson.

### **THE FEDERALIST SECESSION PLOT**

The ratification of the Louisiana Purchase Treaty and the reelection of the popular Jefferson in 1804 determined certain Federalist to grow increasingly discontent with the direction of the United States' Government. They started plotting a possible union with Canada (which they felt was rightfully theirs, French and Indian War) of New York and New England. They turned to Aaron Burr as their leader who had been thrown aside by Jefferson as his Vice Presidential running mate in 1804 (rivalry left over from the Election of 1800.) The plot called for the election of Burr as governor of New York (justification of secession, Virginia and Kentucky Resolutions). Hamilton exposed the plot of his rival and accused Burr of sleeping with his own niece, which secured Burr's defeat.

### **THE HAMILTON-BURR DUEL**

The most famous of duels in American history resulted from this Gubernatorial Race. Burr chose to avenge himself and challenged Hamilton to a duel in 1804. Burr aimed to kill, when Hamilton's gun misfired, Burr killed him. Because of his popularity in the East, Hamilton's death forced Burr into exile in the West.

## **THE DEFENSE OF THE RIGHTS OF AMERICAN NEUTRALITY**

Napoleon's renewal of war in 1803 against England and her allies revived the earlier American difficulties of upholding her shipping rights at sea against Britain and France. By 1805 Napoleon had control of the continent of Europe and Britain had control of the seas. Each opponent in the deadly struggle needed to choke off the ocean commerce of the other. The United States enjoyed an immensely profitable trade from both of the belligerent nations.

### **BRITISH MARITIME POLICIES**

Britain sought to stop the American carrying trade between the French West Indies and France. 1) In the Essex decision (1805) Britain applied the rule of 1756 to stop even the indirect shipment of French West

Indian produce by way of United States ports. Such a broken voyage, the British court ruled, was the same as a direct voyage, and the British navy began seizing such ships. 2) Desperate, Britain, short of sailors to man her vessels, actively practiced impressment of seamen from American ships. She was careless in impressing not only deserters from the Royal Navy but also took naturalized Americans and some native-born Americans. In the most outrageous case of impressment (1807), the British warship *Leopard* bombarded the unwary American warship *Chesapeake* just outside American waters. One deserter and three sailors were removed by Britain after the American ship had suffered 21 casualties. 3) Britain also issued the Orders-in-Council which forbade neutral trade with France and her allies and declared a blockade of European ports in nations occupied by France. Only by violating these British regulations could America conduct trade with Europe.

## **FRENCH POLICIES**

Napoleon in retaliation against Britain issued decrees to starve England into submission. 1) The Berlin Decree (1806) declared a blockade of the British Isles. 2) The Milan Decree announced that any neutral ship obeying the British Orders-in-Council would be confiscated, even when they came to trade in French ports. Under these decrees the French also confiscated large numbers of American ships.

## **JEFFERSON'S POLICIES**

Jefferson and Madison resolved to secure British and French recognition of American neutral rights by using commercial coercion, the denial of the American market to Britain, and American goods to everyone. In 1806, Congress passed the Nonintercourse Act that forbade the importation of certain British goods; the act took effect in December 1807. After negotiations following the *Chesapeake* affair failed to secure satisfaction from the British, Jefferson proposed and Congress approved an embargo on all American exports and foreign voyages by American vessels. This took effect with the Nonintercourse Act.

The British made good the loss of the American market by exploiting a newly opened South American market. Despite severe efforts by the administration, American compliance with the Acts was not high and they were much criticized, especially in New England, which returned to the Federalists in the election of 1808 because of the economic hardships the Acts imposed. As the last act of his administration, Jefferson signed a repeal of the Embargo and signed the Nonintercourse Act of 1809.

This Act forbade trade with Britain or France, but allowed it with all other countries that recognized American neutrality. The Act offered to repeal the Embargo against either country if anti-American regulations were repealed. Without authority, British minister David Erskine negotiated an agreement with the Americans lifting the British regulations in return for the end of the embargo. When London refused to go along with the agreement, Americans accused Britain of negotiating in bad faith.

## **MACON'S BILL NO. 2 (1810)**

The Nonintercourse Act, being unsuccessful, was replaced by Madison with Macon's Bill No. 2. This act permitted reopening of trade with both England and France and offered to stop trade with the enemy of the nation that first repealed its laws against American trade. Napoleon took advantage of this offer to issue a confusing statement that apparently revoked France's regulations, provided Britain revoked hers. Despite its ambiguity and probable insincerity, Madison took it at face value in order to concentrate American efforts on Britain whose offenses were greater and could be attacked in Canada (a Madison goal).

Great Britain in June 1812, revoked her Orders-in-Council because of pressure from her own merchants and the growing threat of war against the United States. The attempt at conciliation came too late and Congress declared war against Britain before the news of the British concessions could arrive across the Atlantic.

## **THE WAR OF 1812**

The measures of peaceful coercion against Britain and France employed by Jefferson were continued by Madison. Madison also tried negotiation without success. Upset by the action of the British, and wanting Canada as part of the United States, a group of young Democrat-Republicans were elected known as the "war hawks." Their impatience to break the stalemate with war pushed Madison into a struggle for which the country was not prepared and ended without a victory.

### **CAUSES OF THE WAR**

There were several causes of the war. 1) British enforcement of her rules of international law since 1805 was deeply resented by many Americans. These violations of rights as perceived by Americans included a) the seizure of American ships and other interference with American trade, and b) the impressment of American sailors. The interference with American commerce aroused the ire of Westerners since it interfered with the marketing of their produce and brought depression to the Ohio valley (they did not blame the economic policies of Jefferson). 2) The insolent attitude of British diplomats and British contempt for the American people kept Americans antagonistic to Britain.

Other causes of the war also arose from Western antagonism to the British. 3) Native American attacks in the West were attributed to British encouragement and to British arms that found their way into the hands of Native Americans. the War Hawks believed that war against the British in Canada would stop this source of Native American incitement and provide for thorough destruction and pacification of the Native Americans.

While there was certainly no unanimity in the demand for war, when it did come, it was with a national majority in Congress favoring it. the younger members from the West and the South provided much of the leadership for the war, but those sections could not pass the declaration themselves. Support was forthcoming from every section, even New England (they had blamed Jefferson's policies, not British for their economic difficulty.), which provided 12 yeah votes for the war (out of 30) in the House, Madison's reelection over DeWitt Clinton of New York by an electoral vote of 128 to 89 in 1812 was probably a good measure of the popularity of the war cause.

### **AMERICAN LACK OF PREPAREDNESS**

In spite of all the clamor for war, Congress found it impossible to obtain more than a small proportion of the number of soldiers authorized. Americans disliked national military service and preferred to enlist in the poorly disciplined state militias. the navy consisted of about a dozen warships to oppose Britain's 800.

Financially the nation was unprepared. Revenue, produced solely by tariffs on imports, had been insufficient for some time because of the trade stoppages. Jefferson's hated internal taxes had to be used to help finance the war. Furthermore, New England's opposition left the country badly divided and short of wealthy people to purchase war bonds. When the rechartering of the national bank came up in 1811, Madison opposed the bank and it would not be rechartered. This left state banks free of necessary discipline over the issuing of bank notes. The flood of specie left the money supply of the United States in critical condition (inflation).

### **AMERICAN CAMPAIGNS AGAINST CANADA**

Military action began in 1812 with three separate invasions of Canada; none succeeded. The overcautious old General Hull panicked and surrendered his force at Detroit. The invasion across the Niagara River failed because the militia refused to follow the regular army across the border. General Dearborn's planned invasion at Lake Champlain failed to cross the border when his militiamen refused to set foot on Canadian soil.

In 1813 the Americans achieved decided success. General William Henry Harrison succeeded Hull in the Northwest. Subsidiary to Harrison's preparations for the capture of Fort Malden was the construction of a fleet on Lake Erie. This naval force under Oliver Perry cleared the lake of British vessels and eliminated this threat to American communications in Canada. Next, Harrison won a decisive victory in the Battle of the Thames. However, to the east of Lake Erie the planned invasions into Canada all failed or soon were forced back.

### **THE WAR AT SEA**

The overwhelmingly outnumbered American navy fighting alone was doomed to defeat. No fleet engagement occurred at sea, but numerous ship-to-ship encounters ended in American victories because the American ships carried more guns and sails than the British (they best ships were still fighting France). British commerce suffered fightful losses from both the American warships and numerous privateers.

However, by 1813 Britain's struggle with France was winding down with a decisive British victory. The British blockade beginning in 1813 confined most American ships to port by that summer. American commerce was effectively blocked at all ports except in New England where ports were exempted because of their willingness to trade with the enemy and their outspoken sympathy with Britain.

### **THE WAR IN 1814**

The British entered American soil at five points in 1814. An effort against the American post at Niagara was turned back in July and a similar attempt, using Lake Champlain as a corridor, was stopped in September at Plattsburgh when American lake vessels sunk the British ships supplying their troops. However, a raid led by British General Ross directed against Washington in August succeeded in capturing the city and destroying its public buildings. The British however were stopped at Baltimore. Ross then moved his attention to the capture of the Mississippi at New Orleans, which would divide the new country and conquer it.

### **NEW ENGLAND AND THE WAR**

The agricultural dynasty that came to power in 1801, with Jefferson and his Republican successors, followed policies offensive to the commercial interests of Federalist New England. The trade stoppages applied against the European belligerents brought depression to seaports everywhere; for this New England blamed the American government more than Britain. New England money interests refused to buy war bonds, merchants sold goods to British forces in Canada, and the states withheld their militia from the campaigns in Canada. Enlistment was discouraged and open sympathy with England prevailed.

The Hartford Convention (1814) marked the culmination of New England opposition. It was actually an effort by moderate Federalists to soften the extreme feelings against the war in some parts of the section, especially Massachusetts. That state, along with Connecticut and Rhode Island, sent delegations while New Hampshire and Vermont sent only a few people each. The convention declared the war intolerable and called for several constitutional amendments, including a two-thirds vote for declarations of war, embargoes, and the admission of states. It went on to propose amendments to not count slaves towards representation in Congress and to make it illegal to have two consecutive presidents from the same state. The convention discussed, but did nothing about it, possible separation from the Union if these demands were not met. The resolutions were not presented until after the war was over, making them less meaningful.

### **THE TREATY OF GHENT**

Armistice negotiations began soon after the declaration of war but deadlocked on the issue of impressment. In 1813, Russia offered mediation. Madison appointed American Minister to Russia, John Quincy Adams, as head of the delegation, and Federalist Senator James A. Bayard and Republican Albert Gallitin as its members. Later two more Republicans were added, one being Henry Clay. The able delegation of Americans eventually met the second rate diplomats that Britain sent to Ghent.

Negotiations began with extravagant demands from both side (U.S. demanded Canada and Britain demanded territory west of the Appalachians.) The Americans became more conciliatory when news of defeats, especially the burning of Washington, arrived. Napoleon's surrender in May 1814 turned the war into one of benefit for British interests in Canada. The Americans were able to get concessions from the British who were tired of being at war.

The Treaty of Ghent as finally signed in December 1814, provided no territorial changes or other concessions. The rights for which the United States fought the war were abandoned. Concrete provisions for the settlement of differences called for the appointment of commissioners to meet later and settle questions of boundaries, fisheries, a trade agreement and rights on the Great Lakes.

### **JACKSON AND NEW ORLEANS**

After the defeat of the British at Baltimore, the British turned their interests to stopping American trade on the Mississippi River at the important port of New Orleans. Under the direction of General Pakenham, the British force of 10,000 veterans of the Napoleonic Wars marched on the city in January 1815. General Andrew Jackson anticipated the British move and was waiting for them. In the battle, The British lost over 2,000 men while the Americans suffered only 50 casualties. The battle was more decisive in promoting Jackson's political career than in ending the war – the victory came two weeks after the peace treaty had been signed.

### **CONSEQUENCES OF THE WAR**

1) The war won the respect for the fighting ability of the Americans and the ability of American diplomats. 2) The defeat of the Native Americans and the subsequent agreement by the British to stop arming them, led to the rapid settlement of the Western frontier. 3) The return of peace to Europe and the Western world left America free to conduct trade and expand American territory and influence. This led to a rapid growing of American industry and economic influence. 4) The war increased American nationalism (especially the Battle of New Orleans) and for a short time put sectional conflicts on the backburner.